

# New Law Workshop



**CalCourt**

California Court Association, Est. 1952

PRESENTED BY:

**CCA Legis**lation Committee

**December 8, 2017**

**Double Tree Hotel, Sacramento, California**



California Court Association, Est. 1952

## 2017 New Law Workshop

Welcome!

Originally formed in 1952, the mission of the California Court Association (CCA) is to provide a forum for education and best practices in the development of court professionals. CCA has numerous committees working to continue the vision that began 65 years ago. One of those committees is the Legislation Committee. The committee is comprised of court managers, supervisors, attorneys, or staff from Kern, Monterey, Napa, Orange, Placer, Riverside, Sacramento, San Bernardino, San Diego, San Mateo, and Ventura. The Legislation Committee independently identifies legislation that may impact trial courts. The committee then analyzes the bills, looking for implementation issues, fiscal issues, and areas of confusion. Issues and challenges are brought to the Judicial Council's Office of Governmental Affairs. In the 2017 Legislative year, the Assembly and Senate introduced **2,550** bills. Of those, **1,307** were approved by both houses of the Legislature and sent to the Governor, who then signed **1,189** of them into law (**118** were vetoed).

CCA's New Law Workshop is designed to help court professionals navigate the legislative changes by focusing on those bills that have an impact on trial courts. More than **140** of those bills are provided in this report. During the New Law Workshop, the Legislation Committee members will summarize bills impacting administration, civil, criminal-traffic, family, juvenile, and probate. The workshop goals are to: (1) share the knowledge of the Legislation Committee in a casual and comfortable environment, (2) promote uniform implementation practices and procedures in the trial courts, (3) resolve issues of mutual concern, and (4) promote cooperation. At the end of the workshop, participants should leave with a thorough knowledge of the laws impacting their courts and what needs to be done when you get back to court.

**Scott D. Brown**  
Chair, CCA Legislation Committee

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## NEW LAW WORKSHOP AGENDA

### 9:30-12:00 ..... Concurrent Sessions

#### Session A

Administration  
Civil  
Family  
Juvenile  
Probate

#### Session B

Administration  
Criminal  
Traffic  
Bail Schedule

### 12:00-1:00 ..... Lunch Break

### 1:00-3:30 ..... Concurrent Sessions Continued

#### Session A

Administration  
Civil  
Family  
Juvenile  
Probate

#### Session B

Administration  
Criminal  
Traffic  
Bail Schedule

### 3:30 ..... Workshop conclusion, surveys, and certificates



# CalCourt

California Court Association, Est. 1952

## LEGISLATION COMMITTEE ROSTER

	TEAM	SPECIALTY AREAS
<b>Chair</b>		
<b>Scott Brown</b> Special Projects Manager ♦ San Diego Superior Court 220 West Broadway ♦ San Diego, CA 92101 Scott.Brown@sdcourt.ca.gov	Administration Criminal-Traffic	Administration, Criminal, Traffic
<b>Members</b>		
<b>Nikki Bailey</b> Court Supervisor ♦ Kern Superior Court 3131 Arrow Street ♦ Bakersfield, CA 93308 nikki.bailey@kern.courts.ca.gov	Administration	Interpreters, Court Reporters, Criminal, Traffic
<b>Julie Camacho</b> Court Program Manager ♦ Ventura Superior Court 800 S. Victoria Ave. ♦ Ventura, CA 93009 Julie.Camacho@ventura.courts.ca.gov	Family-Juvenile- Probate	Family, Civil
<b>Sharif Elmallah</b> Principal Analyst ♦ Placer Superior Court 10820 Justice Center Drive ♦ Roseville, CA 95678 SElmallah@Placer.courts.ca.gov	Administration	Administration, Juvenile
<b>Thomas Eral</b> Legal Services Manager ♦ San Diego Superior Court 220 West Broadway ♦ San Diego, CA 92101 Thomas.Eral@SDCourt.ca.gov	Civil-Small Claims	Civil, Small Claims, Administration
<b>Keirnan Foster</b> District Manager ♦ San Bernardino Superior Court 8303 Haven Avenue ♦ Rancho Cucamonga, CA 91730 KFoster@sb-court.org	Criminal-Traffic	Civil, Small Claims, UD, Juvenile, Criminal, Traffic
<b>Timothy Gee</b> Court Services Manager ♦ San Mateo Superior Court 400 County Center ♦ Redwood City, CA 94063 TGEE@sanmateocourt.org	Civil-Small Claims	Civil, Administration, Family, Juvenile, Probate

## LEGISLATION COMMITTEE ROSTER

	TEAM	SPECIALTY AREAS
<b>Members (continued)</b>		
<b>Keri Griffith</b> Senior Program Manager ♦ Ventura Superior Court 4353 E. Vineyard Ave. ♦ Oxnard, CA 93036 keri.griffith@ventura.courts.ca.gov	Family-Juvenile- Probate	Juvenile, Civil, Family, Probate, Criminal
<b>Jodi Leveque</b> <i>Effective 12/13/2017</i> Operations Manager ♦ Solano Superior Court 600 Union Ave. ♦ Fairfield, CA 94533 JLeveque@solano.courts.ca.gov	Criminal-Traffic	Criminal, Traffic, DUI
<b>Amy Malone</b> Operations Supervisor ♦ Sacramento Superior Court 720 9 <sup>th</sup> Street ♦ Sacramento, CA 95814 malonea@saccourt.ca.gov	Civil-Small Claims	Civil, Small Claims, Criminal
<b>Elise Mouisset</b> Operations Supervisor ♦ Monterey Superior Court 240 Church Street ♦ Salinas, CA 93901 Elise.Mouisset@monterey.courts.ca.gov	Criminal-Traffic	Criminal (prior admin)
<b>Monica Scheetz</b> Sr. Research Attorney ♦ Orange Superior Court 700 Civic Center Dr. ♦ Santa Ana, CA 92701 MScheetz@occourts.org	Family-Juvenile- Probate	Probate
<b>Suzanne Schleder</b> Sr. Business Systems Analyst ♦ Judicial Council 2850 Gateway Oaks Dr. ♦ Sacramento, CA 95833 Suzanne.Schleder@jud.ca.gov	Criminal-Traffic	Criminal (prior Admin, Civil)
<b>Kelly Sullivan</b> Operations Manager ♦ Sacramento Superior Court 720 Ninth Street ♦ Sacramento, CA 95814 SullivK@saccourt.ca.gov	Criminal-Traffic	Criminal (prior Admin, Civil)
<b>Deborah White</b> Division Manager ♦ Riverside Superior Court 9991 County Farm Road ♦ Riverside, CA 92503 Deborah.White@riverside.courts.ca.gov	Family-Juvenile- Probate21	Juvenile, Delinquency & Dependency

## BILL LIST BY SUBJECT AREA

ADMINISTRATION			
Measure	Topic	Chapter	Page
AB 46	Employers: wage discrimination.	CH. 776	12
AB 103	Budget: Public safety	CH. 17	12
AB 119	State government.	CH. 21	15
AB 168	Employers: salary information.	CH. 688	15
AB 450	Employment regulation: immigration worksite enforcement actions.	CH. 492	16
AB 452	Courts.	CH. 36	17
AB 740	Oaths and affirmations.	CH. 82	17
AB 1067	State nut: almond, walnut, pistachio, and pecan.	CH. 49	17
AB 1127	Baby diaper changing stations.	CH. 755	18
AB 1443	Court records.	CH. 172	18
AB 1450	Court reporters: electronic transcripts.	CH. 532	19
AB 1455	The California Public Records Act: exemptions.	CH. 560	19
SB 54	Law enforcement: sharing data.	CH. 495	20
SB 235	Elections: ballot designation requirements.	CH. 512	20
SB 396	Employment: gender identity, gender expression, and sexual orientation.	CH. 858	21
SB 403	Sale of county courthouses.	CH. 358	21

CIVIL			
Measure	Topic	Chapter	Page
AB 73	Planning and zoning: housing sustainability districts.	CH. 371	22
AB 90	Criminal gangs.	CH. 695	22
AB 228	Collectibles: sale of autographed memorabilia.	CH. 696	23
AB 246	CEQA	CH. 522	24
AB 291	Housing: immigration.	CH. 489	24
AB 299	Hiring of real property: immigration or citizenship status.	CH. 490	25
AB 383	Civil actions: discovery status conference.	CH. 189	25
AB 492	Advertising and solicitations: government documents.	CH. 293	26
AB 644	Civil procedure: pleadings.	CH. 273	26
AB 678	Housing Accountability Act. [SB 167]	CH. 373	27
AB 688	Enforcement of money judgments: exemptions.	CH. 529	28
AB 828	Civil actions: fee recovery.	CH. 583	28
AB 861	Africanized honey bees.	CH. 143	28
AB 905	Money judgments of other jurisdictions.	CH. 168	29
AB 953	Protective orders: personal information of minors.	CH. 384	29
AB 976	Electronic filing and service. [CIVIL/CRIMINAL/JUVENILE/PROBATE]	CH. 319	30
AB 984	Courts: frivolous actions or tactics.	CH. 169	31
AB 1093	Service of process.	CH. 129	31
AB 1438	State Water Resources Control Board.	CH. 327	32
AB 1615	Gender discrimination: civil actions.	CH. 156	32
AB 1690	Personal rights: compensatory relief.	CH. 160	33
AB 1693	Civil actions: intervention.	CH. 131	33
AB 1701	Labor-related liabilities: original contractor.	CH. 804	33
SB 33	Arbitration agreements.	CH. 480	34
SB 50	Federal public lands: conveyances. [civil penalty]	CH. 535	34
SB 157	Invasion of privacy: distribution of sexually explicit materials.	CH. 233	35

CIVIL			
Measure	Topic	Chapter	Page
SB 179	Gender identity: female, male, or non-binary.	CH. 853	36
SB 306	Retaliation actions: complaints: administrative review.	CH. 460	37
SB 310	Name and gender change: prisons and county jails.	CH. 856	37
SB 407	Common interest developments: noncommercial solicitation.	CH. 236	38
SB 479	Mortgages: default procedures: trustee's or attorney's fees.	CH. 217	38
SB 543	Civil actions: service of documents.	CH. 64	38
SB 658	Jury selection. Civil actions	CH. 337	39
SB 755	Civil discovery: mental examination.	CH. 133	39

CRIMINAL			
Measure	Topic	Chapter	Page
PROP 63	Firearms. Ammunition Sales	N/A	40
AB 208	Deferred entry of judgment: pretrial diversion.	CH. 778	41
AB 255	Sexually violent predators: out-of-county placement.	CH. 39	42
AB 264	Protective orders.	CH. 270	43
AB 368	Criminal procedure: jurisdiction of public offenses.	CH. 379	43
AB 411	Witness testimony: therapy and facility dogs. [CRIMINAL & JUVENILE]	CH. 290	43
AB 413	Confidential communications: domestic violence.	CH. 191	44
AB 484	Sex offenses: registration.	CH. 526	44
AB 493	Crime: victims and witnesses: immigration violations.	CH. 194	45
AB 539	Search warrants.	CH. 342	45
AB 720	Inmates: psychiatric medication: informed consent.	CH. 347	45
AB 785	Firearms: possession of firearms by convicted persons.	CH. 784	46
AB 789	Criminal procedure: release on own recognizance.	CH. 554	47
AB 976	Electronic filing and service. [CIVIL/CRIMINAL/JUVENILE/PROBATE]	CH. 319	48
AB 993	Examination of victims of sex crimes.	CH. 320	48
AB 1024	Grand juries: peace officers: proceedings.	CH. 204	49
AB 1034	Government interruption of communications.	CH. 322	49
AB 1115	Convictions: expungement.	CH. 207	50
AB 1308	Youth offender parole hearings.	CH. 675	50
AB 1410	Penalty assessments: emergency services and children's health.	CH. 718	51
AB 1541	Examination of prospective jurors in criminal cases.	CH. 302	51
AB 1542	Violent felonies: video recording.	CH. 668	51
SB 29	Law enforcement: immigration.	CH. 494	52
SB 179	Gender identity: female, male, or nonbinary.	CH. 853	52
SB 180	Controlled substances: sentence enhancements: prior convictions.	CH. 677	52
SB 230	Evidence: commercial sexual offenses.	CH. 805	53
SB 238	Arrest: peace officer OR release	<b>URGENCY</b>	CH. 566 53
SB 239	Infectious and communicable diseases: HIV and AIDS: criminal penalties.	CH. 537	54
SB 339	Veterans treatment courts: Judicial Council assessment and survey.	CH. 595	55
SB 355	Reimbursement for court-appointed counsel.	CH. 62	55
SB 360	Public social services: prosecution for overpayment of benefits.	CH. 390	56
SB 384	Sex offender registration: criminal offender record information systems.	CH. 541	56
SB 393	Arrests: sealing.	CH. 680	58
SB 420	State summary criminal history information: sentencing information.	CH. 333	58
SB 610	Wrongful concealment: statute of limitations.	CH. 74	59
SB 611	Vehicles.	CH. 485	59
SB 620	Firearms: crimes: enhancements.	CH. 682	60
SB 670	Sentencing: county of incarceration and supervision.	CH. 287	60
SB 684	Incompetence to stand trial: conservatorship: treatment.	CH. 246	61
SB 725	Military diversion: DUI.	<b>URGENCY</b>	CH 179 61
SB 756	Restitution: noneconomic losses: child sexual abuse.	CH 101	61
SB 811	Public safety: omnibus.	CH. 269	62



Crime and Punishment (bail schedule)			
Measure	Topic	Chapter	Page
AB 7	Firearms: open carry.	CH. 734	63
AB 102	Taxpayer Transparency and Fairness Act of 2017	CH. 16	63
AB 133	Cannabis Regulation.	CH. 253	63
AB 153	Military fraud.	CH. 576	64
AB 295	Skydiving or sport parachuting operations.	CH. 258	64
AB 556	County ordinances: violations: fines.	CH. 405	64
AB 660	Public agencies: unlawful interference.	CH. 381	65
AB 967	Human remains disposal: alkaline hydrolysis: licensure and regulation.	CH. 846	65
AB 1094	Vehicles: automated traffic enforcement systems.	CH. 555	66
AB 1102	Health facilities: whistleblower protections.	CH. 275	66
AB 1303	Vehicles: window tinting.	CH. 210	66
AB 1367	Improper signature-gathering tactics.	CH. 848	67
SB 20	Vehicles: buses: seatbelts.	CH. 593	67
SB 65	Vehicles: alcohol and marijuana: penalties.	CH. 232	67
SB 94	Cannabis: medicinal and adult use.	<b>URGENCY</b> CH. 27	68
SB 497	Firearms.	CH. 809	68
SB 500	Extortion.	CH. 518	68

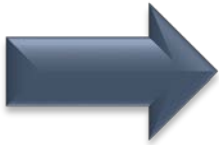
FAMILY			
Measure	Topic	Chapter	Page
AB 369	Appeals: child custody orders or judgments.	CH. 41	69
AB 430	Marriage: solemnization.	<b>URGENCY</b> CH. 42	69
AB 712	Change of venue	CH. 316	69
AB 953	Protective orders: personal information of minors.	CH. 384	70
AB 976	Electronic filing and service [SEE CIVIL 30]	CH. 319	30
AB 1396	Surrogacy.	CH. 326	71
AB 1692	Judiciary Committee Omnibus bill	CH. 330	72
SB 204	Domestic violence: protective orders.	CH. 98	73
SB 217	Evidence: admissibility.	CH. 60	73
SB 469	Child support guidelines: low-income adjustments.	CH. 730	74

JUVENILE			
Measure	Topic	Chapter	Page
AB 404	Foster care.	CH. 732	75
AB 411	Witness testimony: therapy and facility dogs. [CRIMINAL & JUVENILE]	CH. 290	76
AB 501	Mental health: community care facilities.	CH. 704	77
AB 507	Resource families: training topics.	CH. 705	79
AB 529	Juveniles: sealing of records.	CH. 685	79
AB 604	Non-minor dependents: extended foster care benefits.	CH. 707	80
AB 766	Foster youth.	CH. 710	80
AB 878	Juveniles: restraints.	CH. 660	81
AB 953	Protective orders: personal information of minors.	CH. 384	81
AB 976	Electronic filing and service	CH. 319	82
AB 1006	Foster youth.	CH. 714	83
AB 1124	Juvenile court school: graduation requirements and continued education	CH. 754	84
AB 1308	Youth offender parole hearings.	CH. 675	84
AB 1332	Juveniles: dependents: removal.	CH. 665	85
AB 1371	Juveniles: ward, dependent, and non-minor dependent parents.	CH. 666	85
AB 1401	Juveniles: protective custody warrant.	CH. 262	86
SB 12	Foster youth: postsecondary education: financial aid assistance.	CH. 722	86
SB 190	Juveniles.	CH. 678	87

JUVENILE			
Measure	Topic	Chapter	Page
SB 213	Placement of children: criminal records check.	CH. 733	88
SB 233	Foster children: records.	CH. 829	88
SB 312	Juveniles: sealing of records.	CH. 679	89
SB 332	Voter registration: foster youth.	CH 161	90
SB 395	Custodial interrogation: juveniles.	CH. 681	90
SB 438	Juveniles: legal guardianship: successor guardian.	CH. 307	91
SB 462	Juveniles: case files: access.	CH. 462	91
SB 625	Juveniles: honorable discharge.	CH. 683	92
SB 756	Restitution: noneconomic losses: child sexual abuse.	CH 101	92

PROBATE			
Measure	Topic	Chapter	Page
AB 307	Allocation of principal or income.	CH. 577	93
AB 308	Procedures for litigation.	CH. 32	93
AB 309	Testamentary additions to trusts.	CH. 33	94
AB 976	Electronic filing and service.	CH. 319	94
SB 153	Estates and trusts: donative transfers.	CH. 56	95
SB 333	Trusts: modification or termination.	CH. 61	95
SB 413	Dementia: major neurocognitive disorder.	CH. 122	95

## HOW TO USE THIS BOOKLET



**BILLS are organized by area of impact, then in alpha-numeric order.**

**Administration** includes general administration, budget, facilities, and HR.

**Civil** includes landlord-tenant, small claims, and general civil.

**Criminal** includes felony, misdemeanor, traffic, trials, bail schedule, and sentencing.

**Family** includes divorce, nullity, separation, family DV protective orders, and surrogacy.

**Juvenile** includes delinquency, dependency, truancy, and the social services impacting youth under the jurisdiction of the Juvenile Court.

**Probate** includes wills and trusts, conservatorship, and guardianship.

Some bills impact multiple areas so they have been placed in multiple areas. Within each area the bills are in alpha-numeric, "bill number order" (AB's, Props, then SB's).



**BILL SUMMARIES** were created to specifically address trial court impact using the chaptered versions of each bill, as compared to previous law, and the floor and/or committee analyses created by the Legislature for each bill.



**CAUTION.** While the bill summaries are a handy tool that facilitates condensing thousands of pages of new laws into one document, they are not perfect and cannot be cited. Before making any changes to court procedures, processes, forms, case management systems, or rules, court professionals should review the statute directly. You should not cite the New Law Workshop materials. Instead, cite the bill or cite the code that creates the change (e.g. AB #, Chapter# of the Statutes of 2017). Both bills and statutes can be viewed at <http://leginfo.legislature.ca.gov/>.

## Administration

(including Budget, Human Resources, Jury)

Court Summary (prepared using new law and committee/floor analyses)	Notes
<p><b>Employers: wage discrimination</b> <b>AB 46 (Ch. 776)</b></p> <p><u><b>Laws:</b></u> Amend § 1197.5 of the Labor Code.</p> <p><u><b>Summary:</b></u> Amends the Labor Code to apply the California Equal Pay Act to public sector employers. Generally, the California Equal Pay Act prohibits an employer from paying an employee wage at rates less than the rates paid to employees of the opposite sex for substantially similar work requiring the same skills, effort, and responsibility when performed under similar working conditions.</p> <p><u><b>Court Impact:</b></u> <i>This is a clean-up bill for AB 1676 and SB 1063 from last year to clarify that current law prohibiting different wage rates for individuals of the opposite sex and individuals of different races does apply to public sector employers. Differences in wage rates must be based on other factors as allowed by Labor Code § 1197.5. This bill also clarifies that public employers are not subject to being charged with a misdemeanor for violating the provisions of Labor Code § 1197.5 as are other entities. Inform human resource departments to ensure wage-setting practices align with § 1197.5</i></p>	<p><b>Sharif Elmallah</b></p>
<p><b>Public safety: budget trailer bill—URGENCY 6/27/2017</b> <b>AB 103 (Ch. 17)</b></p> <p><u><b>Laws:</b></u> Amend §§ 384 and 1010.6 of the Code of Civil Procedure, to amend §§ 11040, 11041, 11042, 11045, 24000, 69580, 69592, 69594, and 69600 of, to add §§ 15007, 15820.948, 68514, and 69614.4 to, to add Article 9 (commencing with 70500) to Chapter 5.7 of Title 8 of, to add Chapter 17.8 (commencing with § 7310) to Division 7 of Title 1 of, to add Chapter 16 (commencing with § 27770) to Part 3 of Division 2 of Title 3 of, to add and repeal § 12532 of, and to repeal § 11043 of, the Government Code, to add § 329 to the Military and Veterans Code, to amend §§ 1170.18, 1370, 1370.6, 1372, 1463.007, 1464, 1557, 2801, 2808, 3453, 5075, 6031, 6031.1, 29800, 29805, 30680, and 30900 of, to add §§ 1170.127 and 4032 to, to repeal §§ 1203.6 and 1464.2 of, and to repeal and add § 1203.5 of, the Penal Code, to add and repeal § 10340.1 of the Public Contract Code, to amend §§ 13365, 13365.2, 40509, and 40509.5 of the Vehicle Code, and to amend §§ 209, 1982, 4100, 4358.5, 7228, and 7234 of, and to repeal and add §§ 270 and 271 of, the Welfare and Institutions Code, making an appropriation therefor, to take effect immediately, bill related to the budget.</p> <p><u><b>Summary:</b></u> Provides the statutory changes necessary to enact the public safety provisions of the Budget Act of 2017-18. As it relates to trial courts, this bill:</p> <ol style="list-style-type: none"> <li><b>Class Action Residuals.</b> Establishes that twenty-five percent of any residuals from a class action lawsuit be deposited in the Equal Access Fund to provide legal services and that twenty-five percent be provided for collaborative court grants or grants for the Sargent Shriver Civil Counsel program [CCP § 384].</li> <li><b>Trial Courts' Electronic Filing Accessibility.</b> Requires that a trial court's system for electronic filing and service of</li> </ol>	<p><b>Operative 6/27/2017</b> <b>Sharif Elmallah</b></p>

## Administration

(including Budget, Human Resources, Jury)

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p>documents meet all state and federal laws requiring accessibility for people with disabilities [CCP § 1010.6]. Requires Judicial Council to adopt uniform rules by June 30, 2019</p> <p>3. <b>Transfer of Judgeships.</b> Shifts four vacant superior court judgeship positions within the state. Specifically, two vacancies from Alameda County and two from Santa Clara County have been moved to Riverside and San Bernardino counties [Government Code §§ 69580, 69592, 69594, 69600, 69614.4].</p> <p>4. <b>Chief Probation Officers.</b> Establishes procedures for the nomination, appointment, and selection of chief probation officers in counties where this role/function is not established by charter [Government Code § 27770]. Enumerates the duties of chief probation officers as: community supervision of offenders subject to the jurisdiction of the juvenile court; operation of juvenile halls and camps; community supervision of individuals' subject to probation under PC § 1203, mandatory supervision under Penal Code § 1170(h)(5)(B), and PRCS under PC § 3451; preparing recommendations to the court in pre-sentence investigations; as well as other duties related to community-based programming and the Community Corrections Partnership [Government Code § 27771].</p> <p>5. <b>Fine and Fee Collections.</b> Beginning October 1, 2018, requires Judicial Council to annually report the following revenue collected on misdemeanors and infractions each year: (a) total non-delinquent revenue collected and the number of cases associated with those collections, (b) total delinquent revenue collected and the number of cases associated with those collections, as reported by each superior court and county pursuant to PC § 1463.010, (c) total amount of fines and fees dismissed, discharged, or satisfied by means other than payment, (d) a description of the collection activities used pursuant to PC § 1463.007, (e) the total amount collected per collection activity, (f) the total number of cases by collection activity and the total number of individuals associated with those cases, (g) total administrative costs per collection activity, and (h) the percentage of fines or fees that are defaulted [Government Code § 68514].</p> <p>6. <b>Not Guilty by Reason of Insanity.</b> Authorizes a person to petition the court to have their term reduced in length pursuant to PC § 1170.126 if certain conditions are met [PC § 1170.127 and § 1170.18]. It is the intent of the Legislature in enacting amendments to Penal Code § 1170.18 of, and adding Penal Code § 1170.127 to allow people who are committed to the CA Department of State Hospitals upon a finding of not guilty by reason of insanity pursuant to Penal Code § 1026 of the Penal Code for an offense that would otherwise fall within the resentencing provisions of Penal Code § 1170.126 or § 1170.18, as enacted by Proposition 36 (Nov. 2012) or Proposition 47 (Nov. 2014), to petition the original committing court for relief under those sections. This act is intended to nullify the holding in <i>People v. Dobson</i>, 245 Cal.App.4th 310 (2016) [SEC. 2 of AB 103].</p> <p>7. <b>Drivers' License Suspension.</b> Eliminates the ability to use driver's license holds and suspensions as a sanction for</p>	

## Administration

(including Budget, Human Resources, Jury)

Court Summary (prepared using new law and committee/floor analyses)	Notes
<p>an individual's failure to pay a lawfully imposed fine for a Vehicle Code violation [Vehicle Code §§ 40509 and 40509.5].</p> <p>8. <b>"Old" San Diego Courthouse Property.</b> Authorizes the transfer of the old San Diego courthouse property from the state to the county in exchange for the county demolishing the courthouse and building a tunnel to transfer inmates from the county jail to the new courthouse [Government Code §§ 70500-70508].</p> <p><b>Court Impact:</b> Unless otherwise noted below, the impacts detailed for this bill went into effect on June 27, 2017.</p> <p>1. Inform judicial officers presiding over class action lawsuits. Judicial officers are required to order distribution of any residuals from a class action lawsuit according to the amounts mentioned in the summary for #1. Such an order would be made at the hearing reviewing the parties' plan for distribution of funds. These distributions would be made via the State Treasury. Causes of action brought against public entities and public employees are not subject to these provisions.</p> <p>2. Courts that are already utilizing or plan to utilize electronic filing and service need to ensure that their systems are compliant with state and federal disability laws. This may require working with related vendors and/or IT departments. Courts will later have to comply with uniform rules adopted by the Judicial Council by June 30, 2019.</p> <p>3. Impacts Alameda, Santa Clara, Riverside, and San Bernardino courts. The terms of the reallocated judgeships begin on January 2, 2018. Recipient courts will need to allocate staff and location resources to the received judgeships. Alameda and Santa Clara do not lose any court operations funding as a result of these reallocations.</p> <p>4. Inform presiding judge and juvenile presiding judge. Transfers the authority to appoint the Chief Probation Officer after a nomination from the Juvenile Justice Commission in each county from the Juvenile Presiding Judge to the Presiding Judge or a majority of the judges. Establishes the position of Chief Probation Officer in counties that formerly didn't have one.</p> <p>5. Effective in 2018, institutes new annual reporting requirements related to collections on misdemeanor and infraction cases from the previous year as detailed in the summary for #5. Courts will need to submit such reports to the Judicial Council in time for them to report by October 1 each year, meaning information will likely be due to the Judicial Council at an earlier date that they will communicate. Courts will need to determine how they can report this information, which may involve work with finance departments, IT, and collections departments, vendors, and/or contracted county departments.</p> <p>6. Minimal impact and no operational changes required. Defendants that qualify under the provisions listed in the summary for #6 will be able to petition the court for relief. The likely number of such defendants is low.</p> <p>7. Courts are no longer authorized to refer cases to DMV for a hold to be put on license due to failure to pay. Courts should have already ceased such practices.</p> <p>8. Informational for San Diego County and not applicable to other courts.</p>	

## Administration

(including Budget, Human Resources, Jury)

Court Summary (prepared using new law and committee/floor analyses)	Notes
<p><b>State government: budget trailer bill—URGENCY 6/27/2017</b> <b>AB 119 (Ch. 21)</b></p> <p><b>Laws:</b> Amend §§ 6253.2, 6254.3, 8754, and 100043 of, to add § 15845.2 to, and to add Chapter 11.5 (commencing with § 3555) to Division 4 of Title 1 of, and to repeal and add § 15845 of, the Government Code, to add § 21080.30 to the Public Resources Code, to amend Section 18567 of, and to add and repeal § 6010.15 of, the Revenue and Taxation Code, to amend § 5849.35 of the Welfare and Institutions Code, and to amend § 288 of Chapter 31 of the Statutes of 2016, making an appropriation therefor, to take effect immediately, bill related to the budget.</p> <p><b>Summary:</b> This bill makes various statutory changes necessary to implement the state administration-related provisions of the Budget Act of 2017. With respect to courts, this bill requires all public employers to provide “exclusive representatives” with access to new employee orientations. The public employer must give the union not less than 10 days’ notice in advance of the orientation, but also establishes an exception for urgent hiring need. The structure, time, and manner of the union’s access to new employee orientation is determined through mutual agreement of the employer and the exclusive representative [Government Code §§ 3555-3559]. These provisions specifically apply to employees covered by the Trial Court Employment Protection and Governance Act, as well as the Trial Court Interpreter Employment and Labor Relations Act [Government Code § 3555.5(a)].</p> <p><b>Court Impact:</b> HR departments need to be aware of the need to give the unions “not less than a 10 day” notice of all new employee orientations. Exceptions may apply to shorter notice when needed to meet an urgent critical need.</p>	<p><b>Operative 6/27/2017</b></p> <p><b>Nikki Bailey</b></p>
<p><b>Employers: salary information</b> <b>AB 168 (Ch. 688)</b></p> <p><b>Laws:</b> Add § 432.3 to the Labor Code.</p> <p><b>Summary:</b> Prohibits all employers, including the Legislature, the state, and local governments, from seeking salary history information about an applicant for employment. Prohibits an employer from relying on the salary history information of an applicant for employment as a factor in determining whether to offer employment to an applicant or what salary to offer an applicant. Requires employers to provide the pay scale for a position to an applicant upon reasonable request. Allows an applicant to voluntarily, and without prompting, disclose salary history information to a prospective employer, and permits the employer to consider that information in determining salary.</p> <p><b>Court Impact:</b> Human resources departments should ensure that job application forms and materials and/or electronic job application interfaces (such as NeoGov) do not request salary history information, which may have been included previously. Such information cannot be used to determine whether to offer employment to an applicant, and cannot be used to determine what salary to offer an applicant unless they voluntarily disclosed that information.</p>	<p><b>Sharif Elmallah</b></p>



## Administration

(including Budget, Human Resources, Jury)

Court Summary (prepared using new law and committee/floor analyses)	Notes
<p><b>Immigration enforcement actions: employers</b> <b>AB 450 (Ch. 492)</b></p> <p><b>Laws:</b> Add §§ 7285.1, 7285.2, and 7285.3 to the Government Code, and to add §§ 90.2 and 1019.2 to the Labor Code.</p> <p><b>Summary:</b> Creates various requirements on public and private employers with regard to federal immigration agency worksite enforcement actions. Specifically, this bill:</p> <ol style="list-style-type: none"> <li>1. Prohibits an employer from providing voluntary consent to an immigration enforcement agent to enter any nonpublic areas of a place of labor without being provided a judicial warrant [GC § 7285.1].</li> <li>2. Prohibits an employer from providing an immigration enforcement agent voluntary consent to access, review, or obtain the employer's employee records without a subpoena, unless the employer has been provided an I-9 Employment Eligibility Verification form [GC § 7285.2].</li> <li>3. Prescribes civil penalties against employers for failure to satisfy the requirements and prohibitions described above, of \$2,000-\$5,000 for a first violation, and \$5,000-\$10,000 for each subsequent violation, to be recoverable by the Labor Commissioner. Specifies that if the employer did not give consent to the immigration enforcement agent, civil penalties shall not apply [GC § 7285.1(b) and § 7285.2(b)].</li> <li>4. Requires an employer to provide each current employee, and the employee's authorized representative, a posted notice of an immigration worksite enforcement action to be conducted by an immigration agency at the employer's worksite. That notice must: (a) be posted in the language the employer normally uses to communicate information to employees within 72 hours of receiving the notice of inspection, (b) contain the name of the immigration agency, (c) contain the date that the employer received notice, (d) the nature of the worksite enforcement action, and (e) provide a copy of the I-9 Employment Eligibility Verification forms. Failure to provide the notice shall subject the employer to civil penalties of \$2,000-\$5,000 for a first violation, and \$5,000-\$10,000 for each subsequent violation. An employer or person who fails to provide notice to an employee at the express and specific direction or request of the federal government shall not be subject to the penalty [Labor Code § 90.2].</li> <li>5. Prohibits a public or private employer from re-verifying the employment eligibility of a current employee at a time or in a manner not required by Section 1324a(b) of Title 8 of the United States Code. An employer who violates this section shall be subject to a civil penalty of \$10,000 [Labor Code § 1019.2].</li> </ol> <p><b>Court Impact:</b> HR needs to be informed of the prohibitions of allowing ICE agents in nonpublic areas and not allowing access to employee records without subpoena or warrants. Employers are also required to provide posted notice on any immigration worksite enforcement actions.</p>	<p><b>Nikki Bailey</b></p>



Administration (including Budget, Human Resources, Jury)		
Court Summary (prepared using new law and committee/floor analyses)		Notes
<b>Courts</b>	<b>AB 452 (Ch. 36)</b>	<b>Nikki Bailey</b>
<p><b>Laws:</b> Amend §§ 6076.5 and 6081 of the Business and Professions Code, to amend § 1180 of the Civil Code, to amend §§ 915, 946.6, 955.9, 1001, 68512, 68802, 68803, 68843, 68846, 68847, 68928, 69141, and 69154 of, and to add § 68500.3 to, the Government Code, and to amend §§ 4850, 4851, and 4852 of the Penal Code.</p> <p><b>Summary:</b> Amends various code sections to change references to “Clerk of the Supreme Court” to “Clerk/Executive Officer of the Supreme Court,” and changes references to “Clerk/Administrator of the Court of Appeal” to “Clerk/Executive Officer of the Court of Appeal.” In addition, Government Code § 68500.3 is added to provide that any reference to the Administrative Office of the Courts in state law means the Judicial Council.</p> <p><b>Court Impact:</b> <i>This bill is a clean-up bill and has no operational impact. It makes sure all references to Administrative Office of the Court is now Judicial Council. Also, Clerk of the Supreme court and Clerk/Administrator of the Court of Appeal will now be referenced as Clerk/Executive Officer of Supreme Court and Clerk/Executive Officer of the Court of Appeals.</i></p>		
<b>Oaths and affirmations</b>	<b>AB 740 (Ch. 82)</b>	<b>Nikki Bailey</b>
<p><b>Laws:</b> Amend § 2093 of the Code of Civil Procedure, relating to oaths and affirmations.</p> <p><b>Summary:</b> Streamlines the certification process of former judges and justices to administer oaths and affirmations. Removes the requirement that all applications include a medical certification and instead provides that the Commission on Judicial Performance may require the medical certification in limited circumstances that provide a rationale for requesting such documentation.</p> <p><b>Court Impact:</b> <i>Inform judges of changes related to oaths and affirmations. Removes the requirement of a medical certification unless there is evidence of cognitive impairment affecting the judge or justice.</i></p>		
<b>State nuts: almond, walnut, pistachio, and pecan</b>	<b>AB 1067 (Ch. 49)</b>	<b>Nikki Bailey</b>
<p><b>Laws:</b> Add § 422.3 to the Government Code.</p> <p><b>Summary:</b> Adds a new code which provides that the almond (<i>Prunus dulcis</i>, <i>Prunus amygdalus</i>), walnut, pistachio, and pecan are each the official state nut of California. In addition, AB 1540 (Ch. 264, Stats 2017) designates the official state dinosaur as the <i>Augustynolophus morrisi</i>.</p>		

## Administration

(including Budget, Human Resources, Jury)

Court Summary (prepared using new law and committee/floor analyses)	Notes
<p><b>Baby diaper changing stations</b> <b>AB 1127 (Ch. 755)</b></p> <p><b>Laws:</b> Add §§ 15805 and 50535 to the Government Code, and to add § 118506 to the Health and Safety Code</p> <p><b>Summary:</b> A public building that is owned by a state or local agency which includes at least one restroom that is open to the public, shall provide at least one safe, sanitary, convenient, and publicly accessible baby diaper changing station that is accessible to women, men, and both men and women. Each station shall include signage at or near the entrance to the station indicating the location of the baby diaper changing station. If there is a central directory identifying, for the benefit of the public, the location of offices, restrooms, and other facilities in the building, that central directory shall indicate the location of the baby diaper changing stations. Each baby diaper changing station shall be maintained, repaired, and replaced as necessary to ensure safety and ease of use, and shall be cleaned with the same frequency as the restroom in which it is located [Government Code §§ 15805 and 50535]. Under H&amp;S § 118506, these provisions also apply to the following: a theater or movie house, grocery store, convention center, sports arena, auditorium, cultural complex, exhibition hall, library, passenger terminal, permanent amusement park structure, restaurant with an occupancy of at least 60 persons, shopping center of more than 25,000 square feet, tourist attraction, or retail store of more than 5,000 square feet.</p> <p><b>Court Impact:</b> Facilities modifications to court locations that have at least one public restroom will be required if out of compliance with the requirements listed in the summary. Courts should work with their facilities staff and/or Judicial Council facilities representative to come into compliance if need be.</p>	<p><b>Sharif Elmallah</b></p>
<p><b>Court records</b> <b>AB 1443 (Ch. 172)</b></p> <p><b>Laws:</b> Amend §§ 68150, 68152, and 68153 of the Government Code.</p> <p><b>Summary:</b> Updates three codes governing the retention and destruction of court records. Removes the requirement that courts provide a list of records destroyed to the Judicial Council in accordance with the California Rules of Court. Adds Gun Violence Restraining Orders to the paragraph on all other restraining orders which provides for permanent retention [GC § 68152(a)(6)]. Updates the code sections for Cannabis crimes (formerly Marijuana), but keep the same retention for both adult and juvenile cases [GC §68152(c)(8) and (10), as well as (e)(5)].</p> <p><b>Court Impact:</b> Inform staff responsible for case record retention and destruction. Gun violence cases must now be retained for the duration of any active restraining or other orders, and any such orders must be retained permanently if the respective cases are destroyed after the ten-year retention requirement. Other provisions are clean-up changes to statute.</p>	<p><b>Sharif Elmallah</b></p>

Administration (including Budget, Human Resources, Jury)		
Court Summary (prepared using new law and committee/floor analyses)		Notes
<b>Court reporters: electronic transcripts</b> <b>AB 1450 (Ch. 532)</b> <u><b>Laws:</b></u> Repeal and add § 271 of the Code of Civil Procedure. <u><b>Summary:</b></u> Recasts CCP § 271 to make the following changes impacting court reporters: 1. Provides that a court reporter shall deliver a transcript in electronic form to any court, party, or person entitled to the transcript, unless any of the following apply: a. The party or person entitled to the transcript requests the reporter’s transcript in paper form; b. Prior to January 1, 2023, the court lacks the technical ability to use or store a transcript in electronic form pursuant to this bill and provides advance notice of this fact to the official reporter or official reporter pro tempore; c. Prior to January 1, 2023, the court reporter lacks the technical ability to deliver a transcript in electronic form pursuant to this bill and provides advance notice of this fact to the court, party, or person entitled to the transcript. 2. Provides that if a paper transcript is provided pursuant to the exception above, a copy of the original transcript ordered within 120 days of the filing or delivery of the transcript by the official reporter or pro tempore shall be delivered upon request in full text-searchable portable document format (PDF) if the proceedings were produced utilizing computer-aided transcription equipment. <u><b>Court Impact:</b></u> Courts will need to confer with staff and contract court reporters to determine the joint capability of both parties to produce and receive electronic transcripts. IT, administration, and staff managing court reporters will likely need to be involved. Electronic transcripts have to be provided unless the technical capability does not exist, in which case courts and court reporters have until 2023 to develop that capability.		Nikki Bailey
<b>The California Public Records Act: exemptions</b> <b>AB 1455 (Ch. 560)</b> <u><b>Laws:</b></u> Amend § 6254 of the Government Code, relating to public records. <u><b>Summary:</b></u> Exempts from disclosure under the public records act, records of local agencies related to activities governed by the Meyer-Milias-Brown Act that reveal a local agency’s deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or that provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under that chapter. Provides that this exemption shall not be construed to limit the disclosure duties of a local agency with respect to any other records relating to the activities governed by the employee relations act referred to in this paragraph. <u><b>Court Impact:</b></u> Courts will now have an explicit exemption from releasing the types of records that relate to collective bargaining.		Sharif Elmallah

## Administration

(including Budget, Human Resources, Jury)

Court Summary (prepared using new law and committee/floor analyses)	Notes
<p><b>Law enforcement: sharing data</b> <b>SB 54 (Ch. 495)</b></p> <p><b>Laws:</b> Amend §§ 7282 and 7282.5 of, and to add Chapter 17.25 (commencing with § 7284) to Division 7 of Title 1 of, the Government Code, and to repeal § 11369 of the Health and Safety Code.</p> <p><b>Summary:</b> Requires the state Attorney General (AG), by October 1, 2018, to publish model policies “limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law” at, among numerous places, to include courthouses in California. Further, requires all courthouses to implement the model policy, or an equivalent policy [Government Code § 7284.8].</p> <p><b>Court Impact:</b> No action as of now. Impact is to AG by 10/1/18 to publish model policies. Courts should be aware of the policy.</p>	<p><b>Nikki Bailey</b></p>
<p><b>Judicial Elections: ballot designations</b> <b>SB 235 (Ch. 512)</b></p> <p><b>Laws:</b> Amend § 13107 of the Elections Code.</p> <p><b>Summary:</b> Limits ballot designations that candidates for judicial office are permitted to use, as follows:</p> <ol style="list-style-type: none"> <li>1. Words designating the city, county, district, state, or federal office held by the candidate at the time of filing the nomination papers;</li> <li>2. The word "incumbent" if the candidate holds the same office at the time of filing the nomination papers;</li> <li>3. No more than three words designating the current principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents.</li> <li>4. A candidate for judicial office who is an active member of the State Bar employed by a city, county, district, state, or by the United States shall appear as either of the following: <ol style="list-style-type: none"> <li>a. Words designating the actual job title, as defined by current law, charter, or other governing instrument;</li> <li>b. One of the following ballot designations: "Attorney," "Attorney at Law," "Lawyer," or "Counselor at Law".</li> </ol> </li> <li>5. Requires a candidate for superior court judge who is an active member of the State Bar and practices law as one of his or her principal professions to use one of the following ballot designations: "Attorney," "Attorney at Law," "Lawyer," or "Counselor at Law," as his or her ballot designation. Allows the words "Attorney," or "Lawyer," to also be used in combination with one other current principal profession, vocation, or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents [Elections Code § 13107(c)].</li> <li>4. Clarifies that the provisions of this bill apply to all judicial elections occurring on or after January 1, 2018.</li> </ol> <p><b>Court Impact:</b> Inform judges. This bill designates allowable ballot designations for candidates running for judicial office.</p>	<p><b>Sharif Elmallah</b></p>

## Administration

(including Budget, Human Resources, Jury)

Court Summary (prepared using new law and committee/floor analyses)	Notes
<p><b>Employment: gender identity, gender expression, and sexual orientation</b> <b>SB 396 (Ch. 858)</b></p> <p><b>Laws:</b> Amend §§ 12950 and 12950.1 of the Government Code, and to amend §§ 14005 and 14012 of the Unemployment Insurance Code.</p> <p><b>Summary:</b> Makes two changes to law which require employers to:</p> <ol style="list-style-type: none"> <li>1. Post a legal notice developed by the Department of Fair Employment and Housing regarding transgender rights [Government Code § 12950].</li> <li>2. For employers with 50 or more employees, requires the existing sexual harassment training to include harassment based on gender identity, gender expression and sexual orientation [Government Code § 12950.1(c)].</li> </ol> <p><b>Court Impact:</b> <i>New posters will need to be posted (will be developed by Dept. of Fair Employment and Housing). Sexual harassment training will need to be updated to include this information.</i></p>	<p><b>Sharif Elmallah</b></p>
<p><b>Sale of county courthouses—URGENCY 9/28/2017</b> <b>SB 403 (Ch. 358)</b></p> <p><b>Laws:</b> Add § 70396 to the Government Code, and declaring the urgency thereof, to take effect immediately.</p> <p><b>Summary:</b> Authorizes the Judicial Council to sell seven closed superior courthouses, where the net proceeds of the sale would flow to the Immediate and Critical Needs Account of the State Court Facilities Construction Fund (ICNA). The seven properties include:</p> <ol style="list-style-type: none"> <li>1. The Chico Courthouse located at 655 Oleander Avenue in the City of Chico, County of Butte.</li> <li>2. The Corning Courthouse located at 720 Hoag Street in the City of Corning, County of Tehama.</li> <li>3. The Clovis Courthouse located at 1011 Fifth Street in the City of Clovis, County of Fresno.</li> <li>4. The Firebaugh Courthouse located at 1325 O Street in the City of Firebaugh, County of Fresno.</li> <li>5. The Reedley Courthouse located at 815 G Street in the City of Reedley, County of Fresno.</li> <li>6. The Avenal Courthouse located at 501 East Kings Street in the City of Avenal, County of Kings.</li> <li>7. The Corcoran Courthouse located at 1000 Chittenden Avenue in the City of Corcoran, County of Kings.</li> </ol> <p><b>Court Impact:</b> <i>Information only. Proceeds of the sales will be used for court facility improvements according to the Judicial Council's existing use of the Immediate and Critical Needs Account.</i></p>	<p><b>Operative 9/28/2017</b> <b>Sharif Elmallah</b></p>

## Civil

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Planning and zoning: housing sustainability districts</b> <b>AB 73 (Ch. 371)</b></p> <p><b><u>Laws:</u></b> Amend § 65582.1 of, and to add Chapter 11 (commencing with § 66200) to Division 1 of Title 7 of, the Government Code, and to add Chapter 4.3 (commencing with § 21155.10) to Division 13 of the Public Resources Code.</p> <p><b><u>Summary:</u></b> This bill allows the decision of a city and/or county concerning a building permit in a “Housing Sustainability District” (created by the bill), to be appealed to the superior court (Government Code § 66206). The appeal must be filed with the court within 20 days after the approving authority files its decision to deny, or conditionally approve, a permit. Once an appeal is filed, the appellant must provide notice of the appeal and a copy of the complaint to the Housing Sustainability District and, within 14 days of filing the complaint, serve written notice of a hearing and provide a copy of the complaint to all defendants by certified mail.</p> <p>The court shall dismiss the complaint if the applicant does not, within 21 days of filing the complaint, file an affidavit with the clerk of the court certifying that all notices required by this subdivision have been provided.</p> <p>The complaint shall allege the specific reasons why the approving authority’s decision does not satisfy the requirements of the housing sustainability district ordinance or other applicable law, and shall name the approving authority as defendant.</p> <p>The approving authority shall have the burden of proving that its decision satisfies the requirements of the housing sustainability district ordinance, the provisions of this chapter, or other applicable law based on substantial evidence in light of the whole record.</p> <p><b><u>Court Impact:</u></b> <i>Inform judicial officers and staff attorneys of changes to the law. Establish a process to dismiss a case if an affidavit of notice is not filed with the court within 21-days of the filing of the complaint.</i></p>	<p><b>Amy Malone</b></p>
<p><b>Criminal gangs</b> <b>AB 90 (Ch. 695)</b></p> <p><b><u>Laws:</u></b> Amend § 70615 of the Gov’t. Code, to add § 186.36 to, and to repeal and add §§ 186.34 and 186.35 of, the Penal Code.</p> <p><b><u>Summary:</u></b> Known as the “Fair and Accurate Gang Database Act of 2017,” this bill repeals the current version of Penal Code § 186.35 and adds a new version that creates a court process allowing a person to challenge their designation as a “gang member” in a law enforcement database. The process:</p> <ol style="list-style-type: none"> <li>1. Requires the person to contest the “gang member” designation first with the law enforcement agency pursuant to PC § 186.34 [PC § 186.35(a)].</li> <li>2. Requires the person to file the petition with the court within 90 calendar days of the law enforcement agency’s denial of removal from the gang database [PC § 186.35(b)]. A proceeding under this subdivision is not a criminal case. Allows the petition to be filed in either the county where the law enforcement agency is located or in a county where the</li> </ol>	<p><b>Timothy Gee</b></p>

## Civil

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p>petitioner resides.</p> <p>3. Allows the petition to be the person in the database, their attorney, or by a parent/guardian for a person under 18 years old or by their attorney on behalf of the parent guardian [PC § 186.35(a)].</p> <p>4. Specifies that the fee for filing the petition under this section is \$25 as provided in Government Code § 70615. The court shall retain the fee regardless of the outcome of the petition. If the court finds in favor of the petitioner, the amount of the fee shall be reimbursed to the person by the agency.</p> <p>This bill also repeals and recasts PC § 186.34 governing law enforcement gang databases and adds PC § 186.36 which requires the state DOJ to create regulations for gang databases and to establish an executive board.</p> <p><b>Court Impact:</b> <i>No anticipated change to processes or procedures. Inform judicial officers of new petitions and requirements for filing. May increase Petitions filed in Civil. Need to program Civil Case Management Systems to create this petition as a new filing and assign a \$25 filing fee to the pleading.</i></p>	
<p><b>Collectibles: sale of autographed memorabilia—URGENCY 10/12/2017</b> <b>AB 228 (Ch. 696)</b></p> <p><b>Laws:</b> Amend § 1739.7 of the Civil Code, and declaring the urgency thereof, to take effect immediately.</p> <p><b>Summary:</b> Revises existing consumer protections for purchasers of autographed collectibles and applies those protections only to sports and entertainment collectibles sold for more than \$50. This bill narrows the definition of a dealer, revises the information required to be provided to the buyer, and modifies the civil penalty provisions as follows:</p> <ol style="list-style-type: none"> <li>1. Decreases the civil penalty for providing a false warranty that injures a consumer from \$5,000 to \$1,000 per violation (Civil Code § 1739.7(h)(2)).</li> <li>2. Creates a civil penalty of \$3,000, or an amount equal to three times actual damages whichever is greater (plus legal fees and costs), to be levied a dealer who provides a false warrant resulting in injury to a consumer that is the result of an act or omission of the dealer that amounts to gross negligence [Civil Code § 1739.7(h)(3)].</li> <li>3. Creates a civil penalty for a dealer who knowingly provides a false warranty or knowingly fails to provide a warranty as required by law resulting in injury to a consumer of \$5,000, or an amount equal to 5 times actual damages, whichever is greater, plus legal fees and costs [Civil Code § 1739.7(h)(4)].</li> <li>4. Authorizes a consumer to recover court costs, reasonable attorney's fees, interest, and expert witness fees.</li> <li>5. Grants courts the discretion to award punitive damages based on the egregiousness of the dealer's conduct.</li> </ol> <p><b>Court Impact:</b> <i>Inform judicial officers and staff attorneys of the change in law and new civil penalties. No operational impact on court forms or processes.</i></p>	<p><b>Operative 10/12/2017</b> <b>Amy Malone</b></p>



## Civil

Court Summary (prepared using new law and committee/floor analyses)	Notes
<p><b>CEQA: Jobs and Econ Improvement Through Environmental Leadership Act of 2011. AB 246 (Ch. 522)</b></p> <p><b>Laws:</b> Amend §§ 21180, 21181, 21183, 21185, 21186, 21189.1, and 21189.3 of the Public Resources Code.</p> <p><b>Summary:</b> This bill clarifies that the 270-day timeline by which courts must resolve a challenge to a development's "leadership project" certification under the Jobs and Economic Improvement Through Environmental Leadership Act, begins from the time of filing the certified record with the court, and applies "to the extent feasible." The bill also extends the sunset on the Jobs and Economic Improvement Through Environmental Leadership Act legislation, to 1/12021.</p> <p><b>Court Impact:</b> Establish a clock or tracking process to ensure compliance with the 270-day timeline. Judicial Council will need to amend the Rules of Court to define the timelines set forth in the bill. Inform Judicial Officers and staff attorneys.</p>	<p><b>Timothy Gee</b></p>
<p><b>Housing: immigration AB 291 (CH. 489)</b></p> <p><b>Laws:</b> Amend § 6103.7 of the Business and Professions Code, to amend §§ 1940.2, 1940.3, and 1942.5 of, and to add §§ 1940.05, 1940.35, and 3339.10 to, the Civil Code, and to add § 1161.4 to the Code of Civil Procedure.</p> <p><b>Summary:</b> This bill enacts the Immigrant Tenant Protection Act of 2017, to establish various protections against the unauthorized disclosure of a tenant's immigration or citizenship status to federal immigration authorities or other parties, as well as to prohibit potential harassment, retaliation, or discrimination against a tenant based on their immigration or citizenship status.</p> <p>1. Adds Civil Code § 1940.35, to prohibit a landlord from disclosing a tenant's immigration or citizenship status to immigration authorities or other entities with intent to harass, intimidate, retaliate, or repossess a dwelling, who is not complying with a federal legal obligation including a subpoena, warrant, or court order. Requires a court who finds a violation, to:</p> <ol style="list-style-type: none"> <li>Order the landlord to pay damages of 6 to 12 times monthly rent for each person whose status was disclosed.</li> <li>Issue injunctive relief to prevent the landlord from engaging in similar conduct.</li> <li>Notify the county district attorney of a potential violation of Penal Code Section 519 (prohibiting extortion).</li> <li>Award attorney's fees and costs to the prevailing party.</li> </ol> <p>Provides an exception for a landlord who is complying with a legal obligation under federal law, or a subpoena, warrant, or other court order.</p> <p>2. Amends Civil Code § 1942.5, to provide that threatening to disclose the immigration or citizenship status of a tenant who exercises certain housing rights, is a retaliatory form of conduct subject to existing civil action and penalties [Civil Code § 1942.5(h)].</p>	<p><b>Amy Malone</b></p>



## Civil

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p>3. Adds Civil Code § 3339.10, to provide that it is not permissible to ask about immigration or citizenship status with regard to discovery in a civil action involving a tenant’s housing rights, except when the tenant’s claims put their status in contention or the requesting party demonstrates it is necessary to comply with federal immigration law.</p> <p>4. Adds Civil Code §1161.4, to prohibit a landlord from filing an unlawful detainer action because of a tenant’s immigration or citizenship status, unless the landlord is complying with legal obligation under a federal government program that provides for rent limitations or rental assistance. Provides that a tenant has raised an affirmative defense to eviction if the landlord both approved the tenant to take possession of the dwelling before filing the UD action, and included in the action a claim that the tenant failed to provide identifying or credit-related information.</p> <p>This bill is double-jointed to AB 299 (Ch. 490, Stats. 2017). Since AB 299 has the higher chapter number, the operative version of Civil Code § 1940.3 is contained in that bill, Section 1.5.</p> <p><b><u>Court Impact:</u></b> <i>Inform judicial officers and staff attorneys of the change in law and new civil penalties. No operational impact.</i></p>	
<p><b>Hiring of real property: immigration or citizenship status</b> <span style="float: right;"><b>AB 299 (Ch. 490)</b></span></p> <p><b><u>Laws:</u></b> Amend § 1940.3 of the Civil Code.</p> <p><b><u>Summary:</u></b> This bill expands existing law to prohibit any public entity, including a state agency, from using an ordinance, regulation, policy, or administrative action to compel a landlord to inquire about or take any action based on the immigration or citizenship status of a current or prospective tenant. Provides an exception for a landlord who is complying with a legal obligation under federal law, or a subpoena, warrant or court order.</p> <p>This bill is double-jointed to AB 291 (Ch. 489, Stats. 2017). Because this bill, AB 299 has a higher chapter number, the operative version of Civil Code § 1940.3 is contained in this bill, Section 1.5.</p> <p><b><u>Court Impact:</u></b> <i>Inform judicial officers and staff attorneys of the change in law. No operational impact.</i></p>	<p><b>Amy Malone</b></p>
<p><b>Civil actions: discovery status conference</b> <span style="float: right;"><b>AB 383 (Ch. 189)</b></span></p> <p><b><u>Laws:</u></b> Add § 2016.080 to the Code of Civil Procedure.</p> <p><b><u>Summary:</u></b> Gives courts discretion to hold an informal discovery conference to discuss disputed discovery issues, upon request by a party or on the court’s own motion, subject to certain timelines and procedures.</p> <p>Provides that the party requesting an informal discovery conference must file a “meet and confer” declaration with the court, and any party is permitted to file a response to this declaration. If the court is in session and does not grant, deny, or schedule a discovery hearing within 10 days of a party’s initial request, the request is deemed denied.</p> <p>If the court grants or orders an informal discovery conference, the conference must be held within 30 calendar days</p>	<p><b>Thomas Eral</b></p>

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<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p>after the court granted the request or issued its order, and before the discovery cut-off date. If the conference is not held within 30 days, the request is deemed denied.</p> <p>Upon granting or ordering the discovery conference, authorizes the court to toll the deadline for filing a discovery motion, or make any other discovery order, as appropriate.</p> <p>This code sections will sunset on January 1, 2023.</p> <p><b>Court Impact:</b> <i>Inform judicial officers and staff attorneys of the change in law. Establish procedures for scheduling the informal discovery conference, subject to the timelines specified.</i></p>	
<p><b>Advertising and solicitations: government documents</b> <b>AB 492 (Ch. 293)</b></p> <p><b>Laws:</b> Add § 17533.6.5 to the Business and Professions Code.</p> <p><b>Summary:</b> Provides that a nongovernmental entity can solicit a fee for providing a copy of a public record only when the solicitation conforms to specified requirements and consumer protection disclosures, to include a statement that the solicitation is an advertisement, and is not being made by, or on behalf of, a government agency.</p> <p>Authorizes the Attorney General, district attorney, or city attorney to bring an action against any person who violates this statute, to seek full refunds for persons affected, as well as civil penalties of not more than \$100 for each document distributed in violation of this section and not more than \$200 for each subsequent document distributed in violation (Business and Professions Code § 17533.6.5(b)).</p> <p><b>Court Impact:</b> <i>Inform judicial officers and staff attorneys of the change in law and new civil penalties. No operational impact.</i></p>	<p><b>Timothy Gee</b></p>
<p><b>Civil procedure: pleadings</b> <b>AB 644 (Ch. 273)</b></p> <p><b>Laws:</b> Amend § 472 of, and to add and repeal §§ 435.5 and 439 of, the Code of Civil Procedure.</p> <p><b>Summary:</b> This bill extends the meet and confer requirement for demurrers, to both a motion to strike and a motion for judgment on the pleadings.</p> <p>Repeals and adds Code of Civil Procedure §§ 435.5 and 439, to require a party that intends to file a motion to strike or a motion for judgment on the pleadings to first meet and confer with the party who filed the relevant pleading, either in person or by phone, according to specified timelines and procedures. These procedures include a requirement that the meet and confer occur at least 5 days before a moving party files the motion, and that the moving party attach a declaration containing prescribed information concerning the status of the meet and confer. If the declaration demonstrates a good-faith effort to timely meet and confer was made, a 30-day extension will be granted.</p> <p>Exceptions are provided for: an action in which a party not represented by counsel is incarcerated in a local, state,</p>	<p><b>Amy Malone</b></p>

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<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p>or federal correctional institution; proceedings in a forcible entry, forcible detainer, or unlawful detainer action; an anti-SLAPP (Strategic Lawsuit against Public Participation) motion; or a motion brought less than 30 days before trial.</p> <p>The bill also amends Code of Civil Procedure § 472, to provide that a party may amend its pleading once, without leave of court, at any time before, or after, a motion to strike or motion for judgment on the pleadings is filed, but before it is heard. This code section will sunset on January 1, 2021.</p> <p><b>Court Impact:</b> <i>Inform judicial officers and staff attorneys about the new law. Review and modify any operational procedures to ensure compliance with the updated Code of Civil Procedure.</i></p>	
<p><b>Housing Accountability Act</b> <b>AB 678 (Ch. 373) and SB 167 (Ch. 368)</b></p> <p><b>Laws:</b> Amend § 65589.5 of the Government Code.</p> <p><b>Summary:</b> Amends Government Code Section § 65589.5 to make numerous modifications to the Housing Accountability Act (HAA), with a focus on subjecting the decision of an agency to disapprove a housing development project or emergency shelter to greater judicial oversight.</p> <ol style="list-style-type: none"> <li>1. Increases the standard of proof required for a local agency to justify its denial or conditional approval of a low-to-moderate-income or high-density housing development project or emergency shelter, from “substantial evidence” to “preponderance of the evidence.”</li> <li>2. Requires a court who finds a violation of this section to issue an order or a judgment to compel an agency to come into compliance within 60 days, to include ordering the local agency to take action on the housing development project or emergency shelter.</li> <li>3. If the court determines that that the agency has failed to comply with its order within 60 days, the court must impose fines of no less than \$10,000 per housing unit in the proposed development project. The court may issue additional orders as provided by law to ensure that the purpose of this section is fulfilled, to include issuing an order to vacate the decision of the local agency and to approve the housing development project [Government Code § 65589.5(k)].</li> <li>4. Entitles a housing organization to reasonable attorney’s fees and costs, if it is the prevailing party in an action to enforce the act.</li> <li>5. If the court finds that the local agency both acted in bad faith when disapproving the development or shelter in violation of this section, and also failed to carry out the court’s order within 60 days, the court must impose an additional penalty in an amount equal to the above fine, multiplied by a factor of 5 [Government Code § 65589.5(l)].</li> <li>6. Specifies that a petition to enforce the provisions of this section shall be filed and served no later than 90 days from the later of the effective date of a local agency’s decision to impose conditions on or disapprove a housing development</li> </ol>	<p><b>Amy Malone</b></p>

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<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p>project; or the expiration of the time periods described in the Permit Streamlining Act.</p> <p>7. Allows a party to appeal a trial court's order or judgment to the court of appeal pursuant to specified law.</p> <p>This bill is double-jointed to AB 1515 (Ch. 378) and SB 167 (Ch. 368). Since AB 1515 has the higher chapter number, the operative version of Civil Code § 65589.5 is contained in AB 1515, Section 1.5.</p> <p><b><i>Court Impact:</i></b> <i>Inform judicial officer and staff attorneys regarding updates to the HAA, including the 60-day compliance mandates and new mandatory fines. Inform Appeals staff and review any operational procedures to ensure compliance with the timing mandates related to an appeal under the HAA.</i></p>	
<p><b>Enforcement of money judgments: exemptions</b> <span style="float: right;"><b>AB 688 (Ch. 529)</b></span></p> <p><b><i>Laws:</i></b> Amend, repeal, and add § 4880 of the Welfare and Institutions Code.</p> <p><b><i>Summary:</i></b> Operative 9/1/2018, this bill provides that monies in an Achieving a Better Life Experience (ABLE) Act savings account, provided for persons with disabilities, are exempt from the enforcement of money judgments. The exemption applies to ABLE account balances, contributions, and distributions that do not exceed \$100,000.</p> <p><b><i>Court Impact:</i></b> <i>Inform judicial officers and staff attorneys of the change in law. No operational impact.</i></p>	<p><b>Operative 9/1/2018</b> <b>Thomas Eral</b></p>
<p><b>Civil actions: fee recovery</b> <span style="float: right;"><b>AB 828 (Ch. 583)</b></span></p> <p><b><i>Laws:</i></b> Amend § 1033.5 of the Code of Civil Procedure.</p> <p><b><i>Summary:</i></b> This bill updates Code of Civil Procedure § 1033.5, to provide that a prevailing party may recover fees for costs associated with the electronic presentation of exhibits, including costs of rental equipment and electronic formatting, if the costs were reasonably helpful to aid the trier of fact.</p> <p><b><i>Court Impact:</i></b> <i>Inform judicial officers and staff attorneys of the change in law. No operational impact.</i></p>	<p><b>Thomas Eral</b></p>
<p><b>Africanized honey bees</b> <span style="float: right;"><b>AB 861 (Ch. 143)</b></span></p> <p><b><i>Laws:</i></b> Amend § 29321 of, and to add § 29322 to, the Food and Agricultural Code.</p> <p><b><i>Summary:</i></b> In areas populated by Africanized or aggressive honey bees, this bill authorizes a city and/or county to establish an ordinance prescribing procedures for bee hive abatement. In the absence of such an ordinance, it authorizes a county agricultural commissioner to take any action necessary to abate a hive that constitutes a public nuisance.</p> <p><b><i>Court Impact:</i></b> <i>Inform judicial officers and staff attorneys of the change in law. No operational impact.</i></p>	<p><b>Thomas Eral</b></p>

## Civil

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Money judgments of other jurisdictions</b> <b>AB 905 (Ch. 168)</b></p> <p><b><u>Laws:</u></b> Amend §§ 1714, 1716, 1717, 1730, 1731, 1732, 1733, 1737, and 1741, to amend the heading of Title 11 (commencing with § 1710.10) of Part 3 of, to amend the heading of Chapter 1 (commencing with § 1710.10) of Title 11 of Part 3 of, to add § 1725 to, to add the heading of Chapter 3 (commencing with § 1730) of Title 11 of Part 3 to, and to repeal §§ 1714 and 1742 of, and to repeal the heading of Title 11.5 (commencing with § 1730) of Part 3 of, the Code of Civil Procedure.</p> <p><b><u>Summary:</u></b> Sponsored by the California Law Revision Commission, this bill makes clarifying changes to the laws governing the recognition of foreign and tribal court money judgments in California courts.</p> <p>Amends Code of Civil Procedure §§ 1716 and 1737 to provide that when certain grounds for nonrecognition apply, the court must deny recognition of a foreign or tribal money judgment unless the party seeking recognition demonstrates good reason that outweighs the ground for nonrecognition.</p> <p>Amends Code of Civil Procedure § 1716, to provide that a court shall not recognize a foreign-country judgment for defamation, if that judgment would not be recognizable under the SPEECH Act (Section 4102 of Title 28 of the U.S. Code).</p> <p>Amends Code of Civil Procedure § 1717 to provide that a foreign court lacks personal jurisdiction if either the foreign court lacks personal jurisdiction under its own law, or the foreign court lacks a basis for exercising personal jurisdiction that would be sufficient according to the standards governing personal jurisdiction in this state.</p> <p><b><u>Court Impact:</u></b> <i>Inform judicial officers and staff attorneys about amendments to current provisions surrounding grounds for non-recognition of a foreign and tribal court money judgment. No operational impact.</i></p>	<p><b>Amy Malone</b></p>
<p><b>Protective orders: personal information of minors</b> <b>AB 953 (Ch. 384)</b></p> <p><b><u>Laws:</u></b> Amend § 527.6 of the Code of Civil Procedure, and to add § 6301.5 to the Family Code.</p> <p><b><u>Summary:</u></b> This bill extends privacy protections to a minor in a family court and civil harassment protective order, by providing that a minor or their legal guardian may petition the court to keep the minor's information confidential when issuing a protective order.</p> <p>Provides that the court may order that the minor's information be kept confidential if it finds that: (1) the minor's right to privacy overcomes the right of public access to the information, (2) there is a substantial probability that the minor's interest will be prejudiced if the information is not kept confidential, (3) the order to keep the information confidential is narrowly tailored, and (4) no less restrictive means exist to protect the minor's privacy.</p> <p>If a request is granted, information regarding the minor must be maintained in a confidential case file and cannot become a part of the public file in any civil proceeding.</p> <p>The confidential information may be included in the notice of hearing sent to a respondent but the notice must</p>	<p><b>Civil &amp; Family Timothy Gee</b></p>

## Civil

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p>identify the specific information that has been made confidential and include a statement that disclosure or misuse of the information is punishable as contempt of court. The confidential information may also be made available to law enforcement, but only to the extent necessary for the purpose of enforcing the order.</p> <p>Disclosure or misuse of the confidential information is punishable as civil contempt of court with a fine of up to \$1,000 [Family Code § 6301.5(c) and Code of Civil Procedure § 527.6(v)(3)].</p> <p><b>Court Impact:</b> <i>Inform judicial officers and staff attorneys of the change in law. Review and modify both court procedures and case management systems to ensure confidentiality of the minor's information, as specified. Ensure the Notice of Hearing includes a warning regarding dissemination of the minor's confidential information.</i></p>	
<p><b>Electronic filing and service</b></p> <p><b>AB 976 (Ch. 319)</b></p> <p><b>Laws:</b> Amend §§ 664.5, 1010.6, 1011, and 1020 of, and to add § 1013b to, the Code of Civil Procedure, to add § 690.5 to the Penal Code, to amend §§ 331, 366, 453, 711, 715, 732, 733, 1050, 1209, 1212, 1213, 1214, 1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8200, 8203, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585, 10586, 10587, 11601, 13200, 13655, 15686, 16061.7, 16061.8, 16061.9, 16336.6, 16501, 16502, 16503, 17203, 17204, 17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222 of, and to amend, renumber, and add § 1265 of, and to repeal § 1216 of, the Probate Code, to amend §§ 248, 248.5, 297, 302, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 728, 777, 778, 779, 785, 903.45, and 5362 of, to amend and repeal §§ 290.1, 290.2, 291, 292, 293, 294, 295, and 316.1 of, and to add § 212.5 to, the Welfare and Institutions Code.</p> <p><b>Summary:</b> This bill broadly expands the use of electronic filing and service in civil and family courts, extends its use into the criminal, probate, and juvenile courts, and clarifies numerous rules concerning electronic signatures, timing, notice, and transmission. Allows a trial court to require electronic filing and service in civil actions, subject to specified requirements and rules of court. Provides that any document that is served electronically between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed served on that court day. Any document that is served electronically on a non-court day shall be deemed served on the next court day.</p> <p><b>Court Impact:</b> <i>Expands the Orange County e-filing pilot project to the rest of the state. Modify electronic filing procedures to comply with new court day filing time periods. Inform judicial officers, staff attorneys, and court staff of changes in the law.</i></p>	<p><b>Amy Malone</b></p>

## Civil

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Courts: frivolous actions or tactics—URGENCY, 8/7/2017</b> <b>AB 984 (Ch. 169)</b></p> <p><b><u>Laws:</u></b> Amend and repeal § 128.5 of the Code of Civil Procedure, and declaring the urgency thereof, to take immediate effect.</p> <p><b><u>Summary:</u></b> Establishes the conditions and procedures for imposing sanctions on a party or their attorney, for actions or tactics made in bad faith that are frivolous or solely intended to cause unnecessary delay, and clarifies that the statute applies only to civil cases filed on or after January 1, 2015.</p> <p>Provides that after notice and an opportunity to respond, a court may impose sanctions on a party and/or their attorney and should consider, in determining what sanctions to order, whether the party seeking sanctions has exercised due diligence with respect to the following procedures:</p> <ol style="list-style-type: none"> <li>1. A motion for sanctions should be made separately from other motions and should describe the specific action or tactic that is frivolous or intended to cause delay.</li> <li>2. If the alleged action is the making or opposing of a motion, or the filing and service of a pleading that can be withdrawn or corrected, then a motion for sanctions should be served but not filed for 21 days, to allow the challenged action to be withdrawn or corrected. Alternately, the court on its own motion may enter an order describing the specific action or tactic, and direct an attorney or party to show cause for the action unless the challenged action or tactic is withdrawn or corrected within 21 days of service of the order to show cause.</li> </ol> <p>Provides that sanctions should be limited to what is sufficient to deter repetition by others similarly situated, and may consist of nonmonetary directives, an order to pay a penalty to the court, and an order to pay reasonable expenses, including attorney's fees, incurred by another party as a result of actions or tactics made in bad faith.</p> <p><b><u>Court Impact:</u></b> <i>Inform judicial officers and staff attorneys of changes in the law. No operational impact.</i></p>	<p><b>Operative 8/7/2017</b></p> <p><b>Thomas Eral</b></p>
<p><b>Service of process</b> <b>AB 1093 (Ch. 129)</b></p> <p><b><u>Laws:</u></b> Amend § 415.20 of the Code of Civil Procedure.</p> <p><b><u>Summary:</u></b> Modifies process serving laws to establish guidelines for effecting substituted service on a person for whom the only address reasonably known is a private mailbox obtained through a commercial mail receiving agency (CMRA), so that service of process may be effected on the first delivery attempt by leaving a copy of the summons and complaint with the CMRA owner/operator, who is authorized to accept and effect service of process, as provided in Business and Professions Code § 17538.5.</p> <p><b><u>Court Impact:</u></b> <i>Review default judgement operational procedures to include the new method of service. Inform judicial officers and staff attorneys of changes in the law.</i></p>	<p><b>Timothy Gee</b></p>



## Civil

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>State Water Resources Control Board</b> <b>AB 1438 (Ch. 327)</b></p> <p><b>Laws:</b> Amend §§ 100825, 100829, 100837, 100840, 100847, 100850, 100851, 100852, 100862, 100865, 100870, 100872, 100875, 100880, 100885, 100890, 100895, 100907, 116271, 116425, 116540, 116625, 116700, and 116701 of, to add § 100920.5 to, and to repeal and add §§ 100855, 100910, and 100915 of, the Health and Safety Code, and to amend § 21080.26 of the Public Resources Code.</p> <p><b>Summary:</b> Makes conforming changes to statutes governing the Environmental Laboratory Accreditation Act (ELAA), which regulates environmental testing laboratories for conformance with the state's drinking water and hazardous waste programs, following the transfer of enforcement authority to the State Water Board.</p> <p>With respect to courts, adds Health and Safety § 100920.5, to establish a judicial review process for a lab permit revocation action taken by the State Water Board, so that within 30 days after service of a copy of a state board decision, the aggrieved party may file a petition for a writ of mandate for review of the order in the superior court. Provides that the court should uphold the findings of the state board if those findings are supported by substantial evidence in light of the whole record.</p> <p><b>Court Impact:</b> Inform judicial officers and staff attorneys of changes in the law. No operational impact.</p>	<p><b>Amy Malone</b></p>
<p><b>Gender discrimination: civil actions</b> <b>AB 1615 (Ch. 156)</b></p> <p><b>Laws:</b> Add Part 2.55 (commencing with § 55.61) to Division 1 of the Civil Code.</p> <p><b>Summary:</b> <b>On or before January 1, 2019</b>, requires that the Judicial Council adopt a prescribed written advisory notice informing businesses of their rights and obligations regarding gender discrimination in the pricing of services.</p> <p>Effective January 1, 2018, requires that an attorney attach: (1) the Judicial Council advisory notice (or a written notice containing the prescribed information, until the official notice is adopted by the Judicial Council), as well as (2) an informational pamphlet to be developed by the Dept. of Consumer Affairs, to a demand letter or complaint alleging gender discrimination in pricing services.</p> <p><b>Court Impact:</b> Inform judicial officers and staff attorneys of changes in the law. No operational impact.</p>	<p><b>Thomas Eral</b></p>



## Civil

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Personal rights: compensatory relief</b> <b>AB 1690 (Ch. 160)</b></p> <p><u><b>Laws:</b></u> Amend § 3339 of the Civil Code, to amend § 7285 of the Government Code, to amend § 24000 of the Health and Safety Code, and to amend § 1171.5 of the Labor Code.</p> <p><u><b>Summary:</b></u> Extends protections in existing law to clarify that a person’s immigration status is irrelevant to the issue of civil liability and to prohibit inquiry into immigration status for the purpose of enforcing state labor, employment, civil rights, consumer protection, and all housing laws, unless the person seeking to make the inquiry demonstrates it is necessary to comply with federal immigration law.</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers and staff attorneys of changes in the law. No operational impact.</i></p>	<p><b>Amy Malone</b></p>
<p><b>Civil actions: intervention</b> <b>AB 1693 (Ch. 131)</b></p> <p><u><b>Laws:</b></u> Amend §§ 387, 1032, and 1038 of the Code of Civil Procedure.</p> <p><u><b>Summary:</b></u> This bill updates the statute governing civil intervention procedures.</p> <p>Amends Code of Civil Procedure § 387, to provide that:</p> <ol style="list-style-type: none"> <li>1. A nonparty must timely petition the court for leave to intervene by noticed motion or ex parte application.</li> <li>2. The petition must include a copy of either a complaint in intervention or an answer in intervention, setting forth the grounds upon which the intervention rests.</li> <li>3. If leave to intervene is granted by the court, the intervenor must both: (1) separately file the complaint or answer in intervention, and (2) serve a copy of the court order granting leave to intervene, as well as the complaint or answer in intervention, on all parties to the action or proceeding, including those who have already appeared, as specified.</li> </ol> <p>Amends Code of Civil Procedure § 1032, to specifically recognize the ability of a third party to file an “answer in intervention” instead of, or in addition to, a “complaint in intervention.”</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers and staff attorneys of changes in the law. Review and amend, if applicable, operational procedures regarding the filing of a complaint in intervention to comply with the new statutes.</i></p>	<p><b>Thomas Eral</b></p>
<p><b>Labor-related liabilities: original contractor</b> <b>AB 1701 (Ch.804)</b></p> <p><u><b>Laws:</b></u> Add § 218.7 to the Labor Code.</p> <p><u><b>Summary:</b></u> This bill holds general contractors and subcontractors jointly liable for unpaid wages, including fringe benefits, and authorizes civil actions to enforce the joint liability, with an exception for work performed by an employee of the state, a special district, city, county or any political subdivision of the state.</p> <p>Limits enforcement of direct contractor liability through civil action to the Labor Commissioner, a joint labor-</p>	<p><b>Amy Malone</b></p>

## Civil

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p>management cooperation committee, or a third party that is owed fringe or benefit payments. Provides that a labor-management cooperation committee or third party that is the prevailing plaintiff in such an action is entitled to attorney's fees. Requires a labor-management cooperation committee to provide the direct contractor and subcontractor with at least 30 days' notice of the action by first-class mail (prior to filing).</p> <p>An action brought pursuant to the bill shall be filed within 1 year of the earliest of the following: (1) an owner recording a notice of completion of a work of improvement within 15 days of completion, (2) an owner recording a notice of continuous cessation of labor on a work of improvement, or (3) actual completion of the work. Provides that, after trial, the property of the direct contractor may be attached for payment of judgment.</p> <p><b><u>Court Impact:</u></b> <i>Inform judicial officers and staff attorneys of changes in the law. No operational impact.</i></p>	
<p><b>Arbitration agreements</b> <span style="float: right;"><b>SB 33 (Ch. 480)</b></span></p> <p><b><u>Laws:</u></b> Amend § 1281.2 of the Code of Civil Procedure.</p> <p><b><u>Summary:</u></b> Amends CCP § 1281.2 to provide a new basis for a court to deny a motion to compel arbitration. Specifically, this bill prohibits the court from granting a motion to compel made by a state or federally chartered banking institution, when the valid agreement to arbitrate is seeking to cover a purported contractual relationship fraudulently created by the petitioner, without the consumer's consent and using the consumer's personal identifying information.</p> <p><b><u>Court Impact:</u></b> <i>Inform judicial officers and staff attorneys of changes in the law. No operational impact.</i></p>	<p><b>Thomas Eral</b></p>
<p><b>Federal public lands: conveyances</b> <span style="float: right;"><b>SB 50 (Ch. 535)</b></span></p> <p><b><u>Laws:</u></b> Add § 27338 to, to add Chapter 3.4 (commencing with § 6223) to Division 7 of Title 1 of, and to repeal the heading of Chapter 3.4 (commencing with § 6223) of Division 7 of Title 1 of, the Government Code, and to add Chapter 5 (commencing with § 8560) to Part 4 of Division 6 of the Public Resources Code.</p> <p><b><u>Summary:</u></b> Establishes that it is a policy of the state to discourage conveyances of federal public lands in California to a third party. Adds Government Code § 6223, to prohibit a person from knowingly presenting for recording or filing with a county recorder, a deed, instrument, or other document, related to the conveyance of federal public land, unless it is accompanied by a certificate of compliance certifying that the State Lands Commission was given right of first refusal. Establishes a civil penalty not to exceed \$5,000, for a person who violates this prohibition [Gov't. Code § 6223(a)].</p> <p>Adds Public Resources Code § 8560, to authorize the commission to seek declaratory and injunctive relief from a court of competent jurisdiction, to contest conveyances made to a third party in violation of the statute.</p> <p><b><u>Court Impact:</u></b> <i>Inform judicial officers and staff attorneys of changes in the law. No operational impact.</i></p>	<p><b>Amy Malone</b></p>

## Civil

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Invasion of privacy: distribution of sexually explicit materials</b> <b>SB 157 (Ch. 233)</b></p> <p><b><u>Laws:</u></b> Amend § 1708.85 of the Civil Code, and to amend § 6276.12 of the Government Code.</p> <p><b><u>Summary:</u></b> Strengthens provisions that protect the confidentiality of a person who brings a civil action for the non-consensual distribution of intimate images (“revenge porn”) under Civil Code § 1708.85, by expanding the definition of “identifying characteristic” and extending redaction requirements to discovery documents.</p> <p>In cases where the plaintiff uses a pseudonym, any and all other parties and their agents and attorneys are required to: (1) use the plaintiff’s pseudonym in all pleadings, discovery documents, and other documents filed or served in the action, and at hearings, trial, and other court proceedings that are open to the public, (2) redact any “identifying characteristics” of the plaintiff from a pleading, discovery document, or other document, and (3) file with the court and serve on all other parties, a “confidential information form” that identifies the plaintiff’s name and any redacted identifying information.</p> <p>Provides that the court is required to keep the plaintiff’s name and the redacted characteristics confidential.</p> <p>Expands the definition of “identifying information” to include email addresses, social media profiles, and “online identifiers,” that would tie an individual to an electronic service, device, internet application, website, or platform account, as specified.</p> <p>Establishes a 60-day waiting period before the public can access case files, to provide plaintiffs with time to request that the records are sealed.</p> <p>Requires that the Judicial Council adopt or revise rules and forms as appropriate, to implement this bill.</p> <p><b><u>Court Impact:</u></b> Review operational procedures to comply with the 60-day period for public access to case files. Review case management system to comply with new confidentiality requirements. Establish a new process for maintaining the new confidential information form. Develop procedures for allowing plaintiffs in revenge porn cases to proceed via the use of pseudonyms. Inform judicial officers and staff attorneys of changes in the law.</p>	<p><b>Amy Malone</b></p>

## Civil

Court Summary (prepared using new law and committee/floor analyses)	Notes
<p><b>Gender identity: female, male, or nonbinary</b> <b>SB 179 (Ch. 853)</b></p> <p><b>Laws:</b> Amend, repeal, and add §§ 1277 and 1278 of, and to add § 1277.5 to, the Code of Civil Procedure, to amend §§ 103426 and 103440 of, to amend the heading of Article 7 (commencing with § 103425) of Chapter 11 of Part 1 of Division 102 of, and to amend, repeal, and add §§ 103425 and 103430 of, the Health and Safety Code, and to amend § 13005 of, and to amend, repeal, and add § 12800 of the Vehicle Code.</p> <p><b>Summary:</b> <b>Operative 9/1/2018</b>, this bill enacts the Gender Recognition Act to streamline the procedures that allow transgender and nonbinary individuals to change their name and/or gender to conform with their gender identity.</p> <p>Adds Code of Civil Procedure § 1277.5, to require the court to grant a petition for a change of name to conform a petitioner's name with their gender identity, after 6-weeks of filing and without a hearing, unless an objection is timely filed that shows good cause to oppose the name change. Specifies that objections based solely on concerns over the petitioner's gender identity do not constitute good cause.</p> <p>Revises Health and Safety Code § 103425, to authorize an individual to file a petition for a change of gender to female, male, or nonbinary. The petition may be filed in any county regardless of residency.</p> <p>Amends Health and Safety Code § 103426, to provide that an individual may apply directly to the State Registrar for a change of gender on their birth certificate, without filing a petition with the court.</p> <p>Revises Health and Safety Code § 103430, to replace the requirement for a doctor's affidavit, with a requirement for an affidavit from the petitioner, as specified. Requires the court to grant a petition for a change of gender within 28 days of filing, unless an objection is timely filed that shows good cause for opposing the petition.</p> <p>Authorizes a minor to petition for a change in gender with the written consent of one parent, a legal guardian, or if both parents are deceased and there is no legal guardian, a near relative or friend. Allows the court to deny the petition if neither living parent signs the petition or if one non-consenting parent objects and the court finds the gender change is not in the best interest of the petitioner.</p> <p>Implementation of this bill was delayed to September 1, 2018.</p> <p><b>Court Impact:</b> <i>Inform judicial officers and staff attorneys of the change in the law. Develop new procedures to grant petitions for a change in name and gender identity without requiring a hearing, as specified. Revise procedures to provide for a petition for a change in gender to female, male, or nonbinary. Revise procedures to provide that a party seeking a change in gender, under the Health and Safety Code, no longer needs to provide a declaration from their doctor that states they have gone through the necessary medical procedure to transition from one gender to another. Ensure forms are amended to comply with the new nonbinary gender identity.</i></p>	<p><b>Operative 9/1/2018</b></p> <p><b>Civil &amp; Criminal</b></p> <p><b>Thomas Eral</b></p>

## Civil

Court Summary (prepared using new law and committee/floor analyses)	Notes
<p><b>Retaliation actions: complaints: administrative review</b> <b>SB 306 (Ch. 460)</b></p> <p><u><b>Laws:</b></u> Amend § 98.7 of, and to add §§ 98.74, 1102.61, and 1102.62 to, the Labor Code.</p> <p><u><b>Summary:</b></u> Amends § 98.7 to:</p> <ol style="list-style-type: none"> <li>1. Allow the Labor Commissioner, when they suspect that an employer is retaliating against an employee because the employee reported a violation of law by the employer, to commence investigation of a discharge or discrimination while they are still in the investigatory phase of a retaliation complaint.</li> <li>2. When the court has issued a temporary restraining order, the employer shall not be prohibited from discipline or terminating an employee for unrelated conduct to the claim of retaliation.</li> <li>3. Injunctive relief shall not be stayed during an appeal.</li> <li>4. Provide that a Labor Commissioner who is the prevailing party in an enforcement action for retaliation is entitled to costs and attorney's fees payable by the employer.</li> <li>5. Provide that an employer who refuses to comply with an order to hire, restore, or promote an employee pursuant to an order, is subject to a penalty of \$100 per day for each day the employer is in violation up to \$20,000.</li> </ol> <p>Adds §987.74 to set forth procedures for the Labor Commissioner to issue a citation against the employer for the violation. These are for an administrative agency action.</p> <ol style="list-style-type: none"> <li>1. An appeal of the Commissioner's action is by filing a petition for a Writ of Mandate with a superior court within 45 days after service of the Commissioner's decision.</li> <li>2. An employer filing the petition must post a bond with the Labor Commissioner prior to filing the petition.</li> </ol> <p>Adds § 1102.62 to set forth procedures for the court to handle injunctive relief for violation of § 1102.5. The court shall use a "reasonable cause standard" for determining violation; injunctive relief not stayed pending appeal.</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers, staff attorneys, and your human resources department of these changes. Civil division to create procedures for the filing of the temporary restraining order or the Writ of Mandate.</i></p>	<p><b>Timothy Gee</b></p>
<p><b>Name and gender change: prisons and county jails</b> <b>SB 310 (Ch. 856)</b></p> <p><u><b>Laws:</b></u> Amend, repeal, and add § 1279.5 of the Code of Civil Procedure.</p> <p><u><b>Summary:</b></u> <b>Operative 9/1/2018</b>, this bill gives individuals who are sentenced to prison or county jail the right to petition the court for a change of name or gender, to conform to the petitioner's gender identity. Provides that the petitioner must provide a copy of the petition to the prison or county jail.</p> <p><u><b>Court Impact:</b></u> <i>Review and revise operational procedures to provide that incarcerated individuals may petition the court for a change in name or gender, with notice to the prison or jail. Inform judicial officers and staff attorneys of changes in the law.</i></p>	<p><b>Operative 9/1/2018</b> <b>Thomas Eral</b></p>

## Civil

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Common interest developments: noncommercial solicitation</b> <b>SB 407 (Ch. 236)</b></p> <p><u><b>Laws:</b></u> Add § 4515 to the Civil Code.</p> <p><u><b>Summary:</b></u> Authorizes the resident of a Common Interest Development (CID) to bring a civil or small claims action against a homeowner’s association that prevents the resident from engaging in political or public interest activities specified in the bill. Authorizes the court to assess a civil penalty of not more than \$500 for each violation.</p> <p><u><b>Court Impact:</b></u> Inform judicial officers and staff attorneys of changes in the law. Notify temporary judges, who hear Small Claims matters, of the new type of action that can be brought in Small Claims court.</p>	<p><b>Thomas Eral</b></p>
<p><b>Mortgages: default procedures: trustee’s or attorney’s fees</b> <b>SB 479 (Ch. 217)</b></p> <p><u><b>Laws:</b></u> Amend §§ 2924c and 2924d of the Civil Code.</p> <p><u><b>Summary:</b></u> Raises the maximum amount that a trustee can receive for trustee’s or attorney’s fees arising from a foreclosure sale, from \$425 to \$475, and the formula for calculating trustee’s fees.</p> <p><u><b>Court Impact:</b></u> Inform judicial officers and staff attorneys of changes in the law. Ensure operations clerks who calculate the Memorandum of Costs use the correct fee amount.</p>	<p><b>Timothy Gee</b></p>
<p><b>Civil actions: service of documents</b> <b>SB 543 (Ch. 64)</b></p> <p><u><b>Laws:</b></u> Amend §§ 877.6, 2016.050, and 2034.260 of the Code of Civil Procedure.</p> <p><u><b>Summary:</b></u> Clarifies instances in which a party may serve a document by personal service. Specifically, this bill:</p> <ol style="list-style-type: none"> <li>1. Clarifies that the notice, application, and proposed order of settlement in an action with multiple parties, as provided, may be served by either certified mail, return receipt requested, or by personal service.</li> <li>2. Specifies that any method of discovery or service of a motion provided for in the Civil Discovery Act may, in addition to service by mail, be served by personal service.</li> <li>3. Provides that an exchange of information concerning expert witnesses may, in addition to service by mail, be served by personal service, on or before the date of the exchange.</li> </ol> <p><u><b>Court Impact:</b></u> Inform judicial officers, staff attorneys, and clerks of the expanded acceptable proof of service by personal service of the three document types.</p>	<p><b>Timothy Gee</b></p>

## Civil

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Jury selection—Civil Trials</b> <b>SB 658 (Ch. 337)</b></p> <p><u><b>Laws:</b></u> Amend § 222.5 of the Code of Civil Procedure.</p> <p><u><b>Summary:</b></u> Creates several factors judge's must consider in selecting a fair and impartial jury in a civil trial:</p> <ol style="list-style-type: none"> <li>1. Requires the judge to consider and discuss with counsel the form and subject matter of voir dire questions at the final status conference or at the first practical opportunity prior to voir dire, whichever comes first [subd (a)].</li> <li>2. Requires a trial judge, during any examination conducted by counsel, to permit liberal and probing examination calculated to discover bias or prejudice with regard to the circumstances of the particular case. The fact that a topic has been included in the trial judge's examination shall not preclude appropriate follow-up questioning in the same area by counsel [subd. (b)].</li> <li>3. Requires a judge, in the exercise of his or her sound discretion, to give due consideration to [subd. (c)(1)]: (a) the amount of time requested by trial counsel, (b) any unique or complex elements, legal or factual, in the case, (c) length of the trial, (d) number of parties, (e) number of witnesses, (f) whether the case is designated as a complex or long cause.</li> <li>4. As voir dire proceeds, the judge shall permit supplemental time for questioning based on [subd. (c)(2)]: (a) individual responses or conduct of jurors that may evince attitudes inconsistent with suitability to serve as a fair and impartial juror in the particular case, (b) composition of the jury panel, (c) an unusual number of for cause challenges.</li> <li>5. The trial judge may, upon stipulation by counsel for all the parties appearing in the action, permit counsel to examine the prospective jurors outside a judge's presence [subd. (e)].</li> <li>6. Provides that if a questionnaire is utilized, the parties shall be given reasonable time to evaluate the responses to the questionnaires before oral questioning commences [subd. (f)].</li> <li>7. Requires a judge, at the earliest practical time, to provide the parties with both the alphabetical list and the list of prospective jurors in the order in which they will be called [subd. (g)].</li> </ol> <p><u><b>Court Impact:</b></u> Inform judicial officers and staff attorneys of changes to the law. Modify courtroom clerk procedures to assist the judge in facilitating the new voir dire process.</p>	<p><b>Timothy Gee</b></p>
<p><b>Civil discovery: mental examination</b> <b>SB 755 (Ch. 133)</b></p> <p><u><b>Laws:</b></u> Amend § 2032.020 of, and to add § 2032.340 to the Code of Civil Procedure.</p> <p><u><b>Summary:</b></u> In a civil action where there is credible evidence that a child has been sexually abused, this bill limits psychological testing to no more than three hours, unless the court decides to grant an extension for good cause. Additionally, this bill requires the examiner to have expertise in child abuse and trauma.</p> <p><u><b>Court Impact:</b></u> Inform Judicial Officers and staff attorneys of changes in the law. No operational impact.</p>	<p><b>Thomas Eral</b></p>



## Criminal Procedure

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>PROPOSITION 63 (2016 General Election)</b> <b>Firearms. Ammunition Sales</b></p> <p><b><u>Summary by the Legislative Analyst:</u></b> This measure: (1) changes state regulation of ammunition sales, (2) creates a new court process to ensure the removal of firearms from prohibited persons after they are convicted of a felony or certain misdemeanors, and (3) implements various other provisions. Additionally, Proposition 63 states that the Legislature can change its provisions if such changes are "consistent with and further the intent" of the measure. Such changes can only be made if 55 percent of the members of each house of the Legislature passes them and the bill is enacted into law.</p> <p>Requirements to Buy Ammunition. Proposition 63 includes various requirements for individuals seeking to buy ammunition and for DOJ to regulate such purchases. Specifically, the measure:</p> <ul style="list-style-type: none"> <li>• Requires individuals to obtain a four-year permit from DOJ to buy ammunition and for ammunition dealers to check with DOJ that individuals buying ammunition have such permits.</li> <li>• Requires DOJ to revoke permits from individuals who become prohibited.</li> <li>• Allows DOJ to charge each person applying for a four-year permit a fee of up to \$50 to support its various administrative and enforcement costs related to ammunition sales.</li> </ul> <p><b>Licenses to Sell Ammunition.</b> Similar to current law, Proposition 63 requires individuals and businesses to obtain a one-year license from DOJ to sell ammunition. However, the measure changes the types of individuals and businesses that would be exempt from obtaining a license. For example, the measure generally exempts individuals and businesses that sell a small number of rounds of ammunition from the requirement to get a license. The measure also makes various changes in the penalties for failure to follow ammunition sale requirements. For example, it establishes a new criminal penalty—specifically, a misdemeanor—for failing to follow vendor licensing requirements.</p> <p><b>Other Ammunition Requirements.</b> This measure prohibits most California residents from bringing ammunition into the state without first having the ammunition delivered to a licensed ammunition dealer beginning in January 2018—a year and a half earlier than under current law. Additionally, failure to comply with this requirement would change from a misdemeanor to an infraction (punishable by a fine) for the first offense and either an infraction or a misdemeanor for any additional offense. The measure also requires DOJ to store certain ammunition sales information in a database indefinitely, rather than for two years.</p> <p><b>Court Process to Remove Firearms.</b> This measure creates a new court process to ensure that individuals convicted of offenses, which by law prohibit them from owning firearms, do not continue to have them. Beginning in 2018, the measure requires courts to inform offenders upon conviction that they must: (1) turn over their firearms to local law enforcement,</p>	<p><b>Operative 1/1/2018</b> <b>Elise Mouisset</b></p>



## Criminal Procedure

<i><b>Court Summary</b> (prepared using new law and committee/floor analyses)</i>	<i><b>Notes</b></i>
<p>(2) sell the firearms to a licensed firearm dealer, or (3) give the firearms to a licensed firearm dealer for storage. The measure also requires courts to assign probation officers to report on what offenders have done with their firearms. If the court finds that there is probable cause that an offender still has firearms, it must order that the firearms be removed.</p> <p><b>Penalty for Theft of Firearms.</b> Under current state law, the penalty for theft of firearms worth \$950 or less is generally a misdemeanor punishable by up to one year in county jail. Under this measure, such a crime would be a felony and could be punishable by up to three years in state prison. Additionally, individuals previously convicted of a misdemeanor for the theft of a firearm would be prohibited from owning firearms for ten years. Currently, there is no such prohibition for a misdemeanor conviction for theft of firearms.</p> <p><i><b>Court Impact:</b> The portion of this Proposition that impacts the court goes into effect in January, 2018. Courts will need to put procedures into place whereupon when a person is convicted of any offense that subjects a person to Penal Code §§ 29800 or 29805 requirements, that the court orders the defendant to relinquish all firearms. The Court is required to provide the defendant with a Prohibited Persons Relinquishment Form developed by the DOJ. The Court will also need to order Probation to submit a report to the Court on the status of the defendant's firearms.</i></p> <p><i>This Proposition also changed the violation of theft of a firearm worth less than \$950 from a misdemeanor to a felony and subject to a sentence in State Prison.</i></p>	
<p><b>Deferred entry of judgment: pretrial diversion</b> <span style="float: right;"><b>AB 208 (Ch. 778)</b></span></p> <p><b>Laws:</b> Amend §§ 1000, 1000.1, 1000.2, 1000.3, 1000.4, 1000.5, and 1000.6 of, and to add § 1000.65 to, the Penal Code.</p> <p><b>Summary:</b> Modifies current statutes to convert the existing Deferred entry of judgment (DEJ or DEoJ) “diversion” program to “pretrial diversion programs” contained in the Penal Code. In addition, this bill:</p> <ol style="list-style-type: none"> <li>1. Establishes eligibility requirements for the pretrial drug diversion program: <ol style="list-style-type: none"> <li>a. The defendant must not have a prior conviction for a drug offense within five years.</li> <li>b. The charged offense did not involve violence or a threat of violence.</li> <li>c. There is no evidence of a contemporaneous violation relating to narcotics or restricted dangerous drugs.</li> <li>d. The defendant must have no prior felony conviction within the past five years.</li> </ol> </li> <li>2. Requires eligible defendants to plead <u>Not Guilty</u> to the charge or charges and be advised and waive their right to a speedy preliminary hearing, speedy trial, and to a trial by jury [PC § 1001.1]. The defendant shall also be advised that, regardless of the defendant’s successful completion of a pretrial diversion program, an order to seal records pertaining to</li> </ol>	<p><b>Jodi Leveque</b></p>

## Criminal Procedure

<i><b>Court Summary</b> (prepared using new law and committee/floor analyses)</i>	<i><b>Notes</b></i>
<p>an arrest made pursuant to this section has no effect on a criminal justice agency's ability to access and use those sealed records and information regarding sealed arrests, as described in PC § 851.92 [PC § 1000.4].</p> <p>3. If the defendant does not perform satisfactorily, the prosecuting attorney, probation department, or court may make a motion to terminate pretrial diversion and schedule the matter for further proceedings [PC § 1000.3].</p> <p>4. Specifies that the length of the pretrial diversion shall be from 12 months to 18 months, but allows the court to extend that time for good cause [PC § 1000.2].</p> <p>5. Once the defendant has completed pretrial diversion, at the end of that period, the criminal charge or charges shall be dismissed [PC § 1000.3(d)].</p> <p>6. Allows a person participating in a pretrial diversion program to use medications such as methadone, buprenorphine or levoalphacetylmethadol (LAAM) to treat substance use disorders [PC § 1000.6].</p> <p><i><b>Court Impact:</b> Courts will have to replace existing DEJ process and procedures with new Pretrial Diversion procedures. Inform judges and courtroom clerks of new process, new minute order, and notice filing requirements. Court CMS will have to be configured to include terminology and proper coding for DOJ, JBSIS, and any others systems information is sent to.</i></p>	
<p><b>Sexually violent predators: out-of-county placement</b></p> <p><b>AB 255 (Ch. 39)</b></p> <p><i><b>Laws:</b></i> Amend § 6608.5 of the Welfare and Institutions Code.</p> <p><i><b>Summary:</b></i> Amends the law concerning placement of sexually violent predators (SVPs) to provide that if the court determines that placement of an SVP in his or her county of domicile is not appropriate, before ordering placement in another county, the court shall consider: (1) "if and how long the person has previously resided or been employed in that county," and, (2) "if the person has any next of kin in that county" [WI Code § 6608.5(g)].</p> <p><i><b>Court Impact:</b> Inform judicial officers of changes to placement and court determinations.</i></p>	<p><b>Jodi Leveque</b></p>

## Criminal Procedure

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Protective orders</b> <span style="float: right;"><b>AB 264 (Ch. 270)</b></span></p> <p><u><b>Laws:</b></u> Amend § 136.2 of the Penal Code.</p> <p><u><b>Summary:</b></u> Amends the criminal protective order statute to provide that in all cases in which a defendant has been convicted of a crime involving domestic violence, a violation of Penal Code §§ 261, 261.5, or 262, 186.22, or a crime that requires the defendant to register as a sex offender, the court, at the time of sentencing, shall consider issuing an order restraining the defendant from any contact with a percipient witness to the crime if it can be established by clear and convincing evidence that the witness has been harassed by the defendant, as defined in CCP § 527.6(b)(3).</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers of the expansion to include victims and percipient witnesses of gang crimes.</i></p>	<p><b>Kelly Sullivan</b></p>
<p><b>Criminal procedure: jurisdiction of public offenses</b> <span style="float: right;"><b>AB 368 (Ch. 379)</b></span></p> <p><u><b>Laws:</b></u> Amend § 784.7 of the Penal Code.</p> <p><u><b>Summary:</b></u> Existing law provides that if one or more violations of certain sex offenses occurs in more than one jurisdictional territory (such as rape, spousal rape, rape in concert, aggravated sexual assault of a child, sodomy), the jurisdiction for the criminal offenses, and for any offenses properly joinable with that offense, is in any county where at least one of the offenses occurred. This bill adds the offenses of sexual intercourse, sodomy, oral copulation, or sexual penetration with a child 10 years or younger (PC § 288.7) to the list of sex offenses covered by the consolidated prosecution statute.</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers of potential increase in new or longer commitments to state prison. May expedite the prosecution of offenders and streamlines the process for the victims.</i></p>	<p><b>Kelly Sullivan</b></p>
<p><b>Witness testimony: therapy and facility dogs</b> <span style="float: right;"><b>AB 411 (Ch. 290)</b></span></p> <p><u><b>Laws:</b></u> Add § 868.4 to the Penal Code.</p> <p><u><b>Summary:</b></u> Authorizes the use of support dogs during certain proceedings, and for certain individuals, as follows:</p> <ol style="list-style-type: none"> <li>1. Allows a child witness in a case involving a serious felony or a victim subject to PC § 868.5, to be afforded the opportunity to have a therapy dog to accompany him or her while testifying in criminal or juvenile court hearing.</li> <li>2. Requires the party requesting a therapy dog to file a motion with the court which includes all of the following: <ol style="list-style-type: none"> <li>a. The training or credentials of the therapy or facility dog.</li> <li>b. The training of the therapy or facility dog handler.</li> <li>c. Facts justifying that the presence of the therapy or facility dog may reduce anxiety or otherwise be helpful to the witness while testifying.</li> </ol> </li> <li>3. Allows the court to deny a motion to utilize a therapy dog if the court finds that the use of a therapy dog would cause</li> </ol>	<p><b>Criminal and Juvenile.</b></p> <p><b>Suzanne Schleder</b></p>

## Criminal Procedure

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p>undue prejudice to the defendant or would be unduly disruptive to the court proceeding.</p> <p>4. Requires the court to take appropriate measures to make the presence of the therapy dog as unobtrusive and non-disruptive as possible, including requiring a dog to be accompanied by a handler in the courtroom at all times.</p> <p>5. Requires the court to, upon request, present appropriate jury instructions designed to prevent prejudice.</p> <p>6. States that nothing in this bill shall prevent the court from removing or excluding a therapy or facility dog from the courtroom to maintain order or to ensure the fair presentation of evidence.</p> <p>7. Declares legislative intent to codify the holding in <i>People v. Chenault</i> (2014) 227 Cal.App.4th 1503 with respect to allowing a witness to have a support dog accompany him or her when testifying in proceedings.</p> <p><b><u>Court Impact:</u></b> <i>Inform judicial officers. Courts will need to implement procedures to process motions filed, accommodate granted requests, notify appropriate facilities personnel (security) and take appropriate measures to minimize the distraction created by a dog in the courtroom.</i></p>	
<p><b>Confidential communications: domestic violence</b> <span style="float: right;"><b>AB 413 (Ch. 191)</b></span></p> <p><b><u>Laws:</u></b> Amend §§ 633.5 and 633.6 of the Penal Code.</p> <p><b><u>Summary:</u></b> Existing law defines a “confidential communication” as any communication carried on in circumstances as may reasonably indicate that any party to the communication desires it to be confined to the parties and prohibits recording the conversation. This bill expressly permits a victim of domestic violence to record a confidential communication for the exclusive purpose of providing that evidence to the court when seeking a restraining order.</p> <p><b><u>Court Impact:</u></b> <i>Inform judicial officers that recorded conversations may now be admissible in restraining order cases.</i></p>	<b>Kelly Sullivan</b>
<p><b>Sex offenses: registration</b> <span style="float: right;"><b>AB 484 (Ch. 526)</b></span></p> <p><b><u>Laws:</u></b> Amend § 290 of the Penal Code.</p> <p><b><u>Summary:</u></b> Adds rape by fraud and rape by authority as a public official under threat of incarceration, arrest, or deportation, to the list of offenses that require lifetime registration as a sex offender under PC § 290. If the offense requiring registration was a misdemeanor, failure to register as a sex offender is a misdemeanor punishable by imprisonment in a county jail not to exceed one year. If the offense requiring registration was a felony, or if the person has a prior conviction for failing to register, the violation is a felony punishable in state prison for 16 months, 2, or 3 years. [PC § 290.018 (a)&amp;(b)]. This bill is double-jointed to SB 384 (Ch. 541, Stats. 2017). Since SB 384 has a higher chapter number, that version of PC § 290 is operable.</p> <p><b><u>Court Impact:</u></b> <i>Notify judges of additional convictions which will require registration under PC § 290.</i></p>	<b>Keirnan Foster</b>

## Criminal Procedure

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Crime: victims and witnesses: immigration violations</b> <span style="float: right;"><b>AB 493 (Ch. 194)</b></span></p> <p><u><b>Laws:</b></u> Add § 679.015 to the Penal Code.</p> <p><u><b>Summary:</b></u> Adds a new Penal Code section which provides that whenever an individual who is a victim of, or witness to, a crime that is not charged, or no conviction was obtained under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or turn the individual over to federal immigration authorities absent a judicial warrant. Further states, “It is the public policy of this state to protect the public from crime and violence by encouraging all persons who are victims of or witnesses to crimes, or who otherwise can give evidence in a criminal investigation, to cooperate with the criminal justice system and not to penalize these persons for being victims or for cooperating with the criminal justice system.”</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers of the new section. The language in the new law can be a bit confusing; however, this bill prohibits law enforcement from detaining a crime victim or witness solely for a suspected immigration violation.</i></p>	<p><b>Jodi Leveque</b></p>
<p><b>Search warrants</b> <span style="float: right;"><b>AB 539 (Ch. 342)</b></span></p> <p><u><b>Laws:</b></u> Amend § 1524 of the Penal Code.</p> <p><u><b>Summary:</b></u> Amends the Penal Code to provide that a search warrant may be issued when the property or things to be seized consists of evidence that tends to show that a violation of PC §647(j)(1), (2), or (3) has occurred or is occurring.</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers of the expanded use of search warrants for equipment used to peek/peep into bathrooms or changing rooms.</i></p>	<p><b>Jodi Leveque</b></p>
<p><b>Inmates: psychiatric medication: informed consent</b> <span style="float: right;"><b>AB 720 (Ch. 347)</b></span></p> <p><u><b>Laws:</b></u> Amend, repeal, and add § 2603 of the Penal Code.</p> <p><u><b>Summary:</b></u> Creates a processes and procedures for the court to authorize the involuntary administration of psychotropic medication to an inmate awaiting arraignment, trial, or sentencing. Until January 1, 2022, the following apply:</p> <ol style="list-style-type: none"> <li>1. Authorizes county mental health department to administer psychotropic medication on an involuntary basis for those inmates who are awaiting arraignment, trial, or sentencing as long as certain conditions are met [PC § 2603(c)].</li> <li>2 Requires the jail to make a documented attempt to locate an available bed in a community-based treatment facility for the inmate in lieu of seeking to administer involuntary medication in jail [PC § 2603(c)(5)].</li> <li>3. Specifies that for inmates awaiting trial, any hearing shall be held before, and any requests for ex parte orders shall be submitted to, a judge in the superior court where the criminal case is pending [PC § 2603(c)(6)].</li> <li>4. States that for an inmate awaiting arraignment, the inmate must be provided counsel within 48 hours of the filing</li> </ol>	<p><b>Suzanne Schleder</b></p>

## Criminal Procedure

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p>of the notice of the hearing to administer psychotropic medication with the superior court. Requires that hearing to consider involuntary administration of psychotropic medications to be held not more than 30 days after the filing of the notice with the superior court, unless counsel for the inmate agrees to extend the date [PC § 2603(c)(7)].</p> <p>5. At the hearing, requires the judge to determine by clear and convincing evidence that: (a) the inmate has a mental illness or disorder, (b) as a result of that illness the inmate is gravely disabled and lacks the capacity to consent to or refuse treatment with psychiatric medications or is a danger to him/herself, and (c) there is no less intrusive alternative to involuntary medication [PC § 2603(c)(9)].</p> <p>6. Allows the court to review, modify, or terminate an involuntary medication order for an inmate awaiting trial, if there is new evidence to present or there is a showing that the involuntary medication is interfering with the inmate's due process rights in the criminal proceeding [PC § 2603(c)(11)].</p> <p>7. An order by the court authorizing involuntary medication of an inmate shall be valid for no more than one year after the date of determination. However, in the case of an un-sentenced inmate, the court shall review the order every 60 days (or more frequent) to determine whether the grounds for the order remain. At each review, the psychiatrist shall file an affidavit with the court affirming that the person who is the subject of the order continues to meet the criteria for involuntary medication. A copy of the affidavit shall be provided to the defendant and the defendant's attorney. In determining whether the criteria for involuntary medication still exist, the court shall consider the affidavit of the psychiatrist or psychiatrists and any supplemental information provided by the defendant's attorney. The court may also require the testimony from the psychiatrist. The court, at each review, may continue the order authorizing involuntary medication, vacate the order, or make any other appropriate order [PC § 2603(e)]. A renewal order may also be made using the same circumstances outlined above [PC § 2603(h)].</p> <p><b><u>Court Impact:</u></b> <i>Create and advise criminal judicial officers and courtroom staff on mental health procedures related to Riese Hearings (required findings). Develop process/procedures for new Mental Health filing to be heard by the criminal judge hearing the underlying case, including capturing proper mental health statistics for JBSIS reporting.</i></p>	
<p><b>Firearms: prohibited possession by convicted persons</b></p> <p><b>AB 785 (Ch. 784)</b></p> <p><b><u>Laws:</u></b> Amend and repeal § 29805 of the Penal Code.</p> <p><b><u>Summary:</u></b> Requires the court to notify the Department of Justice, using DOJ forms, of all persons' subject to the firearms prohibition under PC § 29805. However, the prohibition in this section may be reduced, eliminated, or conditioned as provided in PC §§ 29855 or 29860. Adds three misdemeanors to the list of offenses that result in a ban on the right to possess a firearm for 10 years. Those crimes are:</p>	<p><b>Kelly Sullivan</b></p>

## Criminal Procedure

<i><b>Court Summary</b> (prepared using new law and committee/floor analyses)</i>	<i><b>Notes</b></i>
<p>PC § 148.5(f) - making a false report to a peace officer.</p> <p>PC § 422.6 - willfully injuring, intimidating, interfering with, oppressing, or threatening any other person, in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state in whole or in part because of one or more characteristics of the victim (race, religion, gender, orientation, etc).</p> <p>PC § 830.95 - wearing the uniform of a peace officer while engaged in picketing, or other informational activities in a public place relating to a concerted refusal to work whether or not the person is a peace officer.</p> <p><b><u>Court Impact:</u></b> <i>Potential increase in prison commitment sentences for violation of the ban. New firearm prohibition packets will need to be created listing the new charges.</i></p>	
<p><b>Criminal procedure: release on own recognizance</b> <span style="float: right;"><b>AB 789 (Ch. 554)</b></span></p> <p><b><u>Laws:</u></b> Amend § 1319.5 of the Penal Code.</p> <p><b><u>Summary:</u></b> Sponsored by Judicial Council, this bill makes a few changes in the statute governing pretrial release programs operated by, or with the approval of, courts. PC § 1319.5 is amended to:</p> <ol style="list-style-type: none"> <li>1. Allow a person arrested for PC § 484 to be released on his/her own recognizance prior to arraignment.</li> <li>2. Require a person to be brought before a magistrate for: (a) any offense involving domestic violence, or (b) any offense in which the defendant is alleged to have caused great bodily injury to another person.</li> <li>3. Require a person arrested for any other felony offense to be brought before a magistrate, unless the person is released pursuant to a court-operated pretrial release program, or a court-approved pretrial release program, in which case the person may be released on his/her own recognizance.</li> </ol> <p><b><u>Court Impact:</u></b> <i>Courts will have flexibility to not hold hearings for own recognizance releases on specified charges. OR releases can be accomplished through a court-approved or court-operated pre-trial release program.</i></p>	<b>Kelly Sullivan</b>



## Criminal Procedure

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Electronic filing and service</b> <span style="float: right;"><b>AB 976 (Ch. 319)</b></span></p> <p><b>Laws:</b> Amend §§ 664.5, 1010.6, 1011, and 1020 of, and to add § 1013b to, the Code of Civil Procedure, to add § 690.5 to the Penal Code, to amend §§ 331, 366, 453, 711, 715, 732, 733, 1050, 1209, 1212, 1213, 1214, 1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8200, 8203, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585, 10586, 10587, 11601, 13200, 13655, 15686, 16061.7, 16061.8, 16061.9, 16336.6, 16501, 16502, 16503, 17203, 17204, 17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222, and to amend, renumber, and add § 1265, and to repeal § 1216, the Probate Code, amend §§ 248, 248.5, 297, 302, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 728, 777, 778, 779, 785, 903.45, and 5362, amend and repeal §§ 290.1, 290.2, 291, 292, 293, 294, 295, and 316.1, and to add § 212.5, Welfare and Institution Code.</p> <p><b>Summary:</b> This bill generally provides clear rules governing processes, timing and safeguards that must be in place before the permissive and mandatory use of electronic filing and service can occur in civil, criminal, family, juvenile, and probate courts. With respect to criminal, this bill provides that CCP § 1010.6(a) and (b), pertaining to the permissive filing and service of documents electronically, are applicable to criminal actions, except as otherwise provided in PC § 959.1 or any other provision of the Penal Code. Requires Judicial Council to adopt uniform rules for the electronic filing and service of documents in criminal cases in the trial courts of this state [PC § 690.5].</p> <p><b>Court Impact:</b> <i>Judicial Council will be adopting uniform rules for electronic filing of documents in Criminal cases. Courts may review/adopt local rules to incorporate desired changes and conform to new rules regarding electronic service and apply to criminal case types. Business processes, case management configuration and work flows may need to be addressed to accommodate the day of service time (11:59:59 pm), and any other new or conflicting processes.</i></p>	<p><b>Suzanne Schleder</b></p>
<p><b>Examination of victims of sex crimes</b> <span style="float: right;"><b>AB 993 (Ch. 320)</b></span></p> <p><b>Laws:</b> Amend § 1346 of the Penal Code.</p> <p><b>Summary:</b> Expands existing law which allows the prosecutor to request that the preliminary hearing testimony of a victim age 15 or under, or a developmentally disabled victim, be video-recorded and preserved to include when violations of PC § 269 (aggravated sexual assault) or § 288.7 (intercourse/sodomy with a minor) are alleged.</p> <p><b>Court Impact:</b> <i>No anticipated change to processes or procedures. Inform judicial officers of added crimes where video-taping may occur and possible increase in the number of conditional exams conducted pursuant to Penal Code § 1346(a).</i></p>	<p><b>Kelly Sullivan</b></p>

## Criminal Procedure

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Grand juries: peace officers: proceedings</b> <span style="float: right;"><b>AB 1024 (Ch. 204)</b></span></p> <p><u><b>Laws:</b></u> Amend § 924.6 of the Penal Code.</p> <p><u><b>Summary:</b></u> Establishes rules and a process for a court to disclose all or a part of an indictment proceeding when a criminal grand jury <u>does not</u> return an indictment for an offense that involves a peace officer shooting or use of excessive force that results in the death of person. Requires the court that impaneled the grand jury to order, upon application of the district attorney, a legal representative of the decedent, or a legal representative of the news media/public, and with notice to the district attorney and the affected witness involved, and an opportunity to be heard, disclosure of all or part of the indictment proceeding transcript, excluding the grand jury's private deliberations and voting, unless the court expressly finds that there exists an overriding interest that outweighs the right of public access to the record.</p> <p><u><b>Court Impact:</b></u> <i>Inform Judicial Officers of new procedures/processes for release of information. Staff training and procedure updates may be needed on receiving the application to disclose and service requirement to affected witnesses.</i></p>	<p><b>Keirnan Foster</b></p>
<p><b>Government interruption of communications</b> <span style="float: right;"><b>AB 1034 (Ch. 322)</b></span></p> <p><u><b>Laws:</b></u> Add Article 7 (commencing with § 11470) to Chapter 3 of Title 1 of Part 4 of the Penal Code, and to repeal §§ 7907 and 7908 of the Public Utilities Code.</p> <p><u><b>Summary:</b></u> Repeals the existing provisions in the Public Utilities Code (PUC) governing the ability of a government entity to interrupt communication services via a court order, and moves them to the Penal Code (§§11472-11479) with a few changes. In pertinent part, an application by a government entity for a court order authorizing the interruption of a communication service shall be made in writing upon the personal oath or affirmation of the chief executive of the government entity or his or her designee, to the presiding judge of the superior court or a judicial officer designated by the presiding judge for that purpose. Penal Code § 11472 specifies the requirements of an application. Penal Code § 11473 authorizes a judge to enter an ex parte order authorizing interruption of a communication service in the territorial jurisdiction in which the judge is sitting, if the judge determines that the following requirements are satisfied:</p> <ol style="list-style-type: none"> <li>1. There is probable cause that the communication service is being used for an unlawful purpose.</li> <li>2. Absent immediate action to interrupt the service, immediate danger to public health, safety, or welfare will result.</li> <li>3. The interruption of communication service is narrowly tailored to prevent unlawful infringement of free speech.</li> <li>4. The interruption of a communication service would leave open ample alternative means of communication.</li> </ol> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers on application requirements; may require updates to procedure/process for staff on receiving and processing applications.</i></p>	<p><b>Keirnan Foster</b></p>

## Criminal Procedure

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Convictions: expungement</b> <span style="float: right;"><b>AB 1115 (Ch. 207)</b></span></p> <p><u><b>Laws:</b></u> Add § 1203.42 to the Penal Code.</p> <p><u><b>Summary:</b></u> Allows a defendant sentenced to a crime prior to implementation of the 2011 Criminal Justice Realignment legislation to petition the court for dismissal or relief as if the crime were sentenced under PC § 1170(h).</p> <p>A person who petitions for a change of plea or setting aside of a verdict under this section may be required to reimburse the court for the actual costs of services rendered, whether or not the petition is granted and the records are sealed or expunged, at a rate to be determined by the court not to exceed \$150, and to reimburse the county for the actual costs of services rendered, whether or not the petition is granted and the records are sealed or expunged, at a rate to be determined by the county board of supervisors not to exceed one hundred fifty dollars (\$150), and to reimburse any city for the actual costs of services rendered, whether or not the petition is granted and the records are sealed or expunged, at a rate to be determined by the city council not to exceed \$150 [PC § 1203.42(c)].</p> <p><u><b>Court Impact:</b></u> <i>Notify judicial officers and court staff the changes creating a retroactive relief process. Update court procedures for receipt and processing of expungements, as required. Will need new code to report to DOJ.</i></p>	<p><b>Jodi Leveque</b></p>
<p><b>Youth offender parole hearings</b> <span style="float: right;"><b>AB 1308 (Ch. 675)</b></span></p> <p><u><b>Laws:</b></u> Amend §§ 3051 and 4801 of the Penal Code.</p> <p><u><b>Summary:</b></u> Expands the youth offender parole hearing process for persons sentenced to prison terms for crimes committed before attaining age 25, rather than age 23. Persons who were sentenced to an <u>indeterminate</u> life sentence shall have their hearings by January 1, 2020. While persons sentenced to a <u>determinate</u> term shall have their hearings by January 1, 2022, and their parole eligibility consultation shall occur before January 1, 2019.</p> <p><u><b>Court Impact:</b></u> <i>In 2010, the United States Supreme Court ruled that it is unconstitutional to sentence a youth who did not commit homicide to a sentence of life without the possibility of parole (Graham v. Florida (2010) 540 U.S. 48 [130 S.Ct. 2011]). The Court discussed the fundamental differences between a juvenile and adult offender and reasserted its earlier findings from Roper v. Simmons (2005) 543 U.S. 551, that juveniles have less culpability than adults due to those differences. This bill further expands those eligible for a youth offender parole hearing under Penal Code Section 3051 to those whose committing offense occurred when they were 25 years of age or younger. This bill is informational.</i></p>	<p><b>Criminal and Juvenile</b> <b>Elise Mouisset</b></p>

## Criminal Procedure

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Penalty assessments: emergency services and health care coverage</b> <b>AB 1410 (Ch. 7)</b></p> <p><u><b>Laws:</b></u> Amend § 76000.10 of the Government Code, and to amend § 10752 of the Welfare and Institutions Code.</p> <p><u><b>Summary:</b></u> Renames the current “Emergency Medical Air Transportation Act Fund and Penalty Assessment” to the “Emergency Medical Air Transportation and Children’s Coverage Fund.” Provides that the fund shall be used by the Department of Health Care Services for both children’s health care coverage and emergency medical air transportation provider payments. The sunset of January 1, 2020 is extended to January 1, 2022.</p> <p><u><b>Court Impact:</b></u> <i>Notify judicial officers and appropriate staff of extended end date. Update court case management system fee code configuration to include new name and new end date.</i></p>	<p><b>Suzanne Schleder</b></p>
<p><b>Examination of prospective jurors—Criminal</b> <b>AB 1541 (Ch. 302)</b></p> <p><u><b>Laws:</b></u> Repeal and add § 223 of the Code of Civil Procedure.</p> <p><u><b>Summary:</b></u> Deletes and recasts CCP § 223 to provide that the trial judge shall conduct an initial examination of prospective jurors in a criminal jury trial. Upon completion of the trial judge’s initial examination, counsel for each party shall have the right to examine, by oral and direct questioning, any of the prospective jurors. The scope of the examination conducted by counsel shall be within reasonable limits prescribed by the trial judge in the judge’s sound discretion. During any examination conducted by counsel for the parties, the trial judge shall permit liberal and probing examination calculated to discover bias or prejudice with regard to the circumstances of the particular case or the parties before the court. In exercising the judge’s sound discretion, the trial judge shall consider all of the following: (1) the amount of time requested by trial counsel, (2) any unique or complex legal or factual elements in the case, (3) the length of the trial, (4) the number of parties, (5) the number of witnesses. Please see SB 658 (Ch. 337, Stats. 2017) for changes impacting civil trials.</p> <p><u><b>Court Impact:</b></u> <i>Notify judicial officers of the changes in the voir dire process.</i></p>	<p><b>Elise Mouisset</b></p>
<p><b>Violent felonies: video recording</b> <b>AB 1542 (Ch. 668)</b></p> <p><u><b>Laws:</b></u> Add § 667.95 to the Penal Code.</p> <p><u><b>Summary:</b></u> Adds a section to the Penal Code which specifies, “In sentencing a person convicted of a violent felony listed in subdivision (c) of § 667.5, the court may consider, as a factor in aggravation, that the defendant willfully recorded a video of the commission of the violent felony with the intent to encourage or facilitate the offense.”</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers of new aggravating circumstance.</i></p>	<p><b>Suzanne Schleder</b></p>

## Criminal Procedure

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Jail housing: immigration detention</b> <span style="float: right;"><b>SB 29 (Ch. 494)</b></span></p> <p><u><b>Laws:</b></u> Add § 1670.9 to the Civil Code.</p> <p><u><b>Summary:</b></u> Prohibits any city, county, city and county, or local law enforcement agency from entering into any <u>new</u> contract with the federal government, any federal agency, or a private corporation to house or detain noncitizens for purposes of civil immigration custody if that entity does not already have such a contract for those purposes as of January 1, 2018. Further, cities, counties, a city and county, or local law enforcement agency may not renew any current contracts to house persons held in federal custody pursuant to immigration law.</p> <p><u><b>Court Impact:</b></u> <i>Informational for justice system entities. There are privately operated detention facilities all over California, some utilize excess county jail space, to detain noncitizens for the federal government.</i></p>	<p><b>Keirnan Foster</b></p>
<p><b>Gender identity: female, male, or nonbinary</b> <span style="float: right;"><b>SB 179 (Ch. 853)</b></span></p> <p><u><b>Laws:</b></u> Amend, repeal, and add §§ 1277 and 1278 of, and to add § 1277.5 to, the Code of Civil Proc., to amend §§ 103426 and 103440 of, to amend the heading of Article 7 (commencing with § 103425) of Chapter 11 of Part 1 of Division 102 of, and to amend, repeal, and add §§ 103425 and 103430 of, the Health and Safety Code, and to amend § 13005 of, and to amend, repeal, and add § 12800 of the Vehicle Code.</p> <p><u><b>Summary:</b></u> This bill makes numerous changes impacting civil petitions. However, beginning January 1, 2019, this bill requires DMV to capture “gender category” information on driver’s license applications, instead of “sex” (male/female). “Gender category” is defined as female, male, or nonbinary under VC § 12800.</p> <p><u><b>Court Impact:</b></u> <i>Informational, however, court case management systems which currently capture “sex” as male/female may need to be modified to include a nonbinary category.</i></p>	<p><b>Civil and Criminal Suzanne Schleder</b></p>
<p><b>Controlled substances: sentence enhancements: prior convictions</b> <span style="float: right;"><b>SB 180 (Ch. 677)</b></span></p> <p><u><b>Laws:</b></u> Amend § 11370.2 of the Health and Safety Code.</p> <p><u><b>Summary:</b></u> Eliminates the current 3-year enhancement for each prior conviction involving the sale, or possession for sale, of controlled substances under H&amp;S §§ 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380.5, or 11383. The current 3-year enhancement will apply for convictions of H&amp;S § 11380 (using a minor to sell drugs).</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers that enhancements for drug sales offenses have been eliminated.</i></p>	<p><b>Kelly Sullivan</b></p>

## Criminal Procedure

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Evidence: commercial sexual offenses</b> <span style="float: right;"><b>SB 230 (Ch. 805)</b></span></p> <p><u><b>Laws:</b></u> Amend § 1108 of the Evidence Code.</p> <p><u><b>Summary:</b></u> Allows testimony of a defendant’s prior conduct or convictions for Penal Code § 236.1 (human trafficking, forced labor), in addition to existing sex crimes, under the Evidence Code as long as certain conditions are met.</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers and legal research departments of change.</i></p>	<p style="text-align: center;"><b>Keirnan Foster</b></p>
<p><b>Criminal procedure: arrests and evidence—URGENCY 10/7/2017</b> <span style="float: right;"><b>SB 238 (Ch. 566)</b></span></p> <p><u><b>Laws:</b></u> Amend §§ 849, 851.6, and 1417.7 of the Penal Code, and declaring the urgency thereof, to take immediate effect.</p> <p><u><b>Summary:</b></u> Makes changes related to trial exhibits and arrested persons, as follows:</p> <ol style="list-style-type: none"> <li>1. Requires a duplicate of the photographic or digital record to be delivered to the clerk of the court for certification and deletes the requirement that the clerk be provided with a negative of a photograph. Defines "photographic" for these purposes as a photographic image of the exhibit or its equivalent stored in any form. Defines "duplicate" for these purposes as a counterpart produced by a mechanical, photographic, chemical, electronic, or other equivalent process or technique that accurately reproduces the original. Provides that a certified digital record of an exhibit shall not be deemed inadmissible under Evidence Code § 1521 or § 1522 [PC § 1417.7].</li> <li>2. Authorizes a peace officer to release an arrested person without taking him or her before a judge if the person is delivered, after arrest, to a hospital or urgent care facility for the purpose of mental health evaluation and treatment, and no further proceedings are desirable [PC § 849]. Specifies that such an arrest shall not be deemed an arrest, but a detention only. Requires a person arrested and released pursuant to this provision to be issued a certificate describing the action as a “detention” [PC § 851.6].</li> </ol> <p>This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution. The facts constituting the necessity are: In order to allow for important criminal procedure reform relating to arrests and disposition of evidence at the earliest time possible, it is necessary for this act to take effect immediately.</p> <p><u><b>Court Impact:</b></u> <i>Update court procedures for certification of photographic records (delete requirement regarding negatives, add digital records) and inform appropriate criminal staff regarding “detention” disposition and how that relates to court procedures (for example, PC § 851.8 sealing records).</i></p>	<p style="text-align: center;"><b>Operative 10/7/2017</b> <b>Suzanne schleder</b></p>



## Criminal Procedure

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Infectious and communicable diseases: HIV and AIDS: criminal penalties</b> <b>SB 239 (Ch. 537)</b></p> <p><b>Laws:</b> Amend §§ 1603.3 and 1644.5 of, to repeal §§ 1621.5, 120291, and 120292 of, and to repeal and add § 120290 of, the Health and Safety Code, and to amend §§ 1001, 1001.1, and 1202.1 of, to add §§ 1170.21 and 1170.22 to, to repeal §§ 647f, 1001.10, 1001.11, and 1463.23 of, and to repeal and add § 1202.6 of, the Penal Code.</p> <p><b>Summary:</b> Repeals and modifies criminal penalties related to the transmission of HIV to another person, as follows:</p> <ol style="list-style-type: none"> <li>1. Repeals the crime described in H&amp;S § 1621.5 which makes it a felony to donate blood, semen, or breast milk knowing you are infected with HIV. Repeals PC § 647f which makes it a felony to engage in prostitution while knowing that you are infected with HIV. Further, a conviction for PC § 647f is invalid and vacated pursuant to new PC § 1170.21, and a person who is serving a sentence may petition the court for sentence recall and dismissal pursuant to PC § 1170.22</li> <li>2. Creates a new misdemeanor for the intentional transmission of any infectious or communicable disease which is punishable by imprisonment in a county jail for not more than 90 days [H&amp;S § 120290(a) and (g)]. However, before sentencing, the defendant shall be assessed for placement in one or more community-based programs that provide counseling, supervision, education, and reasonable redress to the victim or victims [H&amp;S § 120290(j)].</li> <li>3. Requires prosecutors to use a pseudonym for the complaining witness in all documents, but requires the court to have the true name and address under seal. Further requires the court to issue an order that prohibits counsel, their agents, law enforcement personnel, and court staff from making a public disclosure of the name or any other identifying characteristic of the complaining witness [H&amp;S § 120290(h)].</li> <li>4. Repeals PC § 1202.6 which required the court to order a person convicted of PC § 647(b) to an AIDS education program and instead requires the court to refer the defendant to a welfare-to-work program under Article 3.2 (commencing with § 11320) of the Welfare and Institutions Code or to a drug diversion program.</li> <li>5. Repeals PC § 1463.23 which governed distribution of fine revenue, which was directed to support county AIDS education programs, authorized in the following codes: B&amp;P 4338; H&amp;S §§ 11350(c), 11377(c), 11550(d); and Penal Code §§ 264(b), 286(m), 288a(m), and 647.1.</li> </ol> <p><b>Court Impact:</b> Inform judicial officers of change in code, severity, sentence and requirements for non-disclosure of complaining witness and use of pseudonym for defendant. Courts will need to implement procedures for court staff regarding pseudonym and confidentiality; required findings and orders for minutes, deletion of AIDS education program and testing requirement at sentencing; end date existing violation sections HS §§ 1621.5 and HS 12029, HS 120291, HS 120292, PC 647f in the CMS system and add new section HS § 120290(a)(1) and (a)(2), misdemeanors. Discontinue collection of \$50 AIDS education fee from base fine on specified charges. Courts will also need to implement a process for petitions to resentence, recall and/or petition for dismissal of sentence for PC § 647f convictions [HS § 1170.22(a)].</p>	<p><b>Suzanne Schleder</b></p>



## Criminal Procedure

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Veterans treatment courts: Judicial Council assessment and survey</b> <span style="float: right;"><b>SB 339 (Ch. 595)</b></span></p> <p><u><b>Laws:</b></u> Add and repeal § 68530 of the Government Code.</p> <p><u><b>Summary:</b></u> Upon receipt of funds, requires the Judicial Council to conduct a study of veterans and veteran’s treatment courts that includes all of the following:</p> <ol style="list-style-type: none"> <li>1. A statewide assessment of the veteran’s treatment courts currently in operation that includes the number of participants in the program, services available, and program outcomes, including completion or terminations. The assessment shall evaluate the impact of a sample of veteran’s treatment courts on participant outcomes, including: program recidivism, mental health, homelessness, employment, social stability, and substance abuse.</li> <li>2. A survey of counties that do not have a veteran’s treatment court that identifies barriers to implementation and assesses the need for veteran’s treatment courts in those jurisdictions based on the veteran’s services available and the estimated number of veterans involved in the local criminal justice system. The survey shall identify alternative resources that may be available to veterans, such as community courts or other collaborative justice courts.</li> <li>3. On or before June 1, 2020, report to the Legislature on the results of the study, including recommendations for expanding veteran’s treatment courts or services to counties without veteran’s treatment courts and the feasibility of designing regional veteran’s treatment courts through coordinated services.</li> </ol> <p><u><b>Court Impact:</b></u> <i>Courts with Veteran Treatment Courts may be asked to collect/provide certain statistics to the Judicial Council, which has received funding to complete the assessment and survey.</i></p>	<p><b>Suzanne Schleder</b></p>
<p><b>Reimbursement for court-appointed counsel</b> <span style="float: right;"><b>SB 355 (Ch. 62)</b></span></p> <p><u><b>Laws:</b></u> Amend §§ 987.8 and 987.81 of the Penal Code.</p> <p><u><b>Summary:</b></u> Amends the Penal Code to state that the fee for court-appointed counsel shall only apply in cases which do result in a felony or misdemeanor conviction. Authorizes the court, rather than require, to refer the defendant to appear before a county officer to make a determination of whether or not he or she must pay all or a portion of the fees associated with court-appointed counsel.</p> <p><u><b>Court Impact:</b></u> <i>Inform Judicial Officers. Court to order reimbursement of court-appointed counsel fees if defendant is convicted.</i></p>	<p><b>Kelly Sullivan</b></p>

## Criminal Procedure

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Prosecution for overpayment or over issuance of public benefits</b> <b>SB 360 (Ch. 390)</b></p> <p><u><b>Laws:</b></u> Amend § 10980 of the Welfare and Institutions Code.</p> <p><u><b>Summary:</b></u> Exempts an individual from criminal prosecution for overpayment or over-issuance of California Work Opportunity and Responsibility to Kids (CalWORKs) or CalFresh benefits for any month in which the county human services agency was in receipt of Income and Eligibility Verification (IEVS) data match information indicating such overpayment or over-issuance but had not provided timely and adequate notice to the individual within 45 days of receiving the information.</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers of exemption.</i></p>	<p><b>Suzanne Schleder</b></p>
<p><b>Sex offenders: registration: criminal offender record information systems</b> <b>SB 384 (Ch. 541)</b></p> <p><u><b>Laws:</b></u> Amend §§ 9002 and 13125 of, and to amend, repeal, and add §§ 290, 290.006, 290.008, 290.45, 290.46, 290.5, and 4852.03 of, the Penal Code.</p> <p><u><b>Summary:</b></u> Operative <b>January 1, 2021</b>, this bill recasts the California sex offender registry into a three-tiered registration system. Tier 1 requires registration for a period of 10 years, Tier 2 requires registration for 20 years, and Tier 3 requires a lifetime registration [PC § 290(d)]. Juveniles would be required to register for five years or 10 years for an adjudication as a ward of the juvenile court for sex offenses [PC § 290.008]. Placement within the tiers is based upon offense and lifetime registrants are subject to the State Authorized Risk Assessment Tools for Sex Offenders (SARATSO).</p> <p>Allows the court to order a person to register for an offense not included in PC § 290(c) if the court finds at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification. In determining whether to require the person to register, the court shall consider: (1) the nature of the registerable offense; (2) the age and number of victims, and whether any victim was personally unknown to the person at the time of the offense; (3) the criminal and relevant noncriminal behavior of the person before and after conviction for the registerable offense; (4) whether the person has previously been arrested for, or convicted of, a sexually motivated offense; (5) the person's current risk of sexual or violent re-offense, including the person's risk level on the SARATSO static risk assessment instrument [PC § 290.006].</p> <p><u><b>Early termination from registration [PC § 290.5]</b></u></p> <p>Sets forth procedures, effective <b>July 1, 2021</b>, for a registrant who is either in tier one or tier two to petition to be removed from the sex offender registry following the expiration of his or her minimum registration period. A person required to register for an offense that was adjudicated in the juvenile court, may file the petition in juvenile court on or after his or</p>	<p><b>Criminal and Juvenile Operative 1/1/2021 Keirnan Foster</b></p>

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<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p>her birthday following the expiration of the mandated minimum registration period.</p> <p>The district attorney may request a hearing on the petition if the petitioner has not fulfilled the minimum mandated registration period, including tolling and/or extension periods, or if community safety would be significantly enhanced by the person's continued registration.</p> <p>Provides that if no hearing is requested, the court shall grant the petition for termination if proof of current registration is presented, the registering agency reported the person has completed their required registration, there are no pending charges against the person which could extend the required registration period, and the person is not in custody or on parole, probation, or supervised release.</p> <p>Provides that if a hearing is requested, the district attorney shall be entitled to present evidence regarding whether community safety would be significantly enhanced by requiring continued registration. In determining whether to order continued registration, the court shall consider: the nature and facts of the registerable offense: age and number of victims; whether the victim was a stranger; criminal and relevant noncriminal behavior; length of time without re-offense; successful completion of a sex offender treatment program; and the person's current risk of sexual or violent re-offense, including the person's static, dynamic, and violence risk levels.</p> <p>States that if the petition for termination is denied, the court shall set the time period after which the person can repetition for termination, which shall be between one and five years from the date of the denial, based on the facts presented at the hearing. The court shall state the reasons for its determination on the record.</p> <p>Provides that a person required to register as tier three based solely on his or her risk assessment level may petition the court for termination from the registry after 20 years from release from custody on the registerable offense if the person has not been convicted of a new offense requiring sex offender registration or a specified violent offense since the person was released from custody on the offense requiring registration, and the person has registered for 20 years. However, a person required to register for a conviction of lewd or lascivious acts on a child or a specified serious offense who is a tier three based on his or her risk level, shall not be permitted to petition for removal from the registry. If the petition is denied, the person may not re-petition for termination for at least three years.</p> <p>Requires the court, in ruling on a petition for early termination of Tier 2 or Trier 3 registration, or a petition to be placed in Tier 2 rather than Tier 3, to determine whether community safety would be significantly enhanced by requiring continued registration or continued placement in Tier 3, respectively. The court may consider the following factors: whether the victim was a stranger; the nature of the registerable offense, including whether the offender took advantage of a position of trust; criminal and relevant noncriminal behavior; whether the offender has successfully completed a sex offender treatment program; whether the offender initiated a relationship for the purpose of facilitating the offense; and</p>	

## Criminal Procedure

<i><b>Court Summary</b> (prepared using new law and committee/floor analyses)</i>	<i><b>Notes</b></i>
<p>the person's current risk of sexual or violent re-offense, including the person's static, dynamic, and violence risk levels, if known.</p> <p><b>**The bill contains numerous other requirements operative in 2021**</b></p> <p><i><b>Court Impact:</b> Update judicial officers and court staff regarding the various tier levels of registration. Courts will need to establish a process for adult and juvenile petitions to remove from database. Not effective until 1/1/2021.</i></p>	
<p><b>Arrests: sealing</b> <span style="float: right;"><b>SB 393 (Ch. 680)</b></span></p> <p><i><b>Laws:</b></i> Amend §§ 851.87, 851.90, 1000.4, 1001.9, and 11105 of, and to add §§ 851.91 and 851.92 to, the Penal Code.</p> <p><i><b>Summary:</b></i> Adds PC § 851.91 which provides that a person who has suffered an arrest that did not result in a conviction may petition the court to have his or her arrest and related records sealed. Requires the petition to be filed in the court in which the accusatory pleading based on the arrest was filed or, if no accusatory pleading was filed, in a court with criminal jurisdiction in the city or county in which the arrest occurred. Judicial Council is required to furnish forms which shall be printed in, "English, Spanish, Chinese, Vietnamese, and Korean".</p> <p style="padding-left: 20px;">If the court grants a petition pursuant to this section, the court shall do all of the following [PC § 951.91(e)]:</p> <ol style="list-style-type: none"> <li>1. Furnish a disposition report to the Department of Justice, pursuant to PC § 13151, stating that relief was granted.</li> <li>2. Issue a written ruling and order to the petitioner, the prosecuting attorney, and to the law enforcement agency that made the arrest</li> </ol> <p style="padding-left: 20px;">This bill is double-jointed to AB 208 (Ch. 778) as it relates to PC § 1000.4, and AB 1418 (Ch. 299) and SB 420 (Ch. 333) as it relates to PC § 11105. By law, the bill with the highest chapter number prevails over the others when the same section is modified by both (or all three). So, AB 208 contains the operative version of PC § 1000.4 and this bill, SB 393, contains the operative version of PC § 11105 [SEC. 7.3].</p> <p><i><b>Court Impact:</b> Update business process relating to the filing and disposition of Petition to Seal records as required; incorporate new Judicial Council forms, add Section PC § 851.91 to CMS codes and configuration; and include disposition notice requirements to Law Enforcement Agency and DOJ. Inform judicial officers and staff.</i></p>	<p><b>Jodi Leveque</b></p>
<p><b>State summary criminal history information: sentencing information</b> <span style="float: right;"><b>SB 420 (Ch. 333)</b></span></p> <p><i><b>Laws:</b></i> Amend § 11105 of the Penal Code.</p> <p><i><b>Summary:</b></i> Requires the Department of Justice to include sentencing information in the state summary criminal history, if present in the department's records at the time of response, when responding to an inquiry by an authorized entity.</p> <p><i><b>Court Impact:</b> Informational, reinforces the importance of courts reporting complete disposition information to the DOJ.</i></p>	<p><b>Jodi Leveque</b></p>

## Criminal Procedure

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Wrongful concealment: statute of limitations</b> <span style="float: right;"><b>SB 610 (Ch. 74)</b></span></p> <p><u><b>Laws:</b></u> Amend § 803 of the Penal Code.</p> <p><u><b>Summary:</b></u> Named “Erica’s Law,” this bill provides that a complaint charging concealment of an accidental death in violation PC § 152, may be filed up to one year after a suspect is initially identified by law enforcement, but no more than four years after the commission of the offense.</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers of the change in the statute of limitations for this crime. According to the author, “Erica Alonso went missing on February 15, 2015. Her body was later found a few months later in a dry creek bed near San Juan Capistrano. Erica’s death was not a homicide. However, someone moved the body to hide the fact that she had died. For this reason, Erica’s family and friends had no way to locate her. Following the discovery of Erica’s body, public outcry surfaced and a rally took place in Santa Ana that sought justice for Erica. One of the community’s frustrations centered on the “lack of an appropriate penalty” [Senate Floor Analysis, 6/10/2017]. This bill seeks to remedy that situation.</i></p>	<p><b>Elise Mouisset</b></p>
<p><b>Vehicles</b> <span style="float: right;"><b>SB 611 (Ch. 485)</b></span></p> <p><u><b>Laws:</b></u> Amend §§ 1825, 5007, 13352, 13352.4, 13353.3, 13353.5, 13353.6, 13353.75, 22511.55, 22511.59, 23247, 23573, 23575, 23575.3, 23576, 23597, and 23646 of, to amend, add, and repeal § 13386 of, to amend, repeal, and add § 13352.1 of, and to repeal and add § 13390 of, the Vehicle Code.</p> <p><u><b>Summary:</b></u> Operative <b>1/1/2019</b>, clarifies DMV rules for license suspension or revocation for persons convicted of DUI, including rules, forms, sanctions, license suspension and/or restriction conditions and ignition interlock.</p> <p>Makes technical changes to VC § 23575.3 that allows the court to order an ignition interlock device (IID) be installed on any vehicle that the person operates and prohibit that person from operating a motor vehicle unless that vehicle is equipped with a functioning, certified IID. If the court orders the IID restriction, the term shall be determined by the court for a period not to exceed six months from the date of conviction. The court shall notify the DMV. This would not apply to persons convicted of driving while under the influence of drugs.</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers and court staff of license sanction and abstract requirements when a judge orders a license restriction and IID installation.</i></p>	<p><b>Operative 1/1/2019</b> <b>Keirnan Foster</b></p>

## Criminal Procedure

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Firearms: sentence enhancements</b> <span style="float: right;"><b>SB 620 (Ch. 682)</b></span></p> <p><u><b>Laws:</b></u> Amend §§ 12022.5 and 12022.53 of the Penal Code.</p> <p><u><b>Summary:</b></u> Amends two code sections involving firearm sentence enhancements to provide that, “the court may, in the interest of justice pursuant to [PC] § 1385 and at the time of sentencing, strike or dismiss an enhancement otherwise required to be imposed” by PC § 12022.5 or § 12022.53. The authority provided by this subdivision applies to any resentencing that may occur pursuant to any other law.</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers of clarified discretion to dismiss/strike the firearm enhancement.</i></p>	<p><b>Elise Mouisset</b></p>
<p><b>Sentencing: county of incarceration and supervision</b> <span style="float: right;"><b>SB 670 (Ch. 287)</b></span></p> <p><u><b>Laws:</b></u> Amend §§ 1170 and 1170.3 of the Penal Code.</p> <p><u><b>Summary:</b></u> Provides that when the court is imposing a judgment pursuant to PC § 1170(h), concurrent or consecutive to a judgment or judgments previously imposed pursuant to this subdivision in another county, the court rendering the second or subsequent judgment shall determine the county or counties of incarceration and supervision.</p> <p>Adds a new requirement for Judicial Council to promote uniformity in sentencing by adopting criteria for a judge to consider in determining the county or counties of incarceration and supervision when the court is imposing a judgment pursuant to § 1170(h) concurrent or consecutive to a judgment or judgments previously imposed pursuant to § 1170(h) in a county or counties.</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers of the new requirements when a defendant is convicted of PC 1170(h) felonies in more than one county. The judge will need to state in which county the defendant will serve time and what county will supervise them at sentencing (concurrent or consecutive).</i></p>	<p><b>Kelly Sullivan</b></p>

## Criminal Procedure

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Incompetence to stand trial: conservatorship: treatment</b> <span style="float: right;"><b>SB 684 (Ch. 246)</b></span></p> <p><u><b>Laws:</b></u> Amend §§ 1368.1 and 1370 of the Penal Code, and to amend § 5008 of the Welfare and Institutions Code.</p> <p><u><b>Summary:</b></u> Provides that at any time before or after a defendant is found incompetent to stand trial for a felony involving death, great bodily injury, or a serious threat to the well-being of another person, the prosecutor may request a determination of probable cause to believe the defendant committed the offense(s) alleged in the complaint for the sole purpose of establishing a conservatorship because the defendant is “gravely disabled” under WI Code § 5008 (h)(1)(B). In making this determination, the court shall consider using procedures consistent with the manner in which a preliminary examination is conducted and a finding of probable cause shall only be made upon the presentation of evidence sufficient to satisfy the standard set forth in PC § 872(a). The defendant shall be entitled to a preliminary hearing after the restoration of his or her competence.</p> <p><u><b>Court Impact:</b></u> <i>Will need to update procedures to incorporate conservatorship proceedings in cases where the defendant is gravely disabled as a result of a mental health disorder and is unable to provide for basic needs.</i></p>	<p><b>Keirnan Foster</b></p>
<p><b>Military diversion: DUI—URGENCY, 8/7/2017</b> <span style="float: right;"><b>SB 725 (Ch. 179)</b></span></p> <p><u><b>Laws:</b></u> Amend § 1001.80 of the Penal Code, and declaring the urgency thereof, to take effect immediately.</p> <p><u><b>Summary:</b></u> Amends the military diversion law to allow a veteran or active duty member of the armed forces to request military diversion when charged with misdemeanor VC § 23152 or § 23153. However, even if granted military diversion, nothing in this section limits the authority of the DMV to take administrative action.</p> <p>This act is an urgency statute within the meaning of Article IV of the California Constitution, the facts constituting the necessity are: In order to resolve conflicting interpretations of existing law at issue in pending cases that may affect the rights and liberties of veterans at the earliest time possible, it is necessary for this act to take effect immediately.</p> <p><u><b>Court Impact:</b></u> <i>Allows defendants charged with DUI to participate in Military diversion. However, even if granted by the court and successfully completed, the DMV may still require the defendant to complete a first, or multiple, conviction program).</i></p>	<p><b>Operative 8/7/2017</b> <b>Elise Mouisset</b></p>
<p><b>Restitution: noneconomic losses: child sexual abuse</b> <span style="float: right;"><b>SB 756 (Ch. 101)</b></span></p> <p><u><b>Laws:</b></u> Amend § 1202.4 of the Penal Code, and making an appropriation therefor.</p> <p><u><b>Summary:</b></u> Expands the list of crimes for which a restitution order may include compensation for noneconomic losses, including, psychological harm, for felony violations of PC § 288.5 or § 288.7 (in addition to PC § 288).</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers that compensation may be sought for psychological harm to a victim of continuous sexual abuse.</i></p>	<p><b>Criminal and Juvenile</b> <b>Keirnan Foster</b></p>



## Criminal Procedure

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Public safety: omnibus</b> <b>SB 811 (Ch. 269)</b></p> <p><b><u>Laws:</u></b> Amend § 1107.5 of the Evidence Code, to amend § 12838.6 of the Government Code, to amend § 443.17 of, and to amend and repeal §§ 11350 and 11377 of, the Health and Safety Code, to amend §§ 290.004, 1347.1, 1546.2, and 6044 of the Penal Code, and to amend § 827 of the Welfare and Institutions Code.</p> <p><b><u>Summary:</u></b> This bill is the annual public safety omnibus bill which makes technical, non-controversial, and corrective changes to various codes. In pertinent part, this bill:</p> <ol style="list-style-type: none"> <li>1. Reorganizes and renumbers provisions of H&amp;S § 11350 and § 11377 to merge subdivisions and incorporate changes made during the 2014 legislative year which were chaptered-out by Proposition 47 (Nov. 2014). These changes provide that a person charged with possession of narcotics, who is required to register under PC § 290(c), shall be punished under PC § 1170(h) for a violation of either H&amp;S § 11350 or § 11377.</li> <li>2. Allows a law enforcement agency to obtain location and telephone information of an electronic device without a search warrant in order to respond to an emergency 911 call from that device [PC § 1546.2].</li> <li>3. Renames the state Council on Mentally Ill Offenders to the Council on Criminal Justice and Behavioral Health and makes conforming cross references [PC § 6044]. The council remains within the Department of Corrections and Rehabilitation</li> </ol> <p><b><u>Court Impact:</u></b> <i>This bill makes technical and corrective changes to various codes generally relating to criminal justice.</i></p>	<p><b>Jodi Leveque</b></p>

Bail Schedule Bills & New Crimes		
Court Summary (prepared using new law and committee/floor analyses)		Notes
<b>Firearms: open carry</b> <b>AB 7 (Ch. 734)</b> <u>Laws:</u> Amend § 26400 of, to amend the heading of Article 1 (commencing with § 26400) of Chap. 7 of Division 5 of Title 4 of Part 6 of, and amend the heading of Chap. 7 (commencing with § 26400) of Div. 5 of Title 4 of Part 6 of, the Penal Code. <u>Summary:</u> Amends an existing misdemeanor crime involving openly carrying a long gun to specify the prohibition includes openly carrying a long gun in: (1) an incorporated city, or city and county, or (2) a public place or public street in a prohibited area of an unincorporated area of a county [Penal Code § 26400].		<b>Kelly Sullivan</b>
<b>The Taxpayer Transparency and Fairness Act of 2017—URGENCY 6/27/2017</b> <b>AB 102 (Ch. 16)</b> <u>Laws:</u> Amend and repeal §§ 15605.5, 15618.5, and 15623 of, to amend, repeal, and add §§ 12803.2 and 15609.5 of, to add §§ 15600 and 15601 to, and to add Part 8.7 (commencing with § 15570) and Part 9.5 (commencing with § 15670) to Division 3 of Title 2 of, the Government Code, and to amend, repeal, and add § 20 of the Revenue and Taxation Code. <u>Summary:</u> Adds Government Code § 15570.84 which makes it a misdemeanor punishable by a fine not to exceed \$1,000, or by imprisonment not to exceed six months, or both, for the director or chief deputy director of the new Department of Tax and Fee Administration, or any person who has obtained any knowledge, to divulge the following: <ol style="list-style-type: none"> <li>1. Any information concerning the business affairs of any company that is gained during an examination of its books and accounts or in any other manner, and is not required by law to be reported to the department.</li> <li>2. Any information, other than the assessment and the amount of taxes or fees levied, obtained by the department in accordance with law from any company other than one for which that information is required by law to be made public.</li> <li>3. Any particular item of information relating to the disposition of its earnings contained in the report of a quasi-public corporation that the corporation, by written communication specifying the items and presented at the time when it files its report, requests to be treated as confidential.</li> </ol>		<b>Operative 6/27/2017</b> <b>Elise Mouisset</b>
<b>Concentrated Cannabis</b> <b>URGENCY, 9/16/2017</b> <b>AB 133 (Ch. 253)</b> <u>Laws:</u> Amend §§ 26001, 26040, 26053, 26055, 26060.1, 26069, 26070, 26090, 26104, 26130, 26140, and 26227.9 of the Business and Professions Code, to amend §§ 11553 and 11553.5 of the Government Code, to amend § 11357 of the Health and Safety Code, and to amend §§ 34010, 34011, 34012, 34012.5, and 55044 of the Revenue and Taxation Code, and making an appropriation therefor, to take effect immediately, bill related to the budget. <u>Summary:</u> Raises the threshold at which possession of concentrated cannabis triggers an infraction under HS § 11357, from a quantity of 4 grams to a quantity of 8 grams, with no change to the corresponding penalty.		<b>Operative 9/16/2017</b> <b>Suzanne Schleder</b>

Bail Schedule Bills & New Crimes		
Court Summary (prepared using new law and committee/floor analyses)		Notes
<b>Military fraud</b> <b>AB 153 (Ch. 576)</b> <u>Laws:</u> Amend § 3003 of the Government Code, and to amend § 532b of the Penal Code. <u>Summary:</u> Expands PC § 532b to create several new misdemeanors involving an individual who: (1) forges documentation reflecting the awarding of a military decoration that he or she has not received for the purposes of obtaining money, property, or receiving a tangible benefit; (2) knowingly, for the purposes of obtaining money, property, or receiving a tangible benefit, misrepresents himself or herself as a member or veteran of the Armed Forces of the United States by wearing the uniform or military decoration authorized for use by the members or veterans of those forces; (3) knowingly utilizes falsified military identification for the purposes of obtaining money, property, or receiving a tangible benefit; (4) knowingly, with the intent to impersonate, misrepresents himself or herself as a member or veteran of the Armed Forces of the United States by wearing the uniform or military decoration authorized for use by the members or veterans of those forces; and (5) knowingly, with the intent to gain an advantage for employment purposes, misrepresents himself or herself as a member or veteran of the Armed Forces of the United States by wearing the uniform or military decoration authorized for use by the members or veterans of those forces.		Suzanne Schleder
<b>Skydiving or sport parachuting operations</b> <b>AB 295 (Ch. 258)</b> <u>Laws:</u> Amend § 21019 of, and to add Chapter 7 (commencing with § 21708) to Part 1 of Division 9 of, the Public Utilities Code. <u>Summary:</u> Public Utilities § 21708 is added to make owners and operators of skydiving or sport parachuting operations responsible for ensuring that both a parachutist in command of a tandem jump, and a parachute rigger responsible for packing the parachute, are in compliance with all federal laws related to parachute safety and certification. Violations are punishable by imprisonment of not more than 6 months, a fine not to exceed \$1,000, or both [PU § 21019].		Suzanne Schleder
<b>County ordinances: violations: fines</b> <b>AB 556 (Ch. 405)</b> <u>Laws:</u> Amend §§ 25132 and 53069.4 of the Government Code. <u>Summary:</u> Reorganizes the general fine amounts for local infractions to be punishable by: (1) a fine not exceeding \$100 for a first offense, (2) a fine not exceeding \$200 for a second violation of the same ordinance within one year, and (3) a fine not exceeding \$500 for each additional violation of the same ordinance within one year [GC § 25132(b)]. In addition, this bill reorganizes the infraction fines for building codes to be punishable by: (1) a fine not exceeding \$100 for a first offense, (2) a fine not exceeding \$500 for a second violation of the same ordinance within one year, and (3) a fine not exceeding \$1,000 for each additional violation of the same ordinance within one year [GC § 25132(c)]. Last, this bill adds a new subdivision enumerating the fine amounts for violations of event permits, which would be punishable as follows: (1) by a fine not exceeding \$150 for a first offense, (2) a fine not exceeding \$700 for a second violation of the same ordinance within one year of the first violation, and (3) a fine not exceeding \$2,500 for each additional violation of the same ordinance within one year of the first violation [GC § 25132(d)].		Keirnan Foster

Bail Schedule Bills & New Crimes		
Court Summary (prepared using new law and committee/floor analyses)		Notes
<b>Public agencies: unlawful interference</b> <b>AB 660 (Ch. 381)</b> <b>Laws:</b> Amend § 602.1 of the Penal Code. <b>Summary:</b> Under existing law, any person who intentionally interferes with lawful business carried on by the employees of a public agency by <u>obstructing or intimidating</u> those attempting to transact business and refusing to leave, is guilty of a misdemeanor [PC § 602.1(a)]. This bill expands § 602.1 to prohibit any person from intentionally interfering with any lawful business carried on by the employees of a public agency by <u>knowingly making a material misrepresentation of the law</u> to those attempting to transact business with the agency and refusing to leave, with violators subject to an infraction punishable by a fine of up to \$400 [PC § 602.1(c)].		<b>Elise Mouisset</b>
<b>Human remains disposal: hydrolysis regulation</b> <b>AB 967 (Ch. 846)</b> <b>Laws:</b> Amend, repeal, and add §§ 7611.9, 7672, 7672.1, 7672.2, 7672.3, 7672.4, 7672.6, 7672.7, 7673.1, and 7685.2 of, to add §§ 7611.12, 7653.35, 7653.36, 7712.11, and 7730.11 to, and to add Article 2.7 (commencing with § 7639) to Chapter 12 of Division 3 of, the Business and Professions Code, and to amend, repeal, and add §§ 7003, 7010.3, 7010.7, 7011, 7011.2, 7015, 7016, 7051, 7051.5, 7052, 7052.5, 7054, 7054.1, 7054.6, 7055, 7116, 7117, 103055, 103060, and 103080 of, to add §§ 7002.5, 7006.1, 7006.4, 7006.6, 7006.8, 7010.1, 7017, and 7054.8 to, and to add Article 8 (commencing with § 8370) to Chapter 2 of Part 3 of Division 8 of, the Health and Safety Code, and making an appropriation therefor. <b>Summary:</b> Commencing <b>1/1/2020</b> , this bill creates several new misdemeanors involving hydrolyzed human remains. B&P § 7639.16. Creates a new misdemeanor providing that no person, firm, or corporation shall hydrolyze human remains, or engage in the disposition of hydrolyzed human remains, without a valid license. Each hydrolysis carried out in violation of this section is a separate violation. B&P § 7672.7. Repeals and adds the current misdemeanor of making willful and material false statements in annual reports filed with the Cemetery and Funeral Bureau shall be guilty of a misdemeanor (current statute is repealed/added). B&P § 7673.1. Repeals and Adds the current misdemeanor of recklessly storing cremated human remains or hydrolyzed human remains in a manner that results in either the loss of the remains or inability to identify the remains, is guilty of a public offense punishable by imprisonment in a county jail not exceeding one year, by a fine of \$5,000, or both. H&S § 7054. Repeals and Adds the current misdemeanor of disposing of human remains in a place other than a cemetery. Punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding \$10,000, or both. H&S § 7052. Repeals and Adds the current felony of mutilating, removing from interment, or committing an act of sexual penetration or contact with human remains. H&S § 7054.8. Adds the following new misdemeanors (without specifying a penalty): 1. No person shall hydrolyze the remains of more than one person in the same hydrolysis chamber, or introduce the remains of a second person into a hydrolysis chamber until dissolution of any preceding remains has been terminated and reasonable efforts have been employed to remove all fragments of the preceding remains. 2. No person shall dispose of or scatter hydrolyzed human remains in a manner or in such a location that the remains are commingled with those of another person.		<b>Delayed operative date:</b> <b>1/1/2020</b> <b>Elise Mouisset</b>

Bail Schedule Bills & New Crimes		
Court Summary (prepared using new law and committee/floor analyses)		Notes
<p>3. No person shall place the hydrolyzed human remains of more than one person in the same container or space.</p> <p>H&amp;S § 7055. Repeals and adds the current misdemeanor of removing human remains from the primary registration district in which the death, cremation, or hydrolysis occurred or the body was found, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred is guilty of a misdemeanor:</p> <ol style="list-style-type: none"> <li>1. For the first offense, by a fine of not less than \$10 nor more than \$500.</li> <li>2. For each subsequent offense, by a fine of not less than \$50 nor more than \$500 or imprisonment in the county jail for not more than 60 days, or by both.</li> </ol> <p>H&amp;S § 8372. Adds a new misdemeanor prohibiting directors or representative of a hydrolysis facility from making or enforcing any rules that require human remains to be placed in a casket before hydrolysis.</p>		
<p><b>Vehicles: automated traffic enforcement systems</b></p> <p><u>Laws:</u> Amend § 21455 of the Vehicle Code.</p> <p><u>Summary:</u> Provides that a traffic signal at a freeway or highway on-ramp does not constitute an “intersection” for purposes of running a red light. According to the author, “AB 1094 would make clear in the law that failing to stop at a red light on a freeway onramp is punishable as a failure to stop at a place other than an intersection (VC § 21455), rather than failing to stop at a red light at an intersection (VC §21453)” [Senate floor analysis, 9/3/2017].</p>	AB 1094 (Ch. 555)	Elise Mouisset
<p><b>Health facilities: whistleblower protections</b></p> <p><u>Laws:</u> Amend § 1278.5 of the Health and Safety Code.</p> <p><u>Summary:</u> Under HS § 1278.5 it is a misdemeanor to discriminate or retaliate against a patient, employee, member of the medical staff or any health care worker for filing a grievance, complaint, or report against a health facility or for initiating, participating or cooperating in an investigation or administrative proceeding related to the quality of care, services, or conditions of a health care facility. This bill increases the maximum fine for a misdemeanor violation of these provisions from \$20,000 to \$75,000, in addition to the existing civil penalty of up to \$25,000 [HS § 1278.5].</p>	AB 1102 (Ch. 275)	Elise Mouisset
<p><b>Vehicles: window tinting</b></p> <p><u>Laws:</u> Amend § 26708 of the Vehicle Code.</p> <p><u>Summary:</u> Amends VC § 26708 to allow an individual to install clear, colorless, and transparent window tinting on the windshield, side, or rear windows of a vehicle when in possession of a signed note from a licensed dermatologist certifying the person should not be exposed to UV rays due to a medical condition [VC § 26708(e)].</p>	AB 1303 (Ch. 210)	Kelly Sullivan

Bail Schedule Bills & New Crimes		
Court Summary (prepared using new law and committee/floor analyses)		Notes
<b>Improper signature-gathering tactics</b> <b>AB 1367 (Ch. 848)</b> <u>Laws:</u> Amend § 18660 of the Elections Code. <u>Summary:</u> Under existing law, signature gatherers face penalties for making false affidavit about bills they circulate for signature. This bill expands the scope of this crime by including any person, company, organization, company official, or other organizational officer in charge of a person who does either of the following: 1. Knowingly directs an affiant to make a false affidavit concerning an initiative, referendum, or recall petition or the signatures appended to an initiative, referendum, or recall petition. 2. Knows or reasonably should know that an affiant has made a false affidavit concerning an initiative, referendum, or recall petition or the signatures appended to an initiative, referendum, or recall petition and submits the section of the petition that contains the false affidavit. A violation of this subdivision is punishable by imprisonment in a county jail of up to one year, a fine not exceeding \$5,000, or both the fine and imprisonment [Elections Code § 18660(b)].		<b>Kelly Sullivan</b>
<b>Buses: seatbelts</b> <b>SB 20 (Ch. 593)</b> <u>Laws:</u> Amend §§ 12810.2 and 34505.8 of, and to add §§ 27318 and 27319 to, the Vehicle Code. <u>Summary:</u> Operative <b>July 1, 2018</b> , this bill requires bus passengers age 16 or older to wear seat belts in buses that are equipped with them and requires drivers to notify passengers of this requirement and of the fine for not wearing a seat belt either before departure or with posted signs or placards. Further, it is the responsibility of the parent, guardian, or chartering party to ensure a child between age 16 and age 8, or is under age 8 and under four feet nine inches tall, is wearing a seatbelt. A violation of any of these subdivisions is an infraction punishable by a fine of not more than \$20 for a first offense, and a fine of not more than \$50 for each subsequent offense [Vehicle Code § 27318]. A bus driver who is not wearing a seatbelt would also be guilty of an infraction, punishable by a fine of not more than \$20 for a first offense, and a fine of not more than \$50 for each subsequent offense [Vehicle Code § 27319]. Amends VC § 128140.2 to clarify that none of the above violations shall result in a violation point count. This bill is double-jointed to SB 810 (Ch. 397, Stats. 2017) as it relates to amendments to VC § 12810.2. Because SB 20 has the higher chapter number, the operative version of that section is contained in SB 20.		<b>Operative 7/1/2018</b> <b>Kelly Sullivan</b>
<b>Vehicles: alcohol and marijuana: penalties</b> <b>SB 65 (Ch. 232)</b> <u>Laws:</u> Amend §§ 23220 and 23221 of the Vehicle Code. <u>Summary:</u> Under existing law drinking an alcoholic beverage while driving or riding as a passenger in a motor vehicle is punishable by an infraction. This bill expands VC § 23220 and § 23221, to include smoking or ingesting marijuana while driving or riding as a passenger in a motor vehicle, also punishable by infraction.		<b>Kelly Sullivan</b>



Bail Schedule Bills & New Crimes		
Court Summary (prepared using new law and committee/floor analyses)		Notes
<b>Cannabis: medicinal and adult use</b> <b>Urgency 6/27/2017</b> <b>SB 94 (Ch. 27)</b> <u>Laws:</u> In pertinent part, amend § 26057 of the Business and Professions Code, to amend §§ 11357, 11358, 11359, 11360, 11361, 11361.1, 11361.5, 11362.1, 11362.2, 11362.3, 11362.4, 11362.45, 11362.7, 11362.81, 11470, 11478, and to amend § 23222 of the Vehicle Code, and numerous other codes [Bill contains numerous other code sections not listed.] <u>Summary:</u> This bill is the cannabis trailer bill for the Budget Act of 2017. This bill establishes a single system of administration for cannabis laws in California and contains changes necessary for state licensing entities to implement a regulatory framework pursuant to the Medical Cannabis Regulation and Safety Act (MCRSA), established by AB 266 (Bonta, Chapter 689, Statutes of 2015), AB 243 (Wood, Chapter 688, Statutes of 2015), SB 643 (McGuire, Chapter 719, Statutes of 2015), and SB 837 (Committee on Budget and Fiscal Review, Chapter 32, Statutes of 2016), and the Adult Use of Marijuana Act (AUMA) of 2016 (Proposition 64). This bill conforms MCRSA and AUMA into a single system that prioritizing consumer safety, public safety and tax compliance. Bail schedule committees will need to know that all references to “marijuana” have been changed to “cannabis” across the Business and Professions Code, Health and Safety Code, and the Vehicle Code. Court staff should look closely at the above-referenced sections for changes in crime penalty, definition, and scope of the crimes involved.		<b>Operative 6/27/2017</b> <b>Kelly Sullivan</b>
<b>Firearms: transporting</b> <b>SB 497 (Ch. 809)</b> <u>Laws:</u> Amend § 25140 of the Penal Code. <u>Summary:</u> Amends Penal Code § 25140 to create an exemption allowing a peace officer to store a handgun in the center console of an unattended vehicle that does not have a trunk [PC § 25140(b)]. Non-peace officers not properly storing a handgun would be subject to an infraction under existing law, which is punishable by a fine not to exceed \$1,000 [Penal Code § 25140(c)].		<b>Jodi Leveque</b>
<b>Extortion</b> <b>SB 500 (Ch. 518)</b> <u>Laws:</u> Amend §§ 518, 520, 523, 524, and 526 of the Penal Code. <u>Summary:</u> Current law defines the crime of extortion as obtaining property without consent of another. This bill expands the definition of extortion contained in Penal Code § 518 to prohibit obtaining property or “other consideration” by a wrongful use of force or fear. “Consideration” includes anything of value, including sexual conduct as defined in PC § 311.3(b), or an image of an intimate body part as defined in PC § 647(j)(4)(C).		<b>Jodi Leveque</b>



## Family

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Appeals: child custody orders or judgments</b> <span style="float: right;"><b>AB 369 (Ch. 41)</b></span></p> <p><b>Laws:</b> Amend § 904.1 of the Code of Civil Procedure.</p> <p><b>Summary:</b> Provides that an appeal, to the court of appeal, may be made from a final order or judgment in a bifurcated proceeding regarding child custody or visitation rights (also see Family Code § 2025 on bifurcation).</p> <p><b>Court Impact:</b> Inform judges, legal research staff, family law facilitators, and court staff of the amendment to Code of Civil Procedure § 904.1. These amendments allow an immediate appeal of a final order or judgment in a bifurcated proceeding regarding child custody or visitation rights. This will have a minor impact on operations.</p>	<p><b>Julie Camacho</b></p>
<p><b>Marriage: solemnization—URGENCY 7/10/2017</b> <span style="float: right;"><b>AB 430 (Ch. 42)</b></span></p> <p><b>Laws:</b> Amend § 400 of the Family Code, and declaring the urgency thereof, to take effect immediately.</p> <p><b>Summary:</b> Authorizes retired judges and retired commissions to accept compensation for performing marriage ceremonies, provided that the compensation is reasonable and may include payment of actual expenses.</p> <p><b>Court Impact:</b> Inform judges and court staff of the amendment to Family Code § 400. Any information provided to the public on court websites and/or handouts should be updated to reflect local practice. The purpose of this bill is to correct the changes made by AB 2761, which inadvertently removed the right for judges and magistrates to receive compensation for performing marriage ceremonies on Saturdays, Sundays, and legal holidays.</p>	<p><b>Operative 7/10/2017</b> <b>Julie Camacho</b></p>
<p><b>Civil actions: change of venue</b> <span style="float: right;"><b>AB 712 (Ch. 316)</b></span></p> <p><b>Laws:</b> Amend Section 399 of the Code of Civil Procedure.</p> <p><b>Summary:</b> Provides that the court transferring jurisdiction of a family law action or proceeding pursuant to Family Code § 398 shall, if another court has not assumed jurisdiction over the action or proceeding, retain jurisdiction to make orders designed to prevent: (1) immediate danger or irreparable harm to a party or to the children involved in the matter, and (2) immediate loss or damage to property subject to disposition in the matter.</p> <p>Requires Judicial Council to establish a Rule of Court by January 1, 2019 which establishes: (1) the timeframe for a court to transfer jurisdiction, and (2) the timeframe for a court to assume jurisdiction over a family law action.</p> <p><b>Court Impact:</b> Inform judges, court staff, family law facilitators, and Family Court Services/Mediation Services of the amendment to CCP § 399. Revise court operational procedures to add information that a transferring court, after it has issued an order to transfer the case, but before the receiving court has assumed jurisdiction, to retain jurisdiction to issue emergency orders to either prevent immediate danger or irreparable harm to a party or a child or to prevent immediate loss or damage to property that is subject to disposition in the case.</p>	<p><b>Julie Camacho</b></p>

## Family

Court Summary (prepared using new law and committee/floor analyses)	Notes
<p><b>Protective orders: personal information of minors</b> <b>AB 953 (Ch. 384)</b></p> <p><u><b>Laws:</b></u> Amend § 527.6 of the Code of Civil Procedure, and to add § 6301.5 to the Family Code.</p> <p><u><b>Summary:</b></u> Authorizes a minor or a minor’s guardian to petition the court to keep all of the minor’s information confidential when issuing a protective order under either CCP § 527.6 or the Family Code DVTRO. The court may grant such a petition if the court expressly finds that, among other things, the minor’s right to privacy overcomes the right of public access to the information and no less restrictive means exist to protect the minor’s privacy. Provides that if the request is granted, the information regarding the minor shall be maintained in a confidential case file and shall not become part of the public file in the proceeding or any other civil proceeding. However, confidential information may be made available to law enforcement to the extent necessary and only for the purpose of enforcing the order.</p> <p><u><b>Court Impact:</b></u> Inform judges, judicial officers, legal research staff, family law facilitators, self-help staff, and court operations staff of amendment to Code of Civil Procedure § 527.6 and newly added Family Code § 6301.5. The intent of the bill’s author is to provide the same confidentiality to victims of domestic violence and harassment as they would receive in criminal investigations and prosecution. In doing so, the court must use a balancing test that weighs the child’s right to privacy against the public’s access to court proceedings and records.</p> <ol style="list-style-type: none"> <li>1. Revise court operational procedures to include information regarding this amendment allowing a child, or child’s guardian ad litem, to petition the court in an action seeking a civil harassment or domestic violence protective order, to keep information about the child confidential, including, but not limited to, the child’s name, address, and the circumstances surrounding the protective order regarding the child.</li> <li>2. If granted, information regarding the minor shall be maintained in a confidential case file and shall not become part of the public file. However, information about the child to be included in the order forwarded to law enforcement for entry in the Department of Justice’s California Law Enforcement Telecommunications System (CLETS).</li> <li>3. In order to protect the restrained person’s rights, and that he/she understands the terms of the order and to enable law enforcement to enforce the order, information about the child protected by a confidentiality order must be included in the notice sent to the respondent to the extent it is necessary for enforcement of the order and for the respondent to comply and respond to the order.</li> <li>4. Disclosure or misuse of the confidential information is punishable as a civil contempt of court with a fine of up to \$1,000. The order must include a statement to ensure the restrained party knows that disclosure or misuse of the confidential information is punishable as a contempt of court.</li> <li>5. Look for Judicial Council Forms for civil harassment and domestic violence to be revised to include the required statements.</li> </ol>	<p><b>Civil, Family &amp; Juvenile</b> <b>Julie Camacho</b></p>

## Family

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Electronic filing and service</b> <span style="float: right;"><b>AB 976 (Ch. 319)</b></span></p> <p>Please see this bill in Civil, Page 30, for a description of this bill.</p>	
<p><b>Surrogacy Agreements</b> <span style="float: right;"><b>AB 1396 (Ch. 326)</b></span></p> <p><u><b>Laws:</b></u> Amend § 7962 of the Family Code.</p> <p><u><b>Summary:</b></u> Provides that a judgment or order establishing a parent-child relationship, upon the petition of any party to a properly executed assisted reproduction agreement for gestational carriers, shall be issued forthwith and without further hearing or evidence, unless the court or a party to the assisted reproduction agreement for gestational carriers has a good faith, reasonable belief that the assisted reproduction agreement for gestational carriers or attorney declarations were not executed in accordance with this section. In addition, this bill corrects a cross-reference in subdivision (f)(1) as it relates to a reproductive agreement rebutting any presumptions contained in, “subdivision <del>(b)</del> <u>(a)</u> of Family Code § 7610.”</p> <p><u><b>Court Impact:</b></u> <i>Inform judges and legal research staff of amendment to Family Code § 7962. Eliminates the requirement that any parental rights of a surrogate and her spouse or partner be terminated when establishing the parental rights of the intended parents. Clarifies that in the case of surrogacy, upon the signing of a contract, the surrogate, her husband, or partner is not a parent of, and has no parental rights or duties with respect to the child or children. These impacts will impact the bench more than operations or procedures.</i></p>	<p><b>Julie Camacho</b></p>

## Family

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Judiciary omnibus</b> <span style="float: right;"><b>AB 1692 (Ch. 330)</b></span></p> <p><b><u>Laws:</u></b> Amend, repeal, and add § 3170 of the Family Code, and to add § 69619.6 to the Government Code.</p> <p><b><u>Summary:</u></b> This bill is the annual clean-up of non-controversial changes to law. In pertinent part, this bill:</p> <ol style="list-style-type: none"> <li>1. Ratifies the authority of the Judicial Council to convert 10 subordinate judicial officer (SJO) positions to judgeships in FY 2017-18 when the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a SJO. Additionally, states that this authority is provided in addition to existing authority provided to convert 16 SJOs to judges [Government Code § 69619.6].</li> <li>2. Until January 1, 2020, provides that prior to filing the petition, application, or other pleading to obtain or modify a temporary or permanent custody or visitation order, a party to an existing case may request that the court set a custody or visitation issue for mediation, and the court may set that issue for mediation [Family Code § 3170].</li> </ol> <p><b><u>Court Impact:</u></b> <i>With respect to court operations, Family Code § 3170 is amended to allow, but does not require, courts to permit a party in an existing case to request the court to set a custody or visitation issue for mediation prior to filing of a petition, application or other pleading to obtain or modify a temporary or permanent custody or visitation order. Courts opting to allow a party to make such a request will need to establish operational procedures, forms and local rules setting forth the process. Courts should be on the lookout for proposed guidelines for Family Court Services to handle the domestic violence cases addressed in this section. Regarding amendment to Government Code 69619(a), courts should be aware of the possible conversion of a subordinate judicial officer position to a judgeship.</i></p>	<p><b>Julie Camacho</b></p>
<p><b>Domestic violence: protective orders</b> <span style="float: right;"><b>SB 204 (Ch. 98)</b></span></p> <p><b><u>Laws:</u></b> Add Part 6 (commencing with § 6450) to Division 10 of the Family Code.</p> <p><b><u>Summary:</u></b> Establishes a framework for the enforcement of Canadian domestic violence (DV) protective orders in California. With respect to trial courts, this bill adds Family Code § 6454 which provides that an individual may register a Canadian DV protection order in this state by presenting a certified copy of the order to a court of this state to be entered into the Domestic Violence Restraining Order System. The California court <u>may not</u> charge a fee for the registration of the Canadian order.</p> <p>Under new Family Code § 6453, a tribunal of this state may issue an order enforcing or refusing to enforce a Canadian domestic violence protection order on application by the protected party or respondent. In proceeding under this section, the tribunal of this state shall follow the procedures of this state for enforcement of a domestic protection order. An order entered under this section is limited to the enforcement of the terms of the Canadian domestic violence protection order. A Canadian DV protection order is enforceable if all of the following apply:</p>	<p><b>Julie Camacho</b></p>

## Family

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p>1. The order identifies a protected individual and a respondent.</p> <p>2. The order is valid and in effect.</p> <p>3. The issuing court had jurisdiction over the parties and the subject matter.</p> <p>4. The order was issued after either of the following: (A) The respondent was given reasonable notice and had an opportunity to be heard before the court issued the order, or (B) In the case of an ex parte order, the respondent was given reasonable notice and had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the right of the respondent to due process.</p> <p>This bill contains numerous other provisions concerning Canadian domestic violence protective orders.</p> <p><b><i>Court Impact:</i></b> <i>Inform judges, judicial officers, family law facilitators, and court staff of the newly enacted Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act. Courts will need to establish new court operational procedures for receiving Canadian orders. New/amended Judicial Council forms may be needed.</i></p>	
<p><b>Evidence: admissibility</b></p> <p><b>SB 217 (Ch. 60)</b></p> <p><b><i>Laws:</i></b> Amend § 1120 of the Evidence Code.</p> <p><b><i>Summary:</i></b> Modifies the Evidence Code concerning evidence that is otherwise admissible or subject to discovery outside of mediation to provide that the admissibility of declarations of disclosure required by § 2104 and § 2105 of the Family Code, even if prepared for the purpose of, in the course of, or pursuant to, a mediation or a mediation consultation are not limited by the mediation privilege in the Evidence Code. In modifying Evidence Code § 1120, it is the intent of the Legislature to codify the holding of <i>Lappe v. Superior Court</i> (2014) 232 Cal.App.4th 774.</p> <p><b><i>Court Impact:</i></b> <i>Inform judges and judicial officers of the amendment to Evidence Code § 1120 which enacts a minor change to the mediation privilege to protect the confidentiality of statements and disclosures made during mediation proceedings. Specifies that declarations of disclosure required by §§ 2104 and 2105 of the Family Code, even if prepared for the purpose of, in the course of, or pursuant to, a mediation or a mediation consultation are not subject to the mediation privilege. No impact on court operations or procedures.</i></p>	<p><b>Julie Camacho</b></p>

## Family

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Child support guidelines: low-income adjustments</b> <b>SB 469 (Ch. 730)</b></p> <p><u><b>Laws:</b></u> Amend and repeal § 4055 of the Family Code.</p> <p><u><b>Summary:</b></u> Extends the low-income adjustment an additional three years, moving its sunset from 2018 to January 1, 2021, contained in Family Code § 4055. Continues the current maximum low-income adjustment to the child support guideline of \$1,500 net disposable income per month, adjusted annually for cost of living increases by Judicial Council.</p> <p><u><b>Court Impact:</b></u> Inform judges, judicial officers, and family law facilitators of the amendment to Family Code § 4055, which, until January 1, 2021, continue the maximum low income adjustment to the child support guideline of \$1500 net disposable income per month, adjusted annually for cost of living increases. No impact on court operations or procedures.</p>	<p><b>Julie Camacho</b></p>

## Juvenile

Court Summary (prepared using new law and committee/floor analyses)	Notes
<p><b>Foster care</b> <span style="float: right;"><b>AB 404 (Ch. 732)</b></span></p> <p><b>Laws:</b> Amend § 56055 of the Education Code, to amend §§ 8704.5 and 8708 of the Family Code, to amend §§ 1502.3, 1505, 1506.1, 1507.2, 1507.25, 1517, 1517.1, 1520, 1520.3, 1522, 1522.1, 1522.4, 1523.1, 1523.5, 1529.2, 1530.6, 1530.7, 1530.8, 1536, 1536.2, 1538, 1538.7, 1558.1, 1562.01, 1568.092, 1569.58, 1569.617, 1596.607, 1596.8897, 1796.25, and 115725 of, to add §§ 1517.4, 1517.5, and 1551.3 to, to repeal § 1522.05 of, and to repeal and amend § 1522.08 of, the Health and Safety Code, to amend §§ 11167.5 and 11170 of the Penal Code, and to amend §§ 309, 319, 319.3, 361.2, 361.3, 361.45, 362.05, 366.3, 628, 727, 827, 4096, 4096.5, 10962, 11400, 11402.9, 11403.1, 11403.3, 11461, 11461.2, 11462, 11462.01, 11462.04, 11462.4, 11463, 11466, 11466.1, 11466.2, 11466.21, 11466.22, 11466.23, 11466.6, 11467, 11467.1, 11468.1, 11468.2, 11468.4, 11468.5, 11468.6, 11469, 16119, 16121, 16501.1, 16501.25, 16504.5, 16514, 16519.5, 16519.6, 16519.61, 17700, 17710, 17730, 17731, 17732, 17732.1, 17732.2, 17734, 17736, 18250, 18251, and 18254 of, to amend and repeal § 11462.06 of, to add §§ 11004.5, 11469.2, 11469.3, 16501.01, 16504.6, 16519.56, 16519.57, 16519.58, 16519.59, 16519.63, 16519.64, and 16519.65 to, to add Chapter 6.3 (commencing with § 18360) to Part 6 of Division 9 of, to repeal §§ 11462.07, 11462.1, and 11462.61 of, and to repeal and add §§ 361.4 and 11463.5 of, the Welfare and Institutions Code.</p> <p><b>Summary:</b> This bill cleans up elements of AB 403 (Ch. 773, Stats. 2015) which implemented the Continuum of Care Reform (CCR) effort to reduce the reliance on long-term congregate foster care placements, established Intensive Services Foster Care for children with high needs, created an option to license respite caregivers, and defined outcome requirements for Foster Family Agencies (FFA). AB 404 makes various changes to further implement the CCR, as outlined below.</p> <p><b>Resource Families</b></p> <ol style="list-style-type: none"> <li>1. Authorizes and creates a process for a resource family that is approved by an FFA to transfer the approval to a county child welfare or probation department.</li> <li>2. Permits a county to approve a resource family to care for a specific child. Permits a county to review and discuss data contained in the child welfare database, which includes reports of abuse and neglect, with a resource family applicant for the purpose of conducting a psychosocial assessment, but prohibits a decision from being made about approval of a family based on the information in the database.</li> <li>3. Requires CDSS, to create performance standards and outcomes measurements for determining the effectiveness of care and supervision of home-based FFAs. Requires the standards to include indicators of quality of care including, but not limited to, stability of placement, reduction in recidivism, educational progress and improvement in social behavior, and to not consist solely of fiscal indicators, such as cost-avoidance.</li> </ol>	<p><b>Keri Griffith</b></p>



## Juvenile

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Respite care</b></p> <p>4. Creates a certification process and authorizes placement of a foster child with a respite provider with qualifications, training and background checks. Establishes a process for certifying an emergency respite provider and retains the existing permission for a foster parent to hire a babysitter or alternate care provider.</p> <p><b>Intensive Services Foster Care (ISFC)</b></p> <p>5. Creates a new category of home-based service to treat children and nonminor dependents in foster care that have intensive medical, therapeutic or behavioral needs. Establishes specialized requirements for parent training and professional and paraprofessional support services, and requires CDSS to set caregiver rates.</p> <p><b>Other changes</b></p> <p>6. Extends the duration of the state's new interim rate for STRTPs and FFAs from one year to two years commencing January 1, 2017.</p> <p>7. Permits CDSS to extend the date by which an FFA must obtain accreditation by up to one year for any FFA that is contracted by a Regional Center, for the care of children who have developmental disabilities.</p> <p>8. Revises the preference to make a placement with specified relatives to instead grant a preference for placement with any relative.</p> <p>9. Permits access to confidential juvenile case information for CDSS staff charged with resource family approvals and the monitoring of community care facilities and resource families, subject to specified restrictions.</p> <p><b><u>Court Impact:</u></b> <i>Inform judicial officers, court staff, and juvenile stakeholders of these over-arching changes. Courts will want to revisit operational procedures regarding access to juvenile case files by staff employed by SDSS, as necessary to perform their duties, as set forth in amended W&amp;I Code § 827.</i></p>	
<p><b>Witness testimony: therapy and facility dogs</b></p> <p><b>AB 411 (Ch. 290)</b></p> <p><b><u>Laws:</u></b> Add § 868.4 to the Penal Code.</p> <p><b><u>Summary:</u></b> Authorizes the use of support dogs during certain proceedings and for certain individuals as follows:</p> <ol style="list-style-type: none"> <li>1. Allows a child witness in a case that involves a serious felony or a victim subject to PC § 868.5, to be afforded the opportunity to have a therapy dog to accompany him or her while testifying in criminal or juvenile court hearing.</li> <li>2. Requires the party seeking to utilize the therapy dog to file a motion with the court which includes all of the following: <ol style="list-style-type: none"> <li>a. The training or credentials of the therapy or facility dog.</li> <li>b. The training of the therapy or facility dog handler.</li> </ol> </li> </ol>	<p><b>Criminal &amp; Juvenile</b></p> <p><b>Debbie White</b></p>

## Juvenile

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p>c. Facts justifying that the presence of the therapy dog may reduce anxiety or otherwise be helpful to the witness.</p> <p>3. Allows the court to deny a motion to utilize a therapy dog if the court finds that the use of a therapy dog would cause undue prejudice to the defendant or would be unduly disruptive to the court proceeding.</p> <p>4. Requires the court to take appropriate measures to make the presence of the therapy dog as unobtrusive and non-disruptive as possible, including requiring a dog to be accompanied by a handler in the courtroom at all times.</p> <p>5. Requires the court, upon request, present appropriate jury instructions designed to prevent prejudice for or against any party.</p> <p>6. States that nothing in this bill shall prevent the court from removing or excluding a therapy or facility dog from the courtroom to maintain order or to ensure the fair presentation of evidence.</p> <p>7. Declares legislative intent to codify the holding in <i>People v. Chenault</i> (2014) 227 Cal.App.4th 1503 with respect to allowing a witness to have a support dog accompany him or her when testifying in proceedings.</p> <p><b><u>Court Impact:</u></b> <i>Inform judges and judicial officers. Courts will need to implement procedures to process motions filed, accommodate granted requests, notify appropriate facilities personnel (security), and take appropriate measures to minimize the distraction created by a dog in the courtroom.</i></p>	
<p><b>Mental health: community care facilities</b></p> <p><b>AB 501 (Ch. 704)</b></p> <p><b><u>Laws:</u></b> Amend § 1502 of, and to add §§ 1562.02 and 1562.03 to, the Health and Safety Code, and to amend §§ 5848.5 and 11462.01 of, and to add § 11462.011 to, the Welfare and Institutions Code.</p> <p><b><u>Summary:</u></b> Makes legislative findings that there is an urgent need for more crisis care alternatives for children and youth and that the type of care needed includes crisis residential treatment for children [SEC.1 of the bill]. In striving to meet those challenges, this bill:</p> <p>1. Authorizes the California Department of Social Services (CDSS) to license a short-term residential therapeutic program (STRTP) as a “children’s crisis residential program” to provide care for children who have serious behavioral health disorders. Permits referral into a crisis center by a parent, physician, licensed mental health professional, or by the representative of a public or private entity who is authorized to make decisions on behalf of the child [H&amp;S § 1502].</p> <p>2. Requires, contingent upon an appropriation in the annual Budget Act, CDSS to begin implementing this bill no later than July 1, 2018, and to begin licensing children’s crisis residential programs no later than January 1, 2019 [H&amp;S 1562.02 and WI Code § 11462.011(g)].</p> <p>3. Requires CDSS to establish regulations for STRTPs that are operated as children’s crisis residential programs that include minimum requirements [H&amp;S § 1562.03]:</p>	<p><b>Keri Griffith</b></p>

## Juvenile

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p>a. Therapeutic programming shall be provided seven days a week, including weekends and holidays, with sufficient mental health professional and paraprofessional staff, as required by the facility's children's crisis residential mental health program approval in accordance with the standards and procedures to maintain an appropriate treatment setting and services, based on individual children's needs.</p> <p>b. The program shall be staffed with sufficient personnel to accept children 24 hours per day, seven days a week and to admit children, at a minimum, from 7 a.m. to 11 p.m., seven days a week, 365 days per year. The program shall be sufficiently staffed to discharge children seven days a week, 365 days per year.</p> <p>c. Facilities shall be limited to fewer than 16 beds, with at least 50% of those beds in single-occupancy rooms.</p> <p>d. Facilities shall include ample physical space for accommodating individuals who provide daily emotional and physical supports to each child and for integrating family members into the day-to-day care of the youth.</p> <p>e. The program shall collaborate with each child's existing mental health or child and family teams and other formal and natural supports within 24 hours of intake and throughout the course of care and treatment.</p> <p>f. The program shall create and assist with the implementation of a plan for transitioning each admitted child from the program to his or her home and community.</p> <p>4. Mandates that a children's crisis residential program only be used as a diversion to a psychiatric hospital, limits the initial authorization for placement into a crisis residential program to 10 consecutive days, and establishes requirements for additional authorizations if it is medically determined that a child needs longer treatment [WI Code § 11462.011].</p> <p>5. This bill is double-jointed to AB 404 (Ch. 732) as it relates to changes in WI Code § 11462.01. Since AB 404 has a higher chapter, that bill contains the operative version of WI Code § 11462.01. In addition, this bill is double-jointed to SB 612 (Ch. 731) as it relates to H&amp;S § 1502. Since SB 612 has a higher chapter number, that bill contains the operative version of H&amp;S § 1502.</p> <p><b><u>Court Impact:</u></b> <i>Inform Judicial Officers and juvenile stakeholders of these new requirements. According to the author, alternatives to inpatient hospitalization are essential to both children experiencing a mental health crisis and the family. This bill establishes a process for this to occur.</i></p>	

## Juvenile

Court Summary (prepared using new law and committee/floor analyses)	Notes
<p><b>Resource families: training</b> <b>AB 507 (Ch. 705)</b></p> <p><u>Laws:</u> Add § 16519.502 to the Welfare and Institutions Code.</p> <p><u>Summary:</u> Existing law requires resource families to undergo 12 hours of caregiver training prior to being approved to care for children and 8 hours annually thereafter. However, existing statute does not expressly tailor training of caregivers to the needs of children in their homes. This bill: (1) requires a portion of the annual resource family training to support the case plans, goals, and needs of children in the resource family home, and (2) allows a county, at its discretion, to require a resource family or applicant to receive one or more hours of relevant specialized training in addition to the training required by state law.</p> <p><u>Court Impact:</u> Supported in the Legislature as another component of Continuum of Care Reform, this bill strives to create an interdependent approach to the child welfare system by creating a support system for the social worker, child and family team. The CA Department of Finance estimates this will place additional duties on social workers, which will cost an additional \$6.3 million per year, statewide. Inform judicial officers of these over-arching changes.</p>	<p><b>Keri Griffith</b></p>
<p><b>Juveniles: sealing of records</b> <b>AB 529 (Ch. 685)</b></p> <p><u>Laws:</u> Amend § 786 of, and to add § 786.5 to, the Welfare and Institutions Code.</p> <p><u>Summary:</u> Requires the juvenile court to seal all records in the custody of the juvenile court, and other agencies, when a person who has been alleged to be a ward of the juvenile court has his or her petition dismissed by the court, whether on the motion of the prosecution or on the court's own motion, or if the petition is not sustained by the court after an adjudication hearing, the court is required 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. Requires the court to send a copy of the order to each agency and official named in the order, direct the agency or official to seal its records, and specify a date by which the sealed records must be destroyed [WI Code § 786(e)].</p> <p>The court shall provide notice to the person and the person's counsel that it has ordered the petition dismissed and the records sealed in the case. The notice is required to include an advisement of the person of his or her right to nondisclosure of the arrest and proceedings [WI Code § 786(e)].</p> <p>Allows a prosecutor to petition the court, within 6 months of sealing, to access, inspect or utilize the sealed record for the limited purpose of refiling the dismissed petition based on new circumstances, including, but not limited to, new evidence or witness availability. The court shall determine whether the new circumstances alleged by the prosecutor provide sufficient justification for accessing, inspecting, or utilizing the sealed record in order to refile the dismissed petition [WI Code § 786(g)(2)].</p>	<p><b>Debbie White</b></p>

## Juvenile

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p>Amendments to WI Code § 786 are double-jointed to SB 312 (Ch. 679). SEC 1.5 of this bill contains the operative version of §786.</p> <p>This bill also adds WI Code § 786.5 which places similar requirements on probation departments when they operate a pre-petition diversion program and the youth successfully completes the program.</p> <p><b><i>Court Impact:</i></b> <i>Inform judicial officers, court staff and juvenile stakeholders of the amendments to the Welfare and Institutions Code. This may require courts to update their case management system to dismiss and seal petitions. In addition, courts may need to update their notices to include an advisement of their right to non-disclosure of the arrest and proceedings.</i></p>	
<p><b>Nonminor dependents: extended foster care benefits</b> <b>AB 604 (Ch. 707)</b></p> <p><b><i>Laws:</i></b> Amend §§ 303, 388, 450, 451, and 11401 of the Welfare and Institutions Code.</p> <p><b><i>Summary:</i></b> Makes several changes with respect to dependent youth benefits under the following circumstances:</p> <ol style="list-style-type: none"> <li>1. Requires and/or allows a court to assume transition jurisdiction over a child who was made a ward or dependent of the court as a commercially sexually exploited child (CSEC), but whose court order was vacated based on PC § 236.14 [WI Code §§ 303, 450, 451].</li> <li>2. Extends a nonminor's right to petition the court until age 21 to enter extended foster care whose underlying criminal case was vacated pursuant to PC § 236.14 [WI Code § 388(e)(1)(B)].</li> <li>3. On or before January 1, 2019, requires the Judicial Council to adopt rules of court and develop appropriate forms to implement the placement of such children in transition jurisdiction [WI Code § 303(f)].</li> </ol> <p><b><i>Court Impact:</i></b> <i>Inform judicial officers, court staff and juvenile stakeholders of the amendments to the Welfare and Institutions Code.</i></p>	<p><b>Debbie White</b></p>
<p><b>Foster youth: students of the CSU and Community Colleges</b> <b>AB 766 (Ch. 710)</b></p> <p><b><i>Laws:</i></b> Add § 66021.5 to the Education Code, and to amend § 11402 of, and to add § 11402.7 to, the Welfare and Institutions Code.</p> <p><b><i>Summary:</i></b> Makes statutory changes to implement the Legislature's intent contained in WI Code § 11402.7(d) which prohibits the California State University and the California Community Colleges from including AFDC-FC payments, as described in WI Code § 11401, for the purpose of determining financial aid eligibility.</p> <p><b><i>Court Impact:</i></b> <i>Inform judicial officers and juvenile stakeholders of the amendments to the Welfare and Institutions code.</i></p>	<p><b>Keri Griffith</b></p>

## Juvenile

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Juveniles: restraints</b> <b>AB 878 (Ch. 660)</b></p> <p><u><b>Laws:</b></u> Add § 210.6 to the Welfare and Institutions Code.</p> <p><u><b>Summary:</b></u> Outlines when physical restraints may be used in institutions, during transport, and in court, as follows:</p> <ol style="list-style-type: none"> <li>1. Allows mechanical restraints, including, but not limited to, handcuffs, chains, irons, straitjackets or cloth or leather restraints, or other similar items, to be used on a juvenile detained in or committed to a local secure juvenile facility, camp, ranch, or forestry camp, or during transportation outside of the facility upon a determination made by the probation department that the mechanical restraints are necessary to prevent physical harm to the juvenile, or another person, or due to a substantial risk of flight. If a determination is made that mechanical restraints are necessary, the least restrictive form of restraint shall be used.</li> <li>2. Requires probation department's that use mechanical restraints other than handcuffs to establish procedures for the documentation of their use, including the reasons for the use of those mechanical restraints.</li> <li>3. Provides that mechanical restraints may only be used during a juvenile court proceeding if the court determines that the individual juvenile's behavior in custody, or in court, establishes a manifest need to use mechanical restraints to prevent physical harm to the juvenile or another person or due to a substantial risk of flight. The burden to establish the need for mechanical restraints is on the prosecution. If the court determines that mechanical restraints are necessary, the least restrictive form of restraint shall be used and the reasons for the use shall be documented in the record.</li> </ol> <p><u><b>Court Impact:</b></u> Inform judicial officers, court staff and juvenile stakeholders of the amendments to the Welfare and Institutions Code. The court may want to create local forms for filing a request to use mechanical restraints.</p>	<p><b>Debbie White</b></p>
<p><b>Protective orders: personal information of minors</b> <b>AB 953 (Ch. 384)</b></p> <p><u><b>Laws:</b></u> Amend § 527.6 of the Code of Civil Procedure, and to add § 6301.5 to the Family Code.</p> <p><u><b>Summary:</b></u> Authorizes a minor or a guardian to petition the court to keep all of the minor's information confidential when issuing a protective order under either CCP § 527.6 or the Family Code. The court may grant such a petition if the court expressly finds that the minor's right to privacy overcomes the right of public access to the information and no less restrictive means exist to protect the privacy. Provides that if the request is granted, the information regarding the minor shall be maintained in a confidential case file and shall not become part of the public file in the proceeding or any other civil proceeding. However, confidential information may be made available to law enforcement to the extent necessary and only for the purpose of enforcing the order.</p> <p><u><b>Court Impact:</b></u> Inform judicial officers, court staff and juvenile stakeholders of the amendments to the Welfare and Institutions Code. Courts may want to update their reference guides, procedures or policies established for judicial officers and staff.</p>	<p><b>Civil, Family &amp; Juvenile</b> <b>Debbie White</b></p>

## Juvenile

Court Summary (prepared using new law and committee/floor analyses)	Notes
<p><b>Electronic filing and service</b> <b>AB 976 (Ch. 319)</b></p> <p><b>Laws:</b> Amend §§ 664.5, 1010.6, 1011, and 1020 of, and to add § 1013b to, the Code of Civil Proc., to add § 690.5 to the Penal Code, to amend § 331, 366, 453, 711, 715, 732, 733, 1050, 1209, 1212, 1213, 1214, 1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8200, 8203, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585, 10586, 10587, 11601, 13200, 13655, 15686, 16061.7, 16061.8, 16061.9, 16336.6, 16501, 16502, 16503, 17203, 17204, 17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222 of, and to amend, renumber, and add § 1265 of, and to repeal § 1216 of, the Probate Code, to amend §§ 248, 248.5, 297, 302, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 728, 777, 778, 779, 785, 903.45, and 5362 of, to amend and repeal §§ 290.1, 290.2, 291, 292, 293, 294, 295, and 316.1 of, and to add § 212.5 to, the Welfare and Institutions Code.</p> <p><b>Summary:</b> This bill makes broad changes impacting electronic and service in all areas of trial court operations. Specific to Juvenile Court, this bill adds WI Code § 212.5 which:</p> <ol style="list-style-type: none"> <li>1. Provides that a document in a juvenile court matter may be filed and served electronically as prescribed by CCP § 1010.6, under the following conditions: (a) electronic service is authorized only if the county and the court permit electronic service, (b) on or before December 31, 2018, electronic service on a party or other person is permitted only if the party or other person has consented to accept electronic service in that specific action, or in accordance with CCP 1010.6 after January 1, 2019. A party or other person may subsequently withdraw its consent to electronic service by completing the appropriate Judicial Council form.</li> <li>2. Establishes the manner in which electronic service can be accomplished [WI Code § 212.5(d)].</li> <li>3. Establishes when a party shall be served by both electronic means and by other means specified by law if the document to be served is one of the following [subd. (e)]: (a) a notice of hearing or an appellate advisement issued pursuant to WI Code § 366.26(l)(3)(A) for a hearing at which a social worker is recommending the termination of parental rights, (b) a citation issued pursuant to WI Code § 661, or (c) a notice of hearing pursuant to WI Code § 777(d).</li> <li>4. Requires electronic service and electronic filing to be conducted in a manner that preserves and ensures the confidentiality of records by encryption.</li> </ol> <p>This bill contains numerous other provisions concerning WI Code §§ 200, 300, and 600 cases as it relates to electronic filing and service.</p> <p><b>Court Impact:</b> Inform judicial officers, court staff, and juvenile stakeholders of the amendments to the Welfare and Institutions code. Procedures will need to include the requirements of new W&amp;I Code § 212.5.</p>	<p><b>Keri Griffith</b></p>



## Juvenile

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Foster youth</b> <span style="float: right;"><b>AB 1006 (Ch. 714)</b></span></p> <p><b>Laws:</b> Add § 371, and to amend §§ 16119, 16206, 16501, and 16501.1 of the Welfare and Institutions Code.</p> <p><b>Summary:</b> Makes changes in the dependency system to help families and youth receive specialized services, as follows:</p> <ol style="list-style-type: none"> <li>1. Requires that when the court has ordered a dependent child or a ward of the juvenile court placed for adoption or has appointed a relative or nonrelative legal guardian, the social worker or probation officer must provide the prospective adoptive family or guardian with information, in writing, regarding the importance of working with mental health providers that have specialized adoption or permanency clinical training and experience if the family needs clinical support, and a description of the desirable clinical expertise the family should look for when choosing an adoption- or permanency-competent mental health professional [new WI Code § 371].</li> <li>2. Requires the county adoption agency, or licensed adoption agency to provide the prospective adoptive family with information on the availability of mental health services through Medi-Cal, including information, in writing, regarding the importance of working with mental health providers that have specialized adoption or permanency clinical training and experience if the family needs clinical support, and a description of the desirable clinical expertise the family should look for when choosing an adoption- or permanency-competent mental health professional [WI Code § 16119].</li> <li>3. Adds “specialized permanency services,” to the list of services that may be funded within the child welfare program. Defines “specialized permanency services” to mean, “services to assist a child or nonminor dependent whose case plan is for permanent placement or supportive transition to adulthood in achieving a permanent family through reunification, adoption, legal guardianship, or other lifelong connection to caring adults, including at least one adult who will provide a permanent, parent-like relationship for the child or nonminor dependent. Specialized permanency services are designed for and with the child to address the child’s history of trauma, separation, and loss. This may also include: (a) medically necessary mental health services, (b) permanency support core services, as appropriate to achieve, stabilize, and sustain the child or nonminor dependent in a permanent family, or (c) services designed to prepare the permanent family to meet the child’s or nonminor dependent’s needs.</li> <li>4. Requires that if a child has been in care for three years or more, the case plan for a child’s permanency goal must include a description of the specialized permanency services used or, if specialized permanency services have not been used, a statement explaining why the agency chose not to provide these services [WI Code § 16501.1(g)(15)].</li> </ol> <p>This bill is double-jointed to AB 404 (Ch. 732) as it relates to WI Code §§ 16119 and 16501.1. Since AB 404 has a higher chapter number, that bill contains the operative versions of these code sections.</p> <p><b>Court Impact:</b> Inform judicial officers, court staff and juvenile stakeholders of the amendments to the Welfare and Institutions Code. CWS case plan templates will need to be revised to include required information.</p>	<p><b>Keri Griffith</b></p>

## Juvenile

Court Summary (prepared using new law and committee/floor analyses)	Notes
<p><b>Juvenile court schools: graduation requirements</b> <b>AB 1124 (Ch. 754)</b></p> <p><b>Laws:</b> Amend § 48645.3 of, and to add § 48645.7 to, the Education Code.</p> <p><b>Summary:</b> Provides that when a pupil becomes entitled to a diploma, the county office of education shall notify the pupil, the person holding the right to make educational decisions for the pupil, and the pupil's social worker or probation officer of all of the following:</p> <ol style="list-style-type: none"> <li>1. The pupil's right to a diploma pursuant to Education Code § 48645.5(d).</li> <li>2. How taking coursework and other requirements adopted by the governing board of the county office of education or continuing education upon release from the juvenile detention facility will affect the pupil's ability to gain admission to a postsecondary educational institution.</li> <li>3. Information about transfer opportunities available through the California Community Colleges.</li> <li>4. The pupil's or the education rights holder's, as applicable, option to allow the pupil to defer or decline the diploma and take additional coursework.</li> </ol> <p><b>Court Impact:</b> Inform judicial officers of changes in graduation requirements. No operational impact.</p>	<p><b>Debbie White</b></p>
<p><b>Youth offender parole hearings</b> <b>AB 1308 (Ch. 675)</b></p> <p><b>Laws:</b> Amend §§ 3051 and 4801 of the Penal Code.</p> <p>Expands the youth offender parole hearing process for persons sentenced to prison terms for crimes committed before attaining age 25, rather than age 23. Persons who were sentenced to an <u>indeterminate</u> life sentence shall have their hearings by January 1, 2020. Persons sentenced to a <u>determinate</u> term shall have their hearings by January 1, 2022 and, their parole eligibility consultation shall occur before January 1, 2019.</p> <p><b>Court Impact:</b> This bill is informational. In 2010, the United States Supreme Court ruled that it is unconstitutional to sentence a youth who did not commit homicide to a sentence of life without the possibility of parole (<i>Graham v. Florida</i> (2010) 540 U.S. 48 [130 S.Ct. 2011]). The Court discussed the fundamental differences between a juvenile and adult offender and reasserted its earlier findings from <i>Roper v. Simmons</i> (2005) 543 U.S. 551, that juveniles have lessened culpability than adults due to those differences. This bill further expands those eligible for a youth offender parole hearing under Penal Code § 3051 to those whose committing offense occurred when they were 25 years of age or younger.</p>	<p><b>Criminal and Juvenile</b> <b>Keri Griffith</b></p>

## Juvenile

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Juveniles: dependents: removal</b> <b>AB 1332 (Ch. 665)</b></p> <p><u><b>Laws:</b></u> Amend § 361 of the Welfare and Institutions Code.</p> <p><u><b>Summary:</b></u> Amends WI Code § 361 to provide that a dependent child shall not be taken from the physical custody of his or her parents with whom the child did not reside at the time the petition was initiated, unless the juvenile court finds clear and convincing evidence that there would be a substantial danger to the physical health, safety, protection, or physical or emotional well-being of the child for the parent to live with the child or otherwise exercise the parent's right to physical custody, and there are no reasonable means by which the child's physical and emotional health can be protected without removing the child from the child's parent's physical custody.</p> <p>This bill is double-jointed to SB 233 (Ch. 829) because both bills amend § 361. Because SB 233 has a higher chapter number, it contains the operative version of this section.</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers, court staff, and juvenile stakeholders of the amendments to § 361.</i></p>	<p><b>Debbie White</b></p>
<p><b>Juveniles: ward, dependent, and nonminor dependent parents</b> <b>AB 1371 (Ch. 666)</b></p> <p><u><b>Laws:</b></u> Amend §§ 301 and 361.8 of the Welfare and Institutions Code.</p> <p><u><b>Summary:</b></u> Amends both § 301 and § 361.8 to provide that when a parent is a minor, nonminor dependent, or ward of the court, he or she shall be given the opportunity to consult with legal counsel prior to their children being removed from their custody.</p> <p><u><b>Court Impact:</b></u> <i>Inform Judicial Officers, court staff and juvenile stakeholders of the amendments to the Welfare and Institutions Code. Templates used by social workers and probation officers will need to be modified to include the new requirement under W&amp;I Code § 361.8(c).</i></p>	<p><b>Keri Griffith</b></p>

## Juvenile

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Juveniles: protective custody warrant</b> <b>AB 1401 (Ch. 262)</b></p> <p><u><b>Laws:</b></u> Amend § 340 of the Welfare and Institutions Code.</p> <p><u><b>Summary:</b></u> Provides that a protective custody warrant may be issued without filing a petition under WI Code § 300 if the court finds probable cause to support all of the following:</p> <ol style="list-style-type: none"> <li>1. The child is a person described in § 300.</li> <li>2. There is a substantial danger to the safety or to the physical or emotional health of the child.</li> <li>3. There are no reasonable means to protect the child's safety or physical health without removal.</li> </ol> <p>Any child taken into protective custody pursuant to this section shall immediately be delivered to the social worker who shall investigate, pursuant to WI Code § 309, the facts and circumstances of the child and the facts surrounding the child being taken into custody and attempt to maintain the child with the child's family through the provision of services.</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers, court staff, and juvenile stakeholders of the amendments to the Welfare and Institutions Code. Court may need to look at their judicial training needs. Since this bill allows a protective custody warrant to be issued without filing a petition, if the court finds specific probable cause, it is suggested that training be provided to nighttime magistrates that may not be trained on juvenile custody warrants (in case the custody warrants are submitted after normal business hours).</i></p>	<p><b>Debbie White</b></p>
<p><b>Foster youth: postsecondary education: financial aid assistance</b> <b>SB 12 (Ch. 722)</b></p> <p><u><b>Laws:</b></u> Amend §§ 79220, 79221, and 79226 of, and to add § 69516 to, the Education Code, and to amend § 16501.1 of the Welfare and Institutions Code.</p> <p><u><b>Summary:</b></u> Requires the California Student Aid Commission (CSAC) to work with the California Department of Social Services (CDSS) to develop an automated system to verify a student's status as a foster youth for the purposes of processing applications for federal financial aid. Expands the Cooperating Agencies Foster Youth Educational Support (CAFYES) Program from up to 10 community college districts to 20 community college districts. Makes changes aimed at increasing and facilitating foster youth and nonminor dependent access to postsecondary education. Requires the case plan to consider the recommendations of the child and family team, for a child who is 16 years of age or older or a nonminor dependent, to identify the child's high school counselor, Court Appointed Special Advocate, guardian, or other adult, who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and financial aid, unless the youth states that he/she does not wish to pursue postsecondary education.</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers and juvenile stakeholders of the amendments to the Welfare and Institutions Code. CWS case plan templates will need to be revised to include required information.</i></p>	<p><b>Keri Griffith</b></p>

## Juvenile

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Juveniles</b> <b>SB 190 (Ch. 678)</b></p> <p><b><u>Laws:</u></b> Amend § 27757 of the Government Code, to amend §§ 1203.016, 1203.1ab, and 1208.2 of the Penal Code, and to amend §§ 207.2, 332, 634, 652.5, 654, 654.6, 656, 659, 700, 729.9, 729.10, 871, 900, 902, 903, 903.1, 903.2, 903.25, 903.4, 903.45, 903.5, and 904 of, and to repeal § 903.15 of, the Welfare and Institutions Code</p> <p><b><u>Summary:</u></b> Limits the recovery of fees and costs against a person/youth subject to the delinquency system, as follows:</p> <ol style="list-style-type: none"> <li>1. Limits the recovery of administrative fees to be paid by home-detention participants to persons over 21 years of age and under the jurisdiction of the criminal court [PC § 1203.016].</li> <li>2. Limits the recovery of fees to be paid by probationers for drug testing to those persons over 21 years of age and under the jurisdiction of the criminal court [PC § 1203.1ab].</li> <li>3. Eliminates liability of a minor or his or her parents or guardians for the following costs associated with the filing of a juvenile delinquency petition in the juvenile court:             <ol style="list-style-type: none"> <li>a. Costs incurred for transporting, feeding, and sheltering a minor held in temporary custody.</li> <li>b. Costs associated with any service program the minor may be required to participate in.</li> <li>c. Costs of support for a minor detained in a juvenile facility.</li> <li>d. Costs of probation supervision, home supervision, or electronic supervision.</li> <li>e. Costs of food, shelter, and care of a minor who remains in the custody of probation.</li> <li>f. Costs of support of minors placed in out-of-home placements other than county institutions; and,</li> <li>g. Costs of care, support, and maintenance when a minor is voluntarily placed in out-of-home care.</li> </ol> </li> <li>4. Provides that the expense for the support and maintenance of a juvenile delinquency ward shall be paid entirely from the county treasury.</li> <li>5. Repeals the registration fee of up to \$50 for appointment of legal counsel for minors [WI Code § 903.15].</li> </ol> <p><b><u>Court Impact:</u></b> <i>Inform judicial officers, court staff, and juvenile stakeholders of the amendments to Government Code § 27757. Impact to trial courts is minimal. Courts may need to update their case management system to eliminate charging fees that are applicable to this bill.</i></p>	<p><b>Debbie White</b></p>

## Juvenile

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Placement of children: criminal records check</b> <b>SB 213 (Ch. 733)</b></p> <p><u><b>Laws:</b></u> Amend § 8712 of the Family Code, to amend § 1522 of the Health and Safety Code, and to amend § 16519.5 of, and to repeal and add § 361.4 of, the Welfare and Institutions Code.</p> <p><u><b>Summary:</b></u> Makes changes to the criminal record background check process for foster and adoptive parents and delineates a list of non-exemptible crimes, a list of crimes for which exemption may be granted after review, and a list of crimes that are presumed exemptible. With respect to juvenile court, this bill adds a new version WI Code § 361.4 which requires the court or county social worker placing the child in the home of a relative, prospective guardian, or another person not licensed already, to cause a state-level criminal records check through CLETS. Further provides that if the results of the California and federal criminal records check indicate that the person has no criminal record, the county social worker and court may consider the home of the relative, prospective guardian, or other person who is not a licensed or certified foster parent or approved resource family for placement of a child.</p> <p>This bill is double-jointed to AB 404 (Ch. 732) because both bills modify H&amp;S § 1522, WI Code §361.4, and WI Code § 16519.5. Since SB 213 has the higher chapter number, this bill contains the operative versions of those code sections.</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers, court staff, and juvenile stakeholders of the amendments to the codes.</i></p>	<p><b>Debbie White</b></p>
<p><b>Foster children: school records</b> <b>SB 233 (Ch. 829)</b></p> <p><u><b>Laws:</b></u> Amend Sections 49069.3 and 49076 of the Education Code, and to amend Sections 361, 361.5, 366.1, 366.21, 366.22, 16010, and 16010.4 of, and to add Sections 16501.16 and 16519.7 to, the Welfare and Institutions Code.</p> <p><u><b>Summary:</b></u> Declares the Legislature’s intent that, “<i>caregivers are a key component to the educational success and well-being of pupils in foster care and the use of pupil records by caregivers will be used solely for the purpose of fulfilling their responsibilities to positively support the educational needs of foster children...</i>” This bill expands upon and refines current law authorizing foster family agencies to access records of grades and transcripts, and any individualized education program (IEP) of currently enrolled or former pupils, to allow for access to the current or most recent records of grades, transcripts, attendance, and discipline to both short-term residential therapeutic program (STRTP) staff, and caregivers who have direct responsibility for the care of the pupil.</p> <p>This bill is double-jointed to AB 1332 (Ch. 665) as it relates to WI Code § 361, and AB 976 (Ch. 319) as it relates to WI Code § 366.21. Since this bill, SB 233, has the highest chapter number the operative versions of these codes are found in this bill pursuant to SEC 13 if SB 233.</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers, court staff and juvenile stakeholders of the amendments impacting education plans. CWS case plan templates may need to be revised to include required information.</i></p>	<p><b>Keri Griffith</b></p>

## Juvenile

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Juveniles: sealing of records</b> <b>SB 312 (Ch. 679)</b></p> <p><u><b>Laws:</b></u> Amend §§ 781 and 786 of the Welfare and Institutions Code.</p> <p><u><b>Summary:</b></u> Creates a framework in WI Code § 781 for courts to seal the records relating to WI Code § 707(b) offenses committed after attaining age 14, when either: (1) the person was committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, has attained 21 years of age, and has completed his or her period of probation supervision after release from the division, (2) the person was not committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, has attained 18 years of age, and has completed any period of probation supervision related to that offense imposed by the court.</p> <p>A record sealed pursuant to the above, may be accessed, inspected, or utilized in a subsequent proceeding against the person under the following circumstances:</p> <ol style="list-style-type: none"> <li>1. By the prosecuting attorney in order to make appropriate charging decisions or to initiate prosecution in a court of criminal jurisdiction for a subsequent felony offense, or by the prosecuting attorney or the court to determine the appropriate sentencing for a subsequent felony offense.</li> <li>2. By the prosecuting attorney in order to initiate a juvenile court proceeding to determine whether a minor shall be transferred from the juvenile court to a court of criminal jurisdiction pursuant to WI Code § 707, and by the juvenile court to make that determination.</li> <li>3. By the prosecuting attorney, the probation department, or the juvenile court upon a subsequent finding by the juvenile court that the minor has committed a felony offense, for the purpose of determining an appropriate disposition.</li> <li>4. By the prosecuting attorney, or a court of criminal jurisdiction, for the purpose of proving a prior serious or violent felony conviction, and determining the appropriate sentence pursuant to PC § 667.</li> </ol> <p>This bill is double-jointed to AB 529 (Ch. 685) as it relates to WI Code § 786. Because AB 529 has a higher chapter number, that bill contains the operative version of § 786 that incorporates the changes made by both bills.</p> <p><u><b>Court Impact:</b></u> Inform court staff, judicial officers, and juvenile stakeholders of the amendment to Welfare and Institution Code §781(a)(1)(D). Courts may need to update reference guides and procedures to reflect the amendments. The amendments made in SB 312 to WI § 786 merely confirm the new sealing provisions from § 781.</p>	<p><b>Debbie White</b></p>



## Juvenile

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Voter registration: foster youth</b> <b>SB 332 (Ch. 161)</b></p> <p><u><b>Laws:</b></u> Add § 11403.05 to the Welfare and Institutions Code.</p> <p><u><b>Summary:</b></u> Requires the state Department of Social Services (DSS) to provide voter registration information on various documents and Internet Web sites used by foster youth and nonminor dependents, and allows a county social worker to provide a voter registration form to a child 16 years of age or older or a nonminor dependent.</p> <p><u><b>Court Impact:</b></u> <i>No operational impact, information only.</i></p>	<p><b>Keri Griffith</b></p>
<p><b>Custodial interrogation: juveniles</b> <b>SB 395 (Ch. 681)</b></p> <p><u><b>Laws:</b></u> Add and repeal § 625.6 of the Welfare and Institutions Code.</p> <p><u><b>Summary:</b></u> Provides that prior to a custodial interrogation of a youth 15 years of age or younger, and before the waiver of any Miranda rights, a youth shall consult with legal counsel in person, by telephone, or by video conference. The consultation <u>may not</u> be waived.</p> <p>The court, in adjudicating the admissibility of statements of a youth 15 years of age or younger made during or after a custodial interrogation, shall consider the effect of failure to comply with the above requirement. However, this requirement does not apply to the admissibility of statements of a youth 15 years of age or younger if both of the following criteria are met: (1) the officer who questioned the youth reasonably believed the information he or she sought was necessary to protect life or property from an imminent threat, and (2) the officer's questions were limited to those questions that were reasonably necessary to obtain that information. A probation officer is not required to comply with the legal consultation requirement in the normal performance of duties under WI Code §§ 625, 627.5, or 628.</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers, court staff, and juvenile stakeholders of the amendments to the Welfare and Institution Codes, which could cause more evidentiary hearings.</i></p>	<p><b>Debbie White</b></p>

## Juvenile

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Juveniles: legal guardianship: successor guardian</b> <b>SB 438 (Ch. 307)</b></p> <p><b><u>Laws:</u></b> Amend § 366.26 of the Welfare and Institutions Code.</p> <p><b><u>Summary:</u></b> Allows the preliminary assessment of a prospective adoptive parent or guardian prepared for a dispositional or review hearing by the agency supervising a child to include the name of a prospective successor guardian, if one is identified, and allows, in the event of the incapacity or death of the appointed guardian, the assessment and appointment of the named successor guardian.</p> <p>This bill is double-jointed with AB 976 (Ch. 319) as it relates to WI Code § 366.26. Since AB 976 has the higher chapter number, that bill contains the operative version of WI Code § 366.26.</p> <p><b><u>Court Impact:</u></b> <i>Historically, it has been the policy of California that when a child is removed from his or her parent's or parents' custody, preserving familial ties is of the utmost importance. This bill allows the assessment of legal guardians to include the development of a plan for a successor guardian in the case of the incapacity or death of the guardian. Courts should inform judicial officers and ensure juvenile stakeholders are aware of the amendments. CWS case plan templates may need to be revised to include required information.</i></p>	<p><b>Keri Griffith</b></p>
<p><b>Juveniles: case files: access</b> <b>SB 462 (Ch. 462)</b></p> <p><b><u>Laws:</u></b> Add § 827.12 to the Welfare and Institutions Code.</p> <p><b><u>Summary:</u></b> Generally speaking, Juvenile Court case files, both dependency and delinquency files, are closed to the public and may only be inspected by a limited group of individuals, including court personnel, the parties and their attorneys, law enforcement and child protective services. This bill creates a new code section governing access to juvenile delinquency case files for the limited purpose of complying with data collection or data reporting requirements that are imposed under the terms of a grant or by another state or federal law. However, personal identifying information shall not be released. New WI Code § 827.12 allows law enforcement, probation, the Department of Justice, or other state or local agency to access records for these purposes.</p> <p><b><u>Court Impact:</u></b> <i>Inform judicial officers, court staff, and juvenile stakeholders of the amendments to the Welfare and Institution Codes. Courts will want to revisit their operational procedures and practices to ensure that any informational forms or handouts relating to accessing juvenile case files are updated to reflect newly added § 827.12.</i></p>	<p><b>Debbie White</b></p>

## Juvenile

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Juveniles: honorable discharge</b> <b>SB 625 (Ch. 683)</b></p> <p><u><b>Laws:</b></u> Amend §§ 827, 1179, 1719, 1766, and 1772 of, and to repeal and add §§ 1177 and 1178 of, the Welfare and Institutions Code.</p> <p><u><b>Summary:</b></u> Authorizes the Board of Juvenile Hearings (BJH) to grant an honorable discharge to a person discharged from the Division of Juvenile Facilities if he or she has proven the ability to desist from criminal behavior and to initiate a successful transition into adulthood [WI Code §§ 1177-1178]. Modifies WI Code § 1179 to provide that persons who receive an honorable discharge and who petition the court for relief may cite, and the court shall recognize receipt of, an honorable discharge as evidence of rehabilitation.</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers, court staff, and juvenile stakeholders of the amendments to the Welfare and Institution Code 827 and added §§ 1177 and 1178. Courts will want to revisit their operational procedures and practices to ensure that any informational forms or handouts relating accessing juvenile case files are updated to reflect the changes included in the Welfare and Institution Code § 827. If the BJH grants an honorable discharge, they shall transit a certificate to the committing court and DOJ. The court shall dismiss the accusation and the action pending against that person.</i></p>	<p><b>Debbie White</b></p>
<p><b>Restitution: noneconomic losses: child sexual abuse</b> <b>SB 756 (Ch. 101)</b></p> <p><u><b>Laws:</b></u> Amend § 1202.4 of the Penal Code, relating to restitution, and making an appropriation therefor.</p> <p><u><b>Summary:</b></u> Expands the list of crimes for which a restitution order may include compensation for noneconomic losses, including, psychological harm, for felony violations of PC § 288.5 or § 288.7 (in addition to PC § 288).</p> <p><u><b>Court Impact:</b></u> <i>Inform judicial officers that compensation may be sought for psychological harm to a victim of continuous sexual abuse.</i></p>	<p><b>Criminal and Juvenile</b> <b>Debbie White</b></p>

## Probate

Court Summary (prepared using new law and committee/floor analyses)	Notes
<p><b>Allocation of principal or income</b> <b>AB 307 (Ch. 577)</b></p> <p><b>Laws:</b> Repeal and add § 16350 of the Probate Code.</p> <p><b>Summary:</b> This act, sponsored by the Trusts &amp; Estates Section of the State Bar, recasts how a trustee is to determine whether a distribution is a return of capital that is allocated as principal. Instead of strictly relying on incorporation of Internal Revenue Code terminology, the bill articulates a number of considerations for a trustee to weigh when considering how to allocate receipts from an entity as between trust income or principal.</p> <p><b>Court Impact:</b> <i>Examiners, probate attorneys, judges, and other bench officers will need to be informed of this alteration in the law. More specifically, examiners and attorneys will need to evaluate trust accounting examination criteria and may need to revise them to ensure that trustees are correctly allocating trust property pursuant to the re-defined standards.</i></p>	<p><b>Monica Scheetz</b></p>
<p><b>Procedures for litigation</b> <b>AB 308 (Ch. 32)</b></p> <p><b>Laws:</b> Amend §§ 851 and 1000 of, and to add §§ 851.1 and 17201.1 to, the Probate Code.</p> <p><b>Summary:</b> This bill alters the notice requirements for Probate Code § 850 (“Heggstad”) petitions. Notice shall now be required to include a description of the property at issue, a statement as to whether the petition is seeking relief under § 859 of the Probate Code (<i>e.g.</i>, doubles damages or attorneys’ fees and costs), and a statement that any person interested in the property may file a response to the petition. The bill also specifies, via newly added § 851.1, that a petitioner’s discovery on interested persons (<i>i.e.</i>, those required to be given notice pursuant to Probate Code § 850(a)) can commence after service of the <i>Heggstad</i> petition and notice of hearing on that person. In addition, the bill specifies when a petitioner may begin discovery upon a trustee as to a trust petition (Probate Code § 17201.1) and upon a nonparty (newly added Probate § 1000(b)).</p> <p><b>Court Impact:</b> <i>Judges, other bench officers, attorneys, and examiners all need to be informed of these changes to the law. Examination standards will need to be revised to include the new Heggstad petition notice requirements. Judicial officers and attorneys who handle law and motion matters may wish to have a discussion regarding implementation of the new discovery regulations. Issues to consider include the following: (1) whether courts should proactively check to make sure that discovery was not prematurely served, or whether courts should leave it to the party opposing a discovery motion to raise this issue; (2) whether the term “nonparties” as used in new Probate Code § 1000(b) includes interested persons with a stake in the proceedings or only disinterested third parties; and (3) how Probate Code § 1000(b)’s requirement that discovery on nonparties can commence “upon service of the petition and notice of hearing upon all parties entitled to notice” affects the timeline for commencement of discovery.</i></p>	<p><b>Monica Scheetz</b></p>

## Probate

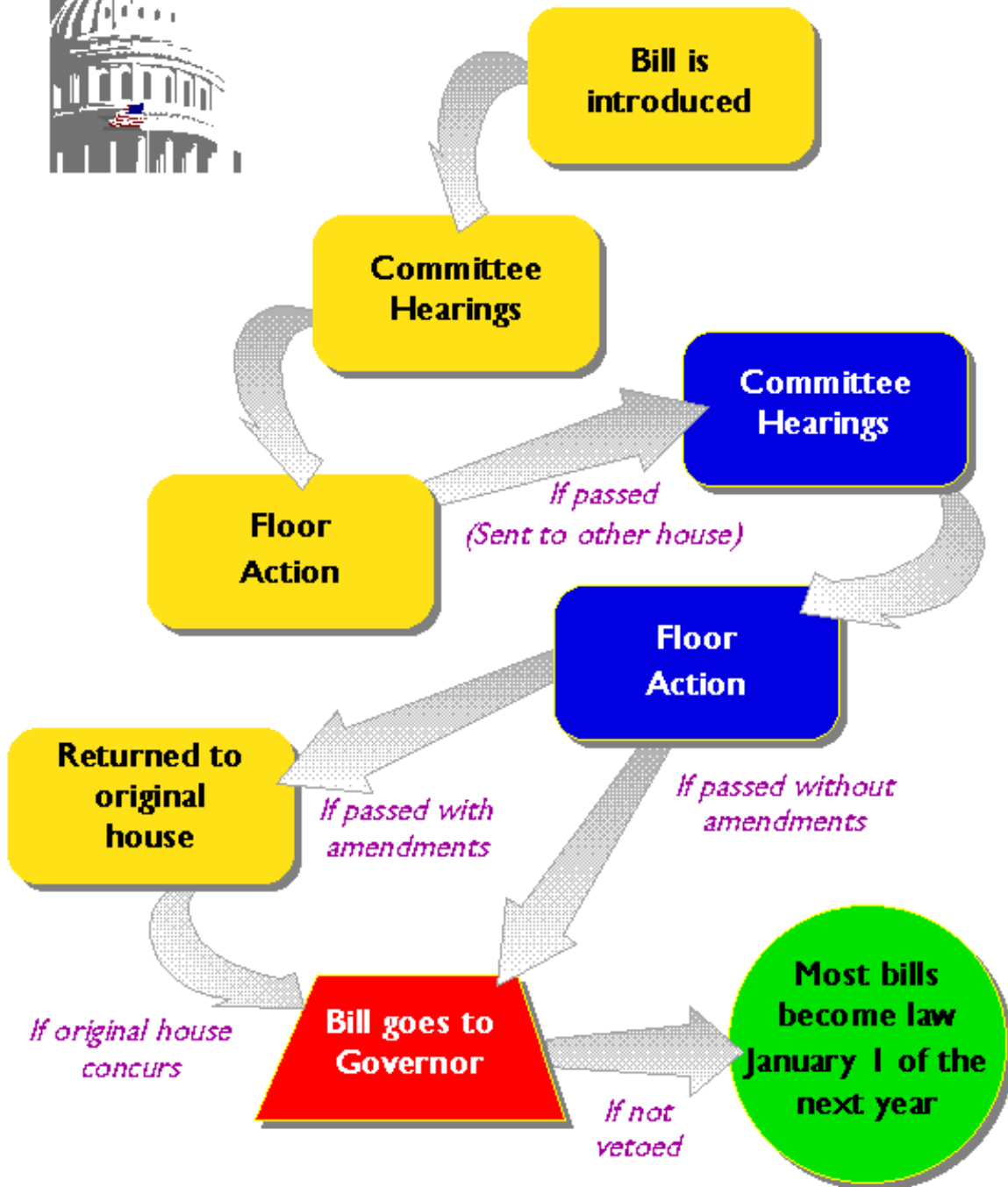
<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Testamentary additions to trusts</b> <b>AB 309 (Ch. 33)</b></p> <p><b><u>Laws:</u></b> Amend § 6300 of the Probate Code.</p> <p><b><u>Summary:</u></b> This bill extends the timeframe for executing a trust associated with a pour-over will to include trusts executed up to 60 days after execution of the will.</p> <p><b><u>Court Impact:</u></b> <i>Probate examiners, attorneys, judges, and any other probate bench officers will need to be informed of this change in the law. Examination standards and any applicable local rules will need to be revised accordingly.</i></p>	<p><b>Monica Scheetz</b></p>
<p><b>Electronic filing and service</b> <b>AB 976 (Ch. 319)</b></p> <p><b><u>Laws:</u></b> Specific to Probate, Amends §§ 331, 366, 453, 711, 715, 732, 733, 1050, 1209, 1212, 1213, 1214, 1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8200, 8203, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585, 10586, 10587, 11601, 13200, 13655, 15686, 16061.7, 16061.8, 16061.9, 16336.6, 16501, 16502, 16503, 17203, 17204, 17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222 of, and to amend, renumber, and add § 1265 of, and to repeal § 1216 of, the Probate Code.</p> <p><b><u>Summary:</u></b> This bill broadly expands the use of electronic filing and service. With respect to probate, this bill integrates the use of electronic service into the Probate Code: a required notice or other paper may be delivered electronically (in lieu of mailing or personal delivery) if the person to receive notice has expressly consented on the appropriate Judicial Council form to receive electronic delivery in the proceeding before the court and has provided an electronic address for that express purpose. The bill also provides a means of withdrawing consent to electronic service. The bill consolidates acceptable service methods into Probate Code § 1215. The bill modifies notice references in the Probate Code to reflect the possibility of delivery by a means other than mailing. The bill codifies requirements for proofs of electronic service in newly added Code of Civil Procedure § 1013b. Newly added Probate Code § 1265 then makes the proof standards set forth in Code of Civil Procedure § 1013b applicable in probate proceedings. This bill mandates that confidential or sealed records be served through encrypted methods to prevent improper disclosure.</p> <p><b><u>Court Impact:</u></b> <i>The broader logistical implementation of AB 976 will require inter-departmental operational discussions. With respect to probate proceedings, filing staff, examiners, investigators, attorneys, judges, and other probate bench officers will need to be notified of this legislation. Examination standards will need to be altered to include standards for electronic service. Probate departments will need to develop an operating procedure for the encrypted electronic delivery of investigation reports and other confidential documents.</i></p>	<p><b>Monica Scheetz</b></p>

## Probate

<i>Court Summary (prepared using new law and committee/floor analyses)</i>	<i>Notes</i>
<p><b>Estates and trusts: donative transfers</b> <b>SB 153 (Ch. 56)</b></p> <p><u><b>Laws:</b></u> Amend §§ 21380, 21384, 21386, and 21392 of the Probate Code.</p> <p><u><b>Summary:</b></u> This bill replaces the term “gift” with “donative transfer” in certain statutes concerning the presumption of fraud and undue influence in an effort to standardize terminology and clarify that the Legislature had intended statutes using the word “gift” to include transfers for inadequate consideration, not just transfers for no consideration. Further clarifies that, in passing these laws, the Legislature intended to supplement the common law on fraud as well as on undue influence.</p> <p><u><b>Court Impact:</b></u> <i>Probate examiners, attorneys, judges, and any other probate bench officers will need to be informed of these clarifications in the law.</i></p>	<p><b>Monica Scheetz</b></p>
<p><b>Trusts: modification or termination</b> <b>SB 333 (Ch. 61)</b></p> <p><u><b>Laws:</b></u> Amend §§ 15403 and 15404 of the Probate Code.</p> <p><u><b>Summary:</b></u> This bill amends Probate Code § 15403(b) to allow judges the discretion to terminate for good cause a trust that has a spendthrift clause (<i>i.e.</i>, a restraint on transfer). Adds new subdivision (c) to Probate Code § 15403, which narrows the consent required from broad classes of beneficiaries, such as “next of kin,” to those persons “reasonably likely to take under the circumstances.” In addition, this bill amends Probate Code § 15404(a) to provide that, with written consent of the settlor and all trust beneficiaries, a trust can be modified or terminated without court approval.</p> <p><u><b>Court Impact:</b></u> <i>Examiners, probate attorneys, probate judges, and any other probate bench officers will need to be informed of these changes in the law. Examination standards will need to be revised accordingly.</i></p>	<p><b>Monica Scheetz</b></p>
<p><b>Dementia: major neurocognitive disorder</b> <b>SB 413 (Ch. 122)</b></p> <p><u><b>Laws:</b></u> Amend §§ 1569.698, 1569.699, and 1569.7 of the Health and Safety Code, and to amend §§ 1981 and 2356.5 of the Probate Code.</p> <p><u><b>Summary:</b></u> The main purpose of this bill is to replace the term “dementia” with the term “major neurocognitive disorder,” thus reflecting new terminology used in the DSM-5 (<i>i.e.</i>, <i>Diagnostic and Statistical Manual of Mental Disorders</i>, Fifth Edition). The bill also makes a few other technical, non-substantive changes to the statutes at issue.</p> <p><u><b>Court Impact:</b></u> <i>Probate and mental health legal processing specialists, clerks, examiners, investigators, attorneys, judges, and other bench officers will need to be informed of this change in terminology. Conservatorship approval scripts and minute order scripts will need to be updated to reflect the new language. Going forward, the new terminology should be used in investigation reports. Any local rules using the word “dementia” should also be revised.</i></p>	<p><b>Monica Scheetz</b></p>



## How a Bill Becomes a Law



Source: California Office of Legislative Counsel



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