

Summary of Court-Related Legislation

JUDICIAL COUNCIL OF CALIFORNIA • GOVERNMENTAL AFFAIRS



JUDICIAL COUNCIL
OF CALIFORNIA

NOVEMBER 2018

During the second year of the 2017–2018 Legislative Session, the Legislature and Governor enacted numerous bills that affect the courts or are of general interest to the legal community. Brief descriptions of the measures of greatest interest follow, arranged according to subject matter. Also included is a table summarizing new laws that create new crimes or expand existing crimes, as well as an index listing all the bills and the page numbers on which their descriptions can be found.

The effective date of legislation is stated with each measure. Urgency measures normally take effect upon enactment, and some other measures have early or delayed operative dates.

This *Summary* is intended to serve only as a guide to identify bills of interest; the bill descriptions are not a complete statement of statutory changes. Code section references are to the sections most directly affected by the bill; not all sections are necessarily cited.

Until the annual pocket parts are issued, bill texts can be examined in their chaptered form in *West's California Legislative Service* or *California Deering's Advance Legislative Service*, where they are published by chapter number. In addition, chaptered bills and legislative committee analyses can be accessed on the Internet at <http://leginfo.legislature.ca.gov>. Individual chapters may be ordered directly from the Legislative Bill Room, State Capitol, 10th Street, Room B32, Sacramento, California 95814, 916-445-2323.

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BUDGET

AB 1810 (COMMITTEE ON BUDGET), CH. 34 **EFFECTIVE/OPERATIVE DATE: JUNE 27, 2018** **HEALTH**

Establishes a mental health diversion (MHD) program for defendants suffering from specified mental disorders, including individuals who are incompetent to stand trial (IST), subject to specified eligibility criteria. The Budget Act of 2018 (Stats. 2018, ch. 29, item 4440-011-0001, schedule 4, provision 11) appropriates \$100 million for grants to counties operating diversion programs for IST individuals or those at risk of becoming IST, with priority given to the 15 counties with the highest IST populations. The MHD program was further modified by SB 215 (Beall; Stats. 2018, ch. 1005), which goes into effect on January 1, 2019. Note: Different eligibility as well as other requirements apply to cases granted entry into an MHD between June 27 and December 31, 2018, due to differing statutory effective dates between AB 1810 and SB 215. (GOV 16531.1, 100503.3; H&S 1000-1005, 1225, 1266, 1275.3, 11364.7, 104161, 104161.1, 104162.1, 105250.1, 120972, 121349, 121349.1, 121349.2, 121349.3, 123259, 123260, 127671-127674; PEN 1370, 1370.01, 1372, 1001.35; W&I 4094, 4361, 14149.9, 14197.5, 14105.965)

See Appendix A for a full description of the bill.

AB 1812 (COMMITTEE ON BUDGET), CH. 36 **EFFECTIVE/OPERATIVE DATE: JUNE 27, 2018** **PUBLIC SAFETY OMNIBUS**

Resentencing: Makes amendments to resentencing law (Pen. Code, § 1170(b)) that allow a court, when resentencing a defendant, to reduce a defendant's term of imprisonment and modify the judgment, including a judgment entered after a plea agreement, if it is in the interest of justice. Additionally, courts are authorized to consider specific postconviction factors when resentencing a defendant. (PEN 1170)

Court holding cell clarification: Includes court holding facilities within a superior court that are operated by or supervised by specified personnel to the definition of a local detention facility. Previously, holding facilities were more narrowly defined to include only those operated by a city, county, city and county, or regional facility and used for the confinement of adults or both adults and minors. (PEN 6031.4)

AB 1838 (COMMITTEE ON BUDGET), CH. 61 **EFFECTIVE/OPERATIVE DATE: JUNE 28, 2018** **LOCAL GOVERNMENT: TAXATION:** **PROHIBITION: GROCERIES**

Among other things, stipulates that any civil action related to a local government's ability to impose taxes on groceries shall be given preference over other actions by the court. Specifies that the Superior Court of Sacramento County is the venue where these cases shall be heard. (R&T 7284.15)

SB 846 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 405 **EFFECTIVE/OPERATIVE DATE: SEPTEMBER 14, 2018** **EMPLOYMENT**

Among other things, specifies that a public employer, including trial courts and employee organizations and any of their employees, may not be held liable for, and would have complete defense to, specified claims regarding agency and fair share fees deducted from the earnings of current or former public employees before June 27, 2018. Specifies that employees do not have standing to pursue claims to recover fair share fees if the fees were permitted prior to June 27, 2018. (GOV 1159)

SB 847 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 45 **EFFECTIVE/OPERATIVE DATE: JUNE 27, 2018** **COURTS: OMNIBUS**

Class action cy près: Reverses changes implemented last year (AB 103; Stats. 2017, ch. 17) that diverted 50 percent of unpaid cash residue or unclaimed or abandoned class member funds for other purposes. Ends the following apportionment of funds that was in effect between June 27, 2017, and June 26, 2018; 25 percent to the Trial Court Improvement and Modernization Fund, subject to appropriation by the Legislature to the Judicial Council to fund grants to trial courts for new or expanded collaborative courts, or grants for Sargent Shriver Civil Counsel; and 25 percent to the Equal Access Fund.

Courts are now required to direct the sum of the unpaid residue, as specified, to nonprofit organizations or foundations to support projects that will benefit the class or similarly situated persons, or that promote the law consistent with the underlying cause of action, or to child advocacy programs, or to nonprofit organizations providing civil legal services to the indigent. Also requires an

attorney for a party to a class action to notify the court if the attorney has a connection to a proposed nonparty recipient of class action settlement funds that could reasonably create the appearance of impropriety, as specified. Further requires courts to transmit a copy of the judgment to the Judicial Council identifying nonparty recipients of class action settlement funds and other specified information.

Requires the Judicial Council to provide the California Research Bureau copies of orders, judgments, and decrees at the request of the bureau. Beginning January 1, 2024, and on January 1 of every fifth year thereafter, requires the bureau to prepare and publish a five-year aggregate report of the information provided by the Judicial Council. (CCP 382.4, 384, 384.5; GOV 68520)

Appellate court justice: Adds one additional justice to Division Two of the Court of Appeal for the Fourth Appellate District. (GOV 69104)

Judgeships in Riverside County: Increases the number of judges for the Superior Court of Riverside County by two. (GOV 69592)

Capital outlay: Requires the Judicial Council to submit a long-term fund condition statement for the State Court Facilities Construction Fund and the Immediate and Critical Needs Account to the budget committees of the Assembly and Senate in conjunction with any future funding request for capital outlay funding. The fund condition statement will be used to evaluate whether there are sufficient resources to fully support all existing debt or capital outlay obligations as well as the full project cost for the proposed project for which the Judicial Council requests funding.

Additionally, requires the Judicial Council to conduct a reassessment of projects identified in the Update to Trial Court Capital-Outlay Plan and Prioritization Methodology, with specified exceptions. Requires projects to be reassessed and ranked according to several criteria, including the level of seismic risk as well as health and safety hazards. Specifies that this reassessment requirement shall not apply to a capital outlay request pertaining to the construction of the 10 new court facility projects approved in the Budget Act of 2018. (GOV 70371.9)

Filing fee sunset extensions: Extends until July 1, 2023, the \$40 supplemental fee for filing any first paper subject to the uniform fee in certain civil proceedings, subject to reduction if the amount of the General Fund appropri-

ation to the Trial Court Trust Fund is reduced from the amount appropriated in the 2013–14 fiscal year.

Extends until July 1, 2023, the \$1,000 fee paid on behalf of all plaintiffs, and by each defendant, intervenor, respondent, or adverse party to a civil action that is designated or determined to be a complex case. Extends until July 1, 2023, the \$18,000 limitation on the total amount of complex fees collected from all defendants, intervenors, respondents, or other adverse parties appearing in a complex case.

Extends until July 1, 2023, the \$60 uniform fee for filing any specified motion, application, order to show cause, or any other paper requiring a hearing subsequent to the first paper, at which time the fee is reduced to \$40.

Extends until January 1, 2024, the \$40 filing fee for a request for special notice. (GOV 70602.6, 70616, 70617, 70657, 70662, 70677)

Pilot program for the online adjudication of traffic infractions: Requires the Judicial Council to sponsor a pilot program, ending on June 30, 2022, to facilitate online adjudication of infraction violations of the Vehicle Code for which a personal appearance is not required. Requires the council to select at least eight courts that are willing to participate in the program, as specified. Requires the program to offer online adjudication of traffic infractions, including, among other things, an ability-to-pay determination. Authorizes pilot courts, among other dispositions, to waive, reduce, or suspend the amount due, in whole or in part, extend the time for payment or establish an installment plan, or allow community service in lieu of the amount due, as specified. Establishes procedures for determining a defendant's ability to pay. Requires the Judicial Council to submit a report on the implementation of the pilot program to the Legislature on January 1, 2020, and January 1, 2021, and to submit an evaluation of the program to the Legislature by June 30, 2022. (VEH 40280–40288)

Civil interpreter expansion: Appropriates \$4 million (one-time) from the General Fund to the Judicial Council, for transfer to the Trial Court Trust Fund, to expand interpreter services into all civil proceedings, as specified. (Item 0250-111-0001)

SB 862 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 449
EFFECTIVE/OPERATIVE DATE: SEPTEMBER 17, 2018
BUDGET ACT OF 2018

Provides the budgetary authority for the branch to begin implementing portions of SB 10 (Hertzberg; Stats. 2018, ch. 244) which makes significant changes to the state's criminal pretrial detention and release system. Among other things, increases the Trial Court Trust Fund appropriation by \$15 million and adds provisional language to support start-up activities associated with pretrial reform. Specified activities include developing protocols and rules of court, training, administrative activities, and other activities. Funds will be reimbursed from a General Fund appropriation to be provided in the Budget Act of 2019. (Item 0250-101-0932, Provision 20)

SB 866 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 53
EFFECTIVE/OPERATIVE DATE: JUNE 27, 2018
EMPLOYMENT

Among other things, clarifies and makes explicit that all public employers must honor employee authorizations for dues deduction; the revocability of an authorization is determined by the terms of the authorization; a public employer or the Controller shall rely on information provided by the employee organization regarding whether the request is in conformity with the authorization; and the employee organization must indemnify the public employer, governing body of a public school employer, or community college district for any claims made by the employee for deductions made in reliance on that information. Clarifies existing law to make explicit that employee organizations and bona fide associations are authorized to request payroll deductions. Clarifies existing law to provide that employees, including retired employees, of a public employer, in addition to any other prescribed and authorized purpose, may authorize deduction from their salary, wages, or retirement allowance for the payment of dues in, or for any other service by, an employee organization or bona fide association, as defined and specified; the public employer must honor employee authorizations for such deductions; and the revocation of an authorization must be determined by the terms of the authorization. (GOV 1153, 1157.3)

SB 879 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 457
EFFECTIVE/OPERATIVE DATE: SEPTEMBER 17, 2018
PUBLIC SAFETY

Among other things, clarifies that the two trial court judges added in the Budget Act of 2018 for Riverside County account for 2 of the 50 judgeships currently authorized in AB 159 (Stats. 2007, ch. 722). This reduces the number of judges to be allocated by AB 159 to 48. (GOV 69614.3)

CHILD WELFARE

AB 1617 (BLOOM), CH. 992
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
JUVENILE CASE FILES: INSPECTION

Provides that a person who appeals, or is a respondent in an appeal to, a dependency court proceeding who does not otherwise have access to the dependency case files on appeal may inspect and copy such records to which the individual was previously granted access as defined, including any records or portions thereof that are made a part of the appellate record. Requires the Judicial Council to adopt implementing rules. (W&I 827)

AB 1930 (STONE), CH. 910
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
FOSTER CARE

Makes various substantive changes to the criminal background checks related to, appeals of decisions for, and forfeiture of resource family approval; adds and amends provisions relating to exclusions from licensed care facilities, notices required for placement, and transfer, of children to therapeutic and other services, and definitions relating to the welfare of children served by their resource families. (FAM 7911.1; various H&S and W&I code sections)

AB 2083 (COOLEY), CH. 815
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
FOSTER YOUTH: TRAUMA-INFORMED SYSTEM OF CARE

Requires each county to develop and implement a multi-agency memorandum of understanding setting forth the roles and responsibilities of the participant-agencies, as

defined, that serve children and youth in the foster care system who have experienced severe trauma in that county; provides for the sharing of information among agencies to the extent permitted by law; establishes a joint interagency resolution team as specified to be established by the Secretary of the California Health and Human Services Agency and the Superintendent of Public Instruction; and requires the team to review placement and service options available to county child welfare agencies and country probation departments, and submit a report including recommendations as defined to the Legislature no later than June 1, 2020. (Adds W&I 16521.6)

AB 2119 (GLORIA), CH. 385

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

FOSTER CARE: GENDER-AFFIRMING HEALTH CARE AND MENTAL HEALTH CARE

States that it is the policy of California that children in foster care, among other elements, be involved in the development of their case plan and plan for permanent placement, which includes placement and gender-affirming health care; explicitly gives the right of minors and nonminors in foster care to gender-affirming physical and mental health care; and, requires the state Department of Social Services, in consultation with the state Department of Health Care Services, among others, to develop guidance and best practices to identify, coordinate, and support foster youth seeking access to gender-affirming mental and physical health care. (W&I 16001.9, 16010.2)

AB 2247 (GIPSON), CH. 674

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

FOSTER YOUTH: CASE PLAN: PLACEMENT CHANGES

States that it is the intent of the Legislature to prevent children and youth in foster care from experiencing unnecessary or abrupt placement changes, and to ensure, among other things, that placement changes do not occur due to gender, gender identity, race, or cultural differences. Requires a social worker or placing agency, prior to making a placement change for a foster child or youth, to develop and implement a placement preservation strategy plan that shall be placed with the dependent child's case notes. If, after a preservation strategy has been developed and implemented, the social worker or placement agency finds that a placement change is necessary, the social worker or placing agency shall serve written notice

on all of the parties, as defined, at least 14 days prior to the change unless delay in the placement change poses an imminent risk to the health or safety of the dependent child or other children in the home or family, or if the dependent child's child and family team and the dependent child unanimously waive the notice, as defined. (W&I 16010.7)

AB 2337 (GIPSON), CH. 539

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

NONMINOR DEPENDENTS

Extends the circumstances under which a nonminor who has not attained 21 years of age may petition the court in which he or she was previously found to be a dependent or delinquent child of the juvenile court for a hearing to determine whether the court may assume jurisdiction over the nonminor to include the condition that that nonminor former dependent would have received Kinship Guardianship Assistance Payment (Kin-GAP) program aid or Aid to Families With Dependent Children—Foster Care (AFDC-FC) but for the receipt of Supplemental Security Income (SSI) benefits or other aid from the federal Social Security Administration. (W&I 388.1, 11403)

AB 2642 (LEVINE), CH. 103

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

GUARDIANSHIP: SPECIAL IMMIGRANT JUVENILES

Permits the court, under specified limited circumstances, to appoint a nonprofit charitable corporation not incorporated in California as the guardian of a minor in connection with a petition to make the necessary findings regarding special immigrant juvenile status. Repeals this provision as of January 1, 2022. (PROB 2104.1)

See Probate and Mental Health.

AB 2967 (QUIRK-SILVA), CH. 551

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

FOSTER CARE: CERTIFIED RECORD OF LIVE BIRTH

Requires each local registrar or county recorder to issue, without a fee, a certified record of live birth to any person who demonstrates that he or she is a youth who has been placed in foster care, as defined; authorizes the youth, or any person who is lawfully entitled to request that record on behalf of a youth placed in foster care, to make that

request. Requires a county welfare agency that has relevant knowledge regarding the youth to verify that the youth has been placed in foster care for purposes of these provisions and also requires the department to develop an affidavit attesting to an applicant's status as a youth placed in foster care. Makes the completed affidavit, as described, sufficient verification for these purposes. Prohibits charging a person applying for a certified record of live birth a fee for verification of his or her eligibility. These provisions become operative on July 1, 2019. (H&S 103578)

AB 3047 (DALY), CH. 399

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

COURT FEES: WAIVER: INDIAN CHILD WELFARE ACT

Requires that the \$500 filing fee to appear as counsel *pro hac vice* be waived when the applicant is an attorney representing a tribe in a child welfare matter under the Indian Child Welfare Act of 1978. (GOV 70617)

AB 3176 (WALDRON), CH. 833

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

INDIAN CHILDREN

Conforms California law to the changes in the federal Indian Child Welfare Act of 1978 (ICWA); distinguishes between a court's reason to believe the child is an Indian child under ICWA and the court's reason to know the child is an Indian child. Specifies notice provisions to ensure that notice is meaningful and appropriate, and specifically targeted at required parties. Makes other conforming changes. Requires the Judicial Council to implement rules and forms as appropriate. (W&I 212.5, 224, 224.1, 224.2, 224.3, 224.6, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 305.5, 305.6, 306, 309, 315, 319, 319.4, 332, 352, 354, 361, 361.2, 361.31, 361.7, 366, 366.26, 381, 16507.4)

AB 3189 (COOPER), CH. 1003

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

CONSENT BY MINORS TO TREATMENT FOR INTIMATE PARTNER VIOLENCE

Authorizes a minor who is 12 years of age or older and who states he or she is injured as a result of intimate partner violence, as defined, to consent to medical care related to the diagnosis or treatment of the injury and the collection of medical evidence with regard to the alleged intimate partner violence; specifies that this provision would

not apply to a case in which a minor is an alleged victim of rape or is alleged to have been sexually assaulted because other provisions would apply in the case of rape and sexual assault. Requires a health practitioner who believes a report to law enforcement under Penal Code section 11160 is required pursuant to these provisions, when providing treatment to an above-described minor injured as a result of alleged intimate partner violence, to inform the minor that the report will be made and attempt to contact the minor's parent or guardian and inform him or her of the report, except as specified. (FAM 6930)

SB 925 (BEALL), CH. 151

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

FOSTER CARE

Clarifies that the child and family team shall include the child's Court Appointed Special Advocate, if one has been appointed and the child/youth doesn't object. (W&I 16501)

SB 1083 (MITCHELL), CH. 935

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

RESOURCE FAMILY APPROVAL

Makes changes to the resource family approval process related to foster family homes that have not yet been approved as resource family homes. Clarifies timelines, ensures all caregivers are subject to the same approval process pursuant to the resource family approval process, and ensures adequate time for the approval of existing caregivers to prevent unnecessary removal of children from their care. (H&S 1517, 1517.1; W&I 11402, 11461.6, 16501.01, 16507.5, 16519.5, 18360)

CIVIL

AB 734 (BONTA), CH. 959

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

CALIFORNIA ENVIRONMENTAL QUALITY ACT: OAKLAND SPORTS AND MIXED-USE PROJECT

Among other things, requires the Judicial Council, on or before September 1, 2019, to adopt a rule of court to establish procedures applicable to actions or proceedings brought pursuant to the California Environmental Quality Act seeking judicial review of the certification or adoption of an environmental impact report for a designated Oakland Sports and Mixed-Use Project. Provides

that these actions or proceedings, including any potential appeals therefrom, must be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court. (PRC 21168.6.7)

AB 987 (KAMLAGER-DOVE), CH. 961
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
**CALIFORNIA ENVIRONMENTAL QUALITY ACT:
INGLEWOOD SPORTS AND ENTERTAINMENT
PROJECT**

Among other things, requires the Judicial Council, on or before July 1, 2019, to amend certain rules of court to establish procedures applicable to actions or proceedings brought pursuant to the California Environmental Quality Act seeking judicial review of an environmental impact report and approvals granted for a project related to the development of a specified sports and entertainment project in the city of Inglewood. Provides that these actions or proceedings, including any appeals therefrom, must be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court. (PRC 21168.6.8)

AB 1278 (LOW), CH. 506
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
**CONTRACTOR LICENSING: JUDGMENT
DEBTOR PROHIBITION**

Clarifies that if a judgment is entered against a licensee, then a qualifying person or personnel of record of the licensee, at the time of the activities on which the judgment is based, is automatically prohibited from serving as a qualifying individual or other personnel of record on another license until the judgment is satisfied. Makes other clarifying changes. (B&P 7071.17)

AB 1619 (BERMAN), CH. 939
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
**SEXUAL ASSAULT: STATUTES OF LIMITATIONS
ON CIVIL ACTIONS**

Establishes a statute of limitations specific to sexual assault or attempted sexual assault that occurs on or after a plaintiff's 18th birthday. Provides specifically that the time for commencement of such action is the later of the following: (1) Within 10 years from the date of the last act, attempted act, or assault with the intent to commit an act, of sexual assault, as defined; or (2) Within 3 years from the date the plaintiff discovers or reasonably should have discovered that an injury or illness resulted from an

act, attempted act, or assault with the intent to commit an act, of sexual assault, as defined. Provides that this new statute of limitations applies to any applicable action that is commenced on or after January 1, 2019. (CCP 340.16)

AB 1654 (RUBIO), CH. 529
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
**LABOR CODE PRIVATE ATTORNEYS GENERAL
ACT OF 2004: CONSTRUCTION INDUSTRY**

Excepts from the Labor Code Private Attorneys General Act of 2004 (PAGA) an employee in the construction industry, as defined, with respect to work performed under a valid collective bargaining agreement in effect any time before January 1, 2025, that contains certain provisions, including, among others, a grievance and binding arbitration procedure to redress violations that authorizes the arbitrator to award otherwise available remedies. Authorizes this exception until the collective bargaining agreement expires or until January 1, 2028, whichever is earlier, and sunsets the bill's provisions on January 1, 2028. (LAB 2699.6)

AB 2105 (MAIENSCHIN), CH. 166
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
PUNITIVE DAMAGES: MINORS

Creates enhanced civil penalties, tripling any existing statutory civil penalty and providing an alternative \$10,000 to \$50,000 fine if no civil penalty is provided by statute, for specified acts that constitute "commercial sexual exploitation" of a minor or nonminor dependent. Among other things, provides that in a civil action brought by, on behalf of, or for the benefit of a minor or nonminor dependent, whenever a trier of fact is authorized by a statute to impose either a fine, or a civil penalty or other penalty, or any other remedy the purpose or effect of which is to punish or deter, and the amount of the fine, penalty, or other remedy is subject to the trier of fact's discretion, the trier of fact shall consider all of the following factors, in addition to other appropriate factors, in determining the amount of fine, civil penalty, or other penalty, or other remedy to impose: (1) whether the defendant's conduct was directed to more than one minor or nonminor dependent; (2) whether one or more minors or nonminor dependents suffered substantial physical, emotional, or economic damage resulting from the defendant's conduct; and (3) whether the defendant knew or reasonably should have known that the victim was a minor or nonminor dependent. Specifies further that it

shall not be a defense to imposition of fines, penalties, or other remedies pursuant to this paragraph that the defendant was unaware of the victim's age or status as a nonminor dependent at the time of the act. (CIV 3345.1)

AB 2185 (CHIU), CH. 817

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

CIVIL ACTIONS: APPOINTMENT OF GUARDIAN AD LITEM

Authorizes a court to appoint a guardian ad litem (GAL) under a pseudonym, subject to the following requirements. Provides that any person applying for appointment as a GAL must file, at the same time that the application is filed, an ex parte request for leave to appear under a pseudonym. Specifies that the ex parte request must allege facts and circumstances establishing the GAL's overriding interest in preserving his or her anonymity. Provides that a court must make each of the following findings in order to permit an applicant for appointment as a GAL to appear under pseudonym: (1) that the applicant has an overriding interest in preserving anonymity that supports permitting the applicant to appear under a pseudonym; (2) that there is a substantial probability that the applicant's interest in preserving anonymity will be prejudiced if the applicant is not permitted to appear under a pseudonym; (3) that permitting the applicant to appear under a pseudonym is narrowly tailored to serve the applicant's interest in preserving anonymity without unduly prejudicing the public's right of access or the ability of the other parties to prosecute, defend, or resolve the action; and (4) that there are no less restrictive means of protecting the applicant's interest in preserving his or her anonymity. Authorizes a court to make any further orders necessary to preserve the applicant's anonymity or to allow the other parties or financial institutions to know the applicant's identity to the extent necessary to prosecute, defend, or resolve the action. Authorizes a court to require a GAL appearing under a pseudonym and who is not represented by counsel to designate a mailing or electronic address for service of process and to consent to accept service of process under the pseudonym at that address for purposes of the action. Provides that if a GAL is permitted to appear under a pseudonym, all court decisions, orders, petitions, and any documents filed with the court shall be written in a manner that protects the name and personal identifying information of the GAL from public disclosure, except to the extent the information is necessary for the parties to prosecute, defend, or resolve

the action. Defines "personal identifying information" as the GAL's name or any part thereof, their address or any part thereof, and the city or unincorporated area of the GAL's residence. Places the responsibility for excluding the name and personal identifying information of the GAL from documents filed with the court solely on the parties and their attorneys. Clarifies that the bill does not require the court to review pleadings or other papers for compliance with the above provision. Requires the court, after granting permission for a GAL to proceed under a pseudonym, to retain discretion to reconsider its decision. Clarifies further that the bill does not affect the right of a plaintiff or petitioner to pursue litigation under a pseudonym in appropriate circumstances. (CCP 372.5)

AB 2201 (MAYES), CH. 818

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

COURT FEES: NAME CHANGES: EXEMPTION

Includes among the list of reasons for exemption from the requirement for publication of the order to show cause for a name change to avoid sexual assault, and to avoid human trafficking as defined. States that no fee shall be charged to the petitioner for a name change as specified. (CCP 1277; GOV 70635)

AB 2230 (BERMAN), CH. 317

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020

CIVIL ACTIONS

Extends the timeline for filing a motion to set aside or vacate a jury verdict and a motion for a new trial from 60 to 75 days. Provides that the court may (but is not required to) permit a party to submit a concise outline of the discovery request, in lieu of filing a separate statement as required by the California Rules of Court, for the following discovery motions: (1) a motion to compel further responses to an interrogatory; (2) a motion to compel further responses to a demand for inspecting, copying, testing, or sampling documents, tangible things, land or other property, and electronically stored information in the possession, custody, or control of any other party to the action; or (3) a motion to compel further responses to a request for admission of the genuineness of specified documents, or the truth of specified matters of fact, opinion relating to fact, or application of law to fact. Delays the operative date of these discovery provisions until January 1, 2020. (CCP 660, 663a, 2030.300, 2031.310, 2033.290)

AB 2286 (CHEN), CH. 212

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

CIVIL ACTIONS: SERVICE OF NOTICE OR OTHER PAPER

Extends the hours provided for leaving notice or other papers with an adult at a party's home. Provides specifically that any attempt at serving of notice or other papers on a party at the party's home must occur between the hours of 8 a.m. to 8 p.m. (CCP 1011)

AB 2343 (CHIU), CH. 260

EFFECTIVE/OPERATIVE DATE: SEPTEMBER 1, 2019

REAL PROPERTY: POSSESSION: UNLAWFUL DETAINER

Enacts various procedural changes to landlord-tenant law, including specified extensions of time for tenants to respond to notices and eviction papers. Clarifies that the three-day notice period for unlawful detainer for a tenant to address curable breaches of the lease, including nonpayment of rent and failure to perform certain duties under the lease, shall be counted so as to exclude weekends and judicial holidays. Clarifies further that the five-day period in which the defendant may file his or her answer in response to a notice of summons in an unlawful detainer case shall be counted so as to exclude weekends and judicial holidays. Delays the operative date of these provisions until September 1, 2019. (CCP 1161, 1167)

AB 2376 (STONE, MARK), CH. 319

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

CIVIL ACTIONS: PROVISIONAL REMEDIES: INJUNCTIONS

Clarifies criteria sufficient to establish taxpayer standing to sue a local government entity for alleged wasteful or illegal expenditures. Among other things, specifies what kinds of taxes are sufficient to establish taxpayer standing if paid within one year of the action, including, but not limited to, the following: (1) income tax; (2) sales and use tax or transaction and use tax initially paid by a consumer to a retailer; (3) property tax, including a property tax paid by a tenant or lessee to a landlord or lessor pursuant to the terms of a written lease; or (4) business license tax. Clarifies that the resident taxpayer who files the suit must be a person who lives, works, owns property, or attends school in the jurisdiction of the defendant local agency, but need not be a U.S. citizen. Defines "local agency" for

purposes of the bill to mean a city, town, county, or city and county, or a district, public authority, or any other political subdivision in the state. (CCP 526a)

AB 2413 (CHIU), CH. 190

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

TENANCY: LAW ENFORCEMENT AND EMERGENCY ASSISTANCE

Among other things, declares void as contrary to public policy any provision in a residential rental or lease agreement that prohibits or limits, or threatens to prohibit or limit, a tenant, resident, or other person's right to summon law enforcement assistance or emergency assistance as, or on behalf of, a victim of abuse, a victim of crime, or an individual in an emergency, if he or she believes that the assistance is necessary to prevent or address the perpetration, escalation, or exacerbation of the abuse, crime, or emergency. Prohibits a landlord from terminating a tenancy, failing to renew a tenancy, or imposing other penalties on the basis that law enforcement or other emergency assistance has been summoned to the property on the belief that it is needed to prevent or address the perpetration, escalation, or exacerbation of the abuse, crime, or emergency. Allows a tenant to raise, as an affirmative defense to eviction, that the landlord's reason for seeking the eviction is that law enforcement or other emergency assistance was summoned to assist the tenant with an emergency, including domestic violence and other crimes. Requires the Judicial Council, on or before September 1, 2019, to develop a new form or amend an existing form that may be used by parties to assert the grounds set forth in the eviction provisions of this bill as an affirmative defense to an unlawful detainer. Authorizes tenants, residents, or other aggrieved persons to seek injunctive and equitable relief for violations of the bill's provisions. (CIV 1946.8; CCP 1161.3; GOV 53165)

AB 2526 (RUBIO), CH. 873

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

Clarifies the procedures for law enforcement officers when requesting and the court to follow when issuing a temporary emergency gun violence restraining order by aligning those procedures with those for obtaining a domestic violence emergency protection order. (PEN 18140, 18145)

AB 2658 (CALDERON), CH. 875

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

**SECRETARY OF THE GOVERNMENT
OPERATIONS AGENCY: WORKING GROUP:
BLOCKCHAIN TECHNOLOGY**

Establishes a blockchain working group, appointed by the Secretary of the Government Operations Agency, which is to include, among others, the state Chief Information Officer and three appointees with a background in law, chosen in consultation with the Judicial Council, to evaluate the uses of blockchain by California's businesses and state government. Requires the working group's evaluation to include the benefits, risks (including privacy risks), best practices, and legal implications associated with such use of blockchain. Defines "blockchain" for the bill's purposes to mean "a mathematically secured, chronological, and decentralized ledger or database." Sunsets the bill's provisions on January 1, 2022. (GOV 11546.8, 11546.9)

AB 2770 (IRWIN), CH. 82

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

**PRIVILEGED COMMUNICATIONS:
COMMUNICATIONS BY FORMER EMPLOYER:
SEXUAL HARASSMENT**

Codifies California defamation case law as it relates to allegations of workplace sexual harassment, making it explicit in statute that (1) employees who report sexual harassment to their employer are not liable for any resulting injury to the alleged harasser's reputation, so long as the communication is made based on credible evidence and without malice; (2) communications between employers and anyone with an interest in a sexual harassment complaint, such as victims and witnesses, are not liable for any resulting damage to the alleged harassers reputation, as long as the communication is made without malice; and (3) former employers are not liable for any resulting injury to a former employee's reputation if, in response to inquiries from prospective employers, the former employers indicate that they would not rehire the former employee based on a determination that the former employee engaged in sexual harassment, so long as the statement is made without malice. (CIV 47)

AB 2930 (SANTIAGO), CH. 880

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

**UNLAWFUL DETAINER: NUISANCE:
UNLAWFUL WEAPONS AND AMMUNITION**

Renews the California Unlawful Detainer Pilot Program for an additional five years and modifies the associated data requirements to enable better evaluation of whether it is achieving its stated purpose. Among other things, extends the pilot program allowing city attorneys or city prosecutors in four cities—Los Angeles, Long Beach, Oakland, and Sacramento—to institute eviction proceedings against a tenant on behalf of a private landlord who is unable or unwilling to do so, when the tenant has committed a nuisance involving unlawful weapons, ammunition, drugs, or controlled substances. (CIV 3485, 3486.5)

AB 3019 (REYES), CH. 268

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

DEPOSITION NOTICES

Provides that the oral deposition notice required by Code of Civil Procedure section 2025.220 must be in 12-point type. (CCP 2025.220)

AB 3109 (STONE, MARK), CH. 949

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

**CONTRACTS: WAIVER OF RIGHT OF PETITION
OR FREE SPEECH**

Makes void and unenforceable a provision in a contract or settlement agreement, entered into on or after January 1, 2019, that waives a party's right to testify in an administrative, legislative, or judicial proceeding concerning alleged criminal conduct or alleged sexual harassment on the part of the other party if the party has been required or requested to attend the proceeding pursuant to a court order, subpoena, or written request from an administrative agency or the Legislature. (CIV 1670.11)

AB 3138 (MURATSUCHI), CH. 308

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

**HAZARDOUS MATERIALS: MANAGEMENT:
CIVIL LIABILITY**

Restructures civil and administrative penalties for California Accidental Release Prevention (CalARP) program violations, as follows: (1) Raises the maximum civil or administrative penalty for CalARP violations from \$2,000 to \$5,000 per violation per day. (2) Changes the criteria a CalARP violation must meet in order to be sub-

ject to a maximum penalty of \$25,000 per violation per day such that any person or stationary source that knowingly violates CalARP is subject to this higher penalty. (3) Exempts from CalARP penalty provisions in Health and Safety Code section 25540 violations that are the result of a failure of a local implementing agency's integrated alerting and notification system or are otherwise enforced by the Labor Commissioner. (4) Specifies that the changes in Nos. 1–3 above only apply to violations that occur on or after January 1, 2019. (H&S 25540)

AB 3247 (COMMITTEE ON JUDICIARY), CH. 106
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
ARBITRATION: AGREEMENTS: ENFORCEMENT

Provides that a court is not required to order parties to arbitrate a controversy if it determines that grounds exist for rescission of the agreement, rather than revocation of the agreement. (CCP 1281.2)

AB 3250 (COMMITTEE ON JUDICIARY), CH. 776
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
CIVIL LAW: CIVIL RIGHTS

Among other things, makes permanent the mandatory expedited jury trial program for limited civil cases by removing the July 1, 2019 sunset provision. Clarifies the method courts are supposed to use for calculating interest on the residual resulting from unclaimed class action funds when making cy prè awards. Provides specifically that the court calculate the cy prè award as the sum of the unpaid residue or unclaimed or abandoned class members funds, plus any interest that has accrued thereon. Makes various technical, clarifying, and conforming changes to the procedures governing name and gender changes and the statutes relating to electronic service of process. Clarifies further that legal document assistants and unlawful detainer assistants do not need to take legal ethics as a part of their biannual continuing legal education requirements. (B&P 6402.2; CIV 51.7, 52.1, 54.8; CCP 384, 630.30, 1013b, 1276, 1277, 1277.5; H&S 103430; INS 1861.03)

SB 224 (JACKSON), CH. 951
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
PERSONAL RIGHTS: CIVIL LIABILITY AND ENFORCEMENT

Among other things, adds elected official, lobbyist, investor, and director or producer to the list of specific examples of the types of business, service, or professional relation-

ships that are necessary to bring a cause of action for harassment under Civil Code section 51.9. Extends the situations when business, service, or professional relationships can exist between the plaintiff and the defendant to include cases in which the defendant holds himself or herself out as being able to help the plaintiff establish a business, service, or professional relationship with the defendant or a third party. Removes the requirement in existing law for a plaintiff, in order to bring a cause of action under Civil Code section 51.9, to prove that there is an inability by the plaintiff to easily terminate the relationship. Authorizes the Department of Fair Employment and Housing to receive, investigate, conciliate, mediate, and prosecute complaints alleging a violation related to Civil Code section 51.9 that provides a cause for action for sexual harassment when there is a business, professional, or service relationship between the plaintiff and the defendant. Adds Civil Code section 51.9 to the list of statutes in the Fair Employment and Housing Act (FEHA) that create rights that, if a person were to deny or to aid, incite, or conspire in the denial of those rights, are an unlawful practice under FEHA. (CIV 51.9; GOV 12930)

SB 721 (HILL), CH. 445
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
BUILDING STANDARDS: DECKS AND BALCONIES: INSPECTION

Establishes inspection and repair requirements for “exterior elevated elements” (EEEs) as defined, including decks and balconies for buildings with three or more multifamily dwelling units. Establishes reporting and repair requirements if repairs are needed, including specific timelines for carrying out the repairs. Specifies who can complete the inspections and repairs and provides for civil penalties for violations by building owners, as specified. (H&S 17973)

SB 785 (WIENER), CH. 12
EFFECTIVE/OPERATIVE DATE: MAY 17, 2018
EVIDENCE: IMMIGRATION STATUS

Except as specified, prohibits in civil and criminal actions the disclosure of a person's immigration status in open court by a party unless that party requests an in camera hearing and the judge presiding over the matter determines that the evidence is admissible. Among other things, clarifies that the above prohibition does not apply to cases in which a person's immigration status is

necessary to prove an element of a claim or an affirmative defense. Clarifies further that the bill does not impact other applicable laws governing the relevance of immigration status to liability in civil actions or limit discovery in criminal actions, or prohibit a person or their attorney from voluntarily revealing their immigration status to the court. Repeals this prohibition as of January 1, 2022. (EVID 351.3, 351.4)

SB 820 (LEYVA), CH. 953

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

**SETTLEMENT AGREEMENTS:
CONFIDENTIALITY**

Prohibits the inclusion of a settlement provision that prevents the disclosure of factual information related to a cause of action for any of the following: sexual assault, acts of sexual harassment or discrimination, as specified, and retaliation for reporting such harassment or discrimination. Declares that a court shall not enter, by stipulation or otherwise, an order that restricts the disclosure of information in a manner that conflicts with the above prohibition. Allows for a settlement agreement to include a provision that shields the identity of the claimant and all facts that could lead to the discovery of his or her identity, including pleadings filed in court, at the request of the claimant except in cases where a government agency or public official is a party to the settlement agreement. Provides that a settlement agreement that prevents the disclosure of factual information related to the claim described above, that is entered into on or after January 1, 2019, is void as a matter of law and is against public policy. (CCP 1001)

SB 954 (WIECKOWSKI), CH. 350

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

MEDIATION: CONFIDENTIALITY: DISCLOSURE

Requires (except in the case of a class or representative action) an attorney representing a person participating in a mediation or a mediation consultation to provide his or her client, as soon as reasonably possible before the client has agreed to participate in a mediation or mediation consultation, with a specified printed disclosure containing the confidentiality restrictions related to mediation, and to obtain a printed acknowledgment signed by that client stating that he or she has read and understands the confidentiality restrictions. Provides further that an attorney who is retained after an individual agrees to participate in the mediation or mediation consultation, as soon as reasonably possible after being retained, must comply

with the printed disclosure and acknowledgment requirements described above. Specifies language that would be deemed compliant with the above written disclosure and acknowledgment requirements. Provides that the failure of an attorney to comply with the bill's disclosure requirements does not invalidate an agreement prepared in the course of, or pursuant to, a mediation. Specifies further that a communication, document, or writing related to an attorney's compliance with the bill's disclosure requirements is not confidential and may be used in an attorney disciplinary proceeding if the communication, document, or writing does not disclose anything said or done or any admission made in the course of the mediation. (EVID 1122, 1129)

SB 1196 (JACKSON), CH. 696

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

**PERSONAL IDENTIFYING INFORMATION:
UNLAWFUL USE: BUSINESS ENTITY FILINGS**

Provides that a person who has learned or reasonably suspects that his or her personal identifying information (PII) has been used unlawfully in a business entity filing, and has initiated a law enforcement investigation, may petition the superior court for an order directing the alleged perpetrator of the act and the person using the PII in the business entity filing to appear at a hearing before the court and show cause for both of the following: (1) why the PII should not be labeled to show the information is impersonated and does not reflect the person's identity; and (2) why the PII should be associated with the business entity. Requires that such a petition be heard and determined based on declarations, affidavits, police reports, or other material, relevant, and reliable information submitted by the parties or ordered to be made part of the record by the court. Provides that if the court determines the petition is meritorious and there is no reasonable cause to believe that the victim's PII has been used lawfully in the business entity filing, the court must make a finding that the victim's PII has been used unlawfully in the business entity filing and issue an order certifying this determination. Provides that upon making such a determination, the court must do the following: (1) order the name and associated PII in the business entity filing to be redacted or labeled to show that the data is impersonated and does not reflect the victim's identity; and (2) order the data to be removed from publicly accessible electronic indexes and databases. Authorizes such a determination to be vacated at any time if the petition or any information submitted in support of

the petition is found to contain any material misrepresentation or was obtained by fraud. Requires such orders to be filed with the Secretary of State. Requires the Judicial Council to develop a form for issuing an order of determination pursuant to the above provisions. (CIV 1798.200, 1798.201, 1798.202)

SB 1200 (SKINNER), CH. 898

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

FIREARMS: GUN VIOLENCE RESTRAINING ORDERS

Makes various changes to the gun violence restraining order (GVRO) laws, including (1) stating that for purposes of the GVRO law, “ammunition” includes “magazines,” and makes conforming changes to the notice required to be given to the subject of a GVRO; (2) requiring the court, within one day of receiving the receipt showing all firearms and ammunition have been surrendered to a local law enforcement agency, or sold, or transferred to a licensed firearms dealer, to transmit a copy of the receipt to the Department of Justice (DOJ) pursuant to a process prescribed by the DOJ; (3) requiring an officer serving a GVRO to verbally ask the restrained person if he or she has any firearm, firearm part or component, ammunition, or magazine in his or her possession or under his or her custody or control; (4) requiring the court to hold a hearing within 21 days after the date of the issuance of a temporary GVRO to determine if a one-year GVRO should be issued; (5) exempting any orders or injunctions related to GVROs from the requirement for prepayment of a fee deposit generally authorized in connection with service of process of notices for certain types of cases; and (6) providing that there is no filing fee for an application, a responsive pleading, or an order to show cause that seeks to obtain, modify, or enforce a GVRO or other order authorized by the GVRO law if the request for the other order is necessary to obtain or give effect to a GVRO. (GOV 61032; PEN 11106, 18100, 18105, 18120, 18121, 18125, 18135, 18148, 18160, 18180)

SB 1244 (WIECKOWSKI), CH. 463

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

PUBLIC RECORDS: DISCLOSURE

Replaces the term “plaintiff” with the term “requester” in Government Code section 6259(d) to clarify that the court shall award court costs and reasonable attorney’s fees to the requester should the requester prevail in litigation

filed pursuant to the California Public Records Act and clarifies that the court shall award court costs and reasonable attorney’s fees to the public agency if the court finds that the requester’s case is clearly frivolous. (GOV 6259)

SB 1300 (JACKSON), CH. 955

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

UNLAWFUL EMPLOYMENT PRACTICES: DISCRIMINATION AND HARASSMENT

Amends the anti-harassment provisions of the Fair Employment and Housing Act to expand potential employer liability to all forms of harassment by non-employees, adds permissive training requirements, prohibits most nondisparagement agreements and releases of claims, and limits the payment of prevailing defendant attorney’s fees, as specified. (GOV 12923, 12940, 12950.2, 12964.5, 12965)

SB 1453 (MCGUIRE), CH. 796

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

STATUTES OF LIMITATIONS

Provides that an action under Public Resources Code section 4601.1 for specified violations of the Z’berg-Nejedly Forest Practice Act of 1973 involving the conversion of timberland to non-forestry-related agricultural uses must be commenced within three years. Specifies further that these causes of action shall not be deemed to have accrued until discovery by the Department of Forestry and Fire Protection. (CCP 338)

COURT FACILITIES

AB 2309 (BLOOM), CH. 536

EFFECTIVE/OPERATIVE DATE: SEPTEMBER 19, 2018

SALE OF THE WEST LOS ANGELES COURTHOUSE

Authorizes the Judicial Council to sell the West Los Angeles Courthouse and the Mental Health Courthouse in Los Angeles County. Requires the Judicial Council to consult with, and first offer the right to purchase the properties at fair market value, to the County of Los Angeles. Requires the net proceeds from the sales of the courthouses to be deposited into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund. (GOV 70397)

COURT INTERPRETERS

SB 1155 (HUESO), CH. 852

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

COURT INTERPRETERS: SMALL CLAIMS PROCEEDINGS

Deletes the section that permitted the use of a temporary interpreter in a small claims proceeding. Adds small claims proceedings to the definition of court proceedings for the purpose of permitting a court to assign an interpreter to help limited-English-proficient litigants with the proceedings. (CCP 116.550; GOV 68560.5)

COURT OPERATIONS

AB 1531 (BERMAN), CH. 248

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

COURT FEES: ELECTRONIC FILING

Specifies that if a duplicate payment is made to a court by a party or an electronic service provider by credit card or other electronic means for, among other things, court filing fees, the court must issue any appropriate refund to the entity that made the most recent payment. Allows an electronic filing service provider, if an electronic filing is made to the court by the electronic filing service provider acting as the agent of the court for purposes of collecting and remitting filing fees, and fees owed to the electronic filing service provider remain unpaid for a period of five days after notice to the attorney of record, and the filing was made by the attorney of record and not an unrepresented party, to notify the clerk that fees remain unpaid despite notice to the attorney of record. Allows the clerk to notify the attorney of record that the attorney may be sanctioned by the court for nonpayment of fees and allows the court to sanction that attorney if the fees remain unsatisfied 20 days after the clerk's notice. (CCP 411.20.5; GOV 6159)

SB 1089 (JACKSON), CH. 89

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM

States, as declaratory of existing law, that all protective orders subject to transmittal to the California Law Enforcement Telecommunications System be so transmitted. States that this provision is in response to a practice whereby the parties to a restraining order seek to have

the court enter a stipulated protective order that would not be transmitted to the system when the law otherwise requires its transmittal. (FAM 6380)

SB 1208 (COMMITTEE ON JUDICIARY), CH. 201

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

COURTS, JUDICIAL EMERGENCIES

Revises and recasts the provision related to the judicial emergencies that provides the courts the ability to delay or relocate various judicial proceedings. Specifically, the bill: (1) Updates, revises, and recasts the circumstances on which a presiding judge of a court may request the Chairperson of the Judicial Council authorize the court to act on the emergency provisions provided by this bill. (2) Provides that the emergency provisions provided by this bill may be ordered if any of the following emergency situations have occurred or are at risk of occurrence: (a) war; (b) an act of terrorism; (c) public unrest or calamity; (d) epidemic; (e) natural disaster; (f) other substantial risks to the health and welfare of court personnel or the public; (g) other substantial risk of the destruction of or danger to the building appointed for holding court; (h) any other condition that leads to a state of emergency being proclaimed by the President of the United States or the Governor of the State of California; or (i) a large influx of criminal cases resulting from a large number of arrests within a short period of time. (3) Provides that upon a finding by the Chairperson of the Judicial Council that a situation described above exists, the Chairperson of the Judicial Council may authorize and order one or more of the following actions: (a) a court to hold sessions anywhere in the county; (b) a court to transfer civil cases to any county with the consent of the parties; (c) a court to transfer civil cases, upon the court's own finding that the emergency condition described would result in extreme or undue hardship, to any court in an adjacent county or within 100 miles of the county in which the court is situated, or to any court within 100 miles of the outer boundary of an area proclaimed to be experiencing a state of emergency by the Governor; (d) declare that the date or dates on which an emergency condition substantially interfered with the public's ability to file papers in a court facility to be deemed a holiday for the purpose of filings required by the Code of Civil Procedure; (e) declare that the date or dates on which an emergency condition prevented the court from holding specified criminal magistrate proceedings or juvenile detention or dependency hearings to be a court

holiday; (f) extend the time period for filing specified civil actions; (g) extend the duration of any temporary restraining order that would otherwise expire because an emergency condition would prevent proceedings from commencing to determine whether a permanent order should be entered; (h) extend the time period within which a defendant charged with a felony offense shall be taken before a magistrate from 48 hours to not more than 7 days, if within a county declared to be experiencing a state of emergency; (i) extend the time period within which a defendant must be given a preliminary hearing from 10 court days to not more than 15 court days; (j) extend the time period within which a criminal trial must be held by 30 days and provide that the trial for defendants in custody must be given precedence over all other cases; (k) extend the time period for holding various criminal magistrate proceedings or child welfare hearings to a period designated by the Chairperson of the Judicial Council not to exceed 7 days, if within a county declared to be experiencing a state of emergency; and (l) extend the time period for holding various juvenile detention and dependency hearings to a period designated by the Chairperson of the Judicial Council not to exceed 15 days, if within a county declared to be experiencing a state of emergency. (4) Provides that the limitations provided by (3) do not preclude the Chairperson of the Judicial Council from issuing an additional order that the emergency situation necessitating the order still exists and an extension of the time periods provided above is necessary. (GOV 68115)

COURT REPORTERS

AB 2084 (KALRA), CH. 648

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

SHORTHAND REPORTERS

Enhances the regulation of licensed shorthand reporters and shorthand reporting corporations by imposing specific penalties in addition to other remedies as permitted that seek to discourage practices that are inconsistent with the integrity and impartiality required of officers of the court and to promote competition based on the quality and price of shorthand reporting services. Applies to individuals or entities that do any of the following: undertake any act that constitutes shorthand reporting that occurs wholly or partly in this state; employ, independently contract with, or recruit a licensed shorthand reporter to report or transcribe deposi-

tion testimony in a court proceeding or in a deposition; contract with a resident of California by mail or otherwise that requires either party to perform licensed shorthand reporting wholly or partly in this state or independently contract with or is employed by an entity that does any of the acts described above. Does not apply to an individual, whether acting as an individual or as an officer, director, or shareholder of a shorthand reporting corporation, as defined, who possesses a valid license, issued pursuant to Business and Professions Code section 8018, that may be revoked or suspended by the board, or to a shorthand reporting corporation that is in compliance with Business and Professions Code section 8044. Does not apply to a court, a party to litigation, an attorney of the party, or a full-time employee of the party or the attorney of the party, who provides or contracts for certified shorthand reporting for purposes related to the litigation. (B&P 8050)

AB 2664 (HOLDEN), CH. 497

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

COURT REPORTERS: OFFICIAL REPORTER PRO TEMPORE

Clarifies that if an official court reporter is not available, a party may, at the party's expense, arrange for the presence of a certified shorthand reporter to serve as the official pro tempore reporter. Requires the court, at the arranging party's request, to appoint the certified shorthand reporter to be present and serve as the official reporter pro tempore unless there is good cause to refuse the appointment. Requires that the fees and charges of the certified shorthand reporter shall be recoverable by the prevailing party. (GOV 68086, 70044)

CRIMINAL LAW AND PROCEDURE

AB 368 (MURATSUCHI), CH. 379

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

CRIMINAL PROCEDURE: JURISDICTION OF PUBLIC OFFENSES

Allows the consolidation of offenses of sexual intercourse, sodomy, oral copulation, or sexual penetration with a child 10 years of age or younger occurring in different counties into a single trial if all district attorneys in the counties with jurisdiction agree. (PEN 784.7)

AB 372 (STONE), CH. 290**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019****DOMESTIC VIOLENCE: PROBATION**

Allows the counties of Napa, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, and Yolo to offer a program for individuals convicted of domestic violence that does not comply with the requirement of the batterer's program in Penal Code sections 1203.097 and 1203.098 if the program meets all of the conditions specified. Remains in effect until July 1, 2022, and is repealed as of that date. (PEN 1203.099)

AB 865 (LEVINE), CH. 523**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019****MILITARY PERSONNEL: VETERANS:
RESENTENCING: MITIGATING
CIRCUMSTANCES**

Authorizes any person who was sentenced for a felony conviction prior to January 1, 2015, and who is, or was, a member of the U.S. military and who may be suffering from posttraumatic stress disorder (PTSD) or other forms of trauma conditions as a result of his or her military service to petition for a recall of sentence if the person meets both of the following conditions: (1) the circumstance of suffering from sexual trauma, traumatic brain injury, PTSD, substance abuse, or mental health problems as a result of the person's military service was not considered as a factor in mitigation at the time of sentencing; and (2) the person was sentenced prior to January 1, 2015, whether or not the case was final as of January 1, 2015. (PEN 1170.91)

AB 1735 (CUNNINGHAM), CH. 805**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019****PROTECTIVE ORDERS: HUMAN TRAFFICKING:
PIMPING: PANDERING**

Requires the court to consider issuing a protective order in all cases in which a criminal defendant has been convicted of human trafficking with the intent to obtain forced labor or services, and pimping or pandering without regard to whether the victim is a minor. A violation of the protective order is a crime. (PEN 136.2)

AB 1736 (CUNNINGHAM), CH. 64**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019****EVIDENCE: HEARSAY: PRIOR INCONSISTENT
STATEMENTS**

Expands the exception to the hearsay rule that certain evidence of prior inconsistent statements of a witness in the form of a video recorded statement or transcript that is properly admitted in a preliminary hearing or trial of the same criminal matter is admissible if certain conditions are met to also include audio recorded statements if the same conditions are met. (EVID 1294)

AB 1746 (CERVANTES), CH. 962**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019****CRIMINAL PROCEDURE: JURISDICTION OF
PUBLIC OFFENSES**

Provides that if more than one offense of sexual battery or unlawful sexual intercourse occurs in more than one jurisdictional territory, and the defendant and the victim are the same for all of the offenses, jurisdiction for any of those offenses and any other properly joinable offenses may be in any jurisdiction where at least one of the offenses occurred. (PEN 784.7)

AB 1793 (BONTA), CH. 993**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019****CANNABIS CONVICTIONS: RESENTENCING**

Requires the Department of Justice, by July 1, 2019, to identify past cannabis conviction cases that are potentially eligible for recall or dismissal of a sentence, sealing, or redesignation pursuant to current law. Requires the department to notify prosecutors of cases in their jurisdiction that are eligible for sentence modifications. Requires prosecutors to review all identified cases to determine if they will object to sentence modifications in these cases or allow them to proceed, and once prosecutors complete their review of the case to notify the courts and public defenders of cases where they are challenging the sentence modification by July 1, 2020. Requires prosecutors to notify the courts of the cases where they will not be challenging sentence modifications. Finally, requires courts to automatically modify sentences in identified cases if there is no challenge by July 1, 2020. (H&S 11361.9)

AB 1896 (CERVANTES), CH. 123
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
SEXUAL ASSAULT COUNSELOR-VICTIM PRIVILEGE

Includes within the definition of “sexual assault counselor” a person who is engaged in a program on the campus of a public or private institution of higher education, with the same primary purpose of rendering advice or assistance to victims of sexual assault and who has the same qualifications for the purposes of the privilege for a victim of a sexual assault to refuse to disclose, and to prevent another from disclosing, a confidential communication between the victim and a sexual assault counselor, if the privilege is claimed by the holder of the privilege, a person who is authorized to claim the privilege by the holder of the privilege, or the person who was the sexual assault counselor at the time of the confidential communication, except as specified. (EVID 1035.2)

AB 1934 (JONES-SAWYER), CH. 70
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
DEPENDENT PERSONS: DEFINITION

Provides that a person is a “dependent person” or “dependent adult” regardless of whether the person lives independently. Recasts the legislative findings relating to punishment for specific injuries inflicted on a dependent person or child. (EVID 177; PEN 288, 368, 1336; W&I 5610.23)

AB 1941 (JONES-SAWYER), CH. 18
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
MISDEMEANORS

Allows the court to reduce an offense punishable as either a felony or a misdemeanor to a misdemeanor upon successful completion of probation, regardless of whether the court had previously imposed a sentence. (PEN 17)

AB 1948 (JONES-SAWYER), CH. 294
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
INTERCEPTION OF ELECTRONIC COMMUNICATIONS

Adds fentanyl to the list of controlled substances for which a court may issue an order authorizing interception of wire or electronic communications if the court finds, among other things, that there is probable cause to believe an individual is committing, has committed, or is about

to commit one of several offenses, including importing, possessing for sale, transporting, manufacturing, or selling certain controlled substances. (PEN 629.52)

AB 1985 (TING), CH. 26
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
HATE CRIMES: LAW ENFORCEMENT POLICIES

Clarifies that for the purposes of the law relating to law enforcement policies on “hate crimes,” “disability” includes mental disability and physical disability regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness. (PEN 422.56, 422.87)

AB 1987 (LACKEY), CH. 482
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
DISCOVERY: POSTCONVICTION

Authorizes a court to order that a defendant be provided reasonable access to discovery materials upon prosecution of a postconviction writ of habeas corpus or a motion to vacate judgment and a showing that good faith efforts to obtain discovery materials from trial counsel were made and were unsuccessful in any case in which a defendant is convicted of a serious or violent felony resulting in a sentence of 15 years or more. Authorizes a court, in a case in which a sentence other than death or life in prison without the possibility of parole has been imposed, if a court has entered a previous order granting discovery, to make a subsequent order granting discovery to be made in the court’s discretion. Requires a subsequent request for discovery to include a statement by the person requesting discovery as to whether he or she has previously been granted an order for discovery. Requests the State Bar to study the issue of closed-client file release and retention by defense attorneys and prosecutors in criminal cases. (PEN 1054.9)

AB 2133 (WEBER), CH. 965
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
CRIMINAL JUSTICE: STATE SUMMARY CRIMINAL HISTORY RECORDS

Provides that the requirement that the Attorney General furnish summary criminal history information extends to a public defender or attorney of record when representing a person in a criminal case or a juvenile delinquency proceeding, including on appeal or during any postconviction motions, if the information is requested in the course of representation. (PEN 11105)

AB 2175 (AGUIAR-CURRY), CH. 341
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
VESSELS: REMOVAL

Authorizes a court to order a person convicted of a crime involving the use of a vessel that is removed and impounded pursuant to these provisions to pay the costs of towing and storage of the vessel and any related administrative costs imposed in connection with the removal, impoundment, storage, or release of the vessel. (H&N 523)

AB 2226 (PATTERSON), CH. 142
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
CRIME VICTIMS: RESTITUTION AND COMPENSATION

Adds the willful infliction of corporal injury on a spouse, cohabitant, or other specified victim to the crimes for which restitution for related home security costs is authorized. (PEN 1202.4)

AB 2243 (FRIEDMAN), CH. 27
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
EVIDENCE: ADMISSIBILITY

Prohibits the admissibility of evidence that a victim of, or a witness to, extortion, stalking, or a violent felony has engaged in an act of prostitution at or around the time he or she was the victim of or witness to the crime to prove the victim's or witness's criminal liability in a separate prosecution for the act of prostitution. (EVID 1162)

AB 2302 (BAKER), CH. 943
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
CHILD ABUSE: SEXUAL ASSAULT: MANDATED REPORTERS: STATUTE OF LIMITATIONS

Extends the statute of limitations in cases involving the failure to report an incident known or reasonably suspected by a mandated reporter to be sexual assault to five years, commencing on the date the offense occurred. (PEN 801.6)

AB 2568 (REYES), CH. 281
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
COUNTY JAILS: VETERANS

Requires county jails to, upon detention of a person, ask if the person has served in the U.S. military and to document the person's response and make this information available to the person, his or her counsel, and the district attorney. (PEN 4001.2)

AB 2599 (HOLDEN), CH. 653
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
CRIMINAL RECORDS

Requires a facility at which an arrestee is detained to, at the request of the arrestee upon release, provide to the arrestee the forms with which a person who has suffered an arrest that did not result in conviction can petition the court to have his or her arrest and related records sealed. Also requires a facility at which an arrestee is detained to post a sign that contains a specified notice regarding the sealing of arrests. (PEN 851.91)

AB 2661 (ARAMBULA), CH. 821
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
MENTAL HEALTH: SEXUALLY VIOLENT PREDATORS

Clarifies that a person's subsequent conviction for an offense that is not a sexually violent offense committed while in the custody of the California Department of Corrections and Rehabilitation (CDCR) or the Department of State Hospitals (DSH) while awaiting the resolution of a petition to have the person committed to the DSH as a sexually violent predator (SVP) does not change the jurisdiction over the pending SVP petition, which is the county in which the person was convicted of the sexually violent offense that resulted in commitment to the CDCR. (W&I 6601)

AB 2710 (OBERNOLTE), CH. 176
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
WARRANTS

Streamlines and modernizes the warrant process by (1) providing that the warrant signed by the magistrate and received by the officer be deemed the original warrant; (2) no longer requiring the magistrate to print the warrant; and (3) eliminating the oral oath requirement, with the magistrate exercising discretion to call the officer when appropriate. (PEN 817, 1526)

AB 2717 (LACKEY), CH. 177
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
DRIVING UNDER THE INFLUENCE: BLOOD TESTS

Amends statutory law to comport with the decision in *Birchfield v. North Dakota* (2016) 136 S.Ct. 2160; repeals the imposition of criminal penalties for the refusal by a person to submit to or complete a blood test for the pur-

pose of determining the alcoholic or drug content of his or her blood if lawfully arrested for one of specified driving-under-the-influence offenses. Clarifies that a person is required to be told that his or her failure to submit to, or the failure to complete, the required breath, blood, or urine tests will result in administrative suspension or revocation by the Department of Motor Vehicles of the person's privilege to operate a motor vehicle, as specified. (VEH 23577, 23578, 23612)

AB 2845 (BONTA), CH. 824

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

CRIMINAL PROCEDURE: PARDONS

Authorizes the Board of Parole Hearings (BPH) to make recommendations to the Governor on candidates for pardon at any time and authorizes the Governor to request an investigation into candidates for pardon or commutation at any time. Requires BPH to consider expedited review of the application if a petitioner indicates an urgent need for the pardon or commutation, as specified. Requires the BPH to notify an applicant after the board receives the application and when the board has issued a recommendation. Subject to criteria established by the Governor, requires a certificate of rehabilitation issued by a court to be reviewed by the board within one year of receipt of the certificate, and requires the BPH to issue a recommendation as to whether the Governor should pardon that individual. Makes a certificate of rehabilitation available to a person who has had a conviction dismissed pursuant to withdrawal of plea. Requires the Governor and the courts of each county to make the application for a pardon and the application for a commutation available on their websites. (GOV 12952; PEN 4802.5 4812, 4852.06, 4852.16, 4852.18)

AB 2867 (GONZALEZ FLETCHER), CH. 825

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

CRIMINAL PROCEDURE: POSTCONVICTION RELIEF

Clarifies the timing and procedural requirements for motions for postconviction relief that are based on either a prejudicial error regarding a defendant's comprehension of immigration consequences stemming from his or her conviction, or newly discovered evidence of actual innocence. (PEN 1473.7)

AB 2942 (TING), CH. 1001

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

CRIMINAL PROCEDURE: RECALL OF SENTENCING

Authorizes a court to recall and resentence a defendant upon the recommendation of the district attorney of the county in which the defendant was sentenced. (PEN 1170)

AB 2988 (WEBER), CH. 972

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

CRIMINAL PROCEDURE: DISPOSITION OF EVIDENCE

Requires the appropriate governmental entity to preserve any object or material that contains or includes biological material. Requires the governmental entity to provide notice of intent to destroy biologics, as specified. Retains the provisions in existing law relating to challenges to notices of intent to destroy biologics. (PEN 1417.9)

SB 10 (HERTZBERG), CH. 244

EFFECTIVE/OPERATIVE DATE: OCTOBER 1, 2019

PRETRIAL RELEASE OR DETENTION: PRETRIAL SERVICES

Changes the current pretrial release and detention system, moving from a system that determines pretrial release and detention based on criminal charge and monetary bail to one that is based on criminal charges and assessment of risk to public safety and potential for failure to return to court, effective October 1, 2019. (PEN 1320.7–1320.11, 1320.13–1320.34)

See Appendix B for a full description of the bill.

SB 215 (BEALL), CH. 1005

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

DIVERSION: MENTAL DISORDERS

Makes defendants charged with certain serious offenses ineligible for the mental health diversion (MHD) program established by AB 1810 (Stats. 2018, ch. 34). Authorizes a court to require the defendant to make a prima facie showing that the defendant will meet the minimum requirements of eligibility for diversion and that the defendant and the offense are suitable for diversion. Requires the court, upon request, to conduct a hearing to determine whether restitution is owed to any victim as a result of the diverted offense and, if owed, to

order its payment during the period of diversion. Note: Different eligibility as well as other requirements apply to cases granted entry into an MHD between June 27 and December 31, 2018, due to differing statutory effective dates between AB 1810 and SB 215. (PEN 1001.36; W&I 4361)

See Appendix A for a full description of the bill.

SB 746 (PORTANTINO), CH. 780
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
FIREARMS AND AMMUNITION: PROHIBITED POSSESSION: TRANSFER TO LICENSED DEALER

Among other things, authorizes a person who has an outstanding warrant for a felony or misdemeanor to transfer his or her firearms or ammunition to a licensed firearms dealer for the duration of the prohibition. Makes the procedure for a court or law enforcement agency to return a seized firearm also applicable to ammunition. Commencing on July 1, 2020, makes these provisions applicable to ammunition feeding devices and, in some cases, ammunition. Expands the scope of a crime by requiring a new resident to the state to apply for a unique serial number within 60 days of arrival for any firearm the resident wishes to possess in the state that the resident previously manufactured or assembled, or a firearm the resident owns, that does not have a unique serial number and specifying that the provisions requiring a person who manufactures or assembles a firearm to apply for a unique serial number for that firearm do not authorize the person to manufacture or assemble an unsafe handgun. (PEN 16150, 29180, 29182, 29183, 29830, 33850, 33855, 33860, 33865, 33870, 33875, 33880, 33885, 33895)

SB 785 (WIENER), CH. 12
EFFECTIVE/OPERATIVE DATE: MAY 17, 2018
EVIDENCE: IMMIGRATION STATUS

Except as specified, prohibits in civil and criminal actions the disclosure of a person's immigration status in open court by a party unless that party requests an in camera hearing and the judge presiding over the matter determines that the evidence is admissible. Among other things, clarifies that the above prohibition does not apply to cases in which a person's immigration status is necessary to prove an element of a claim or an affirmative defense. Clarifies further that the bill does not impact other applicable laws governing the relevance of immi-

gration status to liability in civil actions or limit discovery in criminal actions, or prohibit a person or their attorney from voluntarily revealing their immigration status to the court. Repeals this prohibition as of January 1, 2022. (EVID 351.3, 351.4)

SB 923 (WIENER), CH. 977
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
CRIMINAL INVESTIGATIONS: EYEWITNESS IDENTIFICATION

Commencing January 1, 2020, requires all law enforcement agencies and prosecutorial entities to adopt regulations for conducting photo lineups and live lineups with eyewitnesses to ensure reliable and accurate suspect identifications. Requires the regulations to comply with specified requirements, including that prior to conducting the identification procedure, and as close in time to the incident as possible, the eyewitness provide the description of the perpetrator of the offense. (PEN 859.7)

SB 1046 (HILL); STATS. 2016, CH. 783
EFFECTIVE/OPERATIVE DATE: VARIOUS THROUGH 2026
DRIVING UNDER THE INFLUENCE: IGNITION INTERLOCK DEVICE

Effective January 1, 2019, permits persons convicted of a first DUI offense without bodily injury to elect to install an ignition interlock device (IID) and thereby retain full driving privileges. (Without the IID, a first-time DUI offender without bodily injury will be limited to a one-year restricted license and mandatory attendance in a treatment program.) Requires an individual convicted of a first offense DUI with bodily injury, or a second DUI offense without bodily injury, to install an IID in any vehicle driven by the individual for one year. Requires an individual convicted of a third DUI offense to install an IID in any vehicle driven by the individual for two years. Requires an individual convicted of a fourth and subsequent DUI offense to install an IID in any vehicle driven by the individual for three years. Provides for payment assistance for individuals who are required to install IID with an income of 100 percent or more of the federal poverty level, or for individuals who receive CalFresh benefits. Requires the Department of Motor Vehicles to report to the Department of Transportation on or before March 1, 2024, data regarding the implementation and efficacy of the IID program pursuant to SB 1046. (Various Codes)

SB 1054 (HERTZBERG), CH. 980

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

**PRETRIAL RELEASE AND DETENTION:
PRETRIAL SERVICES**

Amends SB 10 (Stats. 2018, ch. 244) to permit San Francisco County to use its existing not-for-profit entity for the pretrial assessments that are required by SB 10 and to expand the offenses that SB 10 makes ineligible for pre-arrestment release to include all sex offenses for which a person must register. (PEN 1320.10, 1320.26)

See Appendix B for a full description of the bill.

SB 1106 (HILL), CH. 1007

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

**YOUNG ADULTS: DEFERRED ENTRY OF
JUDGMENT PILOT PROGRAM**

Extends to January 1, 2022, the operative date of the existing transitional age youth pilot program, which authorizes pilot counties to operate a deferred entry of judgment pilot program for certain eligible defendants ages 18 to 21, and establishes a December 31, 2020 deadline by which counties must deliver a report on the program to the Senate and Assembly Public Safety Committees. Expands the pilot program to Ventura County. (PEN 1000.7)

SB 1187 (BEALL), CH. 1008

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

COMPETENCE TO STAND TRIAL

Changes the period of commitment for an individual who has been found incompetent to stand trial (IST) from three years to two. Makes IST individuals eligible for custody credits during the period of commitment and applies those credits to those individuals when competency is restored. Makes various technical changes. Deletes the requirement that an IST individual who has been committed, or who is on outpatient status and who is still hospitalized or on outpatient status at 18 months, be returned to the community court for a competency hearing. (PEN 1369, 1370, 1370.1, 1375.5, 4019)

SB 1199 (WILK), CH. 226

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

SEX OFFENDERS: RELEASE

Requires an inmate who is released on parole or postrelease community supervision who was committed to prison for a registrable sex offense to be returned through all efforts

reasonably possible to the city that was the last legal residence of the inmate prior to incarceration or a close geographic location in which he or she has family, social ties, or other economic ties and access to reentry services, unless return to that location would violate any other law or pose a risk to his or her victim. (PEN 3003)

SB 1437 (SKINNER), CH. 1015

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

**ACCOMPLICE LIABILITY FOR FELONY
MURDER**

Revises the felony-murder rule to exclude certain participants in the commission or attempted commission of a felony that results in death from liability for murder. Provides a means of vacating the conviction and resentencing a defendant when a complaint, information, or indictment was filed against the defendant that allowed the prosecution to proceed under a theory of first degree felony murder or murder under the natural and probable consequences doctrine, the defendant was sentenced for first degree or second degree murder or accepted a plea offer in lieu of a trial at which the defendant could be convicted for first degree or second degree murder. (PEN 188, 189, 1170.95)

See Appendix C for a full description of the bill.

FAMILY LAW

AB 929 (RUBIO), CH. 938

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

**SPOUSAL SUPPORT: FACTORS: DOMESTIC
VIOLENCE**

For the purpose of awarding spousal support, defines a documented history of domestic violence to include a plea of nolo contendere, emotional distress resulting from domestic violence perpetrated against the supported party by the supporting party, any history of violence against the supporting party by the supported party, issuance of a protective order after a hearing pursuant to Family Code section 6340, or a finding by the court, as defined, that the spouse has committed domestic violence. (FAM 4320)

AB 2044 (STONE), CH. 941**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019****DOMESTIC VIOLENCE: FAMILY COURT**

Clarifies, in determining the best interests of the child in a child custody proceeding, that children have the right to be safe and free from abuse, and that domestic violence is detrimental to the health, safety, and welfare of the child. Adds to the rebuttable presumption against an award of sole or joint physical or legal custody of a child to a person who has perpetrated domestic violence to include domestic violence within the previous five years against the child's siblings, a parent, a current spouse, a cohabitant, or a person with whom the parent or person seeking custody has a dating or engagement relationship. Sets forth the findings to overcome the rebuttable presumption, and requires, if the court determines that the presumption has been overcome, the court to state its reasons in writing or on the record, as specified. Requires the Judicial Council to add elements to training programs for judicial officers and others who perform duties in domestic violence matters, as defined. (FAM 3011, 3020, 3044, 3100; GOV 68555)

AB 2090 (GONZALEZ FLETCHER), CH. 209**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019****GUARDIANSHIPS: SPECIAL IMMIGRANT JUVENILE STATUS**

Specifies that a parent may be appointed as a guardian of their own child in connection with a petition to make necessary findings regarding special immigrant juvenile status. (PROB 1510.1)

See Probate and Mental Health.

AB 2274 (QUIRK), CH. 820**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019****DIVISION OF COMMUNITY PROPERTY: PET ANIMALS**

Prior to the final determination of ownership of a pet animal, permits the court, at the request of a party to a dissolution or separation, to enter an order to require a party to care for the pet during the course of the proceedings. Permits the court, at the request of a party to proceedings for dissolution or legal separation, to assign sole or joint ownership of the pet, taking into consideration the care of the pet animal. (FAM 2605)

AB 2296 (WALDRON), CH. 389**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019****LICENSED PROFESSIONAL CLINICAL COUNSELORS: LICENSED CLINICAL SOCIAL WORKERS**

Permits an individual to be a child custody evaluator if, among other things, the individual is licensed as a professional clinical counselor under chapter 16 of division 2 of the Business and Professions Code and is qualified to assess couples and families pursuant to Business and Professions Code section 4999.20. Adds, in the case of a stepparent adoption, a licensed professional clinical counselor to the specializations permitted to perform an inquiry into the identity of all alleged fathers and presumed parents. In a proceeding in which a child's parent or parents are mentally disabled as defined and are likely to remain so for the foreseeable future, permits the court, in addition to calling other experts as defined, to call a licensed professional clinical counselor in circumstances in which the court determines that such testimony is in the best interests of the child and is warranted by the circumstances so long as the licensed professional clinical counselor or other expert selected by the court is not the adoption service provider. Requires, upon the filing of a petition under Family Code section 7841, the court to immediately notify, among other interested parties, a licensed professional clinical counselor, as required for further investigation. Adds to the definition of "adoption service provider" an individual who has presented satisfactory evidence to the state Department of Social Services that the individual is a licensed professional clinical counselor as defined. Includes a licensed professional clinical counselor to the list of potentially qualified entities to undertake an investigation and prepare a written report pursuant to an adoption request. Includes, in the definition of multidisciplinary personnel, licensed clinical social workers and licensed professional clinical counselors. (B&P 2908, 2995, 4507, 4999.32, 4999.33, 4999.62, 4999.63; CIV 56.105; EDU 35160.5; EVID 1010; FAM 3110.5, 7663, 7827, 7850, 7851, 8502, 9001; LAB 3209.8; W&I 18951, 18961.7)

AB 2684 (BLOOM), CH. 876**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019****PARENT AND CHILD RELATIONSHIP**

Restates the presumptions for parentage as the marriage and cohabitation of spouses at the time the child was conceived and born with stated exceptions. Permits use of genetic testing under circumstances as defined. Permits particular genetic tests as described. Permits actions to challenge parentage to include genetic testing under specified circumstances. Prohibits blanket use of genetic testing, as specified. Applies existing standards of awarding attorney's fees and costs, from actions related to marriage, child custody, and visitation to actions related to the determination of parentage. (CCP 2032.010; FAM 7540, 7541, 7550, 7550.5, 7551, 7552, 7552.5, 7554, 7555, 7556, 7558, 7559, 7560, 7562, 7570, 7571, 7572, 7573, 7573.5, 7574, 7575, 7576, 7577, 7578, 7580, 7581, 7604, 7612, 7613, 7630, 7635, 7640, 7644, 7645, 7646, 7647, 7647.7, 7648, 7649, 7650, 17412; H&S 1635, 1644, 1644.1, 1644.2, 1644.3, 102766, 102767)

AB 2694 (RUBIO), CH. 219**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019****DOMESTIC VIOLENCE: EX PARTE ORDERS**

States that an ex parte restraining order as defined shall not be denied solely because the restrained party was not provided with notice; permits, at the time of the hearing upon a determination by the court that after diligent effort the petitioner has been unable to accomplish personal service and that there is reason to believe that the restrained party is evading service, the court to allow alternative service as defined that is designed to give reasonable notice of the action. Requires the court to grant a continuance to allow for alternative service if alternative service has been permitted by the court. (FAM 6300, 6326, 6340)

AB 2780 (BLOOM), CH. 178**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019****FAMILY LAW: SUPPORT ORDERS**

For purposes of determining child support, expands consideration of earning capacity; takes into consideration the overall welfare of the children and the time that the parents spend with the children in determining the best interests of the children. Requires a vocational training counselor to have, among other required qualifications, a master's degree in behavioral sciences or other postgraduate degree that satisfies the court. (FAM 4058, 4331)

AB 2792 (CALDERON), CH. 83**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019****TERMINATION OF THE PARENT AND CHILD RELATIONSHIP: SEVERE SEXUAL ABUSE**

Makes a finding of severe sexual abuse, as defined by a parent, against the child prima facie evidence that the parent has neglected or cruelly treated the child. (FAM 7823)

AB 3248 (COMMITTEE ON JUDICIARY), CH. 504**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019****JUDICIARY OMNIBUS**

Among other things, excuses, for the purpose of ensuring parental support to an unmarried child who has attained 18 years of age but not yet 19 years of age, the requirement that the unmarried child be a full-time high school student if the child has a medical condition as defined that prevents full-time school attendance. Changes requirements pertaining to the collection of child support and the transfer of child support collection and distribution functions, as specified. Extends the exemption of a local child support agency until January 1, 2021, from a trial court's mandatory electronic filing and service requirements. (CCP 1010.6; FAM 5614, 7643, 17311.7)

SB 273 (HILL), CH. 660**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019****MARRIAGE AND DOMESTIC PARTNERSHIP: MINORS**

Requires Family Court Services (FCS) to interview the parties intending to marry or establish a domestic partnership if at least one of them is a minor; also requires an interview of at least one parent or guardian of each party who is a minor; specifies that if more than one parent or guardian is interviewed, each shall be interviewed separately. Requires FCS to prepare and submit to the court a written report detailing findings and recommendations, as defined. Requires FCS to submit any known or suspected child abuse or neglect to the county child protective services agency. Requires the court to provide information, as specified, and including information about how the marriage may be voidable, the procedures for legal separation and dissolution, and the telephone numbers for the National Domestic Violence Hotline and the National Sexual Assault Hotline to any minor for whom an order has been issued granting permission to marry or establish a domestic partnership. Requires each local registrar to submit

anonymous data as specified regarding the number of marriages in which at least one party was a minor that were solemnized during the preceding calendar year. (FAM 297.1, 298.8, 302, 303, 304, 423, 1501, 2210, 7002; H&S 102233, 102356)

SB 1129 (MONNING), CH. 850

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

SPOUSAL SUPPORT AWARD: CONVICTIONS

Adds felony conviction of domestic violence, as defined, perpetrated by one spouse against the other as basis for the prohibition of an award of spousal support and other benefits as specified; provides that if a convicted spouse presents evidence that he or she has been the victim of a violent sexual felony or domestic violence by the other spouse, the court may determine that the prohibition does not apply. States that where there is a misdemeanor conviction for domestic violence or any misdemeanor that results in a term of probation as specified perpetrated by one spouse against the other within five years of the filing for dissolution, there is a rebuttable presumption against an award of spousal support and benefits to the convicted spouse. Permits the court to determine that the injured spouse is entitled to 100 percent of the community property interest in the injured spouse's retirement and/or pension benefits. Limits application of the provisions in the bill to convictions that occur on or after January 1, 2019. (FAM 4324.5, 4325)

JUVENILE JUSTICE

AB 1214 (STONE), CH. 991

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

JUVENILE PROCEEDINGS: COMPETENCY

Establishes procedures to suspend proceedings and appoint an expert in child and adolescent development, as defined, to personally interview the minor and make a recommendation as to the minor's competence. Provides that if the expert concludes the minor lacks competence, requires the expert to opine as to whether the minor is likely to attain competency in the foreseeable future. Requires the Judicial Council, in collaboration with entities as specified, to adopt a rule of court identifying the training and experience required of the expert, among other things. Upon a finding of incompetence, requires the court to refer the minor to services, as defined, unless the court finds that competency cannot be achieved in

the foreseeable future. Sets a maximum of 12 months of remediation services for the minor, requires that charges against a minor found to be incompetent charged only with misdemeanors be dismissed, and sets out other parameters for treatment, periodic reviews, and expert testimony to help the minor achieve competency in the time provided. (W&I 709, 712)

AB 1584 (GONZALEZ FLETCHER), CH. 745

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

CRIMINAL LAW: DNA COLLECTION: MINORS

Establishes procedures law enforcement entities must use for collecting voluntary DNA reference samples from minors. States that violations of these procedures that demonstrate a pattern and practice of the agency shall result in liability of the law enforcement entity in favor of each minor whose sample was inappropriately collected. (W&I 625.4)

AB 2448 (GIPSON), CH. 997

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

JUVENILES: RIGHTS: COMPUTING TECHNOLOGY

Requires that every child adjudged a dependent child of the juvenile court regardless of their placement shall have access and use of computer technology and the Internet for the purpose of education and for maintaining relationships with family; provides that the chief probation officer or his or her designee may limit or deny such access for safety and security, or staffing reasons. (W&I 362.05, 727, 851.1, 889.1)

AB 2595 (OBERNOLTE), CH. 766

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

WARDS: CONFINEMENT

Limits, to the term of confinement by the committing court, the time a ward committed to the Division of Juvenile Justice shall be confined. Requires the court to set a maximum term to achieve rehabilitation. Prohibits the court from committing a ward to a term longer than could be imposed on an adult for the same offense. (W&I 731)

AB 2685 (LACKEY), CH. 717

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

DRIVING PRIVILEGE: MINORS

Repeals the provision that permits a court to suspend the driving privilege of or delay the issuance of a driver's license to a minor who is a habitual truant or adjudged by the juvenile court to be a ward of the court, as defined. Retains, in full effect according to the terms of an order pursuant to former section 13202.7 of the Vehicle Code, any order to suspend, restrict, or delay a minor's driving privilege that was issued prior to January 1, 2019. (VEH 13202.7)

AB 2952 (STONE, MARK), CH. 1002

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

JUVENILE RECORDS: SEALED RECORDS: ACCESS

Permits a juvenile record that has been sealed to be accessed, inspected, or utilized by the prosecuting attorney to meet a statutory or constitutional obligation to disclose favorable or exculpatory evidence to a defendant in a criminal case, as specified; permits access by the prosecuting attorney for the evaluation of charges and prosecution of offenses, as specified, and permits access by the Department of Justice for the purpose of determining if the person is suitable to purchase, own, or possess a firearm. States that if the record contains a sustained petition rendering the person ineligible to own or possess a firearm until 30 years of age as specified, the date the sealed records shall be destroyed is the date upon which the person turns 33. (W&I 786, 787)

SB 439 (MITCHELL), CH. 1006

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

JURISDICTION OF THE JUVENILE COURT

Limits those minors who, for persistent, habitual failure to obey parents and other truancy-related behavior, can come under the jurisdiction of the juvenile court to any minor between 12 and 17 years of age. States that a minor under the age of 12 who commits a serious or violent crime as specified may be adjudged a ward of the juvenile court. States that, as of January 1, 2020, it is the intent of the Legislature to promote the least restrictive environment for disciplining children under 12, and requires counties to develop processes for determining the least restrictive responses that may be used instead of, or in addition to, the release of a minor to her or his parents, guardian, or caregiver. (W&I 601, 602, 602.1)

SB 1281 (STERN), CH. 793

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

JUVENILE RECORDS

Permits a juvenile record that has been sealed to be accessed, inspected, or utilized by the prosecuting attorney to meet a statutory or constitutional obligation to disclose favorable or exculpatory evidence to a defendant in a criminal case, as specified; permits access by the prosecuting attorney for the evaluation of charges and prosecution of offenses, as specified; and permits access by the Department of Justice for the purpose of determining if the person is suitable to purchase, own, or possess a firearm. States that if the record contains a sustained petition rendering the person ineligible to own or possess a firearm until 30 years of age as specified, the date the sealed records shall be destroyed is the date upon which the person turns 33. (W&I 786, 787)

SB 1391 (LARA), CH. 1012

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

JUVENILES: FITNESS FOR JUVENILE COURT

Repeals the authority of a district attorney to make a motion to transfer a minor from juvenile court to a court of criminal jurisdiction in a case in which a minor is alleged to have committed a specified serious offense when he or she was 14 or 15 years of age, unless the individual was not apprehended prior to the end of juvenile court jurisdiction, thereby amending Proposition 57. (W&I 707)

LABOR AND EMPLOYMENT

AB 44 (REYES), CH. 736

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

WORKERS' COMPENSATION: MEDICAL TREATMENT: TERRORIST ATTACKS: WORKPLACE VIOLENCE

Requires employers to provide immediately accessible advocacy services for employees injured in the course of employment by an act of domestic terrorism, pursuant to a state of emergency declaration by the Governor. (LAB 4600.05)

AB 1455 (BOCANEGRA), CH. 560
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
CALIFORNIA PUBLIC RECORDS ACT:
EXEMPTIONS

Exempts from the California Public Records Act documents relating to collective bargaining between a local public agency and its employees that is identical to the exemption that applies to state agencies and their employees. (GOV 6254)

AB 2282 (EGGMAN), CH. 127
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
SALARY HISTORY INFORMATION

Authorizes an employer to make a compensation decision based on an employee's current salary as long as any wage differential resulting from that compensation decision is justified by one or more specified factors, including a seniority system or a merit system. (LAB 432.3, 1197.5)

AB 2310 (AGUIAR-CURRY), CH. 213
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
PUBLIC EMPLOYEES' RETIREMENT SYSTEM:
CONTRACTING MEMBERS

Modifies the California Public Employees' Retirement System (CalPERS) contract amendment procedures to accept a memorandum of understanding (MOU) that specifies the methodology for calculating a cost-sharing rate instead of the existing CalPERS requirement that the MOU list an exact percentage of member compensation that the members shall pay toward the current service cost of the benefits. Requires a contracting agency to provide CalPERS notice of any change in cost-sharing rates as calculated by the methodology by submitting a signed side letter ratified by the employee bargaining unit and the agency indicating the exact percentage at least 90 days prior to the effective date of the cost-sharing rate as set forth in the signed side letter. (GOV 20516)

SB 1085 (SKINNER), CH. 893
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
PUBLIC EMPLOYEES: LEAVES OF ABSENCE:
EXCLUSIVE BARGAINING REPRESENTATIVE
SERVICE

Requires public employers to provide "lost time" to employee representatives to allow employees to serve as stewards or officers of the employee representative or its state or national affiliates. (GOV 3558.8)

SB 1300 (JACKSON), CH. 955
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
UNLAWFUL EMPLOYMENT PRACTICES:
DISCRIMINATION AND HARASSMENT

Amends the anti-harassment provisions of the Fair Employment and Housing Act to expand potential employer liability to all forms of harassment by nonemployees, adds permissive training requirements, prohibits most nondisparagement agreements and releases of claims, and limits the payment of prevailing defendant attorney's fees, as specified. (GOV 12940, 12965, 12923, 12950.2, 12964.5)

SB 1412 (BRADFORD), CH. 987
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
APPLICANTS FOR EMPLOYMENT: CRIMINAL
HISTORY

Clarifies the circumstances when an employer is prohibited from asking an applicant about criminal convictions that have been judicially dismissed or ordered sealed by limiting employer inquiries to "particular convictions" where conviction of a crime would legally prohibit someone from holding that job. Defines "particular conviction" as "a conviction for specific criminal conduct or a category of criminal offenses prescribed by any federal law, federal regulation, or state law that contains requirements, exclusions, or both, expressly based on that specific criminal conduct or category of criminal offenses." Specifies that these provisions do not prohibit an employer required by state, federal, or local laws to conduct criminal background checks for employment purposes or to restrict employment based on criminal history from complying with those requirements. (LAB 432.7)

PROBATE AND
MENTAL HEALTH

AB 1290 (OBERNOLTE), CH. 475
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019
LAWYER-CLIENT PRIVILEGE: HOLDER OF THE
PRIVILEGE

Specifies that a guardian or conservator does not hold the attorney-client privilege when the guardian or conservator has an actual or apparent conflict of interest with his or her ward or conservatee. (EVID 953)

AB 1739 (CHAU), CH. 65

EFFECTIVE/OPERATIVE DATE: JULY 9, 2018

NONPROBATE TRANSFERS: REVOCABLE TRANSFER ON DEATH DEEDS

Clarifies that the “Common Questions” language in the statutory form for a revocable transfer on death (RTOD) deed need not be recorded along with the deed portion of the form. Provides that a failure to record those pages does not affect the effectiveness of a RTOD deed. Applies these provisions to RTOD deeds executed before, on, or after the effective date of these provisions, as specified. (PROB 5626)

AB 1960 (OBERNOLTE), CH. 71

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

ESTATES AND TRUSTS: KINDRED: DEFINITION

Clarifies the definition of “kindred” for purposes of the anti-lapse statute in the Probate Code. Defines “kindred” to exclude the spouse of a transferor for purposes of determining the distribution of property in a will, trust, deed or other document when the transferee, who is kindred of the transferor, dies before the transferor. (PROB 21110)

AB 2090 (GONZALEZ FLETCHER), CH. 209

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

GUARDIANSHIPS: SPECIAL IMMIGRANT JUVENILE STATUS

Specifies that a parent may be appointed as a guardian of their own child in connection with a petition to make necessary findings regarding special immigrant juvenile status. (PROB 1510.1)

AB 2236 (MAIENSCHIN), CH. 126

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

CONSERVATORSHIPS

Clarifies that although a conservatorship terminates upon the death of a conservatee, the conservator continues to have certain powers and responsibilities, including conserving the estate and paying unpaid expenses. (PROB 1860)

AB 2642 (LEVINE), CH. 103

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

GUARDIANSHIP: SPECIAL IMMIGRANT JUVENILES

Permits the court, under specified limited circumstances, to appoint a nonprofit charitable corporation not incor-

porated in California as the guardian of a minor in connection with a petition to make the necessary findings regarding special immigrant juvenile status. Repeals this provision as of January 1, 2022. (PROB 2104.1)

SB 909 (HERTZBERG), CH. 407

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

UNIFORM TRUST DECANTING ACT

Enacts the Uniform Trust Decanting Act, under which a fiduciary of an irrevocable trust may distribute the property of a first trust to one or more second trusts or modify the terms of the first trust without the consent of the beneficiaries or approval of the court, subject to certain exceptions. Requires specified persons, including qualified beneficiaries and, if the trust contains a determinable charitable interest, the Attorney General, to be provided notice of the intended exercise of the decanting power, and would authorize the court, on application by specified persons, to, among other things, approve an exercise of the decanting power. (PROB 19501–19505, 19507–19530)

SB 931 (HERTZBERG), CH. 458

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

CONSERVATORSHIPS: CUSTODY STATUS

Permits the professional person in charge of providing mental health treatment at a county jail, or their designee, to recommend a conservatorship for a person without that person being an inpatient in a facility providing comprehensive evaluation or intensive treatment, as specified. Prohibits the custody status of a person who is subject to a conservatorship investigation from being the sole reason for not scheduling an investigation by the conservatorship investigator. (W&I 5352, 5352.5)

SB 1045 (WIENER), CH. 845

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

CONSERVATORSHIP: SERIOUS MENTAL ILLNESS AND SUBSTANCE USE DISORDERS

Creates, until January 1, 2024, a new housing conservatorship for individuals who are incapable of caring for their own health and well-being due to a serious mental illness and substance use disorder in Los Angeles, San Diego, and San Francisco Counties, as specified. Among other things, requires the court, before establishing such a conservatorship, to find that the county first attempted to provide the person for whom the conservatorship is sought assisted

outpatient treatment pursuant to Laura's Law and that the assisted outpatient treatment would not be sufficient to treat the person in the instant case. Prohibits a conservatorship from being established under this bill if a conservatorship already exists under the Probate Code or the Lanterman-Petris-Short Act. Specifies that the conservator has a fiduciary obligation to protect and care for the conservatee. Requires the conservator to provide the least restrictive and most clinically appropriate placement for the conservatee, which shall be a community-based residential care setting, in supportive community housing that provides wraparound services, unless the court for good cause orders otherwise. Requires the conservatorship to terminate automatically up to one year after the appointment of the conservator by the court, but allows the conservator, if upon the termination of an initial or a succeeding period of conservatorship the conservator determines one is still required, to petition the court for appointment as conservator for a succeeding period of up to one year. Allows the Judicial Council to adopt rules, forms, and standards necessary to implement the bill. Sunsets the bill's provisions on January 1, 2024. (W&I 5450, 5451, 5452, 5453, 5454, 5455, 5456, 5457, 5458, 5459, 5460, 5461, 5462, 5463, 5464, 5465, 5466, 5555, 5556)

STATE BAR / PRACTICE OF LAW

AB 1987 (LACKEY), CH. 482

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

DISCOVERY: POSTCONVICTION

Authorizes a court to order that a defendant be provided reasonable access to discovery materials upon prosecution of a postconviction writ of habeas corpus or a motion to vacate judgment and a showing that good faith efforts to obtain discovery materials from trial counsel were made and were unsuccessful in any case in which a defendant is convicted of a serious or violent felony resulting in a sentence of 15 years or more. Authorizes a court, in a case in which a sentence other than death or life in prison without the possibility of parole has been imposed, if a court has entered a previous order granting discovery, to make a subsequent order granting discovery to be made in the court's discretion. Requires a subsequent request for discovery to include a statement by the person requesting discovery as to whether he or she has previously been granted an order

for discovery. Requests the State Bar to study the issue of closed-client file release and retention by defense attorneys and prosecutors in criminal cases. (PEN 1054.9)

AB 3249 (COMMITTEE ON JUDICIARY), CH. 659

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

STATE BAR ACT: ATTORNEYS: DISCIPLINE: ANNUAL MEMBERSHIP FEE

Authorizes the State Bar to collect annual membership fees of \$390 for 2019 and enact other reforms, including a strengthening of the attorney discipline system. Among other things, makes a technical correction to Business and Professions Code section 6007(b) to ensure that the State Bar Court, and not the board of trustees, makes the determination about which attorneys to enroll as inactive based on certain actions of the attorneys. Provides for a one-year sunset for the State Bar's authorization to collect voluntary fees or donations on behalf of the Conference of California Bar Associations. Requires the State Bar to develop and implement a plan to meet certain goals relating to access, fairness, and diversity in the legal profession and the elimination of bias in the practice of law, including, but not limited to, an assessment of needed revenue. (Various Codes)

SB 766 (MONNING), CH. 134

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

INTERNATIONAL COMMERCIAL ARBITRATION: REPRESENTATION

Codifies the recommendations of the California Supreme Court's International Commercial Arbitration Working Group to permit out-of-state and foreign attorneys to represent clients in international commercial arbitrations in California. Among other things, authorizes a qualified attorney to provide legal services in an international commercial arbitration or related conciliation, mediation, or alternative dispute resolution proceeding, if any of the following conditions is satisfied: (1) The services are undertaken in association with an attorney who is admitted to practice in this state and who actively participates in the matter; (2) The services arise out of or are reasonably related to the attorney's practice in a jurisdiction in which the attorney is admitted to practice; (3) The services are performed for a client who resides in or has an office in the jurisdiction in which the attorney is admitted or otherwise authorized to practice; (4) The services arise

out of or are reasonably related to a matter that has a substantial connection to a jurisdiction in which the attorney is admitted or otherwise authorized to practice; or (5) The services arise out of a dispute governed primarily by international law or the law of a foreign or out-of-state jurisdiction. Provides that the provisions of this bill do not apply to a dispute or controversy involving any of the following: (1) An individual's acquisition or lease of goods or services primarily for personal, family, or household use; (2) An individual's coverage under a health insurance plan or the interaction between an individual and a healthcare provider; (3) Any application for employment in California; and (4) The terms and conditions or right to employment in California unless the dispute involves intellectual property rights, trademarks, patents, or copyrights. Requires any qualified attorney rendering legal services pursuant to the provisions of this bill to apply for and receive permission to appear as counsel pro hac vice pursuant to applicable California Rules of Court before appearing in a California court. Requires that any qualified attorney rendering legal services pursuant to the provisions of this bill is subject to the jurisdiction of the California courts and disciplinary authority of the State Bar of California with respect to the California Rules of Professional Conduct and the laws governing the conduct of attorneys to the same extent as a member of the State Bar of California. Permits, but does not require, the State Bar of California to report complaints and evidence of disciplinary violations against an attorney practicing pursuant to the provisions of this bill to the appropriate disciplinary authority of any jurisdiction in which the attorney is admitted or otherwise authorized to practice law. Provides that the above provision does not limit the authority of the State Bar of California to report information about an attorney to authorities in any jurisdiction in which the attorney is admitted to practice law. Requires the State Bar of California to submit a report to the Supreme Court annually that specifies the number and nature of any complaints that it has received against attorneys who provide legal services pursuant to these provisions and any actions it has taken in response to those complaints. Recognizes the authority of the Supreme Court to issue rules implementing the above provisions. (CCP 1297.185, 1297.186, 1297.187, 1297.188, 1297.189)

SB 954 (WIECKOWSKI), CH. 350

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

MEDIATION: CONFIDENTIALITY: DISCLOSURE

Requires (except in the case of a class or representative action) an attorney representing a person participating in a mediation or a mediation consultation to provide his or her client, as soon as reasonably possible before the client has agreed to participate in a mediation or mediation consultation, with a specified printed disclosure containing the confidentiality restrictions related to mediation, and to obtain a printed acknowledgment signed by that client stating that he or she has read and understands the confidentiality restrictions. Provides further that an attorney who is retained after an individual agrees to participate in the mediation or mediation consultation, as soon as reasonably possible after being retained, must comply with the printed disclosure and acknowledgment requirements described above. Specifies language that would be deemed compliant with the above written disclosure and acknowledgment requirements. Provides that the failure of an attorney to comply with the bill's disclosure requirements does not invalidate an agreement prepared in the course of, or pursuant to, a mediation. Specifies further that a communication, document, or writing related to an attorney's compliance with the bill's disclosure requirements is not confidential and may be used in an attorney disciplinary proceeding if the communication, document, or writing does not disclose anything said or done or any admission made in the course of the mediation. (EVID 1122, 1129)

TRAFFIC

AB 1755 (STEINORTH), CH. 139

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

BICYCLE OPERATION

Extends to persons operating a bicycle on a Class I bike-way, as defined, all the rights and all the provisions applicable to the driver of a vehicle pursuant to Vehicle Code section 20001, except those provisions that cannot have application. (VEH 21200)

AB 1798 (CHU), CH. 206

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

SCHOOL BUSES: PASSENGER RESTRAINT SYSTEMS

Requires, on or before July 1, 2035, all school buses in California to be equipped with passenger restraint systems; shields from liability a person, school district, or organization, with respect to a school bus equipped with passenger restraint systems, if a passenger fails to properly wear the restraint. (VEH 27316)

AB 2115 (SANTIAGO), CH. 710

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

VEHICLES: PASSING AND OVERTAKING: WASTE SERVICE VEHICLES

Requires a driver on a public street or highway approaching and overtaking a stopped waste service vehicle as defined to make a lane change into an available lane adjacent to the waste service vehicle and pass at a safe distance without interfering with the safe operation of the waste service vehicle, as specified. States that if the maneuver described above would be unsafe or impractical, a driver approaching and overtaking a stopped waste service vehicle shall slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions. (Adds VEH 21761)

AB 2322 (DALY), CH. 914

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

DEPARTMENT OF MOTOR VEHICLES: RECORDS: CONFIDENTIALITY

Clarifies that the confidentiality of DMV home addresses of active judges and courthouse commissioners extends to those who are active or retired; allows for confidentiality permanently upon request at the time the information would otherwise be opened. Permits the surviving spouse and children to retain the confidentiality of their home address for three years following the death of the judge or courthouse commissioner if the judge or court commissioner died in the performance of his or her duties. (VEH 1808.4)

AB 2532 (JONES-SAWYER), CH. 280

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

INFRACTIONS: COMMUNITY SERVICE

Requires the court, upon a showing that paying the infraction violation fine would pose a hardship, to permit

a violator to undertake community service. Requires the calculation of an hour of community service to be twice the statewide hourly minimum wage for businesses with 25 or fewer employees; permits, by local rule, the calculation of an hour of community service to be more than twice the statewide hourly minimum wage for a business with 25 or fewer employees. (PEN 1209.5)

AB 2535 (OBERNOLTE), CH. 435

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

HIGH-OCCUPANCY TOLL LANES: NOTICE OF TOLL EVASION VIOLATION

Requires the notice of toll evasion violation to include a copy of photographic evidence on which the toll evasion determination was based if the vehicle was found, by automated devices, to have evaded the toll through failure to meet occupancy requirements in a high-occupancy toll lane. (VEH 40254)

AB 2544 (LACKEY), CH. 494

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

PARKING PENALTIES

Specifies that the option to collect unpaid parking violation penalties that were issued before July 1, 2018, through the Department of Motor Vehicles requires a process to provide a payment plan for indigent persons, as specified. (VEH 40220, 40220.5)

AB 2876 (JONES-SAWYER), CH. 592

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

VEHICLES: REMOVAL AND IMPOUND AUTHORITY

Clarifies that the removal of a vehicle as authorized by California statute is also required to be constitutionally reasonable based on the specific situation. (VEH 22650)

AB 2989 (FLORA), CH. 552

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

MOTORIZED SCOOTER: USE OF HELMET: MAXIMUM SPEED

States that a motorized scooter may not be operated on a highway with a speed limit in excess of 25 miles per hour unless the motorized scooter is operated within a Class II or Class IV bikeway; states that an exception to this prohibition exists if a local authority, by ordinance or resolution, authorizes the operation of a motorized scooter

outside of a Class II or Class IV bikeway on a highway with a speed limit up to 35 miles per hour. States that the operation of a motorized scooter may not exceed 15 miles per hour regardless of the applicable and posted speed limit on the highway or bikeway. Requires an operator of a motorized scooter to wear a helmet as specified if the operator is under 18 years of age. (VEH 21235)

AB 3077 (CABALLERO), CH. 502

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

VEHICLES: BICYCLE HELMETS

Permits a parent or guardian, within 120 days after a citation is issued to a minor under 18 years old who was is not wearing a helmet while operating a bicycle, nonmotorized scooter or skateboard, or wearing in-line roller skates at the time of the citation, to deliver proof to the issuing agency that the minor has a helmet as defined and has completed a local bicycle safety course as prescribed by the authorities of the local jurisdiction. Makes the helmet a correctible violation. (VEH 21212, 40303.5)

AB 3246 (COMMITTEE ON TRANSPORTATION), CH. 198

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

TRANSPORTATION: OMNIBUS BILL

Clarifies that the base fines for, and correctability of, failure to show proof of insurance when a driver is stopped for any Vehicle Code infraction extends to failure to show proof of insurance at the scene of an accident. (VEH 16028)

SB 946 (LARA), CH. 459

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

SIDEWALK VENDORS

Decriminalizes sidewalk vending generally; provides guidance for local authorities that choose to adopt programs regulating sidewalk vendors. Limits authority of local authorities to enact restrictions reasonable to the time, place, and manner of sidewalk vending if the restrictions are directly related to objective health, safety, or welfare concerns. (GOV 51036, 51037, 51038, 51039)

SB 957 (LARA), CH. 367

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

VEHICLES: HIGH-OCCUPANCY VEHICLE LANES

Authorizes an identifier to be issued commencing January 1, 2020, until January 1, 2024, to super ultra-low emission vehicles (SULEVs), enhanced advanced tech-

nology partial zero-emission vehicles (AT PEZEVs), and transitional zero-emission vehicles (TZEVs) for a vehicle that had previously been issued an identifier and would make that identifier valid until January 1, 2024, if the applicant for the identifier has a household income at or below 80 percent of the state median income. Requires the Department of Motor Vehicles to report to the Legislature the number of identifiers issued pursuant to those provisions, and requires the report to be issued after January 1, 2023, but before June 1, 2023. Prohibits a person who obtained an identifier for a vehicle prior to January 1, 2017, from obtaining another identifier pursuant to those provisions, notwithstanding the person's qualifying income. (VEH 5205.5, 21655.9)

SB 1046 (HILL); STATS. 2016, CH. 783

EFFECTIVE/OPERATIVE DATE: VARIOUS THROUGH 2026

DRIVING UNDER THE INFLUENCE: IGNITION INTERLOCK DEVICE

Effective January 1, 2019, permits persons convicted of a first DUI offense without bodily injury to elect to install an ignition interlock device (IID) and thereby retain full driving privileges. (Without the IID, a first-time DUI offender without bodily injury will be limited to a one-year restricted license and mandatory attendance in a treatment program.) Requires an individual convicted of a first offense DUI with bodily injury, or a second DUI offense without bodily injury, to install an IID in any vehicle driven by the individual for one year. Requires an individual convicted of a third DUI offense to install an IID in any vehicle driven by the individual for two years. Requires an individual convicted of a fourth and subsequent DUI offense to install an IID in any vehicle driven by the individual for three years. Provides for payment assistance for individuals who are required to install IID with an income of 100 percent or more of the federal poverty level, or for individuals who receive CalFresh benefits. Requires the Department of Motor Vehicles to report to the Department of Transportation on or before March 1, 2024, data regarding the implementation and efficacy of the IID program pursuant to SB 1046. (Various Codes)

SB 1080 (ROTH), CH. 511

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

**TRANSPORTATION NETWORK COMPANIES:
DRIVER REQUIREMENTS AND
IDENTIFICATION**

Permits a non-California resident who is either an active duty military member or a dependent of an active duty military member to work for a California transportation network company; requires the nonresident military member or nonresident dependent of the military member to possess a valid driver's license issued by the other state or territory of the United States in which the member or dependent is a resident. Requires the transportation network company to notify all participating drivers of specified Vehicle Code sections; requires such notification to be on either the transportation network company's website or its online-enabled application. (PUC 5445.3)

APPENDIX A

CRIMINAL LAW AND PROCEDURE LEGISLATION

AB 1810 (COMMITTEE ON BUDGET), CH. 34

EFFECTIVE/OPERATIVE DATE: JUNE 27, 2018

HEALTH

SB 215 (BEALL), CH. 1005

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

DIVERSION: MENTAL DISORDERS

Diversion of individuals with mental disorders: States that the purpose of the legislation is, among other things, to allow for local discretion and flexibility for counties in the development and implementation of diversion for individuals with mental disorders across a continuum of care settings.

Allows the court to grant pretrial diversion to a defendant charged with either a misdemeanor or felony who is suffering from a diagnosed mental disorder for a period no longer than two years, in order to allow the defendant to undergo mental health treatment. A defendant who has been found incompetent to stand trial (IST) may be granted diversion instead of being sent to the state hospital. The court may grant pretrial diversion if the following conditions are met:

- The defense provides evidence of the defendant's mental disorder and the court is satisfied that the defendant suffers from a diagnosed mental disorder, including, but not limited to, bipolar disorder, schizophrenia, schizoaffective disorder, or posttraumatic distress disorder, but excluding antisocial or borderline personality disorder or pedophilia.
- The court is satisfied that the defendant's mental disorder played a significant role in the commission of the charged offense and after reviewing any relevant and credible evidence the court concludes the defendant's mental disorder substantially contributed to the defendant's involvement in the commission of the offense.
- In the opinion of a qualified mental health expert, the defendant's symptoms motivating the criminal behavior would respond to mental health treatment.
- The defendant consents to diversion and waives the

right to a speedy trial, unless the defendant has been found IST and as a result cannot consent to diversion or give a knowing and intelligent waiver of the right to a speedy trial.

- The defendant agrees to comply with treatment as a condition of diversion.
- The court is satisfied that the defendant will not pose an unreasonable risk of danger to public safety if treated in the community. The court may consider the opinions of the district attorney, the defense, or a qualified mental health expert as well as the defendant's violence and criminal history, the current charged offense, and any other factors deemed appropriate by the court.

Defines "pretrial diversion" (i.e., pre-plea diversion) as the postponement of prosecution, either temporarily or permanently, at any point in the judicial process from the point at which the accused is charged, until adjudication, to allow the defendant to undergo mental health treatment subject to the following:

- The court is satisfied that the recommended inpatient or outpatient program will meet the specialized mental health needs of the defendant. Before approving a proposed treatment, the court must consider the request of the defense, the request of the prosecution, the needs of the defendant, and the interests of the community. The treatment may be funded by private or public funds. The court may refer the defendant to a county mental health agency, existing collaborative courts, or assisted outpatient treatment only if the entity has agreed to accept responsibility for the defendant and mental health services are provided only to the extent that resources are available and the defendant is eligible for those services. The court is not responsible for paying for those services.
- The mental health treatment provider must provide regular reports to the court, the defense, and the prosecutor on the defendant's progress in treatment.
- The diversion period is not more than two years.

Requires the court, after notice to the defendant, defense counsel, and the prosecution, to hold a hearing to determine whether to reinstate criminal proceedings, to modify treatment, or whether the defendant should be conserved when any of the following circumstances exist during pretrial diversion:

- The defendant is charged with an additional misdemeanor that reflects the defendant's propensity for violence.
- The defendant is charged with an additional felony.
- The defendant is engaged in criminal conduct rendering the defendant unsuitable for diversion.
- A qualified expert deemed appropriate by the court opines that the defendant is performing unsatisfactorily in the assigned program or is gravely disabled, in which case the court is required to conserve the defendant.

If during pretrial diversion the court determines that criminal proceedings should be reinstated for a defendant who was found IST, the court must appoint a psychiatrist, licensed psychologist, or any other expert deemed appropriate by the court, to determine the defendant's competency to stand trial.

If the defendant has performed satisfactorily in diversion, the court is required to dismiss the defendant's criminal charges, with a record filed with the Department of Justice indicating the disposition of the case diverted, and the arrest deemed never to have occurred, and to order access to the record of the arrest restricted. Upon dismissal of charges at the conclusion of diversion, a defendant who was found IST shall no longer be deemed IST.

Restoration of competency: Creates procedures for a judge to revisit a determination of incompetency if a defendant appears to have regained competency while in jail awaiting transfer to the Department of State Hospitals (DSH).

Diversion funding for individuals with serious mental disorders: Promotes the diversion of individuals with serious mental disorders and assists counties in providing diversion for individuals with serious mental illnesses who may otherwise be found IST and committed to DSH for restoration of competency. Requires DSH to consider local discretion and flexibility in diversion activities that meet the community's needs and provide for the safe and effective treatment of individuals with serious mental disorders across a continuum of care.

Authorizes DSH, subject to appropriation by the Legislature, to solicit proposals from, and to contract with, a county to help fund the development or expansion pretrial diversion for individuals with serious mental disorders who may otherwise have been found IST and committed to DSH for restoration of competency. Requires participants to meet specified criteria, including, among others, that they suffer from certain mental disorders and have felony charges, and that there is a significant relationship between the serious mental disorders and the charged offense or between the individual's conditions of homelessness and the charged offense. Selected counties will be required to report data back to DSH about the efficacy of the program.

Requires DSH to prioritize proposals that demonstrate the potential to reduce referrals to DSH of felony defendants who are likely to be found IST, and that demonstrate all of the following:

- Provision of clinically appropriate or evidence-based mental health treatment and wraparound services across a continuum of care, as appropriate, to meet the individual needs of the diversion participant. Defines "wraparound services" as services provided in addition to the mental health treatment necessary to meet the individual's needs for successfully managing his or her mental health symptoms and to successfully live in the community. Provides that wraparound services provided by the diversion program may include, but are not limited to, forensic assertive community treatment teams, crisis residential services, intensive case management, criminal justice coordination, peer support, supportive housing, substance use disorder treatment, and vocational support.
- Collaboration between community stakeholders and other partner government agencies in the diversion of individuals with serious mental disorders.
- Connection of individuals to services in the community after they have completed diversion.

SB 840, CH. 29 BUDGET ACT OF 2018

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB840

Item 4440-011-0001, provision 11, Appropriation for funding of diversion: \$100 million appropriated to DSH for support of county IST diversion programs.

APPENDIX B

CRIMINAL LAW AND PROCEDURE LEGISLATION

SB 10 (HERTZBERG), CH. 244

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

PRETRIAL RELEASE OR DETENTION: PRETRIAL SERVICES

SB 1054 (HERTZBERG), CH. 980

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

PRETRIAL RELEASE AND DETENTION: PRETRIAL SERVICES

1. Requires the booking agency to release, within 12 hours of booking and without conditions, persons arrested for misdemeanor offenses. Persons who are ineligible for book and release include those arrested for domestic violence, stalking, sex crimes, serious DUI offenses, or violation of a restraining order, and persons who have three or more warrants for failure to appear, are pending trial or sentencing, are on any form of postconviction supervision, have intimidated a victim or witness, have violated a condition of pretrial release, or have been convicted of a serious or violent felony.
2. Requires the county pretrial assessment services unit (usually located in the probation department) to conduct a risk assessment of all remaining arrestees, with the use of a validated risk assessment instrument, and including the criminal offense for which the person was arrested, criminal history and history of failure to appear in court as required, and any reasonably available supplemental information that directly addresses the person's risk to public safety or risk of failure to appear in court. Requires pretrial assessment services to prepare a risk assessment report for use at prearrest review or at arraignment, including recommendations for nonmonetary conditions of release, and to serve the report on the court and counsel.
3. Provides that the prosecution shall make reasonable efforts to contact the victim for comment on the arrested person's custody status, and shall notify the victim of the arraignment and, if requested, any other hearing at which the custody status of the defendant will be determined. If requested, the victim shall be given a reasonable opportunity to be heard.
4. Requires that persons assessed as high risk, those arrested for a serious or violent felony, and those pending trial or sentencing in a felony matter be held in detention until arraignment by a judge.
5. Requires pretrial assessment services to release, within 24 to 36 hours of booking, on his or her own recognizance with the least restrictive non-monetary conditions of release, without review by the court, persons assessed as having a low risk to public safety and of failure to appear in court. Persons meeting the exceptions noted above in number 1 and those arrested for a serious or violent felony are ineligible for consideration for release.
6. Provides for the release by pretrial assessment services of some persons assessed as having a medium risk to public safety and of failure to appear in court, on supervised own recognizance with the least restrictive nonmonetary conditions of release, within 24 to 36 hours of booking. Persons meeting the exceptions noted above in number 1 and those arrested for a serious or violent felony are ineligible for consideration for release, and courts are authorized to set additional eligibility parameters in a local rule of court.
7. Provides for the release by a judge or subordinate judicial officer, if authorized by the court, of persons assessed as medium risk or those excluded from review by pretrial assessment services, within 24 to 36 hours of booking, on supervised own recognizance with the least restrictive nonmonetary conditions of release. Persons arrested for a serious or violent felony or those pending trial or sentencing in a felony matter are ineligible for such release.
8. Provides that, at arraignment, the court will order defendant released on his or her own recognizance or supervised own recognizance with the least

restrictive nonmonetary conditions that will reasonably assure public safety and the defendant's return to court.

9. Provides that persons released on supervised own recognizance prearraignment, at arraignment, or following a preventive detention hearing, shall not be required to pay for any nonmonetary conditions of release imposed by pretrial assessment services or the courts.
10. Provides that the court may, at any time by its own motion, or upon ex parte application by the arrested person, the prosecution, or pretrial assessment services, modify the conditions of release.
11. Provides that, at arraignment or at any other time during the criminal proceedings, the prosecution may file a motion seeking detention of the defendant pending trial based on the following factors: the crime for which the person was arrested was committed with violence or threatened violence, or the likelihood of serious bodily injury, or the person was personally armed with a deadly weapon or inflicted great bodily injury; the defendant was on any form of postconviction supervision; the defendant was pending trial or sentencing on a felony matter; the defendant intimidated a witness or victim; there is substantial reason to believe that no nonmonetary conditions of pretrial supervision will reasonably assure public safety or the defendant's appearance in court as required.
12. Requires that the preventive detention hearing be held within three to five court days of the filing of the motion for preventive detention; affirm that the defendant has the right to counsel and, if indigent, to appointed counsel, and the right to be heard at the hearing.
13. Requires the prosecution to provide the victim with notice of the preventive detention hearing, if requested; affirm that the victim shall be given a reasonable opportunity to be heard.
14. Provides that the court may order preventive detention of the defendant pending trial only if the detention is permitted under the United States Constitution and the California Constitution, and the court determines by clear and convincing evidence that no nonmonetary conditions of pretrial supervision will reasonably assure public safety or the appearance of the defendant in court; requires the court to state the reasons for ordering preventive detention on the record.
15. Provides that if the court determines there is not a sufficient basis for detaining the defendant, the court shall release the defendant on supervised own recognizance with the least restrictive nonmonetary conditions of release.
16. Provides that, upon a showing of newly discovered evidence, facts, or material change in circumstances, the court on its own motion, or the prosecution or defense, may file a motion to reopen a preventive detention hearing before trial; the court may grant the motion upon good cause shown.
17. Provides that the court may issue a warrant for a defendant's arrest upon an ex parte application showing the defendant has violated a condition of release imposed by the court.
18. Provides that, if the court issues a warrant upon a defendant's failure to appear in court as required, or upon allegations that the defendant has violated a condition of supervision, the court may indicate on the face of the warrant whether, at the time of arrest on the warrant, the defendant should be booked and released, detained for a prearraignment review, detained pending arraignment, or detained pending a hearing on the violation of supervision. The court's indication on the warrant shall be binding on the arresting and booking agency and the custody facility, but not on a subsequent decision by pretrial assessment services or the court.
19. Requires the Judicial Council to undertake administrative responsibilities, including: prescribe the proper use of pretrial risk assessment information by the court when making pretrial release and detention decisions; describe the elements of validation of risk assessment tools, addressing mitigation of implicit bias; prescribe standards for review, release, and detention by pretrial assessment services and the court; prescribe the parameters of the local rule of court that authorizes the release of persons assessed as medium risk; and prescribe the imposition of pretrial release conditions.
20. Requires the Judicial Council to identify and

define the minimum required data on prearraignment and pretrial release and detention to be reported by each court.

21. Requires the Judicial Council to maintain a list of validated pretrial risk assessment tools; collect the data prescribed above; train judges on the use of pretrial risk assessment information when making pretrial release and detention decisions, and on the imposition of pretrial release conditions; assist courts in developing contracts with local public entities regarding the provisions of pretrial assessment services; submit a report to the Governor and Legislature every other year documenting program implementation and providing data on program outcomes; estimate the time taken to make a release or detention determination at arraignment and the time required for a preventive detention hearing; convene a panel of subject matter experts and judicial officers to carry out the responsibility of designating low-, medium-, and high-risk levels for the pretrial risk assessment instrument.
22. Requires the courts to establish pretrial assessment services and to either perform those services with court employees or contract for those services with a qualified local public agency.
23. Requires the Judicial Council to allocate to local courts funds appropriated by the Legislature for pretrial assessment services, including a base amount to support pretrial assessment services across the state and additional funding based on appropriate criteria.
24. Requires that courts that contract for pretrial assessment services to provide all funds received through this allocation directly to the contracting public entity. Requires local public entities receiving an allocation to account for these funds and annually certify that the funds have been spent in accordance with state law.
25. Requires the Department of Finance to allocate to local probation departments funds appropriated by the Legislature for pretrial supervision services, including a base amount to support pretrial supervision across the state, and an additional amount based at least in part on the county's population of adults between 18 and 50 years of age, and local arrest rates. Requires local public entities receiving an allocation for pretrial supervision services to account for these funds and annually certify that the funds have been spent in accordance with state law. Provides that local public entities shall only be eligible for pretrial supervision funding when they contract with a court for the provision of pretrial assessment services.
26. Requires the Department of Finance to estimate the level of resources needed to adequately support the judiciary's workload for pretrial release and detention determinations, and to transmit this estimate to the Legislature.
27. Requires that, upon appropriation by the Legislature, the Board of State and Community Corrections shall contract with an academic institution, public policy center, or other research entity for an independent evaluation of the pretrial release and detention legislation, particularly of the impact of the act by race, ethnicity, gender, and income level.
28. Provides that it is the intent of the Legislature that, to the extent practicable, priority for available jail capacity shall be for the postconviction population.
29. As amended by SB 1054 (Stats. 2018, ch. 980) permits San Francisco County to use its existing not-for-profit entity for the pretrial assessments that are required by SB 10 and to expand the offenses that SB 10 makes ineligible for prearrangement release to include all sex offenses for which a person must register.

CRIMINAL LAW AND PROCEDURE LEGISLATION

SB 1437 (SKINNER), CH. 1015

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019

ACCOMPLICE LIABILITY FOR FELONY MURDER

Requires a principal in a crime to act with malice aforethought to be convicted of murder except when the person was a participant in the perpetration or attempted perpetration of a specified felony in which a death occurred and the person was the actual killer or was not the actual killer but, with the intent to kill, aided, abetted, counseled, commanded, induced, solicited, requested, or assisted the actual killer in the commission of murder in the first degree, or the person was a major participant in the underlying felony and acted with reckless indifference to human life.

Prohibits a participant in the perpetration or attempted perpetration of one of the specified first degree murder felonies in which a death occurs from being liable for murder, unless the person was the actual killer or the person was not the actual killer but, with the intent to kill, aided, abetted, counseled, commanded, induced, solicited, requested, or assisted the actual killer, or the person was a major participant in the underlying felony and acted with reckless indifference to human life, unless the victim was a peace officer who was killed in the course of performing his or her duties where the defendant knew or should reasonably have known the victim was a peace officer engaged in the performance of his or her duties.

Provides a means of vacating the conviction and resentencing a defendant when a complaint, information, or indictment was filed against the defendant that allowed the prosecution to proceed under a theory of first degree felony murder or murder under the natural and probable consequences doctrine, the defendant was sentenced for first degree or second degree murder or accepted a plea offer in lieu of a trial at which the defendant could be convicted for first degree or second degree murder as follows:

- Requires the petition to be filed with the court that sentenced the petitioner and served by the petitioner on the district attorney, and on the attorney who represented the petitioner in the trial court.

- Requires the petition to include a declaration by the petitioner that he or she is eligible for relief, the superior court case number and year of the petitioner's conviction, and whether the petitioner requests the appointment of counsel.
- Specifies that if any of the required information is missing from the petition and cannot be readily ascertained by the court, the court may deny the petition without prejudice to the filing of another petition.
- Requires the court to review the petition and determine if the petitioner has made a sufficient showing that the petitioner potentially qualifies for resentencing.
- States that the prosecutor shall file and serve a response within 60 days of the service of the petition and the petitioner may file and serve a reply within 30 days after the prosecutor's response is served.
- Specifies that if the petitioner has made the required showing that the petitioner potentially qualifies for resentencing, the judge will issue an order to show good cause.
- States that with 60 days after the order to show cause has issued, the court shall hold a hearing to determine whether to vacate the murder conviction and resentence the petitioner on any remaining counts.
- Allows the parties to waive a resentencing hearing and agree that the petitioner is eligible to have his or her murder conviction vacated and for resentencing.
- States that at the hearing the burden of proof shall be on the prosecution to prove beyond a reasonable doubt that the petitioner is ineligible for resentencing.
- Provides that if the prosecutor fails to meet his or her burden of proof, the prior conviction, and any allegations and enhancements attached to the conviction, shall be vacated and the petitioner shall be resentenced on the remaining charges.

- States that if the petitioner is entitled to relief pursuant to the provisions of this bill, and the offense underlying the felony murder conviction was not charged, the conviction shall be redesignated as the underlying offense for resentencing.
- Allows the prosecutor and the petitioner to rely on the record of conviction or offer new or additional evidence as proof.
- Requires a person resentenced pursuant to the provisions of this bill to receive credit for time served.
- Allows the court to order a person granted relief to be subject to parole supervision for up to three years following the completion of the sentence.

APPENDIX D

2018 NEW AND EXPANDED CRIMES

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
<p>AB 38 (Stone, Mark), CH. 379</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Student loan servicers: licensing and regulation: Student Loan Servicing Act</p>	FIN 28153	<p>Expands the crime of perjury by authorizing the Commissioner of Business Oversight to require persons who are not expressly excluded from the Student Loan Servicing Act to file, under oath or otherwise, special reports or answers in writing to specific questions or requests for information with the commissioner.</p>
<p>AB 282 (Jones-Sawyer), CH. 245</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Aiding, advising, or encouraging suicide: exemption from prosecution</p>	PEN 401	<p>Prohibits a person whose actions are compliant with the End of Life Option Act from being prosecuted for deliberately aiding, advising, or encouraging suicide.</p>
<p>AB 403 (Melendez), CH. 2</p> <p><i>Effective/Operative Date:</i> <i>February 5, 2018</i></p> <p>Legislature: Legislative Employee Whistleblower Protection Act</p>	GOV 9149.33	<p>Provides that a member of the Legislature or legislative employee shall not directly or indirectly use or attempt to use his or her official authority or influence to interfere with the right of a legislative employee to make a protected disclosure. Attempts at interference result in a fine not to exceed \$10,000 and one year in county jail. Makes an individual or entity who retaliates against a legislative employee for having made a protected disclosure liable in a civil action for damages brought by a legislative employee.</p>
<p>AB 613 (Nazarian), CH. 799</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Healing arts: clinical laboratories</p>	B&P 1246.7	<p>Authorizes, until January 1, 2021, an unlicensed person who meets specified criteria to perform a total protein refractometer test using a digital refractometer in a licensed plasma collection center in this state. Violation of the licensure, registration, and regulation of clinical laboratories and various clinical laboratory personnel by the state Department of Public Health, with specified exceptions, is a crime.</p>

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
<p>AB 695 (Bocanegra), CH. 110</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Avoidance of on-track equipment</p>	VEH 22451, 22452	<p>Adds on-track equipment to the requirements for vehicles or pedestrians to safely cross a railroad, rail transit grade crossing, or a railroad grade crossing in a specified manner, expanding the scope of a crime. Defines on-track equipment as any locomotive or any other car, rolling stock, equipment, or other device that alone or coupled to others is operated on stationary rails.</p>
<p>AB 1065 (Jones-Sawyer), CH. 803</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Theft: aggregation: organized retail theft</p>	PEN 486.5, 490.4, 853.6, 978.5, 1001.81, 1001.82, 1210.6, 13899, 13899.1	<p>Among other things, creates the crime of organized retail theft and makes various changes to existing laws related to arrest and bench warrants for theft-related offenses. Until January 1, 2021, authorizes a city or county prosecuting attorney or a county probation department to create a diversion or deferred entry of judgment program for persons who commit repeat theft offenses.</p>
<p>AB 1094 (Choi), CH. 555</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Vehicles: automated traffic enforcement systems</p>	VEH 21455	<p>Requires a stop to be made at an official traffic control signal erected and maintained at a freeway or highway on-ramp, creating a new infraction.</p>
<p>AB 1755 (Steinorth), CH. 139</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Bicycle operation</p>	VEH 21200	<p>Extends to persons operating a bicycle on a Class I bikeway, as defined, all the rights and all the provisions applicable to the driver of a vehicle pursuant to Vehicle Code section 20001, except those provisions that cannot have application.</p>
<p>AB 1766 (Maienschein), CH. 270</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Swimming pools: public safety</p>	H&S 116045	<p>Expands an existing crime by requiring public swimming pools that are required to provide lifeguard services and that charge a direct fee to additionally provide an automated external defibrillator (AED) during pool operations.</p>
<p>AB 1860 (Limón), CH. 427</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Health care coverage: cancer treatment</p>	H&S 1367.656; INS 10123.206	<p>Expands an existing crime by extending, until January 1, 2024, the prohibition against an individual or group health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2015, that provides coverage for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells from requiring an enrollee or insured to pay, notwithstanding any deductible, a total amount of copayments and coinsurance that exceeds \$250 for an individual prescription of up to a 30-day supply of a prescribed orally administered anticancer medication.</p>

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 1919 (Wood), CH. 631 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Price gouging: state of emergency	GOV 8588.8; PEN 396	<p>Upon the proclamation or declaration of an emergency by the Governor, makes it a misdemeanor for a person, business, or other entity to increase the rental price advertised, offered, or charged for housing to an existing or prospective tenant by more than 10 percent for any period that the proclamation or declaration is extended. Makes it a misdemeanor for a person, business, or entity to evict a housing tenant after the proclamation of a state of emergency and then rent or offer to rent to another person at a rental price higher than the evicted tenant could be charged.</p>
AB 1920 (Grayson), CH. 252 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Impersonation: search and rescue personnel	PEN 538h	<p>Makes it a misdemeanor for a person who is not an officer or member of a government agency–managed or –affiliated search and rescue unit or team, with the intent of fraudulently impersonating an officer or member, of a government agency–managed or –affiliated search and rescue unit or team to willfully wear, exhibit, or use the badge, authorized uniform, insignia, emblem, device, label, certificate, card, or writing of a government agency–managed or –affiliated search and rescue unit or team, as specified.</p>
AB 1968 (Low), CH. 861 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Mental health: firearms	W&I 8103	<p>Expands the definition of a crime by prohibiting a person who has been taken into custody, assessed, and admitted to a designated facility because he or she is a danger to himself, herself, or others, as a result of a mental health disorder and who was previously taken into custody, assessed, and admitted one or more times within a period of one year preceding the most recent admittance, from owning a firearm for the remainder of his or her life. Extends the existing hearing process to allow a person who is prohibited from owning a firearm to petition the court for a hearing in which the district attorney is required to show by a preponderance of the evidence that the person would not be likely to use firearms in a safe and lawful manner. If the people do not meet this burden, requires the court to order that the person not be subject to this prohibition on the possession of firearms.</p>

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 1973 (Quirk), CH. 164 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Reporting crimes	PEN 11160	Expands the definition of a crime by extending the reporting duties of health practitioners to health practitioners employed by local law enforcement who, in their professional capacity, reasonably suspect a person suffering from any wound or other physical injury inflicted by his or her own act or inflicted by another where the injury is by means of a firearm and the physical injury is the result of assaultive or abusive conduct. Requires reporting even if the person who suffered the injury has died, regardless of whether the injury was a factor contributing to the death.
AB 2000 (Kalra), CH. 483 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Alcoholic beverages: tied-house restrictions: advertising	B&P 25503.6, 25503.8	Changes the definition of a crime by expanding exemptions to the prohibition against alcohol advertising activity to allow beer manufacturers, winegrowers, distilled spirits rectifiers, distilled spirits manufacturers, or distilled spirits manufacturer's agents to purchase advertising space and time, in connection with described events, from, or on behalf of, on-sale retail licensees at specified stadiums located in the city of San Jose.
AB 2068 (Chu), CH. 208 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Electricity: rates: public schools	PUC 749.5	Expands the scope of a crime by requiring the Public Utilities Commission (PUC) to direct electrical and gas corporations to evaluate the feasibility and economic impacts of establishing a public school electric and gas rate reflecting a discount from the current rate structure. Requires the PUC to submit a report of its findings to the Legislature by January 1, 2020.
AB 2088 (Santiago), CH. 275 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Patient records: addenda	H&S 123111	Expands the scope of a crime by requiring a health care provider to allow a patient, regardless of his or her age, who inspects his or her patient records, to provide to the health care provider a written addendum with respect to any item or statement in his or her records that the patient believes to be incomplete or incorrect.
AB 2115 (Santiago), CH. 710 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Vehicles: passing and overtaking: waste service vehicles	VEH 21761	Creates a new crime by requiring a driver on a public street or highway approaching and overtaking a stopped waste service vehicle to make a lane change into an available lane adjacent to the waste service vehicle and pass at a safe distance without interfering with the safe operation of the waste service vehicle, as specified.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 2146 (Gloria), CH. 487 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Alcoholic beverages: tied-house restrictions: advertising	B&P 25503.6	Changes the scope of a crime by expanding the exceptions relating to advertising to allow beer manufacturers, winegrowers, distilled spirits rectifiers, distilled spirits manufacturers, or distilled spirits manufacturer's agents to purchase advertising space and time, in connection with described events, from, or on behalf of, on-sale retail licensees, as described above, at a specified stadium located in the city of San Diego.
AB 2178 (Limón), CH. 489 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Limited service charitable feeding operation	H&S 113789, 113819, 111433, 114333.1, 114333.2	Expands the scope of a crime by including in the definition of a food facility regulated by the state Department of Public Health a limited-service charitable feeding operation whose purpose is to feed food-insecure individuals and requires limited-service charitable feeding operations to register with the local enforcement agency.
AB 2215 (Kalra), CH. 819 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Veterinarians: cannabis: animals	B&P 4883, 4884	Expands the scope of a crime by prohibiting a licensed veterinarian from dispensing or administering cannabis or cannabis products to an animal patient under the Veterinary Medicine Practice Act.
AB 2221 (Bloom), CH. 490 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Occupational therapy	B&P 2570.2, 2570.3, 2570.6, 2570.7, 2570.10, 2570.14, 2570.18, 2570.185, 2570.20, 2570.28, 2570.29, 2571	Expands the scope of a crime by making numerous changes to the Occupational Therapy Practice Act, a violation of which is a crime, including changes to definitions relating to the scope of practice of occupational therapists and occupational therapy assistants, supervision ratios and duties, methods by which the California Board of Occupational Therapy may verify advanced practice requirements, and requirements related to the use of doctoral degree titles.
AB 2270 (McCarty), CH. 100 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Horse racing: out-of-country harness racing	B&P 19596.1	Changes the definition of a crime by authorizing wagering on a nightly program of out-of-country harness racing from a single racetrack, regardless of the number of those races, if specified conditions are met.
AB 2296 (Waldron), CH. 389 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Licensed professional clinical counselors: licensed clinical social workers	B&P 2908, 2995, 4507, 4999.32, 4999.33, 4999.62, 4999.63; CIV 56.105; EDU 35160.5; EVI 1010; FAM 3110.5, 7663, 7827, 7850, 7851, 8502, 9001; LAB 3209.8; W&I 18951, 18961.7	Among other things, expands the scope of a crime by authorizing licensed clinical social workers to disclose medical information to the person or organization insuring, responsible for, or defending professional liability that the specified healing arts licensee may incur.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
<p>AB 2369 (Gonzalez Fletcher), CH. 189</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Fishing: marine protected areas: violations</p>	F&G 7857, 12000, 12012.5	<p>Among other things, expands the scope of a crime by extending the applicability of a misdemeanor for a violation of a regulation relating to marine protected areas, marine managed areas, and special closures to a person who holds a commercial passenger fishing boat license or who is operating a boat or vessel licensed as a commercial passenger fishing boat at the time of the violation.</p>
<p>AB 2388 (Chu), CH. 261</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Employment: minors</p>	LAB 1310	<p>Changes the definition of a crime by exempting from the requirement for written consent for the appearance of a minor in a radio or television broadcasting exhibition, when the minor does not receive compensation directly or indirectly, the engagement of the minor is limited to a single appearance lasting not more than one hour, and an admission fee is not charged for the radio broadcasting or television exhibition.</p>
<p>AB 2450 (Quirk), CH. 262</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Electrically conductive balloons</p>	PEN 653.1; B&P 22942	<p>Expands the scope of a crime by requiring manufacturers of balloons that are constructed of electrically conductive material permanently to mark each balloon with the name of the manufacturer and with a printed warning about the risk of fire if the balloon meets an electrical power line. Violation of this requirement is punishable by a fine not exceeding \$100 and as a misdemeanor after someone is convicted twice of these provisions.</p>
<p>AB 2469 (Berman), CH. 492</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Alcoholic beverages: beer wholesalers: beer sales</p>	B&P 23378.05	<p>Expands the scope of a crime by amending the Alcoholic Beverage Control Act, a violation of which is a crime, to require a beer wholesaler to comply with specified requirements for any sale or offer of sale of beer within the state.</p>
<p>AB 2524 (Wood), CH. 493</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>California Retail Food Code</p>	H&S 113739.1, 113789, 113818, 113843, 113846, 114143, 114294, 114335, 113739.1, 113806.1	<p>Among other things, expands the scope of a crime by amending the California Retail Food Code, a violation of which is a crime, to include a catering operation and a host facility within the definition of a "food facility."</p>
<p>AB 2589 (Bigelow), CH. 81</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Controlled substances: human chorionic gonadotropin</p>	H&S 11056	<p>Changes the definition of a crime by exempting human chorionic gonadotropin (hCG) from the reagent regulations of the Controlled Substances Act when possessed by, sold to, purchased by, transferred to, or administered by a licensed veterinarian, or a licensed veterinarian's designated agent, exclusively for veterinary use.</p>

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 2654 (Quirk-Silva), CH. 239 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Design-build: Orange County	PCC 22162.6, 22162.7	Authorizes the Orange County Flood Control District to use the design-build process for flood protection improvements limited to no more than 12 projects in excess of \$5 million prior to January 1, 2025. Expands the scope of the crime of perjury because certain information must be submitted for that process under penalty of perjury.
AB 2669 (Jones-Sawyer), CH. 175 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Peace officers: communications	PEN 633	Changes the definition of a crime by excluding peace officers of the Office of Internal Affairs of the Department of Corrections and Rehabilitation from various prohibitions against eavesdropping and recording or intercepting certain communications that they could lawfully overhear or record prior to January 1, 1968.
AB 2705 (Holden), CH. 323 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Contractors: violations	PEN 7126	Creates a new crime by making it a misdemeanor to secure the payment of compensation by any person not licensed in accordance with the Contractors' State License Law to act as a contractor.
AB 2750 (Oberholte), CH. 131 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Certified copies of death records	H&S 103526	Expands the scope of the crime of perjury by including an appointed conservator of a person or estate within the definition of who may obtain a certified copy of a death record with a statement made under oath.
AB 2769 (Cooper), CH. 548 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Privacy: driver's license information	CIV 1798.90.1	Expands the scope of a crime by making it a misdemeanor for a business that scans a driver's license or identification card in an electronic device for a prescribed verification and informational purpose to maintain or use that information for any other purpose.
AB 2775 (Kalra), CH. 393 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Professional cosmetics: labeling requirements	H&S 110371	Expands the scope of a crime by amending the Sherman Food, Drug, and Cosmetic Law, a violation of which is a crime, to require a professional cosmetic manufactured on or after July 1, 2020, for sale in California, to have a label affixed on the container that satisfies all of the labeling requirements for any other cosmetic pursuant to specific federal laws.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
<p>AB 2783 (O'Donnell), CH. 589</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Controlled substances: hydrocodone combination products: schedules</p>	H&S 11055, 11056	Expands the scope of a crime by reclassifying specified hydrocodone combination products as Schedule II controlled substances.
<p>AB 2799 (Jones-Sawyer), CH. 971</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Adult-use cannabis and medicinal cannabis: license application: OSHA training</p>	B&P 26051.5	Expands the scope of a crime by amending the Medicinal and Adult-Use Cannabis Regulation and Safety Act, a violation of which is a crime, to require an applicant for initial licensure or renewal of a state license to provide a statement that the applicant employs, or will employ within one year of receiving a license or renewal, one supervisor and one employee who have successfully completed a Cal-OSHA 30-hour general industry course offered by a training provider that is authorized by an OSHA Training Institute Education Center to provide the course.
<p>AB 2850 (Rubio), CH. 769</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Nurse assistant training programs: online or distance learning</p>	H&S 1337.1, 1337.3, 1337.15, 1337.16	Among other things, expands the scope of the crime of perjury by requiring an online or distance learning nurse assistant training program to comply with specified requirements, including, among others, having trainees sign an affidavit attesting under penalty of perjury to their identity while completing the program.
<p>AB 2873 (Low), CH. 591</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Personal vehicle sharing: recalled vehicles</p>	VEH 11752, 11754, 11760	Creates a crime by prohibiting, as soon as practicable but not more than 48 hours after a vehicle is subject to a manufacturer's recall and a recall notice has been issued by the manufacturer and appears in the National Highway Traffic Safety Administration (NHTSA) recall database, or not more than 48 hours after receiving notification of a manufacturer's recall by a specified third party, a personal vehicle sharing program, from facilitating or arranging for transportation with that vehicle until after any recall notices for that vehicle no longer appear in the NHTSA recall database.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
<p>AB 2900 (Committee on Environmental Safety and Toxic Materials), CH. 195</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Proposed new public water system: preliminary technical report</p>	H&S 116527	<p>Authorizes the State Water Resources Control Board to approve the preliminary technical report and allow construction to proceed before the end of the six-month period. Expands the crime of perjury by requiring the preliminary technical report for proposed new public water systems submitted to the board under penalty of perjury, to additionally include the type of each public water system with a service boundary within three miles.</p>
<p>AB 2941 (Berman), CH. 196</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Health care coverage: state of emergency</p>	H&S 1368.7; INS 10112.95	<p>Requires health insurers to provide enrollees who have been displaced by a state of emergency, as defined, access to medically necessary health care services. Requires the insurers, within 48 hours of a declared emergency, to submit their plan, as specified, for addressing enrollee needs. A willful violation of these provisions is a crime.</p>
<p>AB 2983 (Arambula), CH. 831</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Health care facilities: voluntary psychiatric care</p>	H&S 1317	<p>Expands the scope of a crime by prohibiting a general acute care hospital or an acute psychiatric hospital from requiring a person who voluntarily seeks care to be in custody pursuant to the Lanterman-Petris-Short Act as a condition of accepting a transfer of that person.</p>
<p>AB 2998 (Bloom), CH. 924</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Consumer products: flame-retardant materials</p>	B&P 19100–19004	<p>Expands the scope of a crime by amending the Home Furnishings and Thermal Insulation Act, a violation of which is a misdemeanor, to prohibit, on or after January 1, 2020, a person from selling or distributing in commerce any reupholstered furniture or any new juvenile products, mattresses, or upholstered furniture that contains, or a constituent component of which contains, covered flame retardant chemicals above specified levels.</p>
<p>AB 3078 (Gallagher), CH. 132</p> <p><i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Theft: burglary: natural or manmade disasters</p>	PEN 463	<p>Makes a person who commits second degree burglary or grand theft, or who commits petty theft, under an evacuation order within an affected county in a state of emergency or a local emergency, guilty of the crime of looting, punishable by imprisonment in a county jail, except in the case of grand theft of a firearm, which is punishable by imprisonment in the state prison. Defines “evacuation order” as an order from the Governor, or a county sheriff, chief of police, or fire marshal, under which persons subject to the order are required to relocate outside of the geographic area covered by the order due to an imminent danger resulting from a natural or manmade disaster.</p>

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 3098 (Friedman), CH. 348 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Residential care facilities for the elderly: emergency and disaster plans	H&S 1569.695	Changes the definition of crimes relating to residential care facilities for the elderly by requiring the facilities to (1) modify emergency and disaster plans to include additional elements, including a contact information list and at least two shelter locations for housing residents during an evacuation; (2) provide training on the emergency and disaster plan to each staff member; (3) review and make updates to the emergency and disaster plan annually and conduct a drill for various emergency situations at least once quarterly for each shift; and (4) make their emergency and disaster plans available, upon request, to any responsible party for a resident and the local long-term care ombudsman. A violation of these provisions is a crime.
AB 3129 (Rubio), CH. 883 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Firearms: prohibited persons	PEN 29805	Prohibits a person who is convicted on or after January 1, 2019, of a misdemeanor violation of willful infliction of corporal injury upon a spouse, cohabitant, or other specified person, from ever possessing a firearm. Makes a violation of that prohibition punishable as either a misdemeanor or as a felony.
AB 3142 (Low), CH. 596 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Acupuncture Licensure Act: Acupuncture Board	B&P 4935	Makes it a misdemeanor for a person who does not hold a current and valid acupuncturist's license to advertise or otherwise represent that he or she is practicing or engaging in the practice of acupuncture.
AB 3143 (Low), CH. 597 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Tax preparers	B&P 22250, 22250.1, 22251, 22251.2, 22251.3, 22251.4, 22252, 22253, 22253.5, 22255, 22256, 22258, 22259	Extends the operation of a crime by amending provisions of law pertaining to tax preparers, a violation of which is a crime, until January 1, 2023.
AB 3144 (Low), CH. 681 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Professional Fiduciaries Bureau	B&P 6501, 6510, 6533, 6534, 6561, 6581	Expands the scope of a crime by increasing the work experience requirements to qualify for licensure as a professional fiduciary and requiring a licensee to additionally include in his or her statement, filed under penalty of perjury, whether he or she has been removed for cause as an agent under a durable power of attorney for health care or as an agent under a durable power of attorney for finances.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 3212 (Irwin), CH. 555 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Service member protections	M&V 400, 401, 402, 403, 404, 405, 406, 407, 408, 409.1, 409.2, 409.3, 409.4, 800, 803, 811, 821, 822, 823.5, 824, 826, 827	Expands the classes of military and state militia members who receive specified civil liability protections. Expands the definition of a crime by extending the duration after military service of existing provisions, adding a category of debt to existing protections that cap interest rates for military members called to active duty, and expanding existing provisions allowing military members who have been called to active duty to seek release from lease obligations. Creates new crimes by prohibiting a person, in connection with the collection of any obligation, from falsely claiming to be a member or civilian employee of, among other things, the armed forces or of a component of the active militia or identifying himself or herself through the use of any military rank, rating, or title and prohibiting a person, in connection with the collection of any obligation from a member of the active militia or a member of the active or reserve components of the armed forces, from contacting the member's military unit or chain of command without the written consent of the member given after the obligation becomes due and payable.
SB 20 (Hill), CH. 593 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Vehicles: buses: seatbelts	VEH 12810.2, 27318, 27319, 34505.8	Among other things, requires bus drivers and passengers 16 years of age or older to wear seat belts in buses equipped with them, and requires bus drivers to notify passengers of this requirement and the fine for not wearing a seat belt either before departure or with conspicuously posted signs and placards inside the bus. Imposes a fine of up to \$20 for the first violation of either provision, and up to \$50 for subsequent violations of either provision. Changes the definition of a crime by requiring charter-party carriers transporting passengers via charter bus to include in already mandated written or video instructions to passengers a notification of the requirement to wear a safety belt, if available, and a notification that not wearing a seat belt is punishable by a fine. Establishes various requirements for those passengers between 8 and 16 years of age, and for parents or guardians traveling with passengers younger than 8 years old who meet other specified requirements.
SB 46 (Leyva), CH. 835 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Mobilehomes: enforcement actions: sunset provision	H&S 18400.1, 18424, 18502	Expands the scope of a crime by extending to January 1, 2024, certain requirements relating to the inspection of mobilehome parks under the Mobilehome Parks Act, a violation of which is a crime.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 237 (Hertzberg), CH. 600 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Electricity: direct transactions	PUC 365.1	Requires the Public Utilities Commission, on or before June 1, 2019, to issue an order specifying, among other things, an increase in the annual maximum allowable total kilowatt-hour limit by 4,000 gigawatt-hours and apportion that increase among the service territories of the electrical corporations, a violation of which is a crime.
SB 668 (McGuire), CH. 683 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Commercial feed: violations: administrative penalty	F&G 14991, 15042, 15056, 15071, 15071.1, 15071.3, 15071.5, 15075, 15091, 15092	Among other things, expands the definition of a crime by making it unlawful for any person to manufacture or distribute in this state any commercial feed without complying with specified provisions and regulations adopted relating to commercial feed.
SB 746 (Portantino), CH. 780 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Firearms and ammunition: prohibited possession: transfer to licensed dealer	PEN 16150, 29180, 29182, 29183, 29830, 33850, 33855, 33860, 33865, 33870, 33875, 33880, 33885, 33895	Among other things, authorizes a person who has an outstanding warrant for a felony or misdemeanor to transfer his or her firearms or ammunition to a licensed firearms dealer for the duration of the prohibition. Makes the procedure for a court or law enforcement agency to return a seized firearm applicable to ammunition. Commencing on July 1, 2020, makes these provisions applicable to ammunition feeding devices and, in some cases, ammunition. Expands the scope of a crime by requiring a new resident to the state to apply within 60 days of arrival for a unique serial number for any firearm the resident wishes to possess in the state that the resident previously manufactured or assembled, or a firearm the resident owns, that does not have a unique serial number. Specifies that the provisions requiring a person who manufactures or assembles a firearm to apply for a unique serial number for that firearm do not authorize the person to manufacture or assemble an unsafe handgun.
SB 896 (McGuire), CH. 619 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Aggravated arson	PEN 451.5	Expands the scope of a crime by extending the operation of the state's aggravated arson statute to January 1, 2024, and increases the threshold amount of property damage required from \$7 million to \$8.3 million, and increases the threshold of property damage and other losses constituting an aggravating factor for aggravated arson to \$8.3 million.
SB 997 (Monning), CH. 152 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Health care service plans: physician to enrollee ratios	H&S 1375.9	Extends the operation of a crime by repealing the sunset date of the provisions of the Knox-Keene Health Care Service Plan Act of 1975, a violation of which is a crime, that ensures one full-time equivalent primary physician for every 2,000 enrollees and authorizes an additional 1,000 employees to a nonphysician medical practitioner.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 1001 (Hertzberg), CH. 892 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> <i>Bots: disclosure</i>	B&P 17940–17943	Effective July 1, 2019, with certain exceptions, makes it unlawful for any person to use an automated online account (a bot) to communicate or interact with another person in California online with the intent to mislead the other person about its artificial identity for the purpose of knowingly deceiving the person about the content of the communication to incentivize a purchase or sale of goods or services in a commercial transaction or to influence a vote in an election.
SB 1039 (Pan), CH. 510 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Market milk: ultra-filtered milk products	F&G 35975	Expands the scope of a crime by (1) defining “ultra-filtered milk products” and authorizing the Secretary of Food and Agriculture to establish milk standards for ultra-filtered milk products sold in California; (2) requiring ultra-filtered milk products to meet all standards and requirements for market milk, except as provided; (3) requiring ultra-filtered milk products to be labeled in accordance with applicable federal laws; and (4) requiring the term “ultra-filtered” be included in the product name on the product label.
SB 1046 (Hill); STATS. 2016, CH. 783 <i>Effective/Operative Date:</i> <i>Various through 2026</i> Driving under the influence: ignition interlock device	Various Codes	Effective January 1, 2019, permits persons convicted of a first DUI offense without bodily injury to elect to install an ignition interlock device (IID) and thereby retain full driving privileges. (Without the IID, a first-time DUI offender without bodily injury will be limited to a one-year restricted license and mandatory attendance in a treatment program.) Requires an individual convicted of a first offense DUI with bodily injury, or a second DUI offense without bodily injury, to install an IID in any vehicle driven by the individual for one year. Requires an individual convicted of a third DUI offense to install an IID in any vehicle driven by the individual for two years. Requires an individual convicted of a fourth and subsequent DUI offense to install an IID in any vehicle driven by the individual for three years. Provides for payment assistance for individuals who are required to install IID with an income of 100 percent or more of the federal poverty level, or for individuals who receive CalFresh benefits. Requires the Department of Motor Vehicles to report to the Department of Transportation on or before March 1, 2024, data regarding the implementation and efficacy of the IID program pursuant to SB 1046.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 1100 (Portantino), CH. 894 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Firearms: transfers	PEN 27510, 29182	Expands the scope of crimes by (1) prohibiting the sale or transfer of any firearm by a licensed dealer, except as specifically exempted, to any person under 21 years of age; and (2) requiring an applicant to be at least 21 years of age for any firearm, except that applications may be granted for an applicant who is at least 18 years of age but less than 21 years of age for a firearm that is not a handgun if the application is made before February 1, 2019.
SB 1192 (Monning), CH. 608 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Children's meals	H&S 114379, 114379.10, 114379.20, 114379.30, 114379.40, 114379.50, 114379.60	Requires a restaurant that sells a children's meal that includes a beverage, to make the default beverage water, sparkling water, or flavored water, or unflavored milk or a nondairy milk alternative. Makes a violation of this provision an infraction punishable by a fine.
SB 1280 (Roth), CH. 115 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Small house skilled nursing facilities	H&S 1323.5, 1323.6	Extends the operation of the Small House Skilled Nursing Facilities Pilot Program until January 1, 2026, and deletes the obsolete July 1, 2013 deadline for issuance of the all-facility letters. Continues evaluation of models developed under the pilot program to determine if each model improves patient satisfaction and clinical outcomes in a cost-effective manner, under the licensure and regulation of health facilities, by the state Department of Public Health. Violation of these provisions is a crime.
SB 1283 (Bradford), CH. 736 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Brewpub-restaurant licensees: beer sales	B&P 23396.3	Expands the definition of a crime by (1) changing the definition of brewpub-restaurant license to require that the licensed premises have a minimum seven-barrel commercial brewing system located permanently onsite that is capable of producing at least seven barrels of beer per brewing cycle; (2) increasing the minimum amount to be manufactured by the licensee to 200 barrels; (3) requiring that beer produced on the premises be offered for sale to consumers for consumption on or off the premises in a bona fide manner; and (4) authorizing a brewpub-restaurant licensee to label, bottle, package, or refill any container with beer produced on the licensed premises, to sell beer produced by the licensee for consumption off the premises.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
<p>SB 1309 (McGuire), CH. 985 <i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Fishing: Fisheries Omnibus Bill of 2018</p>	<p>F&G 7863, 8183, 8276.1, 8494, 8495, 8496, 9002.5, 9005</p>	<p>Addresses a number of fisheries issues by, among other things, extending the sunset on a salmon program, revising the existing Dungeness crab trap retrieval program, requiring the California Dungeness Crab Fishing Gear Working Group to evaluate the risks of marine life entanglements and reopening certain areas to halibut trawling. Extends to January 1, 2029, an existing crime prohibiting specified persons from taking salmon for commercial purposes unless the person has a commercial fishing salmon stamp affixed to his or her commercial fishing license. Changes the definition of a crime by permitting the taking of anchovies in Humboldt Bay between May 1 and December 1 without restrictions on area or use, replacing the two separate 15-ton limits on take per year with a single 60-ton take limit, and removing provisions regarding inspection and notification of bait operations and authorizing the Fish and Game Commission to modify the catch limit and other regulations based on credible science.</p>
<p>SB 1320 (Stern), CH. 517 <i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Elder or dependent adult abuse: victim confidentiality</p>	<p>GOV 6205, 6205.5, 6206, 6208.5, 6209.5, 6209.7</p>	<p>Allows victims of elder or dependent adult abuse to participate in the Secretary of State’s Safe at Home address confidentiality program. A false attestation on application for the Safe at Home program is a misdemeanor.</p>
<p>SB 1355 (Hill), CH. 333 <i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Unmanned aircraft systems: correctional facilities</p>	<p>PEN 4577</p>	<p>Creates a new crime by making a person who knowingly and intentionally operates an unmanned aircraft system on or above the grounds of a state prison, a jail, or a juvenile hall, camp, or ranch guilty of an infraction punishable by a fine of \$500.</p>
<p>SB 1382 (Vidak), CH. 94 <i>Effective/Operative Date:</i> <i>January 1, 2019</i></p> <p>Firearms: vehicle storage</p>	<p>PEN 25140</p>	<p>Requires that a person, when leaving a handgun in an unattended vehicle, lock the handgun in the vehicle’s trunk, lock the handgun in a locked container and place the container out of plain view, lock the handgun in a locked container that is permanently affixed to the vehicle’s interior and not in plain view, or lock the handgun in a locked toolbox or utility box. Provides that a peace officer, when leaving a handgun in an unattended vehicle not equipped with a trunk, may, if unable otherwise to comply with the provision, lock the handgun out of plain view within the center utility console of that motor vehicle with a padlock, key lock, combination lock, or other similar locking device. Violation of this provision is an infraction punishable by a fine not exceeding \$1,000.</p>

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 1386 (McGuire), CH. 334 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Optometry	B&P 3070, 3077	Expands the scope of a crime by removing the exemption provided to a licensed optometrist who holds a branch office license from the requirement to obtain a statement of licensure to practice at that branch office.
SB 1481 (Hill), CH. 572 <i>Effective/Operative Date:</i> <i>January 1, 2019</i> Structural pest control: certification: fumigation: penalties	B&P 8504.2, 8504.3, 8504.4, 8517, 8519, 8519.5, 8520, 8528, 8550, 8553, 8613, 8619, 8623, 8623.5, 8663, 8674, 8698.3	Expands the scope of a crime by making various changes to the Structural Pest Control Act, a violation of which is a crime, intended to improve oversight of entities regulated by the Structural Pest Control Board.

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