



## JUDICIAL COUNCIL OF CALIFORNIA

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### MEMORANDUM

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Date	Action Requested
October 3, 2016	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 2016 Legislation considered by the Policy Coordination and Liaison Committee	

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Following is the final status report on 2016 legislation considered by the Judicial Council's Policy Coordination and Liaison Committee (PCLC) during the 2015–2016 legislative session. The bills<sup>1</sup> 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>

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<sup>1</sup>Newly added bills since the previous status report are indicated by \*.

**JUDICIAL COUNCIL OF CALIFORNIA**  
**Policy Coordination and Liaison Committee Action on 2016 Legislation**  
**and Status of Bills**

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**JUDICIAL COUNCIL OF CALIFORNIA**  
**Policy Coordination and Liaison Committee Action on 2016 Legislation**  
**and Status of Bills**

<b>Bill No. (Advocate)</b>	<b>Bill No. (Author) Description and Updates</b>	<b>Judicial Council Position</b>	<b>Sponsor</b>	<b>Status as of October 3, 2016</b>
AB 84 (Sharon Reilly)	<p>AB 84 (Gatto) – Forensic testing: DNA samples</p> <p>As amended April 23, 2015</p> <p>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	<p>Assembly Appropriations Committee— suspense file.</p> <p>Dead</p>
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</p> <p>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	<p>Assembly Natural Resources Committee</p> <p>Dead</p>
AB 314 (Daniel Pone)	<p>AB 314 (Waldron) – Limited conservatorship: developmentally disabled persons</p> <p>As amended March 16, 2015</p> <p>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	<p>Assembly Judiciary Committee</p> <p>Dead</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
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	<p>Assembly Water, Parks, and Wildlife Committee/ Natural Resources Committee</p> <p>Dead</p>
AB 581 (Cory Jaspersen)	<p>AB 581 (Gomez) – State Facilities Renewal Bond Act of 2016</p> <p>As amended April 21, 2015 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> <p><b>UPDATE: As amended January 4, 2016</b> <b>Removed the above provisions and no longer pertains to state facilities.</b></p>	Support	Author	<p>Senate Natural Resources and Water Committee</p> <p>Dead</p>
AB 641 (Daniel Pone)	<p>AB 641 (Mayes) – Environmental quality: housing developments: expedited judicial review</p> <p>As amended March 26, 2015 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>Dead</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
AB 691 (Daniel Pone)	<p>AB 691 (Calderon) – The Privacy Expectation Afterlife and Choices Act</p> <p>As amended September 4, 2015 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> <p><b>UPDATE: As amended June 14, 2016</b> <i>Enacts the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA). Among other things, authorizes a decedent’s personal representative or trustee to access and manage digital assets and electronic communications, as specified. Authorizes a person to use an online tool to give directions to the custodian of his or her digital assets regarding the disclosure of those assets. Specifies that, if a person has not used an online tool to give that direction, he or she may give direction regarding the disclosure of digital assets in a will, trust, power of attorney, or other record. Requires a custodian of the digital assets to comply with a fiduciary’s request for disclosure of digital assets or to terminate an account, except under certain circumstances, including when the decedent has prohibited this disclosure using the online tool. Establishes specified court procedures for resolving disputes between custodians and fiduciaries regarding access to a decedent’s digital assets. Provides custodians with immunity from liability for an act or omission done in good faith in compliance with the bill’s provisions.</i></p>	<p>Oppose</p> <p><b>UPDATE:</b> <i>As amended June 14, 2016</i> Neutral</p>	TechNet and Facebook	Signed into law (Stats. 2016, ch. 551)
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>Dead</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
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>Signed into law (Stats. 2016, ch. 739)</p>
AB 874 (Laura Speed)	<p>AB 874 (Santiago) – Collective bargaining</p> <p>As amended August 15, 2016</p> <p>Makes the Ralph C. Dills Act applicable to all employees of the Judicial Council, with the exception of managerial, confidential, or supervisory employees, thereby providing employees the right to join an employee organization to represent the rights of Judicial Council employees and collectively bargain. The bill also gives the Judicial Council the authority and discretion to designate state employee positions as excluded positions provided that managerial, supervisory, confidential, and excluded positions not included in bargaining units under this provision shall not exceed one third of the total authorized Judicial Council positions as stated in the Department of Finance Salaries and Wages Supplement.</p>	<p>Neutral</p>	<p>Service Employees International Union Local 1000</p>	<p>Vetoed</p>

<b>Bill No. (Advocate)</b>	<b>Bill No. (Author) Description and Updates</b>	<b>Judicial Council Position</b>	<b>Sponsor</b>	<b>Status as of October 3, 2016</b>
AB 933 (Sharon Reilly)	<p>AB 933 (Frazier) – Vehicles: 24/7 Sobriety programs</p> <p>As amended June 13, 2016            Authorizes the court to order a person convicted of a DUI to enroll and participate in, and successfully complete, a qualified “24/7 Sobriety program,” as defined, as a condition of probation, if the program is available and deemed appropriate, and the person committed the crime within 10 years of one or more specified crimes that resulted in a conviction.</p>	Support	Author	<p>In Senate</p> <p>Dead</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
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><b>UPDATE: As amended April 21, 2015</b></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—held under submission.</p> <p>Dead</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
AB 1068 (Daniel Pone)	<p>AB 1068 (Allen, Travis) – California Environmental Quality Act: priority projects</p> <p>As introduced 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>Dead</p>
AB 1123 (Daniel Pone)	<p>AB 1123 (Mayes) – Dispute resolution programs: court administration</p> <p>As introduced 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>Dead</p>
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	<p>Assembly Public Safety Committee</p> <p>Dead</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
AB 1272 (Sharon Reilly)	<p>AB 1272 (Grove) – Crimes: persons with developmental and intellectual disabilities</p> <p>As amended January 13, 2016 Requires that, in scheduling a trial date at an arraignment in superior court where the allegation is that the defendant committed a crime against a person with a developmental disability, courts make reasonable efforts to avoid setting that trial, when that case is assigned to a particular prosecuting attorney, on the same day that another case is set for trial involving the same prosecuting attorney.</p>	Support	The Arc and United Cerebral Palsy California Collaboration (Co-Sponsors)	Signed into law (Stats. 2016, ch. 91)
AB 1276 (Sharon Reilly)	<p>AB 1276 (Santiago) – Child witnesses: human trafficking</p> <p>As amended January 4, 2016 Authorizes, under specified conditions, a minor 17 years of age or younger to testify by contemporaneous examination and cross-examination in another place and out of the presence of the judge, jury, defendant or defendants, and attorneys if the testimony will involve the recitation of the facts of an alleged offense of human trafficking.</p> <p><b>UPDATE: As amended August 2, 2016</b> <b>Makes the bill's provisions applicable to minors 15 years of age or younger.</b></p>	Support	Alameda County District Attorney's Office	Signed into law (Stats. 2016, ch. 635)
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 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 (CEQA) 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> <p><b>UPDATE: As amended January 4, 2016</b> <b>Removed the above provisions and no longer pertains to CEQA.</b></p>	Oppose	Author	<p>Assembly Housing &amp; Community Development Committee</p> <p>Dead</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
AB 1300 (Daniel Pone)	<p>AB 1300 (Ridley-Thomas) – Mental health: involuntary commitment: immunity for court-appointed hearing officers</p> <p>As amended April 27, 2016 Makes various changes 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. &amp; 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> <p><b>UPDATE: As amended June 21, 2016</b> <i>Removed the immunity provisions that formed the basis for the council’s support.</i></p>	<p>Support Section 9; no position on remaining provisions, which are outside Judicial Council purview.</p> <p><b>UPDATE:</b> <i>As amended June 21, 2016</i> <i>No position</i></p>	<p>California Hospital Association, California Chapter of the American College of Emergency Physicians, and the Association of California Healthcare Districts</p>	<p>Senate Health Committee</p> <p>Dead</p>
AB 1473 (Daniel Pone)	<p>AB 1473 (Salas) – California Environmental Quality Act</p> <p>As amended January 4, 2016 Extends for four years the sunset on AB 900 (Stats. 2011, ch. 354), which provides for expedited judicial review of certain cases filed under the California Environmental Quality Act.</p>	<p>Oppose</p>	<p>Author</p>	<p>Assembly Natural Resources Committee</p> <p>Dead</p>
AB 1571 (Sharon Reilly)	<p>AB 1571 (Lackey) – Vehicles: driving under the influence: alcohol abuse programs</p> <p>As amended April 25, 2016 Among other things, requires that enrollment in an approved DUI program take place within 30 days of conviction, unless an extension of no longer than 30 days is granted by the court, as specified. Requires the court, for first time offenders, to consider a blood-alcohol concentration of 0.08% or more, by weight, in combination with the presence of a Schedule I or II controlled substance, as defined, except for marijuana or a controlled substance prescribed by a licensed physician or dentist, as an aggravating factor that may justify enhancing the terms and conditions of probation, as specified. Provides that exceptions to the 30 day requirement may be granted by the courts telephonically or electronically for those who miss the deadline. Requires the county alcohol program administrator to additionally coordinate court referral and tracking documents with the Department of Motor Vehicles and the State Department of Health Care Services. Requires a court to refer a person with a 2nd or subsequent driving-under-the-influence conviction to a licensed program as a condition of probation even if the person’s privilege to operate a motor vehicle is restricted, suspended, or revoked. Requires the clerk of the court to also indicate the duration of the treatment program ordered on court referral and tracking documents.</p>	<p>Oppose</p>	<p>California Association of DUI Treatment Programs</p>	<p>Assembly Appropriations Committee—suspense file.</p> <p>Dead</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
AB 1672 (Sharon Reilly)	<p>AB 1672 (Mathis) – Veterans and community courts: Judicial Council study</p> <p>As amended April 27, 2016 Requires the Judicial Council to assess on a statewide basis, veterans treatment courts currently in operation, survey counties that do not operate veterans treatment courts to identify barriers to program implementation, and assess the need to establish veterans courts in those counties, if funds are received for the assessment and survey. Requires the Judicial Council to report to the Legislature on the results of the study, as specified, on or before June 1, 2019.</p> <p><b>UPDATE: As amended August 1, 2016</b> <i>Requires the Judicial Council to conduct study of veterans and Veterans Treatment Courts that include a statewide assessment of those courts, including the number of participants and program outcomes. The study will also include a survey of counties that do not operate Veterans Treatment Courts that identifies barriers to program implementation and assesses the need for Veterans Treatment Courts in those jurisdictions. Requires the council to report the results of the study to the Legislature on or before June 1, 2019, including recommendations regarding expansion of Veterans Treatment Courts or services to counties without those courts and the feasibility of designing regional model Veterans Treatment Courts.</i></p>	<p>Support in concept</p> <p><b>UPDATE:</b> <i>As amended August 1, 2016</i> <i>Support</i></p>	<p>Author</p>	<p>Senate Appropriations Committee</p> <p>Dead</p>
AB 1700 (Daniel Pone)	<p>AB 1700 (Maienschein) – Trusts: Notice of proposed action by trustee</p> <p>As amended March 14, 2016 Authorizes a trustee to provide a notice of proposed action for preliminary and final distributions.</p>	<p>Support</p>	<p>Trusts and Estates Section, State Bar of California</p>	<p>Signed into law (Stats. 2016, ch. 64)</p>
AB 1709 (Alan Herzfeld)	<p>AB 1709 (Gallagher) – Courts: interpreters: deaf or hard of hearing</p> <p>As introduced Establishes standards for provisional qualification of ASL interpreters, mirroring those for spoken language interpreters.</p> <p><b>UPDATE: As amended April 28, 2016</b> <i>Replaces the term “hearing impaired” with the term “hard of hearing” and makes additional non-substantive changes.</i></p>	<p>Sponsor</p> <p><b>UPDATE:</b> <i>As amended April 28, 2016</i> <i>No position</i></p>	<p>Judicial Council</p>	<p>Signed into law (Stats. 2016, ch. 94)</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
AB 1762 (Sharon Reilly)	<p>AB 1762 (Campos) – Human trafficking: victims: vacating convictions</p> <p>As amended April 5, 2016 Allows an individual convicted of a non-violent crime committed while that individual was a human trafficking victim to petition the court to vacate the conviction. Requires the court to grant the application upon a finding that the applicant’s participation in the non-violent crime was a direct result of being a human trafficking victim. Makes its provisions applicable to both adults and juveniles. Provides that a court may make a determination based on the sworn statement of the applicant, which alone is sufficient evidence to support vacating the conviction. If the application is based on a crime related to a commercial sex act, as defined, and upon a finding that the applicant was under the age of 18 years old at the time of the conviction, requires the court to grant the application and vacate the conviction without further findings.</p> <p><b>UPDATE: As amended August 19, 2016</b> <i>Allows an individual convicted of a nonviolent offense while he or she was a victim of human trafficking to apply to the court to vacate the conviction if the individual has not been convicted of any crime after successfully completing probation, or if probation has not been granted, for two years after release from custody, as specified. Specifies that the standard of review for applications is “clear and convincing evidence.”</i></p>	<p>Oppose</p> <p>UPDATE: As amended August 19, 2016 No position</p>	Coalition to Abolish Slavery and Trafficking	Vetoed
AB 1766 (Sharon Reilly)	<p>AB 1766 (Stone) – Examination of prospective jurors</p> <p>As amended August 2, 2016 Requires the court, in criminal trials, to provide the complete names of prospective jurors to counsel for each party, as specified. Requires the court and counsel for each party to address a prospective juror using a number assigned by the court, by the prospective juror’s first name and first initial of his or her last name, or by his or her title and last name, as determined by the court in each criminal trial. Requires the court, before examining prospective jurors, to advise jurors that, in accordance with state law, the court and counsel for each party are prohibited, in all criminal cases, from addressing prospective jurors by their full names during jury selection, and are required to address each prospective juror by an identification number, by his or her first name and the first initial of his or her last name, or by his or her title and last name. Sunsets the above provisions on January 1, 2022, and reinstates existing law relating to addressing prospective jurors in criminal trials.</p>	No position	California District Attorneys Association and San Diego District Attorney	Vetoed
*AB 1776 (Laura Speed)	<p>*AB 1776 (Obernolte) – Court transcripts: electronic form</p> <p>As proposed to be amended Allows a certified shorthand reporter, in a case on appeal, to deliver a reporter’s transcript in electronic form to any court, party or person entitled to a transcript unless the court, party or person entitled to the reporter’s transcript requests the reporter’s transcript be in paper form. Provides that transcripts in electronic form shall comply with the California Rules of Court pertaining to the formatting of reporter’s electronic transcripts. Provides that nothing in this CCP 271 alters the requirements of Government Code section 69954, whether a transcript is delivered in electronic or paper form. Provides that any transcript delivered in accordance with this section shall be considered the original transcript for purposes of any obligation of an attorney to maintain or deliver a file for a client.</p>	Support, if amended	California Court Reporters Association	In Senate Dead

<b>Bill No. (Advocate)</b>	<b>Bill No. (Author) Description and Updates</b>	<b>Judicial Council Position</b>	<b>Sponsor</b>	<b>Status as of October 3, 2016</b>
AB 1834 (Alan Herzfeld)	<p>AB 1834 (Wagner) – Electronic court reporting</p> <p>As introduced Authorizes courts to use electronic court reporting in family law cases to record an action or proceeding as is currently authorized in limited civil, and misdemeanor and infraction cases, if an official reporter or an official reporter pro tempore is unavailable.</p>	No position	Author	<p>Assembly Judiciary Committee</p> <p>Dead</p>
AB 1867 (Sharon Reilly)	<p>AB 1867 (Steinorth) – Evidence: judicial notice: official records of conviction</p> <p>As amended March 31, 2016 Includes within the definition of an “electronically digitized copy” a copy that is made by scanning, photographing, or otherwise exactly reproducing a document, is stored or maintained in a digitized format, and that meets certain requirements.</p>	Support	California District Attorneys Association	Signed into law (Stats. 2016, ch. 126)
AB 1900 (Cory Jasperson)	<p>AB 1900 (Jones-Sawyer) – San Pedro courthouse</p> <p>As amended August 19, 2016 Authorizes the sale of the San Pedro Courthouse and directs that the proceeds be deposited in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund established by Senate Bill 1407.</p>	Sponsor	Judicial Council	Signed into law (Stats. 2016, ch. 510)
AB 1962 (Daniel Pone)	<p>AB 1962 (Dodd) – Criminal proceedings: mental competence</p> <p>As amended March 30, 2016 Requires the Department of State Hospitals (DSH), on or before July 1, 2017, to adopt guidelines establishing minimum education and training standards for a psychiatrist or licensed psychologist to be considered for appointment by the court to conduct mental competence examinations pursuant to Penal Code section 1369. Directs DSH to convene a workgroup to assist in the development of the guidelines that is comprised of the Judicial Council and other groups or individuals representing judges, defense counsel, district attorneys, counties, advocates for people with developmental and mental disabilities, state psychologists and psychiatrists, professional associations and accrediting bodies for psychologists and psychiatrists, and other interested stakeholders.</p> <p><b>UPDATE: As amended June 6, 2016</b> <b>Added requested language clarifying court’s authority to depart from the guidelines.</b></p>	<p>Support, if amended to clarify that the court retains its ultimate discretion in making appointments of experts pursuant to the statute governing mental competence examinations.</p> <p><b>UPDATE: As amended June 6, 2016 Support</b></p>	California Association of Psychiatric Technicians and Union of American Physicians and Dentists – Co-sponsors	Signed into law (Stats. 2016, ch. 405)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
AB 2013 (Sharon Reilly)	<p>AB 2013 (Jones-Sawyer) – Defendants: arraignment</p> <p>As introduced Requires, on or before July 1, 2017, that six counties be selected to participate in a five-year pilot project that would require a court, upon request by the defendant charged with a misdemeanor who is not in custody, to make a finding at the arraignment as to whether probable cause exists to believe that a public offense has been committed and that the defendant is guilty thereof. Creates a five member committee to select the five counties (in addition to Los Angeles County), composed of members selected by the California Public Defenders Association, the California District Attorneys Association, the Judicial Council, and the Governor. Requires that Los Angeles County be included in the pilot project. Requires the Department of Justice, no later than July 1, 2021, to provide information to the Legislature regarding the implementation of the bill.</p> <p><b>UPDATE, as amended August 15, 2016</b> <i>Requires that three counties, one large, one medium, and one small, be selected to participate in a 3-year pilot project. Creates a three member committee to select the pilot counties, with members selected by the California District Attorneys Association (CDAA), the California Public Defenders Association (CPDA), and the Judicial Council, with the CDAA and CPDA responsible for convening the committee. Requires the Department of Justices to report to the Legislature not later than July 1, 2021.</i></p>	Oppose	California Public Defenders Association	Signed into law (Stats. 2016, ch. 689)
AB 2101 (Sharon Reilly)	<p>AB 2101 (Gordon) – Sanctions: jurors</p> <p>As amended March 31, 2016 Requires the Judicial Council to solicit courts for participation in a pilot project in which judicial officers of participating counties would be authorized by the bill to impose reasonable monetary sanctions, not to exceed \$1,500, on an impaneled juror for any knowing violation of a lawful court order without good cause or substantial justification that is supported by clear and convincing evidence. Requires the Judicial Council to conduct an evaluation of the pilot project and report the results to the Governor and the Legislature on or before July 1, 2021. Repeals these provisions on January 1, 2022.</p> <p><b>UPDATE: As amended August 1, 2016</b> <i>Makes technical changes relating to deposit of monetary sanctions.</i></p>	Sponsor	Judicial Council	Senate Appropriations Committee.  Dead
AB 2129 (Sharon Reilly)	<p>AB 2129 (Lackey) – 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  Dead
AB 2205 (Sharon Reilly)	<p>AB 2205 (Dodd) – Supervised persons: credits</p> <p>As amended March 30, 2016 Clarifies that when supervision has been revoked, summarily or otherwise, the time that elapses during revocation shall not be credited toward any period of supervision.</p>	Sponsor	Judicial Council	Assembly Public Safety Committee  Dead

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
AB 2232 (Andi Liebenbaum/ Laura Speed)	<p>AB 2232 (Oberholte) – Court records: misdemeanors</p> <p>As introduced 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>	Sponsor	Judicial Council	Signed into law (Stats. 2016, ch. 74)
AB 2244 (Andi Liebenbaum)	<p>AB 2244 (Gatto) – Court fees: electronic filing</p> <p>As amended June 13, 2016 Authorizes an electronic filing service provider (EFSP) to impose a fee, subject to Judicial Council approval, for the use of a credit or debit card or electronic funds transfer in collecting payment of filing or other court fees on behalf of the court. Deems an EFSP that is required to collect and remit funds in order to complete an electronic filing transaction to be an agent of the court. Requires that the fee to process a payment, not exceed the actual costs incurred for processing the payment. Prohibits an EFSP from collecting or attempting to collect a fee to complete an electronic filing transaction from a party who is exempt from paying fees, and requires the EFSP to complete the filing. Prohibits a court or electronic filing manager from requiring an EFSP to use any single method of payment. Allows for cost recovery by a prevailing party in a civil action of the fees for electronic filing, electronic service, and the hosting of electronic documents if required by local rule or court order.</p>	Support	Coalition for Improving Court Access	Signed into law (Stats. 2016, ch. 461)
AB 2341 (Cory Jasperson/Alan Herzfeld)	<p>AB 2341 (Oberholte) – Allocation of vacant judgeships</p> <p>As amended May 18, 2016 Provides that up to five vacant judgeships may be allocated from courts with more authorized judicial positions than their assessed need to courts with fewer authorized positions than their assessed need. The allocation of vacant judgeships shall be in accordance with a methodology approved by the council, after solicitation of comments.</p>	Sponsor	Judicial Council	Senate Appropriations Committee  Dead

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
AB 2367 (Sharon Reilly)	<p>AB 2367 (Cooley) – Driving under the influence: 24/7 Sobriety program</p> <p>As amended April 20, 2016 Authorizes a court to order a person convicted of a DUI to enroll and participate in, and successfully complete, a qualified “24/7 Sobriety” monitoring program, as defined, as a condition of probation, if the program is available and deemed appropriate, and the person committed the crime within 10 years of one or more separate crimes described above that resulted in a conviction. Defines a “24/7 Sobriety program,” in part, as requiring a person in the program to abstain from alcohol and unauthorized controlled substances and be subject to frequent testing for alcohol and controlled substances, as specified. Requires a person participating in the program to pay the program costs, commensurate with the person’s ability to pay. Requires the Department of Motor Vehicles to study and report to the Legislature by January 1, 2020, on the success of the 24/7 Sobriety program in reducing the driving-under-the-influence recidivism rate in counties where it is used.</p>	Support	Author	<p>Assembly Appropriations Committee—suspense file.</p> <p>Dead</p>
AB 2380 (Sharon Reilly)	<p>AB 2380 (Alejo) – Defendants: Minor children</p> <p>As amended April 18, 2016 Requires the court to provide the following information at the arraignment of a defendant who is charged with a felony and who is the sole custodial parent of one or more minor children: (a) Judicial Council Form GC 250, the “Guardianship Pamphlet”; (b) Information regarding a Power of Attorney for a minor child; and, (c) Information regarding trustline background examinations pertaining to child care providers as provided in Chapter 3.35 (commencing with Section 1596.60) of Division 2 of the Health and Safety Code.</p> <p><b>UPDATE: As amended August 8, 2016</b> <i>Requires the information to be provided to a defendant who, or who the court reasonably deems to be the sole custodial parent. Provides that the court may deem the parent the sole custodial parent if the defendant states that he or she is the sole custodial parent orally or in writing at arraignment and that the court may, but is not required to make that determination on that basis.</i></p>	Oppose	Author	Signed into law (Stats. 2016, ch. 882)
AB 2458 (Andi Liebenbaum)	<p>AB 2458 (Oberholte) – Repeal 1% fund balance cap</p> <p>As amended April 7, 2016 Repeals the 1% cap on amounts trial courts are authorized to carry over from one fiscal year to another. Restores language to match pre-cap language.</p>	Support	Author	<p>Senate Appropriations Committee</p> <p>Dead</p>
AB 2498 (Sharon Reilly)	<p>AB 2498 (Bonta) – Human trafficking</p> <p>As amended June 30, 2016 Among other things, expands the list of criminal actions that take precedence over all other criminal actions in the order of trial to include human trafficking, as defined.</p> <p><b>UPDATE: As amended August 19, 2016</b> <i>Removes the calendar preference for certain human trafficking cases and to instead grant courts with the discretion to give those cases priority as specified.</i></p>	<p>Oppose, unless amended</p> <p>UPDATE: As amended August 19, 2016 No position</p>	Alameda County District Attorney	Signed into law (Stats. 2016, ch. 644)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
AB 2629 (Alan Herzfeld)	<p>AB 2629 (Roger Hernández) – Court reporters</p> <p>As amended April 20, 2016 Raises the fee for original transcripts and additional copies provided by official court reporters and court reporters pro tempore. Currently, the cost is \$0.85 per 100 words for an original, and \$0.15 per 100 words for a copy. Would raise this on January 1, 2017 to \$0.98 and \$0.17, on January 1, 2019 to \$1.13 and \$0.20, and on January 1, 2021, to \$1.24 and \$0.22. Raises the fees for copies not purchased at the same time as the original as well.</p> <p><b>UPDATE: As amended August 15, 2016</b> <i>Raises the fee for original transcripts and additional copies provided by official court reporters and court reporters pro tempore. Currently, the cost is \$0.85 per 100 words for an original, and \$0.15 per 100 words for a copy. AB 2629 would raise this on January 1, 2017 to \$0.93 and .16 on January 1, 2019, to \$1.03 and \$0.18, and on January 1, 2021, to \$1.13 and \$0.20. States that any transcription fees established by local courts that were in effect on January 1, 2012, will continue to be in effect.</i></p>	Oppose, unless amended to remove subsection (c) relating to folio rates and funded.	California Court Reporters Association	Vetoed
AB 2655 (Sharon Reilly)	<p>AB 2655 (Weber) – Bail: Jurisdiction</p> <p>As amended May 5, 2016 Provides that the court’s jurisdiction from the date of the arraignment to declare a forfeiture and authority to release bail may be extended for not more than 90 days if both of the following occur: (a) the arraignment is continued to allow the prosecutor time to file the complaint; and (b) the defendant requests the extension in writing or in open court.</p>	Support	California Attorneys for Criminal justice	Signed into law (Stats. 2016, ch. 79)
AB 2695 (Alan Herzfeld)	<p>AB 2695 (Oberholte) – Juvenile proceedings: competency</p> <p>As amended April 19, 2016 Clarifies the legal process and procedures in proceedings that determine the legal competency of juveniles, including the following: who may express doubt regarding competency in minors; who has the burden of establishing incompetency; what is the role of the forensic expert in assessment and reporting on competency in minors; what is the process for determining competency in minors; what is the process for determining whether competency has been remediated; what is the process for ensuring that proceedings are not unduly delayed; and what is the process for ensuring due process and confidentiality protections for minors during the proceedings.</p>	Sponsor	Judicial Council	Held in Assembly Appropriations Committee  Dead
AB 2765 (Sharon Reilly)	<p>AB 2765 (Weber) – Proposition 47: sentence reduction</p> <p>As introduced Removes the time limitation for petitioning or applying for a reduction of sentence under Proposition 47. Requires a 2/3 vote of the Legislature to amend Proposition 47.</p> <p><b>UPDATE: As amended May 19, 2016</b> <i>Changes the time limitation for petitioning or applying for a reduction of sentence under Proposition 47 to eight years from the date the voters approved the initiative.</i></p>	Support if amended to move the time limitation out three years instead of eliminating it and if funded.  <b>UPDATE: As amended May 19, 2016</b> <b>Support</b>	Californians for Safety and Justice, County of Los Angeles, Office of the San Diego District Attorney, and Conference of California Bar Associations	Signed into law (Stats. 2016, ch. 767)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
AB 2819 (Daniel Pone)	<p>AB 2819 (Chiu) – Unlawful detainer proceedings</p> <p>As amended May 12, 2016</p> <p>Makes various changes to the law governing masking of records in UD proceedings. Among other things, the bill provides that the court clerk shall allow access to UD civil case records to any person 60 days after the complaint has been filed if the plaintiff prevails in the action within 60 days of the filing of the complaint. The bill also provides that if a default or default judgment is set aside more than 60 days after the complaint has been filed, the above masking rule shall apply as if the complaint has been filed on the date the default or default judgment is set aside. In addition, the bill provides that the court clerk shall allow access to UD civil case records to a person by order of the court if judgment is entered for the plaintiff after trial more than 60 days since the filing of the complaint. The bill specifies further that, in conjunction with the entry of judgment for the plaintiff in the above instance, the court must also issue an order unsealing the records. The bill clarifies that its provisions do not prohibit the court from issuing an order that bars access to the court record in a UD case if the parties to the action so stipulate. Finally, the bill allows (but does not require) the court to dismiss the action without prejudice if 60 days elapse after the complaint is filed and no proof of service of the summons has been filed.</p>	Neutral	Western Center on Law and Poverty and the California Rural Legal Assistance Foundation (co-sponsors)	Signed into law (Stats. 2016, ch. 336)
AB 2835 (Laura Speed)	<p>AB 2835 (Cooper) – Public employees: orientation and informational programs: recognized employee organizations</p> <p>As amended August 19, 2016</p> <p>Among other things, requires public employers (including the trial courts) to provide newly hired public employees, as defined, a specified public employee orientation within two months of hiring. Requires public employee orientation to take place during the regular workday, in-person, unless the public employer and recognized employee organization or exclusive representative have agreed otherwise. Requires the scheduling of these orientations to be agreed upon with the recognized employee organization or exclusive representative. Requires the pertinent recognized employee organization or exclusive representative be permitted to make a presentation of 30 minutes to begin within one hour of the start of the orientation if employees are represented by a recognized employee organization or exclusive representative, as specified. Requires that the context of these presentation be determined exclusively by the recognized employee organization or exclusive representative. Requires the public employer to provide to the employee organization or exclusive representative, the job title, department, work location, phone number, and home address of any newly hired employee within seven days of the date of hire and also notice of a scheduled orientation not less than 30 days prior to the orientation, as specified.</p>	Oppose	California Labor Federation, California School Employees Association, and Services Employees International Union	Senate Floor  Dead
AB 2871 (Sharon Reilly)	<p>AB 2871 (Oberholte) – Trials by declaration</p> <p>As introduced</p> <p>Eliminates the trial de novo option when the defendant in a Vehicle Code violation has not prevailed on his or her trial by written declaration.</p>	Sponsor	Judicial Council	Assembly Judiciary Committee  Dead

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
AB 2882 (Alan Herzfeld)	<p>AB 2882 (Committee on Judiciary) – Judiciary omnibus: family law</p> <p>As amended August 16, 2016 Ratifies the authority of the Judicial Council to convert up to 10 subordinate judicial officer (SJO) positions to judgeships in fiscal year 2016–2017, where the conversion results in a judge being assigned to family or juvenile law matters previously assigned to subordinate judicial officers.</p>	Co-Sponsor	Judicial Council	Signed into law (Stats. 2016, ch. 474)
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> <p><b>UPDATE: As amended January 4, 2016</b> <b>Removed the above provisions and no longer court-related.</b></p>	Oppose, threatens the independence of the judicial branch by interfering with the ability of the courts to manage their own calendars.	Author	In Senate  Dead
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> <p><b>NOTE: See Budget Trailer Bill, SB 843, as amended June 12, 2016</b> <b>Reduces the number of peremptory challenges as described above.</b></p>	Support/Co-sponsor	California Judges Association and Judicial Council	Assembly Public Safety Committee  Dead  <i>(Note: SB 843; signed into law [Stats. 2016, ch. 33])</i>
SB 253 (Alan Herzfeld)	<p>SB 253 (Monning) – Dependent children: psychotropic medication</p> <p>As amended August 4, 2016 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 pre-authorization review by a child psychiatrist or behavioral pediatrician 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>	No position	National Center for Youth Law	Vetoed

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
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> <p><b>UPDATE: As amended June 27, 2016</b> <i>Authorizes until January 1, 2021, the use of “flash” incarceration, where a county probation department can order the detention of any adult offender under their supervision in jail for not more than 10 consecutive days for violating a condition of probation or mandatory supervision if at the time of granting probation or ordering mandatory supervision the court had obtained from the defendant a waiver to a court hearing prior to the imposition of flash incarceration.</i></p>	<p>No position</p> <p><b>UPDATE:</b> <i>As amended June 27, 2016</i> <i>Support</i></p>	Chief Probation Officers of California	Signed into law (Stats. 2016, ch. 706)
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  Dead
SB 443 (Sharon Reilly)	<p>SB 443 (Mitchell) – Forfeiture: controlled substances</p> <p>As amended September 4, 2015 June 1, 2016 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> <p><b>UPDATE: As amended August 4, 2016</b> <i>Requires additional due process protection in cases where the State of California seeks forfeiture of 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. Increases the threshold for a burden of proof of beyond a reasonable doubt for seizure of assets to less than \$40,000. 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.</i></p>	<p>Oppose</p> <p><b>UPDATE:</b> <i>As amended August 4, 2016</i> <i>No position</i></p>	American Civil Liberties Union of California, Drug Policy Alliance, and Institute for Justice	Signed into law (Stats. 2016, ch. 831)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
SB 603 (Sharon Reilly)	<p>SB 603 (Hueso) – Defendant: acting as his or her own attorney (in pro per)</p> <p>As amended January 4, 2016 Provides that in cases where a defendant who is charged with specified offenses is acting in pro per the court may appoint another person for the limited purpose of presenting the defendant’s examination. Requires the court to make a brief statement on the record, outside the presence of the jury, of the reasons in support of its order. Requires that the reasons on the record be set forth with sufficient specificity to permit meaningful review and to demonstrate that discretion was exercised in a careful, reasonable, and equitable manner.</p>	Oppose	San Diego District Attorney’s Office	Senate Appropriations Committee  Dead
SB 694 (Sharon Reilly)	<p>SB 694 (Leno) – New evidence: habeas corpus: motion to vacate judgment: indemnity</p> <p>As amended July 16, 2015 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><b>UPDATE: As amended August 17, 2015</b> <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  <b>UPDATE:</b> <i>As amended August 17, 2015</i> <i>Neutral, if funded.</i>	California Innocence Project and Northern California Innocence Project	Held in Assembly Appropriations Committee  Dead
SB 734 (Daniel Pone)	<p>SB 734 (Galgiani) – Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2011</p> <p>As amended June 21, 2016 Extends for two years the sunset on the expedited judicial review provisions in AB 900 (Stats. 2011, ch. 354) that apply to specified cases filed under the California Environmental Quality Act (CEQA).</p>	Oppose	Author	Signed into law (Stats. 2016, ch. 210)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
SB 823 (Sharon Reilly)	<p>SB 823 (Block) – Criminal procedure: human trafficking</p> <p>As amended March 31, 2016  Extends the relief available under Penal Code Section 1203.49 for dismissal of adult prostitution convictions suffered by human trafficking victims to dismissal of any non-violent offenses committed as a direct result of or in clear connection with a human trafficking scheme of which the person was a victim. Provides that a person who was arrested for a crime allegedly committed while the person was a human trafficking victim may petition for a judicial finding of his or her status as a human trafficking victim at the time of the offense and an order that the arrest record be sealed. Provides that official documentation, as defined, of the petitioner’s status as a victim of human trafficking establishes a presumption that his/her participation in the offense was the result of his/her status as a victim of human trafficking.</p> <p><b>UPDATE: As amended August 18, 2016</b>  <i>Establishes a separate petition process for a person who has been arrested for, convicted of, or adjudicated a ward of the juvenile court for, committing a nonviolent offense, as defined, while he or she was a victim of human trafficking as specified.</i></p>	<p>Oppose</p> <p><b>UPDATE:</b>  <i>As amended August 18, 2016</i>  Support</p>	<p>Author</p>	<p>Signed into law (Stats. 2016, ch. 650)</p>
*SB 881 (Sharon Reilly/Andi Liebenbaum)	<p>SB 881 (Hertzberg) – Amnesty</p> <p>As amended August 15, 2016  Removes the previous contents of the bill and makes three changes to the current traffic amnesty program, as enacted in the 2015 Budget Bill, SB 85 (Stats. 2016, ch. 26) and amnesty amendment to the 2015 Budget Bill by Senator Hertzberg, SB 405 (Stats. 2015, ch. 385). Specifically: Extends end-date of the current amnesty program from March 31, 2017 to December 31, 2017; Expands eligibility date threshold for amnesty participation from January 1, 2013, to January 1, 2015; and Requires courts to issue, within 90 days, appropriate documentation to the Department of Motor Vehicles that would result in the restoration of a driver’s license and driving privileges.</p> <p>As a result of gutting and amending SB 881 in Assembly Appropriations, Senator Hertzberg intends to use the amnesty program to address the needs of low income people who are unable to pay their court-ordered debt by expanding the reach and duration of the amnesty program, and by encouraging the restoration of driver’s licenses of people whose licenses have been suspended as a result of their inability to pay court-ordered fines, fees, penalties, and assessments.</p> <p><b>*UPDATE: As amended August 24, 2016</b>  <i>Requires courts to issue, within 90 days, appropriate documentation to the Department of Motor Vehicles that would result in the restoration of a driver’s license and driving privileges. Requires for amnesty applications submitted on or before March 31, 2017, that all terms and procedures related to a participant’s payment plan remain in effect after that date.</i></p>	<p>Oppose, in its current form</p> <p><b>UPDATE:</b>  <i>As amended August 24, 2016</i>  No position</p>	<p>Western Center on Law and Poverty and American Civil Liberties Union</p>	<p>Signed into law (Stats. 2016, ch. 779)</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
SB 917 (Alan Herzfeld)	<p>SB 917 (Jackson) – Family law: court orders</p> <p>As amended June 23, 2016 Requires a court to provide “a written, detailed, official order setting forth the basic terms of any order made in open court” at any hearing held under the Family Code. The order must be provided within two court days of the hearing to any party who was present at the hearing. The bill states that the order may be provided electronically, and that, after such an order is provided, the court may still require parties or attorneys to provide more detailed orders after hearings.</p>	Oppose, unless funded		<p>Assembly Appropriations Committee</p> <p>Dead</p>
SB 938 (Daniel Pone)	<p>SB 938 (Jackson) – Protective proceedings: conservator authorizations</p> <p>As amended August 19, 2016 Seeks to tighten up the law governing the use of psychotropic medications for persons subject to dementia conservatorships. Among other things, requires petitions requesting the authority to administer such medications to be supported by a declaration of a physician that includes specified information including, among other things, the recommended course of medication, the expected effects of the recommended medication on the conservatee’s overall mental health and treatment plan, including how the medication is expected to improve the conservatee’s symptoms, and a description of the potential side effects of the recommended medication. Requires the Judicial Council, on or before July 1, 2017, to adopt rules of court and develop appropriate forms for the implementation of these provisions.</p>	Support	California Advocates for Nursing Home Reform	<p>Assembly Floor</p> <p>Dead</p>
SB 1023 (Alan Herzfeld)	<p>SB 1023 (Committee on Judiciary) – Courts: judgeships</p> <p>As introduced Secures funding for critically needed judgeships. Seek 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	<p>Held in Senate Appropriations Committee</p> <p>Dead</p>
SB 1052 (Sharon Reilly)	<p>SB 1052 (Lara) – Custodial interrogation: juveniles</p> <p>As amended May 31, 2016 Provides that prior to a custodial interrogation and before the waiver of any Miranda rights, a youth under 18 years of age shall consult with legal counsel. Provides that the consultation with counsel cannot be waived. Provides that if a custodial interrogation of a minor under 18 years of age occurs prior to the youth consulting with counsel, the court must, among other things, in adjudicating the admissibility of statements of youth under 18 years of age made during or after a custodial interrogation, consider the effect of failure to comply with the consultation with counsel requirement and specified factors. Requires that if the court finds that the minor was subject to a custodial interrogation in violation of the consultation with counsel requirement, the court must provide the jury or the trier of fact with the specified instruction.</p> <p><b>UPDATE: As amended August 18, 2016</b> <b>Removes the requirement that the court must provide the jury or trier of fact with a specified instruction.</b></p>	<p>Oppose, unless amended to remove jury instructions.</p> <p><b>UPDATE:</b> <b>As amended August 18, 2016</b> <b>No position</b></p>	Human Rights Watch	Vetoed

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
SB 1056 (Alan Herzfeld)	<p>SB 1056 (Liu) – Juveniles: family reunification</p> <p>As amended April 19, 2016</p> <p>Requires a court, in deciding whether to return a dependent child to the care and custody of his or her parent, to consider if a parent is in substantial compliance with a reunification plan, and if he or she only lacks adequate housing. In such a circumstance, allows a court to issue an order that a child should be returned to the care and custody within five days of the parent securing adequate housing. Other sections of the bill direct county agencies to provide housing support and information to parents in these circumstances, with the goal of assisting them in securing housing and regaining custody.</p>	Support	Los Angeles Dependency Lawyers	<p>Held in Senate Appropriations Committee</p> <p>Dead</p>
SB 1065 (Daniel Pone)	<p>SB 1065 (Monning) – Dismissal or denial of petitions to compel arbitration: appeals: Elder and Dependent Adult Civil Protection Act</p> <p>As amended August 1, 2016</p> <p>Requires a court of appeal to issue its decision no later than 100 days after the notice of appeal is filed in an appeal of an order dismissing or denying a petition to compel arbitration in a case involving a claim under the Elder and Dependent Adult Civil Protection Act where a party has been granted a trial preference. Provides that a court of appeal may grant an extension of time in the above-described appeal only if good cause is shown and the extension will promote the interests of justice. Requires the Judicial Council to adopt rules of court to implement this act, and to also establish a shortened notice of appeal period in the above-described cases.</p>	Oppose	California Advocates for Nursing Home Reform, California Alliance for Retired Americans, Congress of California Seniors, and Consumer Attorneys of California	Signed into law (Stats. 2016, ch. 628)
SB 1066 (Sharon Reilly)	<p>SB 1066 (Beall) – Vehicles: 24/7 Sobriety programs</p> <p>As amended June 29, 2016</p> <p>Authorizes the court to order a person convicted of a DUI to enroll and participate in, and successfully complete, a qualified “24/7 Sobriety program,” as defined, as a condition of probation, if the program is available and deemed appropriate, and the person committed the crime within 10 years of one or more specified crimes that resulted in a conviction.</p>	Support	Author	<p>Assembly Appropriations Committee</p> <p>Dead</p>
SB 1134 (Sharon Reilly)	<p>SB 1134 (Leno) – Habeas corpus: new evidence: motion to vacate judgment: indemnity</p> <p>As introduced</p> <p>Allows a writ of habeas corpus to be prosecuted on the basis of new evidence that is credible, material, presented without substantial delay, 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><b>UPDATE: As amended August 1, 2016</b> <b>Clarifies that the petitioner may move for relief based on factual innocence.</b></p>	Neutral, if funded.	California Innocence Project, Northern California Innocence Project, Loyola Project for the Innocent, and American Civil Liberties Union	Signed into law (Stats. 2016, ch. 785)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 3, 2016
SB 1158 (Daniel Pone)	<p>SB 1158 (Anderson) – Trusts: modification or termination</p> <p>As amended April 25, 2016 Among other things, clarifies the ability of all beneficiaries of an irrevocable trust to petition the court for a modification or termination of the trust. Requires the court to consider, in making a determination with respect to a proposed termination of an irrevocable trust, whether the trust is subject to a valid restraint on the transfer of a beneficiary’s interest. Clarifies further that an irrevocable trust may be modified or terminated by the written consent of the settlor and all beneficiaries without court approval of the modification or termination.</p>	Support	Trusts and Estates Section, State Bar of California	<p>Assembly Judiciary Committee</p> <p>Dead</p>
SB 1202 (Sharon Reilly)	<p>SB 1202 (Leno) – Sentencing</p> <p>As amended May 31, 2016 Provides that the court may not impose an upper term sentence based on aggravating facts unless the facts were first presented to a jury and the jury found the facts to be true. Requires the court to state on the record at the time of sentencing the specific facts in aggravation relied upon to impose an upper term. Makes a legislative declaration that, to ensure proportionality in sentencing, upper terms should be reserved for cases in which aggravating facts have been proven to be true. Prohibits a fact pled in the indictment, information, or accusatory pleading in aggravation of sentence from being used as an aggravating factor in sentencing unless proven to the trier of fact or admitted by the defendant. Requires the bifurcation of the trial of all facts pled in aggravation of sentence, as specified.</p>	Oppose	Author	<p>Assembly Appropriations Committee</p> <p>Dead</p>

**Appendix**  
**Status of 2016 Judicial Council-Sponsored Legislation**

<b>Bill No. (Advocate)</b>	<b>Bill No. (Author) Description and Updates</b>	<b>Sponsor</b>	<b>Status as of October 3, 2016</b>
AB 1900 (Cory Jaspersen)	<p><u>AB 1900 (Jones-Sawyer) – San Pedro courthouse</u></p> <p>As amended August 19, 2016            Authorizes the sale of the San Pedro Courthouse and directs that the proceeds be deposited in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund established by Senate Bill 1407.</p>	Sponsor	Signed into law (Stats. 2016, ch. 510)
AB 2101 (Sharon Reilly)	<p><u>AB 2101 (Gordon) – Sanctions: jurors</u></p> <p>As amended March 31, 2016            Requires the Judicial Council to solicit courts for participation in a pilot project in which judicial officers of participating counties would be authorized by the bill to impose reasonable monetary sanctions, not to exceed \$1,500, on an impaneled juror for any knowing violation of a lawful court order without good cause or substantial justification that is supported by clear and convincing evidence. Requires the Judicial Council to conduct an evaluation of the pilot project and report the results to the Governor and the Legislature on or before July 1, 2021. Repeals these provisions on January 1, 2022.</p> <p><b>UPDATE: As amended August 1, 2016</b>  <b>Makes technical changes relating to deposit of monetary sanctions.</b></p>	Sponsor	Senate Appropriations Committee  Dead
AB 2129 (Sharon Reilly)	<p><u>AB 2129 (Lackey) – 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  Dead
AB 2205 (Sharon Reilly)	<p><u>AB 2205 (Dodd) – Supervised persons: credits</u></p> <p>As amended March 30, 2016            Clarifies that when supervision has been revoked, summarily or otherwise, the time that elapses during revocation shall not be credited toward any period of supervision.</p>	Sponsor	Assembly Public Safety Committee  Dead

**Appendix**  
**Status of 2016 Judicial Council-Sponsored Legislation**

<b>Bill No. (Advocate)</b>	<b>Bill No. (Author) Description and Updates</b>	<b>Sponsor</b>	<b>Status as of October 3, 2016</b>
AB 2232 (Andi Liebenbaum/Laura Speed)	<p><u>AB 2232 (Oberholte) – Court records: misdemeanors</u></p> <p>As introduced            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>	Sponsor	Signed into law (Stats. 2016, ch. 74)
AB 2341 (Cory Jaspersen//Alan Herzfeld)	<p><u>AB 2341 (Oberholte) – Allocation of vacant judgeships</u></p> <p>As amended May 18, 2016            Provides that up to five vacant judgeships may be allocated from courts with more authorized judicial positions than their assessed need to courts with fewer authorized positions than their assessed need. The allocation of vacant judgeships shall be in accordance with a methodology approved by the council, after solicitation of comments</p>	Sponsor	Senate Appropriations Committee  Dead
AB 2695 (Alan Herzfeld)	<p><u>AB 2695 (Oberholte) – Juvenile proceedings: competency</u></p> <p>As amended April 19, 2016            Clarifies the legal process and procedures in proceedings that determine the legal competency of juveniles, including the following: who may express doubt regarding competency in minors; who has the burden of establishing incompetency; what is the role of the forensic expert in assessment and reporting on competency in minors; what is the process for determining competency in minors; what is the process for determining whether competency has been remediated; what is the process for ensuring that proceedings are not unduly delayed; and what is the process for ensuring due process and confidentiality protections for minors during the proceedings.</p>	Sponsor	Held in Assembly Appropriations Committee  Dead

**Appendix**  
**Status of 2016 Judicial Council-Sponsored Legislation**

<b>Bill No. (Advocate)</b>	<b>Bill No. (Author) Description and Updates</b>	<b>Sponsor</b>	<b>Status as of October 3, 2016</b>
AB 2871 (Sharon Reilly)	<u>AB 2871 (Obernolte) – Trials by declaration</u>  As introduced Eliminates the trial de novo option when the defendant in a Vehicle Code violation has not prevailed on his or her trial by written declaration.	Sponsor	Assembly Judiciary Committee  Dead
SB 213 (Daniel Pone)	<u>SB 213 (Block) – Juries: criminal trials: peremptory challenges</u>  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.  <b>NOTE: See Budget Trailer Bill, SB 843, as amended June 12, 2016 Reduces the number of peremptory challenges as described above.</b>	Support/Co-sponsor	Assembly Public Safety Committee  Dead  <i>(Note: SB 843; signed into law [Stats. 2016, ch. 33])</i>
SB 1023 (Alan Herzfeld)	<u>SB 1023 (Committee on Judiciary) – Courts: judgeships</u>  As introduced Secures funding for critically needed judgeships. Seek 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.	Sponsor	Held in Senate Appropriations Committee  Dead