



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

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MEMORANDUM

Date	Action Requested
October 21, 2015	N/A
To	Deadline
Hon. Tani Cantil-Sakauye	N/A
Members of the Policy Coordination and Liaison Committee	Contact
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From	
Cory T. Jaspersen, Director	
Subject	
FINAL Status of 2015 Legislation considered by the Policy Coordination and Liaison Committee	

Following is the final status report on 2015 legislation considered by the Judicial Council's Policy Coordination and Liaison Committee (PCLC) during the 2015-2016 legislative session. The bills are listed in numerical order by house (Assembly and Senate) and are indexed by subject matter. The second column, "description" summarizes the relevant portions of the bill—and the version of the bill—on which the PCLC position is based. The description column also includes an updated summary to reflect the most current version of the bill. The "Judicial Council position" column tracks the council's initial position and any subsequent change to that position.

The text of all versions of a bill, committee analyses, vote information, history, and bill status can be found on the Legislature's website (including past session information) at:
<http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>

JUDICIAL COUNCIL OF CALIFORNIA
Policy Coordination and Liaison Committee Action on 2015 Legislation
and Status of Bills

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JUDICIAL COUNCIL OF CALIFORNIA
Policy Coordination and Liaison Committee Action on 2015 Legislation
and Status of Bills

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 11, 2015
AB 39 (Sharon Reilly)	<p>AB 39 (Medina) – Search warrants: electronic submission</p> <p>As introduced Requires an affiant to first sign his or her affidavit in support of the application for the search warrant and then transmit the proposed search warrant and all supporting affidavits and documents to the magistrate. It also provides that the completed search warrant as signed by the magistrate and transmitted via facsimile transmission, electronic mail, or computer server, and received by the affiant shall be deemed to be the original warrant.</p>	Support	California Judges Association	Signed into law (Stats. 2015, ch. 193)
AB 84 (Sharon Reilly)	<p>AB 84 (Gatto) – Forensic testing: DNA samples</p> <p>As amended April 23, 2015 Among other things, requires that DNA samples obtained during an arrest on a felony not be sent to Department of Justice for analysis until after a judicial determination of probable cause, if the California Supreme Court upholds <i>People v. Buza (2014) 231 Cal.App.4th 1446</i> (1st App. Dist.), review granted February 18, 2015, S223698. If the California Supreme Court upholds <i>Buza</i>, requires the DNA specimen and sample to be destroyed and the searchable database profile expunged from the database without the requirement of an application to the Department of Justice.</p>	Oppose	Author	Assembly Appropriations Committee— suspense file. 2-year bill
AB 249 (Sharon Reilly)	<p>AB 249 (Obernolte) – Criminal courts: appeals: fees</p> <p>As amended April 13, 2015 Prohibits appeals based solely on the grounds of an error in the imposition or calculation of fines, penalty assessments, surcharges, fees, or costs unless the defendant first presents the claim in the trial court at the time of sentencing, or, if the error is not discovered until after sentencing, the defendant first makes a motion for correction in the trial court. Lists statutory exceptions to the appellate procedure set forth in Penal Code section 1237.2.</p>	Sponsor	Judicial Council	Signed into law (Stats. 2015, ch. 194)
AB 267 (Sharon Reilly)	<p>AB 267 (Jones-Sawyer) – Criminal procedure: disclosure: felony conviction consequences</p> <p>As amended August 26 2015 Requires the court to inform the defendant prior to the plea of not guilty only of the potential adverse consequences set forth in the bill. Provides that courts may provide the information through a form notice presented to the defendant or a bulleting posted in the courtroom informing the defendant of these adverse consequences. Provides that the court may orally informant the defendant that the actual impacts may be unknown and the defendant may consult with his or her attorney or another qualified expert. Provides that with respect to pleas accepted prior to January 1, 2016, it is not the intent of the Legislature that a court’s failure to provide the advisement should require a vacation of judgement and withdrawal of the plea, constitute grounds for finding a prior conviction invalid or provide a ground for appeal from the judgment or appealable order.</p>	Oppose, has potential of increasing workload and adding to the already high volume calendars.	California Attorneys for Criminal Justice	Vetoed View veto message here

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 11, 2015
AB 311 (Daniel Pone)	<p>AB 311 (Gallagher) – Environmental quality: Water Quality, Supply, and Infrastructure Improvement Act of 2014: expedited judicial review</p> <p>As amended April 15, 2015 Among other things, requires the public agency, in certifying the environmental impact report and in granting approvals for specified water storage funded, in whole or in part, by Proposition 1 (the Water Quality, Supply, and Infrastructure Improvement Act of 2014), including the concurrent preparation of the record of proceedings and the certification of the record of proceeding within five days of the filing of a specified notice, to comply with specified procedures. Requires the Judicial Council, on or before July 1, 2016, to adopt a rule of court to establish procedures applicable to actions or proceedings seeking judicial review of a public agency’s action in certifying the environmental impact report and in granting project approval for those projects that require the actions or proceedings, including any appeals therefrom, be resolved, to the extent feasible, within 270 days of the certification of the record of proceedings. Prohibits a court from staying or enjoining those water projects unless the court makes specified findings.</p>	Oppose, threatens the independence of the judicial branch by interfering with the ability of the courts to manage their own calendars.	Author	Assembly Natural Resources Committee Failed passage
AB 314 (Daniel Pone)	<p>AB 314 (Waldron) – Limited conservatorship: developmentally disabled persons</p> <p>As amended March 16, 2015 Dispenses with the requirement for a court investigation in cases to establish a limited conservatorship for a person with developmental disabilities when the proposed conservator is a parent of the proposed conservatee. Authorizes (rather than requires) the proposed limited conservatee, with his or her consent, to undergo an assessment at a regional center that will be used for the purposes of the conservatorship proceedings. Provides further that if the proposed conservatee has been a client of the regional center for a period of time sufficient for the center to provide specified findings and recommendations without the need for an additional assessment, and if the proposed conservator is a parent of the proposed conservatee, the regional center shall, with the consent of the proposed limited conservatee, submit the written report containing its findings and recommendations to the court without a new assessment of the proposed conservatee.</p>	Oppose, would interfere with the court’s ability to make appropriate decisions and provide proper oversight in conservatorship cases involving persons with developmental disabilities.	Author	Assembly Judiciary Committee 2-year bill
AB 432 (Daniel Pone)	<p>AB 432 (Chang) – Civil procedure: electronic signatures</p> <p>As amended March 25, 2015 Aligns the Code of Civil Procedure with the Rules of Court that define “electronic signature” and authorizes their use by courts and judicial officers. The bill also defines “electronic signature” to mean an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record. In addition, AB 432 provides that an electronic signature by a court or judicial officer shall be effective as an original signature.</p>	Support	Conference of California Bar Associations	Signed into law (Stats. 2015, ch. 32)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 11, 2015
AB 455 (Daniel Pone)	<p>AB 455 (Bigelow) – Groundwater sustainability plans: environmental impact reports: expedited judicial review.</p> <p>As introduced Among other things, requires the Judicial Council, on or before July 1, 2016, to adopt a rule of court to establish procedures applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification of an environmental impact report for projects covered by a groundwater sustainability plan that require the actions or proceedings be resolved within 270 days of certification of the record of proceeding. Prohibits a court from staying or enjoining those projects unless the court makes specified findings.</p>	Oppose, threatens the independence of the judicial branch by interfering with the ability of the courts to manage their own calendars.	Author	Assembly Water, Parks, and Wildlife Committee/Natural Resources Committee 2-year bill
AB 539 (Sharon Reilly)	<p>AB 539 (Levine) – Search warrants</p> <p>As amended June 23, 2015 Authorizes law enforcement to obtain a search warrant to test the blood of a person suspected of operating a marine vessel under the influence of drugs and/or alcohol.</p>	Support	California State Sheriff's Association	Signed into law (Stats. 2015, ch. 118)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 11, 2015
AB 555 (Daniel Pone)	<p>AB 555 (Alejo) – Civil actions: repeal of expedited jury trials sunset</p> <p>As introduced Repeals the January 1, 2016, sunset date of the Expedited Jury Trials Act, thereby continuing the operation of the program indefinitely.</p> <p>UPDATE: As amended July 2, 2015 <i>Modifies existing procedures governing voluntary Expedited Jury Trials (EJTs) to provide that each party has up to 5 hours to complete voir dire and present its case. Requires the Judicial Council to update rules and forms relating to these procedures by July 1, 2016. Deletes the January 1, 2016 repeal date, thereby extending the operation of the voluntary EJT provisions indefinitely. Adds new provisions that require most limited civil cases to be conducted as expedited jury trials. Among other things, allows either party to opt out of the mandatory EJT procedures if any of the following criteria is met: (1) punitive damages are sought; (2) damages in excess of insurance policy limits are sought; (3) a party’s insurer is providing a legal defense subject to a reservation of rights; (4) the case involves a claim reportable to a governmental entity; (5) the case involves a claim of moral turpitude that may affect an individual’s professional licensing; (6) the case involves claims of intentional conduct; or (7) the judge finds good cause exists for the action not to proceed under the mandatory EJT rules. Provides that mandatory EJTs utilize the same basic procedures that apply in voluntary EJTs, except as specified. Specifies that each party has up to 5 hours to complete voir dire and present its case. Provides that a judgment in a limited civil case conducted as an EJT may be appealed to the appellate division of the superior court in which the case was tried. Requires the Judicial Council, on or before July 1, 2016, to adopt rules and forms to establish uniform procedures implementing the bill’s mandatory EJT provisions, including, but not limited to, rules for the following: pretrial exchanges and submissions; pretrial conferences; opt-out procedures; presentation of evidence and testimony; and any other procedures necessary to implement these provisions.</i></p> <p>UPDATE: As amended August 26, 2015 <i>Same as above, but, among other things, adds delayed operative date of July 1, 2016 and imposes 3-year sunset on new mandatory EJT provisions. Allows parties in mandatory EJT provisions to exercise four (vs. three) peremptory challenges, and adds one alternate to juries in these cases. Adds additional opt-out grounds for cases that have been reclassified as unlimited and cases where the complaint contains a demand for attorney’s fees (unless those fees are sought pursuant to Section 1717 of the Civil Code). Clarifies that good cause for allowing a party to opt-out of the mandatory EJT procedures includes, but is not limited to, a showing that a party needs more than five hours to present or defend the action and that the parties have been unable to stipulate to additional time.</i></p>	<p>Support</p> <p>UPDATE: <i>As amended July 2, 2015</i> <i>No position</i></p> <p>UPDATE: <i>As amended August 26, 2015</i> <i>Support</i></p>	Consumer Attorneys of California and California Defense Counsel	Signed into law (Stats. 2015, ch. 330)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 11, 2015
AB 581 (Cory Jaspersen)	<p>AB 581 (Gomez) – State Facilities Renewal Bond Act of 2016</p> <p>As amended April 21, 2015</p> <p>Asks voters to approve a \$2 billion general obligation bond measure to fund deferred maintenance projects in state facilities. Provides that the funds shall only be used to address deferred maintenance projects on state-owned property and shall be made available for expenditure only upon appropriation by the Legislature in the Annual Budget Act. Defines a state agency as “any state agency, department, office, division, bureau, board, commission, district, agricultural association, the California State University, the University of California, and the Judicial Council.”</p>	Support	Author	<p>Accountability & Administrative Review Committee</p> <p>2-year bill</p>
AB 641 (Daniel Pone)	<p>AB 641 (Mayes) – Environmental quality: housing developments: expedited judicial review</p> <p>As amended March 26, 2015</p> <p>Among other things, requires the Judicial Council, on or before July 1, 2016, 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 a public agency’s action in granting project approval for specified housing development projects. It requires the actions or proceedings, including any appeals therefrom, be resolved, to the extent feasible, within 270 days of certification of the record of proceeding. Prohibits a court from staying or enjoining those housing development projects unless the court makes specified findings.</p>	Oppose	Author	<p>Assembly Natural Resources Committee</p> <p>Failed passage</p>
AB 673 (Sharon Reilly)	<p>AB 673 (Santiago) – Probation and mandatory supervision: jurisdiction</p> <p>As amended July 1, 2015</p> <p>Establishes procedures for the payment and collection of fines, fees, and restitution if a person is released on probation or mandatory supervision, and the jurisdiction of the case is transferred to the superior court of another county, as specified.</p>	Support	Chief Probation Officers of California	Signed into law (Stats. 2015, ch. 251)
AB 691 (Daniel Pone)	<p>AB 691 (Calderon) – The Privacy Expectation Afterlife and Choices Act.</p> <p>As amended September 4, 2015</p> <p>Enacts the Privacy Expectation Afterlife and Choices Act (PEAC Act). Among other things, authorizes a defined electronic communication service or remote computing service (provider) to disclose specified information pertaining to the account of a deceased user to the personal representative of the decedent’s estate or the trustee of the decedent’s trust if provided with prescribed information. Authorizes a probate court with jurisdiction over the deceased user’s estate or trust to order disclosure of certain information if the court makes specified findings, including that the request for disclosure is narrowly tailored to the purpose of administering the estate or trust. Prescribes circumstances under which the provider would not be compelled to disclose a record or the contents of a communication and exempts a provider from liability for disclosing records or contents as required or permitted by the act.</p>	Oppose	TechNet and Facebook	<p>Senate Floor</p> <p>2-year bill</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 11, 2015
AB 696 (Sharon Reilly)	<p>AB 696 (Jones-Sawyer) – Defendants: arraignment</p> <p>As amended May 18, 2015 Requires the court, upon motion of a noncustodial defendant accused on a misdemeanor, to make a probable cause determination. Requires that determination to be made 30 days before the date calendared for trial to allow the prosecution to comply with certain discharge requirements.</p> <p>UPDATE: As amended August 31, 2015 <i>Eliminates the requirement that the probable cause determination be made 30 days prior to trial.</i></p>	Oppose, has the potential of requiring a significant number of additional probable cause hearings for out-of-custody misdemeanor defendants.	California Public Defenders Association	Vetoed
AB 703 (Alan Herzfeld)	<p>AB 703 (Bloom) – Juveniles: attorney qualifications</p> <p>As amended April 13, 2015 Requires the council to adopt rules of court establishing the minimum training and education hours, or alternative recent experience, for an attorney to be appointed as counsel in delinquency proceedings.</p>	Support	East Bay Children’s Law Center; Youth Law Center; Pacific Juvenile Defender Center	Signed into law (Stats. 2015, ch. 369)
AB 749 (Alan Herzfeld)	<p>AB 749 (Bloom) – Family law: court reporters</p> <p>As amended April 16, 2015 Adds child custody hearings and Domestic Violence Prevention Act proceedings to the list of case types for which court reporters are mandated.</p>	Oppose, unless funded	The California Court Reporters Association	<p>Assembly Appropriations Committee—suspense file.</p> <p>2-year bill</p>
AB 804 (Laura Speed)	<p>AB 804 (Hernández) – Shorthand reporters: continuing education requirements</p> <p>As amended August 31, 2015 Among other things, requires the Court Reporters Board (CRB) to adopt regulations that establish minimum continued education (CE) requirements for renewal of a certified shorthand reporter (CSR) certificate by July 1, 2017. Specifies that the continuing education required included a minimum of two hours of course credits in ethics and professional conduct of short hand reporting. Limits the continuing education required to no less than eight hours and no more than 12 hours every two years. Requires certificate holders, six months after the effective date of the regulations, to certify completion of minimum CE requirements to the CRB when renewing a certificate. Requires the CRB to ensure that the CE requirement is relevant to the practice of shorthand reporting. Permits the CRB to revoke or deny the right of a CE provider for failure to comply with requirements or regulations as specified. Authorizes the CRB to adopt regulations to implement the above provisions. Requires the CRB to collaborate with the Judicial Council to develop a list of approved courses that satisfy the requirements established by California Rule of Court 10.474 and specifies that courses on the list shall satisfy both requirements.</p>	Support	California Court Reporters Association and Deposition Reporters Association of California	<p>Vetoed</p> <p>View veto message here</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 11, 2015
AB 813 (Sharon Reilly)	<p>AB 813 (Gonzalez) – Criminal procedure: postconviction relief</p> <p>As amended June 22, 2015</p> <p>Creates an explicit right for a person no longer imprisoned or restrained to prosecute a motion to vacate a conviction or sentence as specified</p>	<p>Oppose unless amended to: (1) clarify that the motion to vacate is on the basis of ineffective assistance of counsel with regard to the advice or information imparted by counsel about actual or potential adverse immigration consequences of the convictions; (2) delete the provisions making newly discovered evidence of actual innocence grounds for the motion to vacate; (3) clarify that hearings on motions to vacate are not required in all instances; (4) amend the requirement that the motion be filed with “reasonable diligence” after the moving party receives either the later of notice or removal order to a specific timeframe, such as one-year from the date of the notice or removal order; and (5) require the court to state the reason for granting or denying the motion instead of making “specific findings of fact and conclusions of law on all issues presented.”</p>	<p>American Civil Liberties Union; California Public Defenders Association</p>	<p>Senate Public Safety Committee</p> <p>2-year bill</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 11, 2015
AB 825 (Daniel Pone)	<p>AB 825 (Rendon and Stone) – Public Utilities Commission: judicial review</p> <p>As amended May 14, 2015 Imposes new requirements aimed at increasing the transparency of the decision-making of the California Public Utilities Commission (PUC) and fundamentally changes the process of judicial review of PUC decisions by shifting review from the Courts of Appeal and Supreme Court to the Los Angeles and San Francisco superior courts. Among other things, permits any party aggrieved by a decision or order issued by the PUC to obtain a review of the order in the superior court for the City and County of San Francisco or the County of Los Angeles, by filing in the court, within 60 days after the decision or order of the PUC upon the application of rehearing, a written petition praying that the order of the PUC be modified or set aside in whole or part. Provides further that the San Francisco and Los Angeles superior courts shall be entitled to reimbursement for reasonable and necessary costs of any trial or hearing for any matter brought pursuant to the above provisions, including the costs for the preparation of the trial, pretrial hearing, and the actual trial or hearing.</p> <p>UPDATE: As amended June 1, 2015 Removed judicial review provisions.</p>	<p>Oppose judicial review provisions (Sections 8 & 9), unless amended and funded; no position on remaining provisions, which are outside Judicial Council purview.</p> <p>UPDATE: As amended June 1, 2015 No position</p>	Author	<p>Vetoed</p> <p>View veto message here</p>
AB 874 (Cory Jaspersen/Laura Speed)	<p>AB 874 (Rendon) – Collective bargaining</p> <p>As amended March 26, 2015 Applies the Dills Act to the Judicial Council to confer bargaining rights to Judicial Council employees.</p>	Neutral, with technical amendments	Service Employees International Union Local 1000	<p>Senate Public Employees and Retirement Committee</p> <p>2-year bill</p>
AB 879 (Alan Herzfeld)	<p>AB 879 (Burke) – Juveniles: court proceedings: notice</p> <p>As amended July 7, 2015 Allows for service by email of notice of custody, jurisdictional, review, and disposition hearings when a locality and court have elected to permit service by email, and the party to be served has consented to electronic service on existing Judicial Council forms.</p>	Support	Los Angeles County	Signed into law (Stats. 2015, ch. 219)
AB 897 (Andi Liebenbaum)	<p>AB 897 (Gonzalez) – Retention of court records: driving offenses</p> <p>As amended May 6, 2015 Corrects drafting errors in the rules governing retention of court files regarding certain misdemeanor traffic offenses. Reduces the requirement for courts to retain files regarding violations of Vehicle Code sections 23109 (speed contests) and 23109.5 (sentencing for speed contests) from ten years to five years while increasing the requirement for courts to retain files regarding violations of Vehicle Code section 23103 (reckless driving) from five years to ten years. Ensures that reckless driving convictions are retained on the same ten-year retention schedule as convictions for driving under the influence of alcohol, and clarifies that convictions for speed contests are retained on the same five-year retention schedule as all other misdemeanor Vehicle Code violations.</p> <p>UPDATE: As amended August 20, 2015 Removed the above provisions and no longer pertains to retention of court records.</p>	Support	Author	Signed into law (Stats. 2015, ch. 305)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 11, 2015
AB 900 (Daniel Pone)	<p>AB 900 (Levine) – Juveniles: special immigrant juvenile status</p> <p>As amended June 24, 2015</p> <p>Establishes a new and unprecedented form of guardianship for certain youth between ages 18 and 21 who may qualify for federal Special Immigrant Juvenile (SIJ) status. Among other things, this bill allows, with the consent of the proposed ward, a probate court to establish a guardianship of the person for an unmarried individual, who is at least 18 years of age, but not yet 21, in connection with a petition to make necessary findings regarding SIJ status, as specified. Authorizes the petition for guardianship to be filed by the proposed ward, a relative, or any other person on behalf of the proposed ward. Allows, with the consent, or at the request, of the ward, a court to extend a guardianship of the person beyond 18 years of age in order to allow the ward to complete the application process with United States Citizenship and Immigration Services (USCIS) for classification as a special immigrant juvenile, as specified. Prohibits the guardianship from extending beyond the ward reaching 21 years of age. Provides further that the bill does not authorize the guardian to abrogate any of the rights that a person who has attained 18 years of age may have as an adult under state law, including, but not limited to, decisions regarding the ward’s medical treatment, education, or residence, without the ward’s express consent. Requires the court, upon petition of a ward who is 18 years of age or older, to make an order terminating the guardianship. Requires the Judicial Council to adopt implementing rules and forms by July 1, 2016.</p>	Concerns	Bet Tzedek and Immigrant Legal Resource Center (co-sponsors)	Signed into law (Stats. 2015, ch. 694)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 11, 2015
AB 1006 (Daniel Pone)	<p>AB 1006 (Levine) – Prisoners: mental health treatment</p> <p>As introduced</p> <p>Enacts the Mental Health Justice Act. Provides that if a defendant has pled guilty or nolo contendere to, or been convicted of, an offense that will result in a sentence to state prison, the defendant or the prosecutor may file a petition for a hearing to determine if the defendant suffers from a diagnosable mental illness. Specifies that the petition must be filed after the defendant’s plea or conviction but before his or her sentencing, and must allege that the defendant suffers from a diagnosable mental illness and requests mental health treatment. Specifies further that the court, on its own motion, may order such a hearing.</p> <p>Requires the court to set an evidentiary hearing in such cases, to be heard in conjunction with the defendant’s sentencing, to determine whether the defendant suffers from a diagnosable mental illness. Provides further that the court must make one or more of the following orders if it finds by a preponderance of the evidence that the defendant suffers from a diagnosable mental illness: (1) order that the defendant serve all or a part of his or her sentence in a residential mental health treatment facility instead of in the state prison, unless that placement would pose an unreasonable risk of danger to public safety; (2) order the Department of Corrections and Rehabilitation (CDCR) to place the defendant in a mental health program within the state prison, at a level of care determined to be appropriate by the department’s mental health staff within 30 days of the defendant’s placement in the state prison, or sooner upon order of the court; and (3) order CDCR to prepare a post-release mental health treatment plan six months prior to the defendant’s release from custody. Provides that the treatment plan must specify the manner in which the defendant will receive mental health treatment services following release from custody, and must address, if applicable and in the discretion of the court, medication management, housing, and substance abuse treatment.</p> <p>Provides that the defendant or prosecutor may, at any time, petition the court for approval to transfer the defendant from a residential mental health treatment facility to a mental health program within the state prison for the remainder of the defendant’s sentence. Provides that the defendant, prosecutor, or CDCR may, at any time: petition the court for permission to remove the defendant from a mental health program within the state prison; or, petition the court for dismissal of the requirement that the CDCR prepare a post-release mental health treatment plan.</p> <p>Specifies that the court may only approve a petition (as described above) if the court determines by a preponderance of the evidence that approving the petition is in the best interest of the defendant. Provides that the defendant shall have the right to counsel for all proceedings conducted under the bill’s provisions.</p> <p>UPDATE: As amended April 21, 2015</p> <p><i>Provides that a defendant who has pled guilty or nolo contendere to, or been convicted of, an offense that will result in a sentence to state prison or county jail, or the prosecutor, may submit evidence after the defendant’s plea or conviction, but before her/his sentencing, that the defendant suffers from a diagnosable mental illness that was a substantial factor that contributed to the defendant’s criminal conduct. Requires the court to consider such evidence in conjunction with the defendant’s sentencing. Provides that the court may order placement of the defendant as follows: if the defendant agrees, the court may order the defendant to serve all or a portion of her or his sentence in a residential mental health treatment facility instead of state prison or county jail; the court may order the Department of Corrections and Rehabilitation (CDCR) or the county jail authority to place the defendant in a mental health program within the prison or jail; and, the court may order CDCR or the county jail authority to prepare a post-release mental health treatment plan, as specified. Allows the defendant or prosecutor, at any time, to petition the court for approval to transfer the defendant from a residential mental health treatment facility to a mental health program within the prison or jail. Provides a similar court petition process for cases where the defendant, prosecutor, CDCR, or county jail authority seeks permission to remove the defendant from a mental health program within the state prison or jail, or dismissal of the requirement that CDCR or the county jail authority prepare a post-release mental health treatment plan.</i></p>	Oppose, unless amended and funded	Steinberg Institute for Advancing Mental Health Policy	<p>Assembly Appropriations Committee</p> <p>Held on suspense.</p> <p>2-year bill</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 11, 2015
AB 1068 (Daniel Pone)	<p>AB 1068 (Allen) – California Environmental Quality Act: priority projects</p> <p>As introduced</p> <p>Authorizes each Member of the Legislature to nominate one project subject to the California Environmental Quality Act within his or her respective district each year, and the Governor to designate those projects as priority projects if the projects meet specified requirements. Among other things, prohibits a court from staying or enjoining the implementation of a priority project unless the court finds either of the following: (i) the continued construction or operation of the project presents an imminent threat to the public health and safety; or (ii) the priority project site contains unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values that would be materially, permanently, and adversely affected by the continued construction or operation of the priority project. Specifies further that if the court finds that either of the above criteria is satisfied, the court shall only enjoin those specific activities associated with the priority project that present an imminent threat to public health and safety or that materially, permanently, and adversely affect unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values.</p>	Oppose, threatens the independence of the judicial branch by interfering with the ability of the courts to fashion appropriate relief.	Author	<p>Assembly Natural Resources Committee</p> <p>2-year bill</p>
AB 1081 (Alan Herzfeld)	<p>AB 1081 (Quirk) – Protective orders</p> <p>As amended August 19, 2015</p> <p>Amends restraining order statutes to eliminate the current provisions concerning the reissuance of temporary orders and replace them with new provisions providing a procedure for continuance of hearings.</p>	Sponsor	Judicial Council	Signed into law (Stats. 2015, ch. 411)
AB 1085 (Daniel Pone)	<p>AB 1085 (Gatto) – Personal representatives: conservatees and attorneys –in-fact</p> <p>As amended May 5, 2015</p> <p>Among other things, states the legislative intent that every adult has the right to visit with, and receive mail, telephone, and electronic communication from, whomever he or she so chooses, unless a court specifically orders otherwise. Allows a court to issue an order that either (a) specifically grants a conservator of the person the power to enforce the conservatee’s right to receive visitors, telephone calls, and personal mail, or (b) directs the conservator to allow such visitors, telephone calls, and personal mail.</p>	Neutral on Sections 1 & 2; no position on remaining provisions, which are outside the council’s purview.	Author	Signed into law (Stats. 2015, ch. 92)
AB 1123 (Daniel Pone)	<p>AB 1123 (Mayes) – Dispute resolution programs: court administration</p> <p>As introduced</p> <p>Authorizes, but does not require, a county that has established and is operating a program under the Dispute Resolution Program Act (DRPA) to contract with the superior court of the county to transfer operation of the program to the court. The bill requires a court that voluntarily elects to enter into such a contract to operate the program in compliance with all statutes, rules, and regulations associated with the program. Also specifies that a court that contracts to operate a dispute resolution program pursuant to the bill’s provisions assumes the relevant rights and responsibilities connected with the program. The bill further requires the county in such cases to transfer, within a reasonable time, any funds received for administration of the program, with future program funding to be provided directly to the court.</p>	Support	County of San Bernardino	<p>Assembly Floor, Inactive file</p> <p>2-year bill</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 11, 2015
AB 1141 (Daniel Pone)	<p>AB 1141 (Chau) – Civil actions</p> <p>As amended July 14, 2015 Reinstates the provisions in Code of Civil Procedure (CCP) section 437c that allowed a party to file a motion for partial summary adjudication. Amends CCP section 998, the statute that governs settlement offers and costs, by requiring the defendant to pay a reasonable sum to cover expert witness costs, whether or not the costs arose post-offer, in cases where the defendant failed to obtain a more favorable judgment or award.</p>	Support Section 1; no position on Section 2.	California Defense Council and Consumer Attorneys of California	Signed into law (Stats. 2015, ch. 345)
AB 1156 (Sharon Reilly)	<p>AB 1156 (Brown) – Imprisonment in county jail</p> <p>As proposed to be amended Makes numerous technical and clarifying changes to the 2011 Realignment Act, including, among others, that a court may, within 120 days of the date of commitment on its own motion, or upon the recommendation of the county correctional administrator, recall the sentence previously ordered and resentence the defendant in the same manner as if he or she had not previously been sentenced, provided the new sentence, if any, is no greater than the original sentence; requiring the Judicial Council to adopt rules providing criteria regarding a court’s decision to impose of the lower or upper term of a sentence under Penal Code section 1170(h)(1)-(2); and providing that a person shall not be subject to prosecution for a non-felony offense arising out of a violation in the California Vehicle Code, with the exception of Driving under the Influence (DUI), that is pending against him or her at the time of his or commitment to a county jail under the 2011 Realignment Act.</p> <p>As amended September 1, 2015 Clarifies several provisions of law relating to criminal justice realignment. Requires, among other things, that the Judicial Council to adopt rules providing criteria regarding a court’s decision to impose of the lower or upper term of a sentence under Penal Code section 1170(h)(1)-(2), again clarifying criminal justice realignment.</p>	Support	California Public Defenders Association	Signed into law (Stats. 2015, ch. 378)
AB 1214 (Sharon Reilly)	<p>AB 1214 (Achadjian) – Probation sentencing report: good cause continuance</p> <p>As introduced Requires courts to find good cause before continuing a sentencing hearing for failure by the probation department to provide a sentencing report by the required deadlines.</p>	Sponsor	Judicial Council	Assembly Public Safety Committee 2-year bill
AB 1237 (Daniel Pone)	<p>AB 1237 (Brown) – State hospitals: placement evaluations</p> <p>As introduced Requires the Department of State Hospitals (DSH) to: (1) establish a pool of psychiatrists and psychologists with forensic skills who are employees of the department; and (2) create evaluation panels from this pool of psychiatrists and psychologists, with each panel consisting of three to five, inclusive, forensic psychiatrists or psychologists. Among other things, specifies that when a defendant pleads not guilty by reason of insanity (NGI), the court must select an evaluation panel established by DSH pursuant to the bill’s provisions (instead of psychiatrists and psychologists appointed by the court) to examine the defendant and investigate his or her mental status, make specified reports to the court, and testify during the NGI proceedings. Imposes similar obligations and restrictions on the court in cases where the competence of the defendant to stand trial is at issue.</p>	Oppose	Union of American Physicians and Dentists and AFSCME – Local 2620	Assembly Public Safety Committee 2-year bill

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 11, 2015
AB 1298 (Daniel Pone)	<p>AB 1298 (Gipson) – Environmental quality: City of Carson: sports stadium: expedited judicial review</p> <p>As amended March 26, 2015</p> <p>Among other things, requires the Judicial Council 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 a public agency’s action in granting project approval for the stadium project. It requires the actions or proceedings, including any appeals therefrom, be resolved, to the extent feasible, within 270 days of certification of the record of proceeding. Prohibits a court from staying or enjoining the implementation of the stadium project unless the court makes specified findings.</p>	Oppose	Author	<p>Assembly Natural Resources Committee</p> <p>2-year bill</p>
AB 1300 (Daniel Pone)	<p>AB 1300 (Ridley-Thomas) – Mental health: involuntary commitment: immunity for court-appointed hearing officers</p> <p>As amended May 20, 2015</p> <p>Makes various changes, most of which are technical, to the law governing involuntary commitments to mental health facilities. Among other things, conforms the immunity provisions in the Lanterman-Petris-Short (LPS) Act by extending immunity protections currently provided to court-appointed hearing officers and other specified persons involved in the involuntary commitment process to the same group of persons in counties that utilize the 30-day involuntary hold provisions under the LPS Act (see Welf. & Inst. Code §§ 5270.10 et seq.). Provides specifically that the court-appointed commissioner or referee, or the certification review hearing officer, among others, would be entitled to immunity from liability for any action by a person who is released at or before the end of the 30-day intensive treatment period.</p>	Support Section 26; no position on remaining provisions, which are outside Judicial Council purview.	California Hospital Association, California Chapter of the American College of Emergency Physicians, and the Association of California Healthcare Districts	<p>Assembly Appropriations Committee—suspense file.</p> <p>2-year bill</p>
AB 1328 (Sharon Reilly)	<p>AB 1328 (Weber) – Criminal procedure: withholding evidence</p> <p>As amended September 4, 2015</p> <p>Upon receiving information that a prosecuting attorney may have deliberately and intentionally withheld relevant, material exculpatory evidence or information in violation of law, a court may make a finding, supported by clear and convincing evidence that a violation has occurred. Requires the court to inform the State Bar of California if the court finds such a violation if the prosecuting attorney acted in bad faith and the impact of the withholding contributed to a guilty verdict, guilty or nolo contendere plea, or, if identified before conclusion of trial, seriously limited the ability of a defendant to present a defense. Authorizes the court to hold a hearing to consider whether such a violation occurred. Makes conforming changes to existing provisions of law requiring a court to report certain conduct by attorneys to the State Bar. Provides that if a court finds that a violation occurred in bad faith, the court may disqualify an individual prosecuting attorney from a case. Provides that upon a determination by a court to disqualify an individual attorney the defendant or his or her counsel may file and serve a notice pursuant to Penal Code Section 1424 to disqualify the prosecuting attorney’s office if there is sufficient evidence that other employees of the prosecuting attorney’s office acting in bad faith knowingly participated in or sanctioned the intentional withholding of the relevant, material exculpatory evidence or information and that withholding is part of a pattern and practice of violations. Provides that the bill does not limit the authority or discretion of the court or other individuals to make reports to the State Bar of California regarding the same conduct, or otherwise limit other available legal authority, remedies, or actions.</p>	Oppose	California Attorneys for Criminal Justice	Signed into law (Stats. 2015, ch. 467)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 11, 2015
AB 1351 (Sharon Reilly)	<p>AB 1351 (Eggman) – Deferred entry of judgment: pretrial diversion</p> <p>As amended September 3, 2015</p> <p>Addresses the federal immigration law that makes a deferred entry of judgment requirements a “conviction,” for deportation purposes by creating a pretrial diversion program, which does not result in a conviction if completed successfully.</p>	No position, but direct staff to work with author to seek amendments to lessen the burden on the courts.	Drug Policy Alliance (Sponsor); Immigrant Legal Resource Center (Sponsor); American Civil Liberties Union of California (Co-Sponsor); Coalition for Humane Immigrant Rights of Los Angeles (Co-Sponsor); Mexican American Legal Defense and Education Fund (Co-Sponsor); National Council of La Raza (Co-Sponsor)	Vetoed View veto message here
AB 1352 (Sharon Reilly)	<p>AB 1352 (Eggman) – Deferred entry of judgment: withdrawal of plea</p> <p>As amended September 9, 2015</p> <p>Requires a court to allow a defendant who was granted deferred entry of judgment on or after January 1, 1997, after pleading guilty or nolo contendere to the charged offense, to withdraw his or her plea and enter a plea of not guilty if the charges were dismissed after the defendant performed satisfactorily during the deferred entry of judgment period and the defendant shows that the plea may result in the denial or loss to the defendant of any employment, benefit, license, or certificate, including, but not limited to, causing a noncitizen defendant to potentially be found inadmissible, deportable, or subject to any other kind of adverse immigration consequence. Addresses the federal immigration law that makes a deferred entry of judgment requirements a “conviction,” for deportation purposes.</p>	No position, but direct staff to work with author to seek amendments to lessen the burden on the courts.	Drug Policy Alliance (Sponsor); Immigrant Legal Resource Center (Sponsor); American Civil Liberties Union of California (Co-Sponsor); Coalition for Humane Immigrant Rights of Los Angeles (Co-Sponsor); Mexican American Legal Defense and Education Fund (Co-Sponsor); National Council of La Raza (Co-Sponsor)	Signed into law (Stats. 2015, ch. 646)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 11, 2015
AB1390/SB 226 (Daniel Pone)	<p>AB 1390 (Alejo) – Groundwater: comprehensive adjudication SB 226 (Pavley) – Groundwater: comprehensive adjudication</p> <p>This package of bills provides a modern, comprehensive adjudication process for all groundwater basins regulated under the Sustainable Groundwater Management Act (SGMA), and it would be an option for basins that are not. These bills will: (1) make the adjudication process more cost-effective; (2) ensure that the process is fair; and (3) harmonize the process with SGMA to ensure that parties have a forum to determine their water rights but do not use it to obstruct or delay SGMA.</p> <p>SB 226, as amended September 3, 2015 Includes all the necessary changes to SGMA. This including how adjudications in high- and medium-priority basins would be accommodated within SGMA without changing any of the policies inherent within SGMA.</p> <p>AB 1390, as amended September 4, 2015 Includes all process and procedural changes necessary to accelerate adjudications without changing groundwater rights law.</p>	Support	Governor Administration	Signed into law (Stats. 2015, ch. 672)
AB 1492 (Sharon Reilly)	<p>AB 1492 (Gatto) – Forensic testing: DNA samples</p> <p>As amended September 4, 2015 Among other things, requires that DNA samples obtained during an arrest on a felony not be sent to Department of Justice for analysis until after a judicial determination of probable cause, if the California Supreme Court upholds <i>People v. Buza (2014) 231 Cal.App.4th 1446</i> (1st App. Dist.), review granted February 18, 2015, S223698. If the California Supreme Court upholds <i>Buza</i>, requires the DNA specimen and sample to be destroyed and the searchable database profile expunged from the database without the requirement of an application to the Department of Justice.</p>	Oppose, poses significant operational issues; the potential confusion among courts regarding the application of the bill prior to and after the Supreme Court’s ruling in <i>Buza</i> is likely to place burdens on the courts.	Author	Signed into law (Stats. 2015, ch. 487)
AB 1519 (Alan Herzfeld)	<p>AB 1519 (Committee on Judiciary) – Judiciary omnibus: family support</p> <p>As amended September 1, 2015 Sponsored portion ratifies the authority of the Judicial Council to convert 10 subordinate judicial officer (SJO) positions to judgeships in the 2015–16 fiscal year when the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer.</p>	Sponsor SJO conversion provisions, no position on remaining provisions.	Judicial Council	Signed into law (Stats. 2015, ch. 416)
SB 127 (Daniel Pone)	<p>SB 127 (Vidak) – Environmental quality: Water Quality, Supply, and Infrastructure Improvement Act of 2014: expedited judicial review</p> <p>As introduced Among other things, requires the Judicial Council, on or before July 1, 2016, to adopt a rule of court to establish procedures applicable to actions or proceedings seeking judicial review of a public agency’s action in certifying the environmental impact report and in granting project approval for projects funded under the Water Bond (Proposition 1) that require the actions or proceedings, including any appeals therefrom, be resolved, to the extent feasible, within 270 days of the certification of the record of proceedings. Prohibits a court from staying or enjoining those water projects unless the court makes specified findings.</p>	Oppose, threatens the independence of the judicial branch by interfering with the ability of the courts to manage their own calendars.	Author	Senate Environmental Quality Committee 2-year bill

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 11, 2015
SB 178 (Sharon Reilly)	<p>SB 178 (Leno) – Privacy: electronic communications: search warrant</p> <p>As amended September 4, 2015 Among other things, establishes the Electronic Communications Act, which prohibits a government entity from compelling the production of or access to electronic communication information or electronic device information (electronic information), as defined, without a search warrant or wiretap order, except for emergency situations.</p>	No position	American Civil Liberties Union and California Newspaper Publishers Association.	Signed into law (Stats. 2015, ch. 651)
SB 213 (Daniel Pone/Sharon Reilly)	<p>SB 213 (Block) – Juries: criminal trials: peremptory challenges</p> <p>As amended April 28, 2015 Reduces the number of peremptory challenges available in misdemeanor trials from ten (10) to six (6) in cases where the offense is punishable with a maximum term of imprisonment of one year or less. Specifies further that, in cases where two or more defendants are tried jointly, the number of additional “non-joint” peremptories (i.e., those that may be exercised separately by each defendant and the state) would be reduced from four (4) to two (2). Contains a five-year sunset of the bill’s provisions. Requires the Judicial Council to conduct a study on or before January 1, 2020, and report to the Public Safety Committees of the Legislature on the effects of the bill, as specified.</p>	Support/Co-sponsor	California Judges Association; and Judicial Council	Assembly Public Safety Committee 2-year bill
SB 229 (Alan Herzfeld)	<p>SB 229 (Roth) – Funding of judicial positions</p> <p>As amended August 28, 2015 Appropriates \$5 million in funding for 12 of the remaining 50 unfunded judgeships, assigned to the courts with the greatest need based on the most recently approved Judicial Needs Assessment.</p>	Sponsor	Judicial Council	Vetoed View veto message here
SB 238 (Alan Herzfeld)	<p>SB 238 (Mitchell) – Foster care: psychotropic medication</p> <p>As amended September 4, 2015 Requires the Judicial Council to update rules, forms, and procedures to allow a minor and his or her caregiver and Court Appointed Special Advocate a meaningful opportunity to participate in hearings regarding authorizing the use of psychotropic medication for the minor. Further requires state departments and agencies to update the way they collect information on the use of psychotropic medications, and to transmit those reports to counties and courts, including information on each specific child.</p>	Support	National Center for Youth Law and County Welfare Directors Association of California	Signed into law (Stats. 2015, ch. 534)
SB 253 (Alan Herzfeld)	<p>SB 253 (Monning) – Dependent children: psychotropic medication</p> <p>As amended August 31, 2015 Updates and alters the way that the use of psychotropic medications in foster children is authorized and monitored by the juvenile court. Sets the standard of evidence required for a court authorizing the administration of psychotropic medications and the factors that must be considered before granting a request for authorization. Requires a second medical opinion prior to the authorization under specified circumstances. Further requires specified screenings, and follow up documentation, including potential hearings, to improve ongoing oversight of the use of psychotropic medications.</p>	Support	National Center for Youth Law	Assembly Floor—inactive file

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 11, 2015
SB 266 (Sharon Reilly)	<p>SB 266 (Block) – Probation and mandatory supervision: flash incarceration</p> <p>As amended April 7, 2015 Authorizes until January 1, 2021, the use of “flash” incarceration, where a county probation department can order the detention for any adult offender under their supervision in jail for not more than 10 consecutive days for violating a condition of parole or mandatory supervision. These provisions would not apply to persons convicted of certain drug offenses.</p>	No position	Chief Probation Officers of California	<p>Assembly Public Safety Committee</p> <p>2-year bill</p>
SB 352 (Sharon Reilly)	<p>SB 352 (Block) – Elder abuse</p> <p>As amended June 17, 2015 Requires a sentencing court, upon a person’s conviction for violating elder abuse provisions, to consider issuing an order restraining the defendant from any contact with the victim, whether the defendant is sentenced to state prison or county jail, or if imposition of sentence is suspended and the defendant is placed on probation, for up to 10 years, as determined by the court. Provides that the protective order may be issued by the court whether the defendant is sentenced to state prison or county jail, or if imposition of sentence is suspended and the defendant is placed on probation. Declares the intent of the Legislature that in determining the length of any restraining order the court consider the seriousness of the facts before it, the probability of future violations, and the safety of the victim and his or her immediate family.</p>	Support	San Diego District Attorney’s Office	Signed into law (Stats. 2015, ch. 279)
SB 382 (Sharon Reilly)	<p>SB 382 (Lara) – Juvenile sentencing</p> <p>As amended July 8, 2015 Provides further guidance to criminal courts on the five criteria that courts must consider when determining whether a juvenile is a fit and proper subject to be dealt with under juvenile court law by providing that when considering each of the criteria, courts may give weight to certain factors.</p>	Support	Human Rights Watch	Signed into law (Stats. 2015, ch. 234)
SB 383 (Daniel Pone)	<p>SB 383 (Wieckowski) – Civil actions: objections to pleadings</p> <p>As amended September 2, 2015 Establishes important new requirements for filing, amending and resolving demurrers. Among other things, the bill now requires the parties to meet and confer, in person or by telephone, before the demurring party may file a demurrer. SB 383 also establishes various streamlined procedures and timelines for the courts and parties to follow to resolve demurrers more efficiently.</p>	Support	California Judges Association (CJA), California Defense Counsel (CDC), and Consumer Attorneys of California (CAOC)	Signed into law (Stats. 2015, ch. 418)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 11, 2015
SB 405 (Sharon Reilly)	<p>SB 405 (Hertzberg) – Criminal procedure: disclosure: felony conviction consequences</p> <p>As amended June 1, 2015 Requires a county that establishes an amnesty program to allow, until January 1, 2018, a person owing a fine or bail that was due on or before January 1, 2013, to pay a specified percentage of the delinquent amount based on income in full satisfaction of the fine or bail and to comply with guidelines promulgated by the Judicial Council. Provides that nothing in the bill prohibits a court from garnishing the wages of, or ordering community service to, individuals owing delinquent amounts in lieu of making those payments. Provides that no criminal action shall be brought against a person for a delinquent fine or bail paid under the amnesty program. Requires the Department of Motor Vehicles to restore the driving privilege of a participant in the amnesty program whose driver’s license was suspended for failure to appear in court or failure to pay a fine or bail. Directs the Judicial Council to adopt guidelines for the amnesty program by March 1, 2016, and to use guidelines developed for the immediately proceeding amnesty program in the interim. Requires counties to file a report with the Judicial Council, for submission to the Legislature, regarding the number of cases resolved, the amount of money collected, and the operating costs of the amnesty program.</p> <p><i>UPDATE: As amended September 4, 2015 Provides that the ability of a defendant to post bail or to pay a fine or civil assessment is not a prerequisite to filing a request that the court vacate the assessment. Provides that the imposition or collection of bail or a civil assessment does not preclude a defendant from scheduling a court hearing on the underlying charge. Allows a person with a suspended driver’s license that was suspended between January 1, 2013 and December 31, 2015, who has an established payment plan to appear in court and ask to have the suspension lifted. Provides that to be eligible to participate in an amnesty program, the person has not made any payments after September 30, 2015 to a comprehensive collection program in the county. Adds an urgency clause making the bill effective immediately upon enactment. Authorizes the Judicial Council to consider, adopt, or develop recommendations for an appropriate mechanism to allow reinstatement of the driving privileges of a person who otherwise meets criteria for amnesty but who has violations in more than one county.</i></p>	<p>No position, but note concerns as follows: (1) not enough time has passed since the 2012 amnesty program, sending the message that individuals do not need to take payment of fines for traffic and other enumerated violations seriously; (2) the program upon which the this effort is predicated was only marginally successful in retiring delinquent debt; (3) neither the courts nor the Judicial Council’s staff has the human or financial resources to implement and oversee the program; and (4) it is unclear how the proposed legislation will work in conjunction with the Governor’s amnesty program.</p> <p>UPDATE: <i>As amended September 4, 2015 No position</i></p>	Western Center on Law & Poverty	Signed into law (Stats. 2015, ch. 385)
SB 428 (Sharon Reilly)	<p>SB 428 (Hall) – Juries: peace officer exemption</p> <p>As introduced Excludes additional peace officers, including certain parole officers, probation officers, deputy probation officers, board coordinating parole agents, correctional officers, transportation officers of a probation department, and other employees of the Department of Corrections and Rehabilitation, the State Department of State Hospitals, and the Board of Parole Hearings, from voir dire in criminal matters.</p>	Oppose	State Coalition of Probation Organizations	Senate Judiciary Committee 2-year bill

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 11, 2015
SB 443 (Sharon Reilly)	<p>SB 443 (Mitchell) – Forfeiture: controlled substances</p> <p>As amended September 4, 2015 Requires additional due process protection in cases where the State of California seeks to forfeit assets in connection with specified drug offenses. Changes the process concerning how money or property forfeited under federal forfeiture law is distributed to state or local law enforcement. Changes the burden of proof for seizure of assets less than \$25,000 from a clear and convincing standard to a beyond a reasonable doubt standard. In cases in which the forfeiture hearing, or any related civil discovery, is continued or stayed, the requirement that the forfeiture case be tried in conjunction with the related criminal case or to the same jury as in the related criminal case may be waived by the parties.</p>	Oppose	American Civil Liberties Union of California; Drug Policy Alliance; Institute for Justice	Assembly Floor—inactive file
SB 470 (Daniel Pone)	<p>SB 470 (Jackson) – Civil actions: summary judgment</p> <p>As amended July 9, 2015 Provides that in granting or denying a motion for summary judgment or summary adjudication, the court need rule only rule on those objections to evidence that it deems material to its disposition of the motion, and that objections to evidence that are not ruled on for purposes of the motion are preserved for appellate review.</p>	Sponsor	Judicial Council	Signed into law (Stats. 2015, ch. 161)
SB 517 (Sharon Reilly)	<p>SB 517 (Monning) – Supervised persons: release</p> <p>As introduced Provides courts with discretion to order the release of supervised persons from custody, unless otherwise serving a period of flash incarceration, regardless of whether a petition has been filed or a parole hold has been issued.</p>	Sponsor	Judicial Council	Signed into law (Stats. 2015, ch. 61)
SB 594 (Alan Herzfeld)	<p>SB 594 (Wieckowski) – Child custody</p> <p>As amended June 11, 2015 Requires that reports based on child custody evaluations, investigations, and assessments can only be considered if they comply with Judicial Council standards established under Family Code section 3117, other than harmless errors.</p>	Oppose	California Protective Parents Association	Signed into law (Stats. 2015, ch. 130)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 11, 2015
SB 603 (Sharon Reilly)	<p>SB 603 (Hueso) – Defendant: acting as his or her own attorney (in pro per)</p> <p>As amended May 4, 2015</p> <p>Among other things, provides that if a defendant is acting as his or her own attorney, the court, upon a motion by the prosecutor, at the request of a victim, or upon the court’s own motion, shall conduct a hearing to determine whether intermediary standby counsel, shall be appointed, at county expense, for the limited purpose of presenting the defendant’s examination of the victim. Provides the court may order intermediary standby counsel if the court makes the certain findings. If intermediary standby counsel is not available, provides that the court appoint any individual the court deems fit to conduct the examination or the court may conduct the examination. Provides that when the court orders the examination of the victim be presented by intermediary standby counsel, another individual, or the court, the defendant shall submit the entire line of questioning to the intermediary standby counsel, another individual, or the court, including any follow-up questions, and have the right to contemporaneously direct intermediary standby counsel, another individual, or the court during the examination to ensure the defendant maintains control of his or her defense.</p>	Oppose	San Diego District Attorney’s Office	<p>Senate Appropriations Committee—suspense file.</p> <p>2-year bill</p>
SB 682 (Cory Jasperson)	<p>SB 682 (Leno) – Courts: personal services contracts</p> <p>As amended August 31, 2015</p> <p>Establishes standards for when a trial court intends to enter into, renew, or extend a contract for any services that are “currently or have been customarily performed” by that trial court’s employees.</p>	Oppose, unless amended	Service Employees International Union	<p>Vetoed</p> <p>View veto message here</p>
SB 694 (Sharon Reilly)	<p>SB 694 (Leno) – New evidence: habeas corpus: motion to vacate judgment: indemnity</p> <p>As amended July 16, 2015</p> <p>Modifies the existing judicially created standard of review for writs of habeas corpus to new evidence that is credible, material, and of such decisive force and value that it would have more likely than not changed the outcome at trial. Defines “new evidence” as evidence that has been discovered after trial, that could not have been discovered prior to trial by the exercise of due diligence, and is admissible and not merely cumulative, corroborative, collateral, or impeaching.</p> <p>UPDATE: As amended August 17, 2015</p> <p><i>Allows a writ of habeas corpus to be prosecuted on the basis of new evidence that is credible, material, and of such decisive force and value that it would have more likely than not changed the outcome at trial. Defines “new evidence” as “evidence that has been discovered after trial, that could not have been discovered prior to trial by the exercise of due diligence, and is admissible and not merely cumulative, corroborative, collateral, or impeaching.”</i></p>	Oppose	California Innocence Project and Northern California Innocence Project	<p>Held in Assembly Appropriations Committee</p> <p>2-year bill</p>
SB 785 (Daniel Pone)	<p>SB 785 (Morrell) – Estates and trusts: creditor claims</p> <p>As amended April 6, 2015</p> <p>Defines the terms “probate estate” and “trust estate” for the purposes of the law governing trust creditor claim procedures.</p>	Support	Conference of California Bar Associations	Signed into law (Stats. 2015, ch. 48)

Appendix
Status of 2015 Judicial Council-Sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of October 11, 2015
AB 249 (Sharon Reilly)	<p><u>AB 249 (Obernolte) – Criminal courts: appeals: fees</u></p> <p>As amended April 13, 2015 Prohibits appeals based solely on the grounds of an error in the imposition or calculation of fines, penalty assessments, surcharges, fees, or costs unless the defendant first presents the claim in the trial court at the time of sentencing, or, if the error is not discovered until after sentencing, the defendant first makes a motion for correction in the trial court. Lists statutory exceptions to the appellate procedure set forth in Penal Code section 1237.2.</p>	Sponsor	Signed into law (Stats. 2015, ch. 194)
AB 1081 (Alan Herzfeld)	<p><u>AB 1081 (Quirk) – Protective orders</u></p> <p>As amended August 19, 2015 Amends restraining order statutes to eliminate the current provisions concerning the reissuance of temporary orders and replace them with new provisions providing a procedure for continuance of hearings.</p>	Sponsor	Signed into law (Stats. 2015, ch. 411)
AB 1214 (Sharon Reilly)	<p><u>AB 1214 (Achadjian) – Probation sentencing report: good cause continuance</u></p> <p>As introduced Requires courts to find good cause before continuing a sentencing hearing for failure by the probation department to provide a sentencing report by the required deadlines.</p>	Sponsor	Assembly Public Safety Committee 2-year bill
AB 1519 (Alan Herzfeld)	<p><u>AB 1519 (Committee on Judiciary) – Judiciary omnibus: family support</u></p> <p>As amended September 1, 2015 Sponsored portion ratifies the authority of the Judicial Council to convert 10 subordinate judicial officer (SJO) positions to judgeships in the 2015-16 fiscal year when the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer.</p>	Sponsor SJO conversion provisions, no position on remaining provisions.	Signed into law (Stats. 2015, ch. 416)

Appendix
Status of 2015 Judicial Council-Sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of October 11, 2015
SB 213 (Daniel Pone)	<p><u>SB 213 (Block) – Juries: criminal trials: peremptory challenges</u></p> <p>As amended April 28, 2015 Reduces the number of peremptory challenges available in misdemeanor trials from ten (10) to six (6) in cases where the offense is punishable with a maximum term of imprisonment of one year or less. Specifies further that, in cases where two or more defendants are tried jointly, the number of additional “non-joint” peremptories (i.e., those that may be exercised separately by each defendant and the state) would be reduced from four (4) to two (2). Contains a five-year sunset of the bill’s provisions. Requires the Judicial Council to conduct a study on or before January 1, 2020, and report to the Public Safety Committees of the Legislature on the effects of the bill, as specified.</p>	Support/Co-sponsor	Assembly Public Safety Committee 2-year bill
SB 229 (Alan Herzfeld)	<p><u>SB 229 (Roth) – Funding of judicial positions</u></p> <p>As amended August 28, 2015 Appropriates \$5 million in funding for 12 of the remaining 50 unfunded judgeships, assigned to the courts with the greatest need based on the most recently approved Judicial Needs Assessment.</p>	Sponsor	Vetoed View veto message here
SB 470 (Daniel Pone)	<p><u>SB 470 (Jackson) – Civil actions: summary judgment</u></p> <p>As amended July 9, 2015 Provides that in granting or denying a motion for summary judgment or summary adjudication, the court need rule only on those objections to evidence that it deems material to its disposition of the motion, and that objections to evidence that are not ruled on for purposes of the motion are preserved for appellate review.</p>	Sponsor	Signed into law (Stats. 2015, ch. 161)
SB 517 (Sharon Reilly)	<p><u>SB 517 (Monning) – Supervised persons: release</u></p> <p>As introduced Provides courts with discretion to order the release of supervised persons from custody, unless otherwise serving a period of flash incarceration, regardless of whether a petition has been filed or a parole hold has been issued.</p>	Sponsor	Signed into law (Stats. 2015, ch. 61)