

2016 Legislative Status Report to the BENCH-BAR COALITION

As of September 22, 2016

Legislation of Interest: By Category

Select bills of interest from the second year of the 2015–2016 Legislative Session

JUDICIAL COUNCIL–SPONSORED LEGISLATION

AB 1900 (Jones-Sawyer)—San Pedro superior courthouse

URGENCY

Effective date: Date Signed

Authorizes the sale of the San Pedro superior courthouse (Los Angeles County), and requires the net proceeds to be deposited into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund.

AB 2232 (Obernolte; Stats. 2016, ch. 74)—Court records: misdemeanors

Corrects errors included in Assembly Bill 1352 (Stats. 2013, ch. 274) regarding records retention time periods for specified Vehicle Code violations. Specifically, reduces record retention for speed contests (VEH 23109 and 23109.5) from 10 to 5 years and increases record retention for reckless driving (VEH 23103) from 5 to 10 years.

APPELLATE

SB 734 (Galgiani; Stats. 2016, ch. 210)—Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2011

URGENCY

Effective date: August 26, 2016

Extends for two years the expedited California Environmental Quality Act judicial review procedures established by AB 900 (Stats. 2011, ch. 354). Requires contractors and subcontractors to pay to all construction workers employed in the execution of the project at least the general prevailing rate of per diem wages. Provides that this obligation may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment under relevant provisions of the Labor Code, or by an underpaid worker through an administrative complaint or civil action, unless all contractors and subcontractors performing work on the project are subject to a project labor agreement that requires the payment of prevailing wages and provides for enforcement through an arbitration procedure.

SB 1134 (Leno)—Habeas corpus: new evidence: motion to vacate judgment: indemnity

Modifies the existing judicially created standard of review for writs of habeas corpus to 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, could not have been discovered before trial by the exercise of due diligence, and is admissible and not merely cumulative, corroborative, collateral, or impeaching.

BUDGET

AB 1603 (Committee on Budget; Stats. 2016, ch. 25)—Public social services omnibus: SIJS

Effective date: June 27, 2016

Among other things, clarifies the law governing the implementation of AB 900 (Stats. 2015, ch. 694) and SB 873 (Stats. 2014, ch. 685, § 1, codified at Code Civ. Proc., § 155) regarding special immigrant juvenile status (SIJS) findings. Provides specifically that the court has jurisdiction to make the factual findings necessary to enable a child to petition the U.S. Citizenship and Immigration Services for classification as a special immigrant juvenile. Specifies that the factual findings may be made at any point in a proceeding, regardless of the division of the superior court or type of proceeding, if the statutory prerequisites are met. Provides further that the superior court may, under section 155 of the Code of Civil Procedure, make additional findings that are supported by evidence only if requested by a party. States that the asserted, purported, or perceived motivation of the child seeking classification as a special immigrant juvenile shall not be admissible in making the findings under section 155. Provides that the court shall neither include nor reference the asserted, purported, or perceived motivation of the child seeking classification as a special immigrant juvenile in the court’s findings under section 155.

SB 836 (Committee on Budget and Fiscal Review; Stats. 2016, ch. 31)—State Government

Effective date: June 27, 2016

Labor Code Private Attorneys General Act of 2004 (PAGA):

Makes various changes to the PAGA. Provides that, except as otherwise noted, the following requirements apply prospectively to all pending and new PAGA cases:

- All new PAGA claim notices must be filed online, with a copy sent by certified mail to the employer.
- All employer cure notices or other responses to a PAGA claim must be filed online, with a copy sent by certified mail to the aggrieved employee or aggrieved employee’s representative.
- A filing fee of \$75 is required for a new PAGA claim notice and any initial employer response (cure or other response) to a new PAGA claim notice.
- The filing fee may be waived if the party on whose behalf the notice or response is filed is entitled to in forma pauperis status.
- The time for the Labor and Workforce Development Agency (LWDA) to review a notice under Labor Code section 2699.3(a) has been extended from 30 to 60 days.

- When filing a new PAGA lawsuit in court, a filed-stamped copy of the complaint must be provided to LWDA. (Applies only to cases in which the initial PAGA claim notice was filed on or after July 1, 2016.)
- Any settlement of a PAGA action must be approved by the court, regardless of whether the settlement includes an award of PAGA penalties.
- A copy of a proposed settlement must be provided to LWDA at the same time that it is submitted to the court.
- A copy of the court’s judgment and any other order that awards or denies PAGA penalties must be provided to LWDA.
- All items that are required to be provided to LWDA must be submitted online. All PAGA-related notices and documents are no longer required to be submitted to LWDA by certified mail.

Capitol Building Annex Project:

Requires the Judicial Council to adopt a rule of court establishing procedures applicable to California Environmental Quality Act actions or proceedings brought to review, set aside, void, or annul the certification of the environmental impact report for a proposed capitol building annex project, or the granting of any approvals that require that the actions or proceedings be resolved, within 270 days of the certification of the record of proceedings.

SB 839 (Committee on Budget and Fiscal Review; Stats. 2016, ch. 340)—Public resources
Effective date: September 13, 2016

Public Resources Trailer Bill: Creates new crimes or expands existing crimes related to the Fish and Game Code. Specifically, (1) expands the potential actors, from “person” to “entity,” for purposes of determining guilt and levying fines; (2) creates new crime: requires fees to Fish and Wildlife levied for violation now to be deposited in the Endangered Species Permitting Account; (3) creates California Orca Protection Act: creates crimes related to keeping in captivity, capturing, transferring, breeding, and other activities associated with orcas; (4) expands existing crimes to include protected species as defined; (5) expands penalties to include violations of laws for protected species; and (6) expands forfeiture provisions to violations of laws for protected species.

SB 843 (Committee on Budget and Fiscal Review; Stats. 2016, ch. 33)—Public safety
Effective date: June 27, 2016

Contains three specific court-related impacts:

1. *Peremptory challenges:* Reduces the number of peremptory challenges in misdemeanor jury trials from 10 per side to 6 (effective January 1, 2017). Requires the Judicial Council to report on effectiveness of reduction in peremptory challenges by January 1, 2020. Sunsets this provision on January 1, 2021.
2. *Statewide Emergency Funding:* Expresses the statutory changes necessary to eliminate the requirement that 2 percent of the trial courts’ operating budget each year be withheld in the Trial Court Trust Fund for trial court emergencies during the fiscal year. Replaces the

2 percent set-aside with a \$10 million augmentation that will, if drawn down, be replenished by offsetting the trial courts' base allocations annually.

3. *Sargent Shriver Civil Counsel Act*: Eliminates the sunset date by which the act would have terminated, thus continuing to provide funding for legal representation for unrepresented low-income litigants in civil matters involving critical livelihood issues such as housing, guardianships, conservatorships, and child custody.

SB 848 (Committee on Budget and Fiscal Review; Stats. 2016, ch. 35)—State employment
Effective date: June 27, 2016

- *Judicial Officer Salary Changes*: Clarifies existing law related to calculation of judicial officer salary changes; requires that judicial officer compensation rates be determined using a net calculation of state employee salary increases and decreases from furloughs and personal leave programs. States that if the reduction results in a percentage change that is equal to or less than zero, no salary increase will be provided in that fiscal year. Declares that, to the extent there is any outstanding litigation, interest paid on any salary or judicial retiree benefits cannot exceed the rate of interest for the Pooled Money Investment Account.
- *State Employees of the Judicial Branch*: Provides, in addition to a general salary increase provided to the state employees of the judicial branch, various statutory changes related to retirement contributions for current employees, payments of retiree health care costs for current employees, and retiree health care coverage for employees hired after July 1, 2017.

CIVIL

AB 54 (Olsen)—Disability access: construction-related accessibility claims: demand letters

Requires an attorney serving a demand letter or complaint involving a construction-related accessibility claim to send a copy of the letter or complaint to the California Commission on Disability Access (CCDA) and to submit certain information in a standard format as specified by the CCDA on its website. Requires the CCDA, at least 30 days before requiring a new standard format, to post on its website the new standard format and the start date that the CCDA would begin requiring that information sent to the CCDA be submitted in the new standard format.

AB 1682 (Stone)—Settlement agreements: sexual offenses

Prohibits a confidentiality or secrecy provision in a settlement agreement in a civil action for an act that may be presented as a felony sex offense, an act of childhood sexual abuse, an act of sexual exploitation of a minor, or an act of sexual assault against an elder or dependent adult, as specified. Prohibits a court in such actions from entering an order, by stipulation or otherwise, that restricts access to or disclosure of any information obtained through discovery. Makes confidential settlement agreements in such cases void as a matter of law and against public policy. Provides that an attorney's failure to comply with the bill's provisions may be grounds for professional discipline. Requires the State Bar of California to investigate and take appropriate action against such an attorney.

AB 1684 (Stone; Stats. 2016, ch. 63)—Civil actions: human trafficking

Provides the Department of Fair Employment and Housing with the authority to receive, investigate, conciliate, mediate, and prosecute human trafficking complaints on behalf of a human trafficking victim, as specified.

AB 1793 (Holden; Stats. 2016, ch. 244)—Contractors: license requirements: recovery actions

Modifies conditions under which a contractor may bring an action to recover compensation for the performance of an act or contract regulated by the Contractors' State License Law. Among other things, revises the judicial doctrine of substantial compliance by specifying that the court shall determine that there has been substantial compliance with licensure requirements if it is shown that the person who engaged in the business or acted in the capacity of a contractor (1) had been duly licensed as a contractor in this state before the performance of the act or contract, (2) acted reasonably and in good faith to maintain proper licensure, and (3) acted promptly and in good faith to remedy the failure to comply with the licensure requirements upon learning of the failure.

AB 2159 (Gonzalez; Stats. 2016, ch. 132)—Evidence: immigration status

Provides that in a civil action for personal injury or wrongful death, evidence of a person's immigration status shall not be admitted into evidence, nor shall discovery into a person's immigration status be permitted, except as specified. Specifies that the bill does not affect the standards of relevance, admissibility, or discovery under existing law, which allow such inquiries where the person seeking to make the inquiry has shown by clear and convincing evidence that the inquiry is necessary in order to comply with federal immigration law.

AB 2298 (Weber)—Action for removal from gang database

Creates specified due process rights for individuals listed in a shared gang database by, among other things, establishing a civil court procedure for individuals seeking removal from a gang database.

AB 2748 (Gatto)—Environmental disaster: release of claims: statute of limitations: attorneys' fees

Enacts the following with regard to claims relating to environmental disasters in the Porter Ranch area or the area surrounding the Exide Technologies facility in the City of Vernon: (1) does not release any responsible polluter or agent from liability for a claim as a result of partial or interim payments or reimbursements, as defined, and forbids partial or interim payments or reimbursements on condition of securing a release of liability, but allows that they may be credited against such liability; (2) does not release liability for any claim unknown at the time of settlement, that occurs after settlement, or that is unrelated to the environmental disaster based on temporary or final settlements made in connection with a claim; (3) establishes a three-year statute of limitations for civil actions for injury or illness based on exposure to a hazardous material or toxic substance, as specified; (4) authorizes the court to award attorney's fees to a prevailing plaintiff in any action for private nuisance against an environmental polluter, as specified; and (5) exempts any action against a public entity from all of the above provisions.

AB 2819 (Chiu; Stats. 2016, ch. 336)—Unlawful detainer proceedings

Makes various changes to the law governing “masking” of unlawful detainer (eviction) records. Among other things, recasts and revises the law to provide that court records in an eviction action may be made available to (1) a party to the action, including the party’s attorney; (2) a person who provides the clerk with the names of at least one plaintiff and one defendant and the address of the premises; (3) a resident of the premises who provides the clerk with the name of one of the parties or the case number and who shows proof of residency; (4) a person by order of the court on a showing of good cause; (5) any person by order of the court if judgment is entered for the plaintiff after trial more than 60 days after the filing of the complaint; or (6) any other 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, in which case the clerk shall allow access to any court records in the action. Specifies that if a default or default judgment is set aside more than 60 days after the complaint has been filed, the above provisions shall apply as if the complaint had been filed on the date the default or default judgment is set aside. Specifies further that its provisions shall not be construed to prohibit the court from issuing an order that bars access to court records, as specified, if the parties to the action so stipulate. States that, for purposes of accessing court records in an eviction action by order of the court on a showing of good cause, “good cause” includes but is not limited to the gathering of newsworthy facts by a person described in section 1070 of the Evidence Code and the gathering of evidence by a party to an unlawful detainer action solely for the purpose of making a request for judicial notice. Provides that if proof of service of the summons has not been filed within 60 days of the complaint’s filing, the court may (but is not required to) dismiss the action without prejudice.

AB 2881 (Committee on Judiciary)—Civil law: omnibus

Among other things, codifies new procedures for service by publication. Requires the State Controller to establish and maintain trial court revenue distribution guidelines, and clarifies that members of state commissions are considered “officers” for the purpose of the California Public Records Act. Conforms immunity protections under the 30-day intensive treatment provisions of the Lanterman-Petris-Short Act by exempting the attorney or advocate representing the person, the court-appointed commissioner or referee, the certification review hearing officer conducting the certification review hearing, or the peace officer responsible for detaining the person from civil or criminal liability for any action by a person released at or before the end of the 30 days of intensive treatment.

AB 2899 (Hernández)—Minimum wage violations: challenges

Creates a wage bond requirement for employer appeals challenging a citation and decision initiated by the Labor Commissioner (LC) when the LC finds a violation of wage laws. Requires that this bond must be filed with the LC and include the total amount of any minimum wages, liquidated damages, and overtime compensation owed as specified in the citation being challenged. Provides that the bond amount would not include amounts for penalties. Specifies further that the bond shall be issued by a surety duly authorized to do business in the state and in favor of unpaid employees, in an effort to ensure that the employer makes payments owed.

SB 269 (Roth; Stats. 2016, ch. 13)—Disability access

URGENCY

Effective date: May 10, 2016

Makes various changes to the law as it pertains to construction-related accessibility claims. Among other things, establishes a presumption that certain “technical violations,” as defined, are presumed not to cause a person difficulty, discomfort, or embarrassment for the purpose of an award of minimum statutory damages in a construction-related accessibility claim, where the defendant is a small business and has corrected, within 15 days of the service of a summons and complaint asserting a construction-related accessibility claim or receipt of a written notice, whichever is earlier, all of the technical violations that are the basis of the claim. States that the above presumption affects the plaintiff’s burden of proof and is rebuttable by a preponderance of the evidence showing that the plaintiff did, in fact, experience difficulty, discomfort, or embarrassment on the particular occasion as a result of one or more of the specified technical violations. Protects certain businesses from liability for minimum statutory damages in a construction-related accessibility claim made during the 120-day period after the business obtains an inspection of its premises by a certified access specialist, under specified conditions.

SB 1001 (Mitchell)—Employment: unfair practices

Provides that it is unlawful for an employer, in the course of satisfying specified work authorization requirements of federal law, to (1) request more or different work authorization documents than are required under specified federal law, (2) refuse to honor documents tendered that in their face reasonably appear to be genuine, (3) refuse to honor documents or work authorization based on the specific status or term of status that accompanies the authorization to work, or (4) attempt to reinvestigate or re-verify an incumbent employee’s authorization to work using an unfair immigration-related practice. Provides that any person who violates this bill shall be subject to a penalty imposed by the Labor Commissioner and liability for equitable relief. Specifies that an applicant for employment or an employee who is subject to an unlawful practice that is prohibited by this bill, or their representative, may file a complaint with the Labor Commissioner. Provides that the penalty recoverable by the applicant or employee, or by the Labor Commissioner, for a violation of the bill’s provisions shall not exceed \$10,000 per violation.

SB 1007 (Wieckowski)—Arbitration: transcription by certified shorthand reporter

Establishes the right of a party to an arbitration to have a certified shorthand reporter transcribe any deposition, proceeding, or hearing, at the expense of the party requesting the transcript (except in a consumer arbitration, where a certified shorthand reporter shall be provided upon request of an indigent consumer at the expense of the non-consumer party). Provides that the transcript shall be the official record of the deposition, proceeding, or hearing. Specifies that the party must make the request for the reporter in or at either of the following: (1) a demand for arbitration, or in a response, answer, or counterclaim to a demand for arbitration; or (2) a prehearing scheduling conference at which a deposition, proceeding, or hearing is being calendared. Specifies that if an arbitrator refuses to allow a party to have a certified shorthand reporter transcribe any deposition, proceeding, or hearing under the bill’s provisions, the party

may petition the court for an order to compel the arbitrator to grant the party's request. Allows a party to include with this petition a request for an order to stay any deposition, proceeding, or hearing related to the arbitration pending the court's determination of the petition. Clarifies that the bill does not add grounds for vacating an arbitration award under Code of Civil Procedure section 1286.2(a) or for correcting an arbitration award under section 1286.6.

SB 1078 (Jackson)—Civil procedure: arbitration

Codifies the ethical rule that from the time of appointment until the conclusion of the arbitration, an arbitrator shall not entertain or accept any offers of employment or new professional relationships as a lawyer, expert witness, or consultant from a party or lawyer for a party in the pending arbitration. Prohibits, during that same time period, an arbitrator from entertaining or accepting, in a consumer arbitration case, any offers of employment as a dispute resolution neutral in another case involving a party or lawyer for a party in the pending arbitration unless all parties to the pending arbitration, including the lawyers in the arbitration, have conferred and agreed in writing, before any solicitation of the arbitrator, to allow offers of future employment as a dispute resolution neutral to be made to the arbitrator. Adds to the current statutory list of disclosures that an arbitrator must make under existing law that for a consumer arbitration case, an arbitrator must also disclose any solicitation made within the last two years by, or at the direction of, the private arbitration company to a party or lawyer for a party to the consumer arbitration. Provides that, during the pendency of the arbitration, no solicitation shall be made of a party to the arbitration or of a lawyer for a party to the arbitration. Specifies that a solicitation made before January 1, 2017, is not required to be disclosed. Specifies further that "solicitation" includes private presentations made to a party or lawyer for a party by the private arbitration company or the arbitrator, as well as oral or written discussions, meetings, or negotiations to designate the private arbitration company or the arbitrator as the arbitration provider or arbitrator for a party in specific contracts. Provides that solicitation does not include (a) advertising directed to the general public; (b) communications indicating a general willingness to serve as an arbitrator or private arbitration company, as specified; (c) presentations made by the private arbitration company or the arbitrator at a program or seminar held open to the public; or (d) responses to inquiries regarding the arbitration provider's costs, rules, procedures, or standards.

SB 1087 (Anderson; Stats. 2016, ch. 85)—Evidence: production of business records

Provides that if a search warrant for business records is served on the custodian of records in an action or investigation in which the business is neither a party nor the place where any cause of action is alleged to have arisen, the warrant will be deemed executed if the business cause the delivery of records described in the warrant to the law enforcement agency if the custodian delivers by mail or otherwise a true, legible, and durable copy of all the records described in the search warrant, together with an affidavit, within five days or within such other time as stated in the warrant.

SB 1241 (Wieckowski)—Employment contracts: adjudication: choice of law and forum

Prohibits employers—in contracts entered into, modified, or extended on or after January 1, 2017—from requiring an employee who resides and works in California, as a condition of employment, to agree to a provision that either requires the employee to adjudicate outside of California a claim arising in California or deprives the employee of the substantive protection of California law with respect to a controversy arising in California. Provides that such a provision is voidable by the employee. Specifies that if such a provision is rendered void at the employee's request, then the matter must be litigated or arbitrated in California and California law shall govern the dispute. Provides a specified exception to these provisions for any employee who is in fact individually represented by legal counsel in negotiating the terms of an agreement. Authorizes a court to award a plaintiff enforcing his or her rights under this bill attorney's fees, as specified.

SB 1289 (Lara)—Law enforcement: immigration

Prohibits local law enforcement agencies and local governments from contracting with for-profit entities to detain immigrants on behalf of federal immigration authorities. Requires that immigrant detention facilities adhere to national immigration standards for the detention of immigrants. Requires that immigrants in detention be provided other legal rights, as specified. Authorizes the Attorney General, district attorneys, and city attorneys to bring suits against detention facilities for violations of the national detention standards or violations of other legal rights created by this bill.

COURT OPERATIONS

AB 2244 (Gatto)—Court fees: electronic filing

Limits fees, if any, that are charged by the court, an electronic filing manager (EFM), or an electronic filing service provider (EFSP) to process a payment to those incurred for processing the payment. Requires a court, an EFM, or an EFSP to waive processing payment fees if the court deems the waiver to be appropriate, including in instances where the party has received a fee waiver. Requires a court, or an entity contracted with the court, that provides a system of acceptance of electronically transmitted documents to provide a menu of payment options that may include credit or debit cards, electronic funds transfers, electronic networks for financial transactions, and other methods of payment that do not charge a transaction cost. Requires agents of the court to report their costs in providing for payment by credit or debit card, or electronic funds transfer, under guidelines adopted by the Judicial Council. Allows the prevailing party to recover as costs fees for electronic filing and service, or fees for the hosting of electronic documents, charged by the electronic filing service provider, if the court orders or requires electronic filing, service, or hosting of documents.

CRIMINAL LAW AND PROCEDURE

AB 516 (Mullin; Stats. 2016, ch. 90)—Vehicles: temporary license plates

Prohibits, commencing January 1, 2019, a person from displaying on a vehicle or presenting to a peace officer a temporary license plate that was not issued for that vehicle, as specified, and makes counterfeiting a temporary license plate a felony. Requires, commencing January 1, 2019, temporary license plates to be securely fastened to the vehicle for which they are issued, and requires a person, upon receipt of permanent license plates, to replace and destroy the temporary license plates.

AB 701 (Garcia, Cristina)—Sex crimes: rape

States the findings of the Legislature that all forms of nonconsensual sexual assault may be considered rape for purposes of the gravity of the offense and the support of survivors, and states that this is declarative of existing law.

AB 813 (Gonzalez)—Criminal procedure: postconviction relief

Creates an explicit right for a person no longer imprisoned or restrained to prosecute a motion to vacate a conviction or sentence based on either of the following:

1. The conviction or sentence is legally invalid due to a prejudicial error damaging the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a plea of guilty or nolo contendere.
2. Newly discovered evidence of actual innocence exists that requires vacation of the conviction or sentence as a matter of law or in the interests of justice.

Requires a court to grant the motion if the moving party establishes a ground for relief, by a preponderance of the evidence. Provides that all such motions are entitled to a hearing. Requires the court, in granting or denying the motion, to make specific findings of fact and conclusions of law on all issues presented. Makes an order granting or denying the motion appealable as an order after judgment affecting the substantial rights of parties.

AB 1272 (Grove; Stats. 2016, ch. 91)—Criminal procedure: trial schedule conflicts

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.

AB 1276 (Santiago)—Child witnesses: human trafficking

Authorizes, under specified conditions, a minor 15 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.

AB 1505 (Hernández)—Statute of limitations: public contracts

Requires that prosecution for a misdemeanor resulting from evading provisions requiring public work projects to be done by contract after competitive bidding, as prescribed, be commenced within three years of the commission of the offense.

AB 1511 (Santiago; Stats. 2016, ch. 41)—Firearms: lending

Changes current firearms lending provisions by limiting exemptions for infrequent loans to a loan to a spouse, registered domestic partner, or any of the following relations, whether by consanguinity, adoption, or step relation: (1) parent; (2) child; (3) sibling; (4) grandparent; or (5) grandchild. All other firearms loans must be conducted through a licensed firearms dealer.

AB 1554 (Irwin)—Powdered alcohol

Prohibits possession, purchase, sale, offer for sale, distribution, manufacture, or use of powdered alcohol, and makes a specified violation of these provisions punishable as an infraction.

AB 1662 (Chau)—Unmanned aircraft systems: accident reporting

Requires, except as specified, the operator of any unmanned aircraft system involved in an accident resulting in injury to an individual or damage to property to (1) immediately land the unmanned aircraft at the nearest location that will not jeopardize the safety of others; and (2) provide certain information to the injured individual or the owner or person in charge of the damaged property or to place that information in a conspicuous place on the damaged property. Makes a person who knowingly fails to comply with these provisions guilty of an infraction or a misdemeanor, as specified.

AB 1671 (Gomez)—Confidential communications: disclosure

Requires that the fines for the crime of eavesdropping be imposed on a per-violation basis, and imposes the same penalties prescribed for the unlawful eavesdropping on the recording of a confidential communication.

AB 1680 (Rodriguez)—Crimes: emergency personnel

Expands the scope of an existing crime by adding persons who operate or use an unmanned aerial vehicle, remote piloted aircraft, or drone—regardless of the operator’s location—to the provision of law making it a misdemeanor for a person to go to or stop at the scene of an emergency to view the scene or the activities of police officers, firefighters, emergency medical or other emergency personnel, or military personnel coping with the emergency in the course of their duties when emergency vehicles or those personnel must be at the scene of the emergency or moving to or from the scene of the emergency to protect lives or property, and thereby impedes those personnel in the performance of their duties in coping with the emergency, unless it is part of the duties of that person’s employment to view that scene or those activities.

AB 1762 (Campos)—Human trafficking: victims: vacating convictions

Allows an individual adjudicated a ward of the juvenile court as the result of a nonviolent crime committed while he or she was a human trafficking victim to apply to have the petition dismissed. If the application is granted, requires the court to have all records in the case sealed,

and mandates release of the defendant from all penalties and disabilities. Specifies a procedure for adult victims to apply to the court to have their convictions vacated. Provides that if the court finds, by clear and convincing evidence, that the applicant's participation in the offense on which the conviction was based was a direct result of the applicant's being a victim of human trafficking, the court shall grant the application and vacate the conviction, strike the adjudication of guilt, and order specified relief. States that if the court denies the application because the evidence is insufficient to establish grounds for vacatur, the denial may be without prejudice. Provides that the court may state the reasons for its denial in writing and, if those reasons are based on curable deficiencies in the application, may allow the applicant a reasonable time period to cure the deficiencies on which the court based the denial. Specifies that in making a determination on an application, the court may consider any evidence it deems of sufficient credibility and probative value, including the sworn statement of the applicant. Provides that the court may grant an application if the conviction or adjudication was based on a crime constituting or arising from a commercial sex act, including solicitation for prostitution or loitering with intent to commit prostitution, upon a finding that the applicant was under the age of 18 years at the time of the offense on which the conviction is based.

AB 1769 (Rodriguez; Stats. 2016, ch. 96)—911 emergency system: nuisance communications

Expands the scope of an existing crime by making it an offense for a person to knowingly allow the use of or to use the 911 emergency system for any reason other than an emergency via a communication from an electronic communication device.

AB 1785 (Quirk)—Vehicles: use of wireless electronic devices

Changes the definition of a crime by prohibiting a person from driving a motor vehicle while holding and operating a handheld wireless telephone or a wireless electronic communications device, as defined. Authorizes a driver to operate a handheld wireless telephone or a wireless electronic communications device in a manner requiring the use of the driver's hand only under specified conditions.

AB 1798 (Cooper; Stats. 2016, ch. 198)—Imitation firearms: gun-shaped phone cases

Among other things, specifies that the definition of an imitation firearm includes, but is not limited to, a protective case for a cellular telephone that is as substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm.

AB 1824 (Chang)—Guide, signal, or service dogs: injury or death

Changes the definition of a crime by expanding the situations in which an individual can be charged with causing injury to, or the death of, any guide, signal, or service dog.

AB 1854 (Bloom; Stats. 2016, ch. 378)—Bail: attorney's fees: forfeited bail

Requires the district attorney, county counsel, or applicable prosecuting agency to recover attorney's fees out of forfeited bail money.

AB 1867 (Steinorth; Stats. 2016, ch. 126)—Evidence: judicial notice: official records of conviction

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 meets specified requirements.

AB 1909 (Lopez)—Falsifying evidence

Makes it a felony punishable by imprisonment for 16 months or two or three years for a prosecuting attorney to intentionally and in bad faith alter, modify, or withhold any physical matter, digital image, video recording, or relevant exculpatory material or information, knowing that it is relevant and material to the outcome of the case, with the specific intent that the physical matter, digital image, video recording, or relevant exculpatory material or information will be concealed or destroyed, or fraudulently represented as the original evidence upon a trial, proceeding, or inquiry.

AB 1924 (Low)—Pen registers: trap and trace devices: orders

URGENCY

Effective date: Date Signed

Provides a statutory exemption in the Electronic Communications Privacy Act of 1986 (ECPA) for pen registers and trap and trace devices that will ensure that orders for these devices are valid for 60 days rather than the 10 days previously provided for in ECPA. Clarifies that courts may suppress any information illegally obtained from a pen register or trap and trace device. Provides that a government entity that obtains information from a trap and trace device or a pen register shall provide notice to the targets.

AB 1927 (Lackey; Stats. 2016, ch. 19)—Criminal procedure: notice to appear

Provides that, if the notice to appear issued to and signed by the arrested person is being transmitted in electronic form, the copy of the notice to appear issued to the arrested person need not include the signature of the arrested person, unless specifically requested by the arrested person.

AB 1962 (Dodd; Stats. 2016, ch. 405)—Criminal proceedings: mental competence

Requires the Department of State Hospitals (DSH), on or before July 1, 2017, to adopt guidelines for education and training standards for a psychiatrist or licensed psychologist to be considered for appointment by the court to evaluate a defendant who may be incompetent to stand trial (IST). Directs DSH to convene a workgroup comprising the Judicial Council and 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 to develop the guidelines for education and training standards for psychiatrists and psychologists in IST cases. Provides that the court shall appoint IST experts who meet the established guidelines, or experts with equivalent experience and skills. Specifies further that if there is no reasonably available expert who meets the criteria or who has equivalent qualifications, the court may appoint an expert who does not meet the guidelines.

AB 2013 (Jones-Sawyer)—Criminal procedure: arraignment pilot program

Requires, on or before July 1, 2017, that three counties be selected to participate in a three-year pilot project that would require a court, upon request by a defendant charged with a misdemeanor and 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.

Requires that the determination be made immediately unless the court grants a good cause continuance not to exceed 15 court days. After reviewing the warrant of arrest and supporting affidavits, and the sworn complaint, if the court finds that probable cause does not exist, the court must dismiss the complaint. Creates a three-member committee to select the three counties, with one member of the committee selected by the California Public Defenders Association, one by the California District Attorneys Association, and one by the Judicial Council. Requires the Department of Justice, no later than July 1, 2020, to provide information to the Legislature regarding the implementation of the bill, including, but not limited to, the number of instances that a prompt probable cause determination made to an out-of-custody defendant facing a misdemeanor charge resulted in the defendant's early dismissal.

AB 2027 (Quirk)—Victims of crime: nonimmigrant status

Requires that, upon request, an official from a state or local entity certify "victim cooperation" on the Form I-914 Supplement B declaration when the requester was a victim of human trafficking and has been cooperative, is being cooperative, or is likely to be cooperative regarding the investigation or prosecution of human trafficking. Establishes a rebuttable presumption that a victim is cooperative, has been cooperative, or is likely to be cooperative if the victim has neither refused nor failed to provide information and assistance reasonably requested by law enforcement. Requires the certifying entity to process a Form I-914 Supplement B declaration within 90 days of request, unless the noncitizen is in removal proceedings, in which case the declaration is required to be processed within 14 days of request. Requires a certifying entity that receives a request for a Form I-914 Supplement B declaration to report to the Legislature, on or before January 1, 2018, and annually thereafter, the number of victims who requested Form I-914 Supplement B declarations from the entity, the number of those declaration forms that were signed, and the number that were denied.

AB 2088 (Linder)—Vehicles: hit-and-run accidents: pleas

Requires the court to suspend the driving privilege for six months or impose an appropriate period of community service for any person who pleads guilty or nolo contendere to hit and run with property damage if the charge is a substitute for or in satisfaction of the charge of hit and run resulting in injury or death.

AB 2320 (Calderon)—Unmanned aircraft systems

Creates new crimes by (1) prohibiting a person who is prohibited from coming within a specified distance of another person from operating an unmanned aircraft system in a way that causes an unmanned aircraft to fly within the prohibited distance of the other person or from capturing images of the other person by using an unmanned aircraft system; (2) authorizing a judge to order a person required to register as a sex offender on or after January 1, 2017, to refrain from

operating an unmanned aircraft system if the judge finds that restriction in the public interest; and (3) making the operation or use of an unmanned aircraft system that is at the scene of an emergency regardless of the operator's location, punishable as a misdemeanor. Expands the law that makes a person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family, guilty of the crime of stalking, punishable as a misdemeanor or a felony, to also apply to persons who operate or use an unmanned aircraft system.

AB 2380 (Alejo)—Defendants: guardianship for minor children

Requires courts to provide at arraignment, information on guardianship for a minor, a guardianship power of attorney for a minor, and information regarding specified unlicensed child care providers to a felony defendant who is, or is reasonably assumed to be, the sole custodial parent of a minor child or minor children.

AB 2387 (Mullin)—Vehicle equipment: supplemental restraint system components and nonfunctional airbags

Makes it a misdemeanor for any person to knowingly and intentionally manufacture, import, install, reinstall, distribute, sell, or offer for sale any device intended to replace a supplemental restraint system component in any motor vehicle if the device is a counterfeit supplemental restraint system component or a nonfunctional airbag, as defined, or does not meet specified federal safety requirements. Makes it a misdemeanor to knowingly and intentionally sell, install, or reinstall in a vehicle any device that causes the vehicle's diagnostic systems to fail to warn when the vehicle is equipped with a counterfeit supplemental restraint system component or nonfunctional airbag, or when no airbag is installed.

AB 2498 (Bonta)—Human trafficking

Authorizes the court, for good cause, to grant priority to an action for an alleged violation of the prohibition against human trafficking as the court, in its discretion, may determine to be appropriate.

AB 2505 (Quirk; Stats. 2016, ch. 105)—Animals: euthanasia

Expands the scope of a crime, with respect to the killing of a dog or cat, by prohibiting a person from using carbon dioxide gas.

AB 2590 (Weber)—Sentencing: restorative justice

Makes legislative findings and declarations that the purpose of sentencing is public safety achieved through punishment, rehabilitation, and restorative justice. Removes from legislative findings and declarations the provision relating to determinate sentences and instead states that educational, rehabilitative, and restorative justice programs should be available, as specified. Encourages the California Department of Corrections and Rehabilitation (CDCR) to allow all eligible inmates the opportunity to enroll in programs that promote successful return to the community. Directs the CDCR to establish a mission statement consistent with the principles described in the legislative findings and declarations. Extends to January 1, 2022, the authority

of the court to, in its sound discretion, impose the appropriate term that best serves the interests of justice with respect to most felonies. Requires the court, on and after January 1, 2022, to impose the middle term, unless there are circumstances in aggravation or mitigation of the crime.

AB 2655 (Weber; Stats. 2016, ch. 79)—Bail: jurisdiction

Extends the court's jurisdiction to declare a forfeiture and authority to release bail to not more than 90 days from the date of the arraignment if the arraignment is properly continued to allow the prosecutor time to file the complaint or if the defendant requests the extension in writing or in open court.

AB 2687 (Achadjian)—Vehicles: passenger for hire: driving under the influence

Effective date: July 1, 2018

Creates new crimes by making it unlawful, commencing July 1, 2018, for a person who has 0.04 percent or more, by weight, of alcohol in his or her blood to drive a motor vehicle when a passenger for hire, as defined, is a passenger in the vehicle at the time of the offense, and to drive a motor vehicle, as specified, and concurrently do any act or neglect any duty that proximately causes bodily injury to another person other than the driver.

AB 2765 (Weber)—Proposition 47: sentence reduction

Extends the time limitation for petitioning for a reduction of sentence or applying for a reclassification under Proposition 47 to November 4, 2022.

AB 2820 (Chiu)—Crimes: price gouging: states of emergency

Expands the definition of a crime relating to price gouging by (1) revising the definition of a state of emergency and a local emergency to mean a natural or manmade emergency resulting from an earthquake, flood, fire, riot, storm, drought, plant or animal infestation or disease, or other natural or manmade disaster for which a state of emergency has been declared by the President of the United States or the Governor of California or for which a local emergency has been declared by an official, board, or other governing body vested with authority to make such a declaration in any city, county, or city and county in California, respectively; and (2) specifying that housing means any rental housing with an initial lease term of no longer than one year. Clarifies that these provisions apply to both a state of emergency and a local emergency.

AB 2839 (Thurmond)—Criminal penalties: nonpayment of fines

Codifies and changes from current legal authority the method by which daily custody credits are calculated. Supersedes the methodology established in *People v. McGarry* (2002) 96 Cal.App.4th 644, which required calculation of credits by subtracting daily credits from a total of fines, fees, penalties, and assessments, and instead deducts daily credits from base fines, after which fees, penalties, and assessments are recalculated at the lower revised rate. Specifically, requires \$125 for each day of custody credit to be applied against the base fine as opposed to the total fine. If the amount of the base fine is not fully satisfied by the custody credits, reduces the penalty assessments by the percentage of the base fine that was satisfied. If the amount of the base fine is fully satisfied by the custody credits, prevents the defendant from paying any penalty assessments under the authority of the bill.

SB 266 (Block)—Probation and mandatory supervision: flash incarceration

Authorizes, until January 1, 2021, the use of “flash” incarceration, where a county probation department can order the detention of any adult offender under the department’s 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.

SB 443 (Mitchell)—Forfeiture: assets: controlled substances

Requires additional due process protection in asset forfeiture cases in connection with specified drug offenses and requires a criminal conviction when property/money forfeited under federal law is distributed to state or local law enforcement agency, unless the value of the assets is greater than \$40,000, by among other things:

- Requiring a criminal conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors in order to recover law enforcement expenses related to the seizing or destroying of illegal drugs.
- Prohibiting a state or local law enforcement agency from receiving forfeited property or proceeds from property forfeited pursuant to federal law unless a defendant is convicted in an underlying or related criminal action of a specified offense, or any offense under federal law that includes all of the elements of one of the specified California offenses. Provides an exception to the conviction requirement if the value of the assets is greater than \$40,000.
- Providing that if a defendant, charged with a specified criminal offense arising from a state or local joint law enforcement operation with federal agency, willfully fails to appear in court, or is deceased, there shall be no requirement of a criminal conviction in order for state or local law enforcement to receive an equitable share of any federal forfeiture proceeding.
- Requiring a conviction on the related, specified criminal charge to forfeit property in every case in which a claim is filed to contest the forfeiture of property, unless the defendant in the related criminal case willfully fails to appear for court, or if the value of the assets is in excess of \$40,000, as specified.
- Requiring proof beyond a reasonable doubt in all forfeiture cases which are contested, except cash or negotiable instruments of \$40,000 (versus \$25,000 in existing law) or more for which the standard is proof by clear and convincing evidence.
- Allowing forfeiture of property less than \$25,000 if notice of the forfeiture has been provided, as specified, and no claims have been made.
- Allowing more time to make a claim contesting forfeiture.
- Allowing property of \$40,000 or more to be forfeited through a judicial process when no claim to the forfeited property has been made within the specified time.

SB 812 (Hill)—Charter-party carriers of passengers: passenger stage corporations: private carriers of passengers

Among other things, extends the deadline for operators to comply with modified limousine emergency exit requirements, and for the California Highway Patrol to develop standards for window exits, to January 1, 2018.

SB 813 (Leyva)—Sex offenses: statute of limitations

Allows the prosecution of rape, sodomy, lewd or lascivious acts, continuous sexual abuse of a child, oral copulation, and sexual penetration that are committed under certain circumstances to commence at any time. Applies to crimes committed after January 1, 2017, and to crimes for which the statute of limitations that was in effect before January 1, 2017, has not run as of January 1, 2017.

SB 823 (Block)—Criminal procedure: human trafficking

Establishes a petition process to vacate a conviction or adjudication 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 follows:

- Requires the petitioner to establish that the arrest, conviction, or adjudication was the direct result of being a victim of human trafficking in order to obtain relief. Requires the petition for relief to be submitted under penalty of perjury, thereby expanding the scope of a crime.
- Authorizes the court, upon making specified findings, to vacate the conviction or adjudication and issue an order that provides the relief described above and also provides for the sealing and destruction of the petitioner's arrest and court records.
- Requires that the petition be made within a reasonable time after the person has ceased to be a victim of human trafficking, or within a reasonable time after the person has sought services for being a victim of human trafficking, whichever is later.
- Provides that official documentation of a petitioner's status as a victim of human trafficking may be introduced as evidence that his or her participation in the offense was the result of the petitioner's status as a victim of human trafficking. Provides that a petitioner or his or her attorney is not required to appear in person at a hearing for the relief described above if the court finds a compelling reason why the petitioner cannot attend the hearing and may appear via alternate specified methods.
- Prohibits the disclosure of the full name of a petitioner in the record that is accessible by the public of a proceeding related to his or her petition.
- Provides that if the petitioner establishes that the arrest or adjudication was the direct result of being a victim of human trafficking, the petitioner is entitled to a rebuttable presumption that the requirements for relief have been met.
- Provides that if the court denies the application because the evidence is insufficient to establish grounds for vacatur, the denial may be without prejudice.

SB 867 (Roth; Stats. 2016, ch. 147)—Emergency medical services

Extends, until January 1, 2027, the Maddy Emergency Medical Services (EMS) Fund, and authorizes each county to establish an emergency medical services fund for reimbursement of costs related to emergency medical services; authorizes county boards of supervisors to elect to levy an additional penalty of \$2 for every \$10 on fines, penalties, and forfeitures collected for criminal offenses for deposit into the EMS Fund; and requires 15 percent of the funds collected under that provision to be used to provide funding for pediatric trauma centers.

SB 869 (Hill)—Firearms: secured handguns in vehicles

Requires a person, when leaving a handgun in an unattended vehicle, to secure the handgun by locking it in the trunk of the vehicle, locking it in a locked container and placing the container out of plain view, or locking the handgun in a locked container that is permanently affixed to the vehicle's interior and not in plain view. Makes a violation of these requirements an infraction punishable by a fine not exceeding \$1,000.

SB 880 (Hall; Stats. 2016, ch. 48)—Firearms: assault weapons

Among other things, expands the scope of a crime by revising the definition of "assault weapon" to include a semiautomatic centerfire rifle, or a semiautomatic pistol that does not have a fixed magazine but has any of several specified attributes. Also defines "fixed magazine" to mean an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

SB 881 (Hertzberg)—Vehicles: violations: payment of fines and bail

Amends the traffic amnesty program to (1) require courts to issue, within 90 days of receipt of a qualifying application, appropriate documentation to the Department of Motor Vehicles that will result in the restoration of a driver's license and driving privileges; and (2) clarify that for applications submitted on or before March 31, 2017, all terms and procedures related to a participant's payment plans remain in effect after that date.

SB 882 (Hertzberg, Stats. 2016, ch. 167)—Crimes: public transportation: minors

Changes the definition of a crime by prohibiting a minor from being charged with an infraction or a misdemeanor for evading the payment of a fare on a public transit system, misusing a transfer, pass, ticket, or token with the intent to evade the payment of a fare, using a discount ticket without authorization, or failing to present, upon request from a transit system representative, acceptable proof of eligibility to use a discount ticket.

SB 883 (Roth; Stats. 2016, ch. 342)—Domestic violence: protective orders

Confirms the punishment for a violation of a protective order issued after conviction of an offense involving domestic violence to the punishment for other similar protective orders by: (1) punishing the first violation of a postconviction domestic violence restraining order by imprisonment in the county jail for up to one year, by a fine of up to \$1,000, or both; (2) requiring a first violation to include imprisonment in the county jail for at least 48 hours if the violation resulted in physical injury; and (3) punishing a second or subsequent violation occurring within seven years and involving an act of violence, or a credible threat of violence, with imprisonment in the county jail not to exceed one year, or by 16 months or two or three years in state prison.

SB 945 (Monning; Stats. 2016, ch. 364)—Pet boarding facilities

Creates a new crime by making an operator of a pet boarding facility who causes or allows harm or injury to an animal or allows an animal to be subject to an unreasonable risk of harm or injury guilty of a misdemeanor. Makes a violation of requirements relating to pet boarding facilities an

infraction punishable by a fine not to exceed \$250 for the first violation and not to exceed \$1,000 for each subsequent violation.

SB 969 (Nguyen; Stats. 2016, ch. 193)—Vietnamese rice cakes

Expands the scope of a crime by requiring, except as provided, a manufacturer of Vietnamese rice cakes to place a label, designed by the Vietnamese Rice Cake Association, Inc., on the Vietnamese rice cake that indicates the date and time the cooking process was completed. Requires the label to include a statement that the rice cake must be consumed within 24 hours of the date and time printed on the label.

SB 977 (Pan)—Tobacco: youth sports events

Prohibits a person located in the same park or facility where a youth sports event is taking place from using a tobacco product within 250 feet of the youth sports event and makes a violation an infraction punishable by a fine of \$250 for each violation. Makes the use of tobacco on private property also subject to those prohibitions.

SB 998 (Wieckowski)—Vehicles: public transit bus lanes

Prohibits a person from operating a motor vehicle, or stopping, parking, or leaving a vehicle standing, on a portion of the highway designated for the exclusive use of public transit buses, subject to specified exceptions.

SB 1016 (Monning)—Sentencing

Extends to January 1, 2022, the provisions of law that provide that the court shall, in its discretion, impose the term or enhancement that best serves the interests of justice for most felonies. Requires the court on or after January 1, 2022, to impose the middle term, unless there are circumstances in aggravation or mitigation of the crime.

SB 1036 (Hernandez)—Controlled substances: synthetic cannabinoids: analogs

Expands the scope of a crime by (1) defining a controlled substance analog to include a substance the chemical structure of which is substantially similar to the chemical structure of a synthetic cannabinoid compound; and (2) requiring the controlled substance analogs of synthetic cannabinoid compounds be treated the same as the synthetic cannabinoid compound of which it is an analog for the purpose of the provisions criminalizing synthetic cannabinoid compounds.

SB 1046 (Hill)—Driving under the influence: ignition interlock device

Effective date: January 1, 2019

Requires a driving under the influence offender to install an ignition interlock device (IID) on his or her vehicle for a specified period of time in order to get a restricted license, or to reinstate his or her license, without the required suspension time before the offender can get a restricted license. Repeals this requirement as of January 1, 2026 and requires the Department of Motor Vehicle to report by January 1, 2025 on data collected on IIDs installed under these provisions.

SB 1084 (Hancock)—Sentencing

Clarifies the following with respect to a person convicted for a crime committed while under the age of 18 and sentenced to life without possibility of parole (LWOP): (1) the person can submit a petition for recall or resentencing after he or she has been incarcerated at least 15 years; (2) if the court finds by a preponderance of the evidence that one or more of the statements specified is true, the court must recall the sentence and commitment previously ordered, and hold a hearing to resentence the defendant; (3) the defendant may submit a subsequent petition if the sentence is not recalled or the defendant is resentenced to LWOP; and, (4) nothing in the provisions dealing with the ability of a person to seek a resentencing is intended to diminish or abrogate any rights or remedies otherwise available.

SB 1088 (Nguyen)—Wrongful concealment: statute of limitations

Provides that for the offense of actively concealing or attempting to conceal an accidental death a criminal complaint may be filed within one year after the person is initially identified by law enforcement as a suspect in the commission of the offense.

SB 1129 (Monning)—Prostitution: sanctions

Deletes the mandatory minimum terms of incarceration imposed for engaging in prohibited acts relating to prostitution.

SB 1137 (Hertzberg)—Computer crimes: ransomware

Expands the scope of the crime of extortion by including within its definition an act of placing a contaminant or lock on a computer, computer system, or data, coupled with a demand for payment of money or other consideration before the lock will be removed or control returned to the owner or authorized user. Defines such a contaminant or lock as “ransomware.”

SB 1182 (Galgiani)—Controlled substances

Makes it a felony, punishable by imprisonment in a county jail for 16 months, or two or three years, to possess ketamine, flunitrazepam, or GHB, with the intent to commit sexual assault, as defined for these purposes to include, among other acts, rape, sodomy, and oral copulation.

SB 1235 (De León; Stats. 2016, ch. 55)—Ammunition

Creates a new regulatory framework for the purchase and sale of ammunition in California. Provides that any person, corporation, firm, or other business enterprise who supplies, delivers, sells, or gives possession or control of any ammunition to any person who the person, corporation, firm, or other business enterprise knows or has cause to believe is not the actual purchaser or transferee, or has cause to believe is not the actual purchaser or transferee of the ammunition, with knowledge or cause to believe that the ammunition is to be subsequently sold or transferred to a person who is prohibited from owning, possessing, or having under custody or control any ammunition or reloaded ammunition is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or a fine not exceeding \$1,000, or by both that fine and imprisonment.

SB 1242 (Lara)—Sentencing: misdemeanors

Makes the provision in existing law that every offense punishable by imprisonment in a county jail up to or not exceeding one year is punishable by imprisonment in the county jail for a period not to exceed 364 days, retroactive, whether or not the case was final on January 1, 2015.

Authorizes a person who was sentenced to a term of one year prior to January 1, 2015, to submit an application before the trial court that entered the judgment of conviction in the case to have the term of the sentence modified to the maximum term of 364 days.

SB 1295 (Nielsen; Stats. 2016, ch. 430)—Mentally ill prisoners

Authorizes the use of certain documentary evidence or expert testimony in making specified predicate findings regarding a defendant in commitment proceedings under the Mentally Disordered Offender Act. Specifies that the details underlying the commission of the offense that led to the conviction, including the use of force or violence, causing serious bodily injury, or the threat to use force or violence likely to produce substantial physical harm, may be shown by documentary evidence, including, but not limited to, preliminary hearing transcripts, trial transcripts, probation and sentencing reports, and evaluations by the state Department of State Hospitals.

SB 1332 (Mendoza)—Firearms

Provides for the joint registration of firearms between spouses and domestic partners, as specified, and modifies existing firearm loan provisions. Modifies an existing crime requiring that the loan of a firearm be conducted through a licensed firearms dealer by creating exceptions to the dealer requirement for a loan of a firearm that is being stored in the receiver's residence or in an enclosed structure on the receiver's private property, if certain criteria are met.

SB 1333 (Block)—State beaches and parks: smoking ban

Makes it an infraction for a person to smoke on a state coastal beach or in a unit of the state park system or to dispose of used cigar or cigarette waste on a state coastal beach or in a unit of the state park system.

SB 1446 (Hancock; Stats. 2016, ch. 58)—Firearms: magazine capacity

Effective date: July 1, 2017

Makes it an infraction punishable by a fine not to exceed \$100 for the first offense, \$250 for the second offense, and \$500 for the third or subsequent offense, for a person to possess any large-capacity magazine, regardless of the date the magazine was acquired.

SB 1474 (Committee on Public Safety; Stats. 2016, ch. 59)—Public Safety Omnibus

Makes technical and corrective changes, as well as non-controversial substantive changes, to various code sections relating generally to criminal justice laws, including: (1) deleting references to the Sex Offender Tracking Program and the High Risk Sex Offender Program within the Department of Justice and instead including general references to the DOJ; (2) allowing the district attorney to send a subpoena to a peace officer by electronic means; (3) providing that probation reports may be shared between probation agencies; and (4) deleting the

requirement that a police vehicle that is monitoring traffic be painted, but continue to require the vehicle be a distinctive color.

SBX2 7 (Hernandez; Stats. 2016, ch. 8)—Tobacco products: minimum legal age

Effective date: June 9, 2016

Increases the minimum legal age to purchase or consume tobacco from 18 to 21 and makes additional conforming changes to restrictions and enforcement mechanisms in current law, thereby expanding the scope of a crime. Deletes the provision of law making it a crime, punishable by a fine of \$75 or 30 hours of community service work, for a person under 18 years of age to purchase, receive, or possess certain tobacco products.

EMPLOYEE/EMPLOYER ISSUES

AB 874 (Santiago)—Collective bargaining: Judicial Council

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. Gives the Judicial Council the authority and discretion to designate 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.

AB 1643 (Gonzalez)—Workers' compensation: permanent disability apportionment

Prohibits apportionment of permanent disability, in the case of a physical injury occurring on or after January 1, 2017, from being based on pregnancy, menopause, osteoporosis, or carpal tunnel syndrome. Also prohibits apportionment of permanent disability, in the case of a psychiatric injury occurring on or after January 1, 2017, from being based on psychiatric disability or impairment caused by any of those conditions. Provides, notwithstanding any other law, for injuries occurring on or after January 1, 2017, that the impairment ratings for breast cancer and the aftereffects of the disease, known as sequelae, shall in no event be less than comparable ratings for prostate cancer and its sequelae.

AB 1676 (Campos)—Employers: wage discrimination

Clarifies that prior salary cannot be used to justify any disparity in compensation between men and women.

AB 1843 (Stone)—Applicants for employment: criminal history

Expands the scope of an existing crime by prohibiting an employer from asking an applicant for employment to disclose, or from utilizing as a factor in determining any condition of employment, information concerning or related to an arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while the person was subject to the process and jurisdiction of juvenile court law and by prohibiting an employer at a health facility

from inquiring into specific events that occurred while the applicant was subject to juvenile court law, with a certain exception, and from inquiring into information concerning or related to an applicant's juvenile offense history that has been sealed by the juvenile court.

AB 2337 (Burke; Stats. 2016, ch. 355)—Employment protections: victims of domestic violence, sexual assault, or stalking

Requires employers to provide their employees with written notice of their right to take time off from work for certain purposes if they are a victim of domestic violence, sexual assault, or stalking. Requires the Labor Commissioner to develop a form that employers can use to comply with the notice requirement. Also requires the Commissioner to post the form on his or her website on or before July 1, 2017, and provides that an employer is not required to comply with the disclosure requirement until the Commissioner posts the form.

SB 3 (Leno; Stats. 2016, ch. 4)—Minimum wage

Creates a schedule for a phased increase in the minimum wage from \$10.50 per hour to \$15 per hour over seven years, depending on the size of the employer and general economic conditions, and links the minimum wage to the U.S. Consumer Price Index once the minimum wage reaches \$15 per hour.

SB 654 (Jackson)—Unlawful employment practice: parental leave

Makes it an unlawful employment practice for an employer of 20 or more employees to refuse to allow an eligible employee to take up to six weeks of job-protected parental leave to bond with a new child within one year of the child's birth, adoption, or foster care placement. Prohibits an employer from refusing to maintain and pay for the employee's continued group health coverage during the duration of the leave.

SB 1175 (Mendoza; Stats. 2016, ch. 214)—Workers' compensation: requests for payment

Requires that, for physicians treating injured workers in California's workers' compensation system, requests for payments for medical services or medical-legal services must be submitted within 12 months, as specified.

FAMILY LAW

AB 1735 (Waldron; Stats. 2016, ch. 67)—Dissolution of marriage: bifurcated judgment: service

In bifurcated dissolution cases, allows for service of process on an attorney of a represented party to be sufficient, unless there have been no filings in the case for six months after the entry of the bifurcated judgment, in which case service must also be on the party.

SB 1255 (Moorlach; Stats. 2016, ch. 114)—Dissolution of marriage: date of separation

Defines "date of separation" for purposes of the Family Code to mean the date that a complete and final break in the marital relationship has occurred, as evidenced by the spouse's expression of his or her intent to end the marriage and conduct that is consistent with that intent. Directs a

court to take into account all relevant evidence in determining the date of separation. Specifies that it is the intent of the Legislature to abrogate the decisions in *In re Marriage of Davis* (2015) 61 Cal.4th 846 and *In re Marriage of Norviel* (2002) 102 Cal.App.4th 1152.

JUDGES/JUDICIAL OFFICERS

AB 2882 (Committee on Judiciary)—Judiciary omnibus: family law

Among other things, ratifies the conversion of up to 10 additional subordinate judicial officer (SJO) positions to judgeships if the conversion will result in family or juvenile law cases being heard by a judge instead of by an SJO.

JUVENILE DELINQUENCY

AB 1945 (Stone)—Juveniles: sealing of records

Allows a child welfare agency of a county responsible for the supervision and placement of a minor or nonminor dependent to access a record that has been ordered sealed for the limited purpose of determining an appropriate placement or service.

AB 2005 (Ridley-Thomas)—Juveniles: out-of-state placement

Restricts a court from placing a minor in an out-of-state placement unless the court finds, in writing and by clear and convincing evidence, that the case plan demonstrates that the out-of-state placement is the most appropriate and is in the best interests of the minor and that in-state facilities or programs have been considered and are unavailable or inadequate to meet the needs and best interests of the minor.

AB 2813 (Bloom)—Juvenile offenders: dual-status minors

Limits the bases for and circumstances under which a minor may be held in custody instead of released by a probation officer into the care and custody of a parent, guardian, or other responsible relative following arrest.

SB 1052 (Lara)—Custodial interrogation: juveniles

Requires that a youth under 18 years of age consult with legal counsel in person, by telephone, or by video conference prior to a custodial interrogation and before waiving any of the above-specified rights. Provides that consultation with legal counsel cannot be waived. Requires the court to consider the effect of failure to comply with this requirement in adjudicating the admissibility of statements of a youth under 18 years of age made during or after a custodial interrogation.

SB 1322 (Mitchell)—Commercial sex acts: minors

Among other things, allows that a minor who engages in, agrees to engage in, or solicits an act of prostitution is not guilty of a crime, and may be taken into temporary custody and declared a dependent of the court if the minor is also commercially exploited.

JUVENILE DEPENDENCY

AB 885 (Lopez)—Foster youth

Among other things, clarifies the “receiving ongoing support” requirement for eligibility for Kinship Guardianship Assistance Payment (Kin-GAP) aid, as to be defined in regulations to be promulgated by July 1, 2017, by the state Department of Social Services.

AB 1702 (Stone; Stats. 2016, ch. 124)—Juveniles: dependent children: reunification services

Provides that reunification services need not be provided when the court finds that the parent or guardian knowingly participated in, or permitted, the sexual exploitation of the child, as prescribed, except if the parent or guardian demonstrated by a preponderance of the evidence that he or she was coerced into doing so.

AB 1849 (Gipson)—Foster youth: transition to independent living: health insurance coverage

Requires a 90-day transition plan to include information on a minor or nonminor’s eligibility for and/or enrollment in Medi-Cal health insurance programs.

SB 253 (Monning)—Juveniles: psychotropic medication

Together with SB 238, SB 319, and SB 484 (Stats. 2015, chs. 534, 535, and 540), recasts and updates the psychotropic medications that are applied for, prescribed, and supervised in minors subject to the jurisdiction of the juvenile court. Among other things, changes the procedures and requirements for a court to authorize the use of psychotropic medications, including ongoing supervision and oversight requirements.

SB 1060 (Leno)—Postadoption contact: siblings of dependent children or wards

Requires a county placement agency to convene a meeting with a dependent, the dependent’s sibling or siblings, the prospective adoptive parent or parents, and a facilitator, for the purpose of deciding whether to voluntarily execute a postadoption sibling contact agreement. Further requires the court to inquire about the status and results of this meeting at the first six-month review hearing.

SB 1336 (Jackson)—Dependent children: investigation: relatives

Requires a court to make a finding as to whether the social worker has exercised due diligence in conducting an investigation to identify, locate, and notify a child’s relatives whenever a child is removed from a parent’s or guardian’s custody, and specifies the factors to consider in making that determination.

PROBATE & MENTAL HEALTH

AB 691 (Calderon)—Revised Uniform Fiduciary Access to Digital Assets Act

Enacts a modified version of the Revised Uniform Fiduciary Access to Digital Assets Act. 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.

STATE BAR/PRACTICE OF LAW

SB 1281 (Block; Stats. 2016, ch. 87)—Law schools: unaccredited law school disclosures

Seeks to ensure that prospective law students can make informed decisions about which law school to attend by requiring law schools not accredited by the American Bar Association to post specified information on their websites that includes bar passage data, tuition, fees, financial aid, employment outcomes for graduates, conditional scholarships, enrollment data, faculty information, average class size for required courses, and the number of clinical offerings.

LEGISLATION OF INTEREST: DEAD OR VETOED

JUDICIAL COUNCIL—SPONSORED LEGISLATION (dead/vetoed)

AB 2101 (Gordon)—Sanctions: jurors

Requires the Judicial Council to solicit courts to participate in a pilot project in which judicial officers of participating counties would be authorized to impose reasonable monetary sanctions, not to exceed \$1,500, on an impaneled juror for any knowing violation of a lawful court order done 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 January 1, 2021. Repeals these provisions on January 1, 2022.

AB 2129 (Lackey)—Probation sentencing report: good cause continuance

Authorizes a court to grant a defendant's request for a continuance when the probation department fails to provide the sentencing report by the five-day or nine-day deadline only if the court finds good cause to grant the continuance.

AB 2205 (Dodd)—Supervised persons: credits

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.

AB 2341 (Oberholte)—Allocation of vacant judgeships

Allows for the suspension of four judgeships from courts that have more judgeships than assessed judicial need and for the creation of judgeships in courts that have fewer judgeships than their assessed judicial need.

AB 2695 (Oberholte)—Juvenile proceedings: competency

Updates and recasts the way competency is assessed and competency hearings are conducted in juvenile delinquency proceedings. Specifies the burden of proving competency or incompetency and who can raise questions of competency.

AB 2871 (Oberholte)—Trials by declaration

Deletes the requirement that a defendant who has elected to have a trial by written declaration upon any alleged infraction involving a violation of a state statute or a local ordinance relating to vehicles be granted a trial de novo if he or she is dissatisfied with a decision of the court in a proceeding under those provisions.

SB 1023 (Committee on Judiciary)—Courts: judgeships

Allocates funding to establish 12 of the 50 judgeships previously authorized but never funded.

APPELLATE (dead/vetoed)

AB 2171 (Jones)—Coastal resources: development review: appeals

Authorizes any aggrieved person to file an appeal of any appealable action on a coastal development permit or claim for exemption to a superior court instead of the California Coastal Commission. Limits who may file an appeal to individuals living within 1,000 feet of an impacted county.

CIVIL (dead/vetoed)

AB 459 (Daly)—Insurance: insurable interest: declaratory relief

Authorizes an owner of record of a life insurance policy issued for delivery in California prior to January 1, 2010, and having a death benefit equal to or greater than \$1 million, who believes that the insurer may challenge the policy for lack of an insurable interest, to bring an action for

declaratory relief no later than January 1, 2018, seeking a court order declaring the policy to have a valid insurable interest.

AB 1105 (Bonta)—Unfair business practices: enforcement: city attorneys

Expands authorization of city attorneys to bring specified unfair competition actions (under Business and Professions Code sections 17200 et seq.) by allowing such actions to be brought by a city attorney of a city having a population in excess of 250,000 (in contrast to 750,000 under current law).

AB 1317 (Salas)—Labor Code Private Attorneys General Act of 2004

Among other things, expands an employer's right to cure specified violations of the Labor Code covered by the Private Attorneys General Act before the employee may bring a civil action. Specifies that the right to cure would be provided before, and in addition to, any other specified procedures the employee is required to follow prior to bringing an action.

AB 2003 (Lackey)—Unlawful detainer proceedings

Increases pleading requirements for tenants pleading uninhabitability as an affirmative defense against eviction and makes various other changes to landlord-tenant law. Among other things, provides that if the defendant asserts an affirmative defense of breach of the implied warranty of habitability, the defendant shall indicate on the appropriate Judicial Council answer form whether the defendant has lodged a complaint or complaints regarding the uninhabitability of the premises before the filing of the action. Requires the Judicial Council, on or before July 1, 2017, to revise the "Answer—Unlawful Detainer" form to include spaces to input the additional information required by this bill. Prohibits a plaintiff or a defendant in an unlawful detainer proceeding from requesting a change in court location if that location is already the one nearest to where the real property that is the subject of the action is situated. Specifies that this provision only applies if the court location has been designated as a proper court location for the trial and allows for a jury trial.

AB 2020 (Oberholte)—Discovery: depositions

Clarifies the scheduling rules for depositions. Provides that a deposition that commands only the production of business records shall be scheduled at least 15 days after the service of the deposition subpoena. Provides that a subpoena duces tecum (for production of records), as specified, that commands the attendance and the testimony of the deponent as well as the production of a consumer's personal records or employment records, shall be scheduled for a date at least 20 days after service of the deposition subpoena.

AB 2026 (Hadley)—California Environmental Quality Act: judicial challenge: identification of contributors

Requires plaintiffs in California Environmental Quality Act lawsuits to identify every person or entity who contributed, or committed to contribute, \$1,000 or more to support the lawsuit.

AB 2312 (Gatto)—Unlawful detainer: payment of rent funds

Among other things, requires a defendant in an eviction case based on nonpayment of rent to deposit with his or her attorney an amount of money equal to the contracted monthly rent amount when it would have become due, until the court enters judgment in the defendant's favor or the plaintiff regains possession of the premises.

AB 2315 (Olsen)—Asbestos Tort Trust Transparency Act

Among other things, requires that a plaintiff disclose specified information with respect to any asbestos trusts, as defined, against which the plaintiff has or could pursue a claim. Entitles a defendant to discover relevant information pertaining to the plaintiff held by other asbestos trusts and to pursue various motions. Requires a plaintiff to serve certain statements made under penalty of perjury.

AB 2420 (Jones)—Debt collection: attorneys: exemption

Exempts a law firm from the definition of a debt collector. Defines a law firm, for purposes of this bill, as two or more attorneys whose activities constitute the practice of law and who share the profits, expenses, and liabilities of the firm, or a law corporation that employs more than one lawyer.

AB 2463 (Grove)—Labor Code Private Attorneys General Act of 2004: penalty cap

Establishes a cap on penalties under the Private Attorneys General Act of \$1,000 for each aggrieved employee.

AB 2464 (Grove)—Labor Code Private Attorneys General Act of 2004

Authorizes a court to dismiss a civil action under the Private Attorneys General Act if, after notice and hearing, the court finds that the aggrieved employee suffered no appreciable physical or economic harm.

AB 2465 (Grove)—Labor Code Private Attorneys General Act of 2004

Provides that, upon receipt of a notice by an aggrieved employee alleging specified violations of the Private Attorneys General Act, the Labor and Workforce Development Agency (LWDA) shall investigate the alleged violation and determine if there is a "reasonable basis" for a civil action within 120 calendar days. Provides that the aggrieved employee may commence a civil action upon receipt of the notice by LWDA that there is a reasonable basis for a civil action, or if the LWDA fails to provide timely or any notice.

AB 2667 (Thurmond)—Civil rights: Unruh Civil Rights Act: waivers

Limits certain contractual waivers of California's civil rights statutes. Among other things, prohibits a person from requiring another person—as a condition of entering into a contract for goods and services—to waive any legal right, penalty, remedy, forum, or procedure for a violation of the Unruh Civil Rights Act, including the right to file and pursue a civil action or complaint with, or otherwise notify, the Attorney General or any other public prosecutor, or law enforcement agency, the Department of Fair Employment and Housing, or any court or other

governmental entity. Clarifies that nothing in this bill prohibits a person from knowingly and voluntarily entering into binding arbitration.

AB 2879 (Stone)—Service Member Employment Protection Act

Seeks to safeguard employment protections for active military service members and reserve guard members by, among other things, prohibiting the waiver of certain legal rights under section 394 of the Military and Veterans Code as a condition of employment. Among other things:

- Prohibits a person from threatening, retaliating, or discriminating against another person on the basis that the other person refuses to waive any legal right, penalty, remedy, forum, or procedure for a violation of section 394, including the right to file and pursue a civil action or complaint with, or otherwise notify, the Labor Commissioner, state agency, other public prosecutor, law enforcement agency, or any court or other governmental entity.
- Requires that any waiver of any legal right, penalty, remedy, forum, or procedure for a violation of section 394 to be knowing and voluntary and in writing, and expressly not made as a condition of employment, including any waiver of the right to file and pursue a civil action or complaint with, or otherwise notify, the Labor Commissioner, state agency, other public prosecutor, law enforcement agency, or any court or other governmental entity.
- Provides that any waiver of any legal right, penalty, remedy, forum, or procedure for a violation of section 394 that is required as a condition of employment shall be deemed involuntary, unconscionable, against public policy, and unenforceable, and clarifies that these provisions do not affect the enforceability or validity of any other provision of the contract.
- Provides that any person who seeks to enforce a waiver of any legal right, penalty, remedy, forum, or procedure for a violation of section 394 would have the burden of proving that the waiver was knowing and voluntary and not made as a condition of employment.
- Establishes that these provisions shall apply to any agreement to waive any legal right, penalty, remedy, forum, or procedure for a violation of section 394, including an agreement to accept private arbitration entered into, altered, modified, renewed, or extended on or after January 1, 2017.

AB 2898 (Hernández)—Private Attorneys General Act of 2004

Amends the Private Attorneys General Act by lengthening the window during which a plaintiff may add a cause of legal action to an existing complaint against an employer to within 90 days (instead of 60 days) of the time periods specified under the Act.

SB 308 (Wieckowski)—Debtor exemptions

Increases the amounts of the homestead exemptions, removes the homestead reinvestment requirement, and revises and increases various amounts in various categories of property exemptions that are available to debtors.

SB 899 (Hueso)—Gender discrimination: pricing

Prohibits a business establishment from discriminating against a person, with respect to the price charged for goods of a substantially similar or like kind, because of the person's gender.

SB 1142 (Moorlach)—Disability access

Prohibits a construction-related accessibility claim for statutory damages from being initiated in a legal proceeding against a defendant unless the defendant has (1) been served with a demand letter specifying each alleged violation of a construction-related accessibility standard, and (2) the alleged violations have not been corrected within 120 days of service. Provides that a defendant is not liable for statutory damages, costs, or plaintiff's attorney's fees for an alleged violation that is corrected within 120 days of service of a demand letter. Specifies that when there is a conflict or difference between the federal Americans with Disabilities Act (ADA) and any state law, standard, or regulation relating to the access of individuals with disabilities to any place to which the general public is invited, the ADA shall control.

SB 1161 (Allen)—Statutes of limitation: California Climate Science Truth and Accountability Act of 2016

Enacts the California Climate Science Truth and Accountability Act. Among other things, revives, for actions brought by the Attorney General or a district attorney, an action for unfair competition with respect to scientific evidence regarding the existence, extent, or current or future impacts of anthropogenic-induced climate change that is time-barred as of January 1, 2017, and authorizes the action to be brought within four years of that date.

SB 1248 (Moorlach)—Environmental quality: judicial challenge: identification of contributors

Requires a plaintiff or petitioner, in an action brought under the California Environmental Quality Act, to disclose specified information regarding the plaintiff or petitioner in the complaint or petition or in a subsequent notice. Among other things, requires disclosure of the identity of a person or entity that contributes more than \$100 toward the plaintiff's or petitioner's costs of an action. Provides that a failure to provide this disclosure is grounds for dismissal of the action by the court or, if the failure occurs during postjudgment proceedings, the denial of attorney's fees for a successful plaintiff or petitioner.

SB 1256 (Anderson)—Civil law: litigation: The Civility in Litigation Act

Enacts the Civility in Litigation Act to generally require a person who claims to have been aggrieved by an alleged unlawful act or practice to first send a letter to the person or entity alleged to have caused the harm before filing any legal action or pursuing legally mandated alternative dispute resolution. Specifies that if the person or entity alleged to have engaged in the unlawful act or practice responds within 30 days after the specified letter is received, or delivery of the letter is attempted, the claimant would be required to engage with the person or entity alleged to have engaged in the unlawful act or practice in good faith efforts to be made whole. Requires that a copy of the letter be filed together with any complaint filed in a court of law and subjects the claimant to other specified requirements when filing a complaint with the court. Provides that if a court, factfinder, or arbiter determines that the provisions of the bill were not complied with in good faith, that determination may be grounds for dismissing a claim that would otherwise be authorized. Exempts from the bill's provisions claims arising from matters

related to the Family Code, the Fair Employment and Housing Act, the Penal Code, the Probate Code, or cases that constitute a “true emergency,” as specified.

SB 1267 (Allen)—Rent: unlawful detainer: withdrawal of accommodations from rent or lease

Requires a city or county by ordinance, when the city or county requires notice of intent to withdraw accommodations under the Ellis Act, to give one year’s notice to a tenant with a custodial or family relationship with a pupil enrolled in a primary or secondary school who lives in an accommodation before terminating a tenancy.

SB 1306 (Stone)—Consumer remedies: attorney’s fees and litigation costs

Seeks to alter the California Environmental Quality Act’s existing fee-shifting provisions to a “loser pays” arrangement, requiring a court to award costs and attorney’s fees to the prevailing party (formerly the “prevailing plaintiff”) in the action.

COURT OPERATIONS (dead/vetoed)

AB 2458 (Obernolte)—Courts: unexpended funds

Would have repealed the one percent limit on the amount of trial court fund balances that could be carried over from one fiscal year to the next. The one percent cap was enacted with the 2012 Budget.

CRIMINAL LAW AND PROCEDURE (dead/vetoed)

AB 1672 (Mathis)—Veterans treatment courts: Judicial Council assessment and survey

Requires the Judicial Council to conduct a study of veterans treatment courts that includes a statewide assessment of veterans treatment courts currently in operation and 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 counties, if funds are received for that purpose. Requires the Judicial Council to report to the Legislature on the results of the study, as specified, on or before June 1, 2019.

AB 1673 (Gipson)—Firearms: unfinished frame or receiver

Expands the scope of an existing crime by defining a frame or receiver as that part of a firearm that provides housing for the hammer, bolt, or breechblock, and firing mechanism, and that is usually threaded at its forward portion to receive the barrel, and includes within this definition a frame or receiver blank, casting, or machined body that requires further machining or molding to be used as part of a functional weapon so long as it has been designed and is clearly identifiable as being used exclusively as part of a functional weapon.

AB 1674 (Santiago)—Firearms: transfers

Expands the scope of an existing crime by making the 30-day prohibition and the dealer delivery prohibition on handguns applicable to all types of firearms when the dealer is notified by the

Department of Justice that the purchaser has made another application to purchase a handgun in the preceding 30 days. Deletes the private party transaction exemption to the 30-day prohibition and instead exempts from that prohibition the transfer of a firearm conducted through a licensed firearms dealer if the firearm is being transferred by bequest or intestate succession, the purchase of a firearm that is not a handgun or a finished frame or receiver by a licensed hunter, and the purchase of a firearm from a nonprofit entity conducting an auction or similar event, as specified.

AB 2202 (Baker)—Human trafficking: vertical prosecution program

Requires the Office of Emergency Services, to the extent funds are available for this purpose and until January 1, 2021, to allocate and award funds to up to 11 district attorney offices that employ a vertical prosecution methodology for the prosecution of human trafficking crimes and that meet other specified criteria, including minimum staffing levels for the program. Requires the office, on or before January 1, 2019, to submit to the Legislature and the Governor's Office a report that describes the counties that received funding under this program, the number of prosecutions for human trafficking cases filed by the counties receiving funding, the number of human trafficking convictions obtained by those counties, and the sentences imposed for human trafficking crimes in those counties.

AB 2607 (Ting)—Firearm restraining orders

Authorizes an employer, a coworker, a mental health worker who has seen the person as a patient in the last six months, or an employee of a secondary or postsecondary school that the person has attended in the last six months to file a petition for an ex parte, one-year, or renewed gun violence restraining order.

SB 1021 (Runner)—Sex offenders: residency restriction: petition for relief

Requires that the 2,000-foot residency restriction for registered sex offenders be measured by the shortest practical pedestrian or vehicle path. Limits the residency restriction to persons convicted of specified offenses. Clarifies that the state parole authority shall enforce the residency restriction except under specified conditions. Permits a person who is subject to the residency restriction to petition the superior court of the county he or she resides in for relief from the requirement. Provides that original jurisdiction for the petition would lie with the appellate division of the superior court in which the petition is filed. Requires the petitioner to establish by a preponderance of the evidence that there is a pervasive lack of compliant housing in the county, that the petitioner is among a substantial proportion of sex offenders subject to the residency restriction who are unable to find compliant housing, and that the housing restriction is the principal reason that those without a residence have been unable to find housing. Allows relief to modify the residential distance restrictions if that relief is narrowly crafted, and allows the court to bifurcate the application of residency restrictions so as to apply discrete restrictions to those who have been convicted of child molestation or other felony sex offenses involving victims under 18 years of age. Prohibits a subsequent petition from being heard if relief is granted or denied, unless the petitioner establishes in the petition, to the satisfaction of the court, that circumstances regarding compliant housing have changed.

SB 1202 (Leno)—Sentencing

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 on 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 pleaded 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 pleaded in aggravation of sentence, as specified.

SB 1269 (Galgiani)—Violent felonies

Defines human trafficking as a violent felony subject to the enhanced term of imprisonment required for specified violent felonies.

FAMILY (dead/vetoed)**SB 917 (Jackson)—Family law: court orders**

Requires a court—beginning July 1, 2017, unless a shorter time period is provided by another statute—within two court days after the conclusion of a hearing conducted under the Family Code, to make available to each party who is present at the hearing a written, detailed, official order stating the basic terms of any orders that were made in open court during the hearing. Authorizes the official order to be provided electronically and, to the extent practicable, requires the order to be provided to all parties present at the hearing before they leave the court that day.

JURIES (dead/vetoed)**AB 1766 (Stone)—Examination of prospective jurors**

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. Makes nonsubstantive changes to provisions of law relating to addressing jurors during voir dire in civil trials. Sunsets the above provisions on January 1, 2022, and reinstates existing law relating to addressing prospective jurors in criminal trials.

STATE BAR/PRACTICE OF LAW (dead/vetoed)

SB 1257 (Block)—State Bar: admission: license: pro bono service requirement

Requires any person who applies to become a licensed California attorney to complete at least 50 hours of pro bono service prior to filing an application for admission with the State Bar of California. States that the purpose of the bill's pro bono legal service requirement is to supplement the applicant's legal education with practical legal work experience and expose the applicant to the professional value of pro bono legal service for the public good. Makes the provisions of the bill apply to all applicants who enter law school on or after January 1, 2018.

TRAFFIC (dead/vetoed)

AB 2367 (Cooley)—Driving under the influence: 24/7 Sobriety program

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. Requires a person participating in the program to pay the program costs, commensurate with the person's ability to pay.

Glossary of Legislative Terms

Abbreviations:

AB	-	Assembly Bill
SB	-	Senate Bill
ACA	-	Assembly Constitutional Amendment
SCA	-	Senate Constitutional Amendment
AJR	-	Assembly Joint Resolution
SJR	-	Senate Joint Resolution
ACR	-	Assembly Concurrent Resolution
SCR	-	Senate Concurrent Resolution
HR	-	House Resolution
SR	-	Senate Resolution

The following terms and phrases are commonly used by the California Legislature:

A

Across the Desk

The official act of introducing a bill or resolution. The measure is given to the Chief Clerk or his or her representative at the Assembly Desk in the Assembly Chamber or to the Secretary of the Senate or his or her representative in the Senate Chamber. The measure then receives a number and becomes a public document available from the bill room (or at <http://leginfo.legislature.ca.gov>). Each proposed amendment to a measure also must be put across the desk in the Assembly or Senate in order to be considered for adoption.

Act

A bill passed by the Legislature and enacted into law.

Adjournment

Termination of a meeting, occurring at the close of each legislative day upon the completion of business, with the hour and day of the next meeting being set prior to adjournment.

Adjournment Sine Die

Final adjournment of the Legislature; regular sessions of the Legislature, and any special session not previously adjourned, are adjourned sine die at midnight on November 30 of each even-numbered year.

Adoption

Approval or acceptance; usually applied to amendments, resolutions, or motions.

Advise and Consent – See Confirm

Amendment

Proposal to change the text of a bill after it has been introduced. Amendments must be submitted to the Legislative Counsels for drafting or approval.

Author amendments - Amendments proposed by the bill's author. Author's amendments to a bill may be adopted on the floor prior to the committee hearing on the bill with the committee chair's approval.

Hostile amendments - Amendments proposed by another member and opposed by the author in a committee hearing or during Assembly or Senate Floor consideration.

Analysis of the Budget Bill

The Legislative Analyst's comprehensive examination of the Governor's budget, available to legislators and the public about six weeks after the Governor submits the budget to the Legislature.

Appropriation

The amount of money made available for expenditure by a specific entity for a specific purpose, from the General Fund or other designated state fund or account.

Appropriations Limit

A limitation in the California Constitution on the maximum amount of tax proceeds that state or local government may appropriate in a fiscal year. The limit is based on 1986-87 fiscal year appropriations, and is adjusted annually.

Approved by the Governor

Signature of the Governor on a bill passed by the Legislature.

Archives

Refers to both location and contents of public records kept by the Secretary of State, including copies of all measures considered at each session, journals, committee reports, and documents of historic value.

Assembly

The house of the California Legislature consisting of 80 members, elected from districts determined on the basis of population. Two Assembly districts are situated within each Senate district.

Assistant Chief Clerk

Performs the duties of the Chief Clerk of the Assembly in his or her absence.

Author

Member of the Legislature who introduces a legislative measure.

B**BCP (Budget Change Proposal)**

A document prepared by a state agency, and submitted to the Department of Finance, to propose and document budget changes to support operations of the agency in the next fiscal year; used in preparing the Governor's budget.

Bicameral

Refers to a legislature consisting of two houses (see Unicameral).

Bill

A proposed law, introduced during a session for consideration by the Legislature, and identified numerically in order of presentation; also, a reference that may include joint and concurrent resolutions and constitutional amendments.

Bill Analysis

A document prepared by committee and/or floor analysis staff prior to hearing the bill in that committee or on the floor of the Assembly or Senate. It explains how a bill would change current law and sometimes identifies major interest groups in support or opposition.

Blue Pencil

The California Constitution grants the Governor "line item veto" authority to reduce or eliminate any item of appropriation in any bill including the Budget Bill. Years ago the Governor used an editor's blue pencil for the task.

Bond Bill (general obligation bonds)

A bill authorizing the sale of state general obligation bonds to finance specified projects or activities. Subsequent to enactment, a general obligation bond bill must be approved by the voters.

Budget

Proposed expenditure of state moneys for the next fiscal year presented by the Governor in January of each year for consideration by the Legislature; compiled by the Department of Finance, in conjunction with state agency and department heads.

Budget Act

The Budget Bill after it has been enacted into law.

Budget Bill

The bill setting forth the spending proposal for the next fiscal year, containing the budget submitted to the Legislature by the Governor.

Budget Change Proposal

See BCP.

Budget Year

The fiscal year addressed by a proposed budget, beginning July 1 and ending June 30.

C

CalChannel (The California Channel)

The cable television channel that televises Assembly and Senate proceedings.

Call of the House

On motion from the floor to place a call of the house, the presiding officer directs the Sergeant-at-Arms to lock the chambers and bring in the absent Members (by arrest, if necessary) to vote on a measure under consideration. Action is not taken on an item under call until the call is lifted, at which time it must be immediately voted on.

Call the Absentees

Order by the presiding officer directing the reading clerk to call the names of Members who have not responded to the roll call.

Capital Outlay

Generally, expenditures to acquire or construct real property.

Capitol Press Corps

Those members of the press who cover events in the Capitol.

Casting Vote

The deciding vote the Lieutenant Governor may cast in the case of a tie vote in the Senate.

Caucus

- (1) A closed meeting of legislators of one's own party.
- (2) Any group of legislators who coalesce formally because of their common interest in specific issues.

Chair

The current presiding officer, usually in the context of a committee hearing.

Chamber

The Assembly or Senate location where floor sessions are held.

Chapter

When a bill has been passed by the Legislature and enacted into law, the Secretary of State assigns the bill a "chapter number" such as "Chapter 123, Statutes of 1992," which is subsequently used to refer to the measure in place of the bill number.

Chapter Out

When, during a calendar year, two or more bills amend the same section of law and more than one of those bills becomes law, the bill enacted last (and therefore given a higher chapter number) becomes law and prevails over the bill or bills previously enacted (see Double Joint).

Check-in Session

Certain weekdays when legislators do not meet in formal legislative sessions, they are required to "check in" with the Chief Clerk of the Assembly or Secretary of the Senate.

Mondays and Thursdays are ordinarily floor session days. Check-in days are typically Tuesdays and Wednesdays.

Chief Clerk

An Assembly employee elected by Assembly Members at the beginning of every two-year session to serve as principal parliamentarian and record keeper of the Assembly. Responsible for all Assembly daily and weekly publications.

Coauthor

A member of either house whose name is added to a bill as a coauthor by amending the bill, usually indicating support for the proposal.

Codes

Bound volumes of law organized by subject matter. The code sections to be added, amended, or repealed by a bill are identified in the title of the bill.

COLA

Cost-of-living adjustment.

Committee Consultant

A legislative staff person who is responsible for analyzing bills that are to be heard by the policy or fiscal committee for which he or she works.

Committee of the Whole

The Assembly or Senate meeting as a committee for the purpose of receiving information.

Companion Bill

An identical bill introduced in the other house. This procedure is far more common in Congress than in the California Legislature.

Concurrence

The approval by the house of origin of a bill as amended in the other house. If the author is unwilling to move the bill as amended by the other house, the author requests "nonconcurrence" in the bill and asks for the formation of a conference committee.

Concurrent Resolution

A measure introduced in one house that, if approved, must be sent to the other house for approval. The Governor's signature is not required. These measures usually involve the internal business of the Legislature.

Condition of the File

When a motion to adjourn is made and seconded, the speaker, before putting the question, shall permit any Member to speak to the condition of the file, i.e. to state to the Assembly any fact relating to the current business of the Assembly.

Conferees

Members of a conference committee.

Conference Committee

Usually composed of three legislators (two voting in the majority on the disputed issue, one voting in the minority) from each house, a conference committee meets in public session to forge one version of a bill when the house of origin has refused to concur in amendments to the bill adopted by the other house. For the bill to pass, the conference committee version must be approved by both Assembly and Senate. Assembly conferees are chosen by the Speaker; Senate conferees are chosen by the Senate Committee on Rules.

Conference Report

A draft of a bill adopted by a majority of both the Assembly and Senate conferees of a conference committee appointed to reconcile the differences in the Assembly and Senate versions of a bill. Before being sent to the Governor, the report must be approved by both the Assembly and Senate.

Confirm

The process whereby one or both houses approve the Governor's appointments to executive offices, departments, boards, and commissions.

Consent Calendar

File containing bills that received no dissenting votes in committee.

Constituent

A person who resides within the district represented by a legislator.

Constitutional Amendment

A resolution proposing a change to the California Constitution. It may be presented by the Legislature or by initiative, and is adopted upon voter approval at a statewide election.

Consultant

Ordinarily, a professional staff person who works for a legislative committee.

Contingent Effect

Section in a bill indicating that it is to become operative only upon the enactment of another measure (to be distinguished from double jointing).

Convene

To assemble a meeting. Each house of the Legislature usually convenes twice a week.

D

Daily File

Publication produced by each house for each day the house is in session. The publication provides information about bills to be considered at upcoming committee hearings and bills that are eligible for consideration during the next scheduled floor session. Pursuant to Joint Rule 62(a), any bill to be heard in committee must be noticed in the Daily File for four days, including weekend days. The Daily File also contains useful information about committee assignments and the legislative calendar.

Daily History

Produced by the Assembly and Senate respectively the day after each house has met. The History lists specific actions taken on legislation. Each measure acted upon in that house the previous day is listed in numerical order.

Daily Journal

Produced by the Assembly and Senate respectively the day after a floor session. Contains roll call votes on bills heard in policy committees and bills considered on the floor, and other official action taken by the body. Any official messages from the Governor are also included. A Member may seek approval to publish a letter in the Journal on a specific legislative matter. At the end of a legislative session, the Journals are bound.

Desk

The long desk in front of the presiding officer's rostrum where much of the clerical work of the body is conducted. Also, a generic term for the staff and offices of the Secretary of the Senate and the Chief Clerk of the Assembly.

Desk Is Clear

Statement by the presiding officer that there is no further business before the house.

Digest

Prepared by the Legislative Counsel, it summarizes the effect of a proposed bill on current law. It appears on the first page of the printed bill.

District

The area of the state represented by a legislator. Each district is determined by population and is designated by a number. There are 40 Senate districts and 80 Assembly districts.

District Bill

A bill that generally affects only the district of the Member of the Legislature who introduced the bill.

Do Pass

Motion that, if adopted by a committee, moves a bill to the floor or to the next committee.

Do Pass As Amended

Committee motion that a bill be passed with the recommendation that the floor adopt specified amendments.

Double Joint

Amendments to a bill providing that the amended bill does not override the provisions of another bill, where both bills propose to amend the same section of law (see Chapter Out).

Double Refer

Legislation recommended for referral to two policy committees for hearing rather than one. Both committees must approve the measure to keep it moving in the process. Typically used for sensitive subject areas that transcend the jurisdiction of one policy committee. Bill referrals are made by the Assembly and Senate Committees on Rules for their respective houses.

Dropped

Author has decided not to pursue the passage of the bill.

E**Effective Date**

The date on which legislation approved by the Governor becomes binding. Unless the legislation is an urgency measure or specifies otherwise, the constitution provides that January 1 of the following year is the effective date. A bill may also specify an effective date other than January 1 of the following year. Urgency measures become effective immediately upon passage. Under the State Constitution, except for statutes calling elections, statutes providing for tax levies or appropriations for the "usual current expenses of the state," and urgency statutes, "...a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute and a statute enacted at a special session shall go into effect on the 91st day after adjournment of the special session at which the bill was passed." Urgency statutes are those "...necessary for immediate preservation of the public peace, health, or safety." A statement of facts constituting the necessity shall be set forth in one section of the bill (the "urgency clause"). Urgency bills become effective upon enactment unless a different effective date is specified in the bill. An urgency statute may not create or abolish any office or change the salary, terms, or duties of any office, or grant any franchise or special privileges, or create any vested right or interest. See Urgency Clause.

Enacting Clause

The following phrase at the beginning of the text of each bill: "The people of the State of California do enact as follows."

Engrossment

When a bill is amended, the printed form of the bill is proofread by staff to assure that the amendments are inserted properly. After being proofread, the bill is "correctly engrossed" and is thereupon deemed to be in proper form.

Enrollment

Whenever a bill passes both houses of the Legislature, it is ordered enrolled. In enrollment, the bill is again proofread for accuracy and then delivered to the Governor. The "enrolled bill" contains the complete text of the bill with the dates of passage certified by the Secretary of the Senate and the Chief Clerk of the Assembly. A resolution, when enrolled, is filed directly with the Secretary of State.

Ex Officio

(literally: out of or because of one's office) The act of holding one office by reason of holding another. For example, the Lieutenant Governor is, ex officio, a member of the Regents of the University of California.

Executive Session

A committee meeting restricted to committee members and specifically invited persons.

Expunge

A motion by which an action taken in a floor session is deleted from the Daily Journal (for example, "Expunge the record").

Extraordinary Session

A special legislative session called by the Governor by proclamation to address only those issues specified in the proclamation; also referred to as a special session. Measures introduced in these sessions are numbered chronologically with a lower case "x" after the number (for example, AB 28x).

F**File**

See Daily File.

File Notice (or Notice)

Various legislative actions require notice in the Daily File. Bills scheduled for committee hearing must be listed in the daily file for not less than four days prior to the hearing. Before a bill is eligible to be heard on the floor two-day notice is required if it is subsequently heard by another committee. It must be noticed on second and third reading. These notice rules may be waived by a majority vote of the house.

File Number

The number assigned to a measure in the Assembly or Senate Daily File. The file number changes each day as bills move on or off the Daily File. File numbers are assigned to measures on second and third reading; in conference; unfinished business (a bill amended in the other house and awaiting concurrence in amended form); and Governor's appointments. Legislation is taken up on the Assembly or Senate floor in chronological order according to file number. Items considered on the floor are ordinarily referred to by file number.

Final History

The publication printed at the end of every session showing the final disposition of all measures.

Finance Letter

Revisions to the Budget Bill proposed by the Department of Finance and addressed to appropriate committee chairs in the Assembly and Senate.

First Reading

Each bill introduced must be read three times before final passage. The first reading of a bill occurs when it is introduced.

Fiscal Bill

Generally, a measure that contains an appropriation of funds or requires a state agency to incur additional expense. The Legislative Counsel's designation of whether a bill is a fiscal bill appears at the end of the Digest found in the printed bill. Fiscal bills must be heard by the Assembly and Senate Appropriations Committees in addition to the policy committees in each house

Fiscal Committee

The Appropriations Committee in the Assembly and the Appropriations Committee in the Senate, to which each fiscal bill is referred upon approval by policy committee. If the fiscal committee approves a bill, it then moves to the floor.

Fiscal Deadline

The date on the legislative calendar by which all bills with fiscal effect must have been taken up in a policy committee and referred to a fiscal committee. Any fiscal bill missing

the deadline is considered "dead" unless it receives a rule waiver allowing further consideration.

Fiscal Year

The 12-month period on which the state budget is planned, beginning July 1 and ending June 30 of the following year. The federal fiscal year begins October 1 and ends September 30 of the following year.

Floor

- (1) The Assembly or Senate Chamber.
- (2) The term used to describe the location of a bill or the type of session, connoting action to be taken by the house. Matters may be said to be "on the floor."

Floor Manager

The legislator responsible for taking up a measure on the floor. This is always the bill's author in the house of origin, and a Member of the other house designated by the author when the bill is considered by the other house. The name of the floor manager in the other house appears in parentheses after the author's name in the second or third reading section of the Daily File.

Floor Pass

A visitor may not observe the Assembly or Senate from the rear of the chamber without a floor pass. Assembly passes are issued by the Speaker's office; Senate passes are issued by the President pro Tempore's office. Passes are not required for the viewing area in the gallery above the chamber.

Foreign Amendments

Amendments not drafted by the Office of Legislative Counsel

Four-Day File Notice

As set forth in Joint Rule 62(a), the requirement that each bill in the first committee of reference be noticed in the Daily File for four days prior to the committee hearing at which it will be considered. At a second or subsequent committee of reference, a notice of only two days is required.

G

Germaneness

Referring to the legislative rule requirement that an amendment to a bill be relevant to the subject matter of the bill as introduced. The Legislative Counsel may be asked to opine on germaneness, but the matter is subject to final determination by the full Assembly, or the Senate Committee on Rules.

Governor's Budget

The spending plan submitted by the Governor in January for the next fiscal year (see Budget).

Grandfathering

When a preexisting situation is exempted from the requirements of a new law.

H

Handbook

The 3" x 5-3/4" hardbound edition of "California Legislature" published for each two-year legislative session. Contains indexed versions of the Assembly, Senate, and Joint Rules; biographies of members; and other useful information. Published by the Chief Clerk of the Assembly and Secretary of the Senate.

Hearing

A committee meeting convened for the purpose of gathering information on a subject or considering specific legislative measures.

Held at Desk

Action by which a bill is held in the offices of the Chief Clerk of the Assembly and the Secretary of the Senate waiting for further action or actions. May occur upon introduction of the bill, pending assignment to a fiscal or policy committee, or upon return from a committee or the other House. A bill being "held at the Desk" does not appear on the Assembly or Senate Daily Files, so is taken up "without reference to file" with the permission of the house.

Held in Committee

Status of a bill that fails to receive sufficient affirmative votes to pass out of committee.

Hijack

Adoption of amendments that delete the contents of a bill and insert provisions on a different subject (see Germaneness). May occur with or without the author's permission.

Hostile Amendments

Proposed amendments that are opposed by the author of the bill.

I**Inactive File**

The portion of the Daily File containing legislation that is ready for floor consideration, but, for a variety of reasons, is dead or dormant. An author may move a bill to the inactive file, and move it off the inactive file at a later date. During the final weeks of the legislative session, measures may be moved there by the leadership as a method of encouraging authors to take up their bills promptly.

Initiative

A legislative proposal to change statutory law or the California Constitution, submitted directly by members of the public rather than by the Legislature, and requiring voter approval at a statewide election. To qualify for a statewide ballot, a statutory initiative must receive signatures equal to 5 percent, and a constitutional amendment initiative must receive signatures equal to 8 percent, of the votes for all candidates for Governor at the last gubernatorial election.

Inquiry System

A database containing bill analyses, bill status, bill text, votes, and other useful information for bill tracking and research by legislative employees in Sacramento and district offices. The system is maintained by the Legislative Data Center, which is a part of the Office of Legislative Counsel.

Interim

The period of time between the end of a legislative year and the beginning of the next legislative year. The legislative year ends on August 31 in even-numbered years and in mid-September in odd-numbered years.

Interim Study

The assignment of the subject matter of a bill to the appropriate committee for study during the period the Legislature is not in session.

Introduce

To present a legislative measure for official consideration or action. A measure must be "put across the desk" and given a bill number to be considered introduced. See Across the Desk.

J

Joint Committee

A committee composed of equal numbers of Assembly Members and Senators.

Joint Resolution

A resolution expressing the Legislature's opinion about a matter within the jurisdiction of the federal government, which is forwarded to Congress for its information. Requires the approval of both Assembly and Senate but does not require signature of the Governor.

Joint Session

The Assembly and Senate meeting together, usually in the Assembly Chamber. The purpose ordinarily is to receive special information such as the Governor's State of the State address.

Journal

See Daily Journal.

L

Laws

The rules adopted by formal governmental action that govern our lives in various respects.

Lay On The Table

A motion to temporarily postpone consideration of a matter before a committee or the house, such that the matter may later be brought up for consideration by a motion to "take from the table."

Legislative Advocate

An individual (commonly known as a lobbyist) engaged to present to legislators the views of a group or organization. The law requires formal registration with the Secretary of State if an individual's lobbying activity exceeds 25 contacts with decision makers in a two-month period.

Legislative Analyst

The Legislative Analyst, who is a legislative appointee, and his or her staff provide thorough, nonpartisan analysis of the budget submitted by the Governor; also analyze the fiscal impact of other legislation and prepare analyses of ballot measures published in the state ballot pamphlet.

Legislative Counsel

The Legislative Counsel (who is appointed jointly by both houses) and his or her legal staff are responsible for, among other things, drafting all bills and amendments, preparing the Digest for each bill, providing legal opinions, and representing the Legislature in legal proceedings.

Legislative Counsel's Digest

See Digest.

Legislative Data Center

Department of the Office of Legislative Counsel that maintains the Inquiry System, operates the database under which legislation is drafted and conveyed to the Office of State Publishing to be printed, and otherwise provides technological support to the Legislature.

Letter from Governor

If a bill involving an appropriation is to be heard in committee before passage of the budget bill, it must be accompanied by a letter from the Governor authorizing the bill to be set for hearing.

Lieutenant Governor

The President of the Senate, as so designated by the California Constitution, allowing him or her to preside over the Senate and cast a vote only in the event of a tie. If the Governor cannot assume his or her duties or is absent from the state, the Lieutenant Governor assumes that office for the remainder of the term or during the absence.

Line Item Veto

See Blue Pencil.

Lobbyist

See Legislative Advocate.

Lobbyist Book

The Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers published every legislative session by the Secretary of State; available to the public for \$12.00 from the Legislative Bill Room at the State Capitol, or from the Secretary of State's office at www.ss.ca.gov/prd/ld/cover.htm. Photos and addresses of lobbyists are included with a list of the clients each represents. Employers of lobbyists are also listed alphabetically.

Lower House

The Assembly.

M

Majority Floor Leader

Assembly Member who is an issues and political strategist for the Assembly's majority party, second in command to the Assembly Speaker. Elected by the members of the Assembly's majority party.

Majority Leader

Senator who is an issues and political strategist for the Senate's majority party, second in command to the Senate President pro Tempore. Elected by the members of the Senate's majority party.

Majority Vote

A vote of more than half of the legislative body considering a measure. Constituted by 41 votes in the Assembly, and by 21 votes in the Senate.

Majority Whip

One of the members of the majority party's leadership team in the Assembly or Senate; responsible for monitoring legislation and securing votes for legislation on the floor.

Mason's Manual

The reference manual that governs matters of parliamentary procedure that are not covered by the Legislature's own written rules.

May Revision

Occurring in early May, the updated estimate of revenues and expenditures that replaces the estimates contained in the Governor's budget submitted in January.

Measure

A bill, resolution, or constitutional amendment that is considered by the Legislature.

Minority Floor Leader

The highest-ranking minority party post in each house; chief policy and political strategist for the minority party.

Minority Whip

One of the members of the minority party's leadership team in the Assembly or Senate; responsible for monitoring legislation and securing votes for legislation on the floor.

Minutes

An accurate record of the proceedings (see Daily Journal).

Motion

A formal proposal for action made by a legislator during a committee hearing or floor session.

Move a Call

The delaying of the announcement of the vote on a bill. Allows a member additional time to get more votes in either support of or opposition to a bill. A call must be "lifted" and the final vote on the bill announced before the house adjourns for the day. See On Call.

Move the Previous Question

If a member seeks to cut off further debate on a measure and force a vote, he or she can "move the previous question," which, if demanded by four other members and supported by a majority of members present and voting, shall bring the house to a vote.

N

Nonfiscal Bill

A measure not having specified financial impact on the state and, therefore, not required to be heard in an Assembly or Senate fiscal committee as it moves through the legislative process. Nonfiscal bills are subject to different legislative calendar deadlines than fiscal bills.

O

Officers

Those Members and employees of the Legislature who are elected by the membership of each house at the beginning of each session to perform specific functions on behalf of the house. Assembly officers include the Speaker, Speaker pro Tempore, Chief Clerk, and Sergeant-at-Arms. Senate officers include the President pro Tempore, Secretary of the Senate, and Sergeant-at-Arms.

On Call

A roll call vote in a committee or an Assembly or Senate floor session that has occurred but has not yet been concluded or formally announced. Members may continue to vote or change their votes as long as a measure remains "on call." Calls are usually placed at the request of a bill's author in an effort to gain votes. Calls can be lifted by request any time during the committee hearing or floor session, but cannot be carried over into the next legislative day.

On File

A bill on the second or third reading file of the Assembly or Senate Daily File.

Out of Order

A parliamentary ruling by the presiding officer of a committee or the house that a matter is not, at that time, appropriate for consideration by the body.

Override

Enactment of a bill despite the Governor's veto, by a vote of two thirds of the members of each house (27 votes in the Senate and 54 votes in the Assembly).

P

Parliamentary Inquiry

A procedural question posed by a legislator during a committee hearing or floor session. A member must be recognized for this purpose and the question answered by the committee chair or presiding officer.

Passage

Adoption of a measure by the Assembly or the Senate.

Pass and Retain

If a member wishes to wait an additional day before taking up a bill on the daily file, the member may ask the house for unanimous consent to "pass" his or her bill and retain its

place on the Daily File until the next legislative day without penalty. See also Pass on File.

Pass on File

A bill is taken up during a floor session by its author or floor manager according to its order in the Assembly or Senate Daily File. An author may choose to "pass on file," thus temporarily giving up his or her opportunity to take up a measure on the floor.

Pass Temporarily

A measure temporarily skipped on the agenda with the intent to return to the item before adjournment. If the bill's author does not "take-up" the measure by the end of the day, the bill may be treated as though it were passed on file.

Per Diem

(literally: per day) Daily living expense payment made to legislators when a house is in session.

Petition

A formal request submitted to the Legislature by an individual or group of individuals.

Point of Order

A request that the presiding officer remedy a breach of order or of the rules.

Point of Personal Privilege

Assertion by a Member that his or her rights, reputation, or conduct have been impugned, entitling the Member to repudiate the allegations.

Postpone

A motion to delay action on a matter before the house.

President Of The Senate

See Lieutenant Governor.

President Pro Tempore Of The Senate

(literally: for the time) Highest-ranking member of the Senate; also chairs the Senate Committee on Rules. Elected by Senators at the beginning of each two-year session.

Presiding

Managing the proceedings during a floor session. In the Assembly, the presiding officer can be the Speaker, Speaker pro Tempore, or any other Assembly Member appointed by the Speaker. In the Senate, the presiding officer can be the President, President pro Tempore, or any other Senator appointed by the President pro Tempore.

Press Conference

A presentation of information to a group of reporters. Press conferences are frequently held in Room 1190 of the Capitol, the Governor's press room, which is available to Members on a reservation basis (445-4571).

Previous Question

If a Member seeks to cut off all further debate on a measure, he or she may call the previous question to seek to compel the body to vote immediately on the issue.

Principal Coauthor

A Member who is so designated on a bill or other measure, indicating that the Member is a primary supporter of the measure.

Privilege of the Floor

Permission given, by the presiding officer, to view the proceedings from the floor of the Chamber, rather than from the gallery. Members request that permission on behalf of constituents or other guests.

Put Over

A motion to delay action on a measure until a future date.

Q

Quorum

A simple majority of the membership of a committee or the Assembly or Senate; the minimum number of legislators needed to begin conducting official business. The absence

of a quorum is grounds for immediate adjournment of a committee hearing or floor session.

Quorum Call

Transmitting the message that members are needed to establish a quorum so that proceedings may begin.

R

Reading

Presentation of a bill before the house by reading its number, author, and title. A bill is on either first, second, or third reading until it is passed by both houses.

Reapportionment

Revising the allocation of congressional seats based on census results. Also used to refer to redistricting (the revision of legislative district boundaries) to reflect census results.

Recess

(1) An official pause in a committee hearing or floor session that halts the proceedings for a period of time but does not have the finality of adjournment.

(2) A break of more than four days in the regular session schedule such as the "Easter recess."

Reconsideration

A motion giving the opportunity to take another vote on a matter previously decided in a committee hearing or floor session.

Referendum

The method, used by members of the public, by which a measure adopted by the Legislature may be submitted to the electorate for a vote. A referendum petition must be signed by electors equal in number to 5 percent of the votes for all candidates for Governor at the last gubernatorial election.

Rescind

A motion to revoke an action previously taken.

Resolution

See Concurrent Resolution and Joint Resolution.

Roll Call

Recording the vote of each member of a committee or of the full Assembly or Senate. Committee roll calls are conducted by the committee secretary, who calls each member's name in alphabetical order with the name of the chair called last. Assembly roll calls are conducted electronically, with each Member pushing a button from his or her assigned seat. Senate roll calls are conducted by the Reading Clerk, who reads each Senator's name in alphabetical order.

Rule Waiver

Exemption to the Assembly, Senate, or Joint Rules, for which formal permission must be granted.

Rules

Principles formally adopted to govern the operation of either or both houses. These include Standing Rules of the Assembly, Standing Rules of the Senate, and Joint Rules of the Senate and Assembly.

Rules – Methods of Procedure

Joint - rules governing relationship between and affecting matters between the two houses;

Standing - permanent rules adopted by each house, for the duration of the session;

Temporary - practices usually adopted at the beginning of each session until Standing Rules are adopted, consisting generally of the Standing Rules of the preceding session.

S

Second Reading

Each bill introduced must be read three times before final passage. Second reading occurs after a bill has been reported to the floor from committee.

Second Reading File

The portion of the Daily File that lists measures that have been reported out of committee and are ready for consideration on the floor. Measures stay on the second reading file for one day before moving to the third reading portion of the File.

Secretary of the Senate

A Senate employee serving as principal parliamentary and record keeper for the Senate, elected by Senators at the beginning of each two-year session. The Senate Secretary and his or her staff are responsible for publishing the Senate daily and weekly publications.

Section

Ordinarily, a portion of the California Codes or other statutory law; alternatively, a portion of the text of a bill. The text of code sections is set forth in bills as proposed to be amended, repealed, or added.

Senate

The house of the California Legislature consisting of 40 members elected from districts apportioned on the basis of population, one-half of whom are elected or re-elected every two years for four-year terms.

Sergeant-At-Arms

Employee responsible for maintaining order and providing security for the Legislature. The Chief Sergeant-at-Arms in each house is elected by the Members of that house at the beginning of every legislative session.

Session

The period during which the Legislature meets. The Legislature may meet in either regular or special (extraordinary) session.

Set a Bill

To officially schedule a committee hearing on a bill.

Short Committee

A hearing of a committee attended by less than a quorum of the members of the committee.

Sine Die

See Adjournment Sine Die.

Speaker

The presiding officer of the Assembly, elected by the membership of the Assembly at the beginning of the two-year session. This is the highest-ranking Member of the Assembly.

Speaker Pro Tempore

Member, appointed to this office by the Speaker, who presides over a floor session of the Assembly at the request of the Speaker.

Special Order of Business

Occasionally a bill is of such importance that advance notice is given as to when it will be considered by the Assembly or Senate. Notice is given during a floor session by requesting unanimous consent to set the bill as a special order of business on a specific date and time. This assures adequate time for debate and allows all Members the opportunity to be present.

Sponsor

The Member of the Legislature, private individual, or group who develops a measure and advocates its passage.

Spot Bill

A bill that proposes nonsubstantive amendments to a code section in a particular subject; introduced to assure that a bill will be available, subsequent to the deadline to introduce bills, for revision by amendments that are germane to the subject of the bill.

State Auditor

Head of the Bureau of State Audits, which conducts financial and performance audits of the state and local government agencies at the request of the Joint Legislative Audit Committee.

State Mandate

State legislative enactment or administrative regulation that mandates a new program or higher level of service on the part of a local government, the costs of which are required by the California Constitution to be reimbursed.

Statutes

Enacted bills, which are chaptered by the Secretary of State in the order in which they become law.

Stop the Clock

The term used to describe the process of continuing legislative business after the passage of a deadline imposed by legislative rule.

Subcommittee

A subgroup of a full committee, appointed to perform work on one or more functions of the committee.

Summary Digests

Digests of each bill enacted in a two-year session, as prepared and compiled by the Legislative Counsel. The measures are listed by chapter number, reflecting the order in which they were signed into law.

Suspend the Constitution

A motion to waive requirements that the California Constitution imposes, but permits to be waived in a specified manner. A motion to suspend requires an extraordinary vote.

T

Table

See Lay on the Table.

Tax Levy

Any bill that imposes, repeals, or materially alters a state tax. The Legislative Counsel indicates in the title and Digest of the bill whether the bill is a tax levy.

Third House

Collective reference to lobbyists (see Legislative Advocate).

Third Reading

Each bill introduced must be read three times before final passage. Third reading occurs when the measure is about to be taken up on the floor of either house for final passage.

Third Reading Analysis

A summary of a measure that is ready for floor consideration. Describes most recent amendments and contains information regarding how Members voted on the measure when it was heard in committee. Senate floor analyses also list support or opposition by interest groups and government agencies.

Third Reading File

That portion of the Daily File listing the bills that are ready to be taken up for final passage.

Title

The material on the first page of a bill that identifies the provisions of law affected by the bill and the subject matter of the bill.

Two-Thirds Vote

In the Assembly, 54; in the Senate, 27. Required, for example, for urgency measures and most measures making appropriations from the General Fund.

U

Unanimous Consent

The consent of all of those Members present, ordinarily presumed to exist in the absence of objection.

Unfinished Business

That portion of the Daily File that contains measures awaiting Senate or Assembly concurrence in amendments adopted by the other house. Also contains measures vetoed by the Governor for a 60-day period after the veto.

Unicameral

A legislature consisting of one house (Nebraska has the only unicameral state legislature).

Upper House

The Senate.

Urgency Clause

Section of a bill stating that the bill will take effect immediately upon enactment. A vote on the urgency clause, requiring a two-thirds vote in each house, must precede a vote on the bill.

Urgency Measure

A bill affecting the public peace, health, or safety, containing an urgency clause, and requiring a two-thirds vote for passage. An urgency bill becomes effective immediately upon enactment.

V

Veto

The Governor's formal rejection of a measure passed by the Legislature. The Governor may also exercise a line item veto, whereby the amount of an appropriation is reduced or eliminated, while the rest of the bill is approved (see Blue Pencil). A veto may be overridden by a two-thirds vote in each house.

Voice Vote

A vote that requires only an oral "aye" or "no," with no official count taken. The presiding officer determines whether the "ayes" or "noes" carry.

W

Whip

The member of a party's leadership team in the Assembly or Senate who is responsible for monitoring legislation and securing votes for legislation on the floor.

Without Reference to File (WORF)

When a bill that is not on third reading is taken up on the floor of the Assembly or Senate. An author must receive approval by both parties before a bill can be Worfed.



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date	Action Requested
June 28, 2016	For Your Information
To	Deadline
Judicial Officers and Employees of the Judicial Branch	N/A
From	Contact
Martin Hoshino, Administrative Director	Zlatko Theodorovic, Director, Finance 916-263-1397, phone zlatko.theodorovic@jud.ca.gov
Subject	
2016–2017 Judicial Branch Budget	Cory Jasperson, Director, Governmental Affairs 916-323-3121, phone cory.jasperson@jud.ca.gov

The Budget Act of 2016, signed into law by Governor Brown yesterday, provides a total state operational budget of \$3.6 billion for the judicial branch, and includes \$135.1 million in new funding. The judicial branch budget represents 2.1 percent of the total State Budget and 1.4 percent of the General Fund. Approximately 77.3 percent of the branch budget goes to support trial court operations. This memo details fiscal year (FY) 2016–2017 funding for court operations as well as several new programs to improve statewide access to justice.

The continued augmentation of the branch's overall budget in the face of significant competing demands for state resources is welcome support from the Governor and the Legislature. New funding for baseline operations, Proposition 47 workload, technology, security, and a new state-level trial court reserve formula will help courts meet ongoing obligations. Additionally, funding for the expansion of language access in civil proceedings, legal aid for low-income Californians and indigent defendants, and local and statewide court innovations will provide greater access to court services for the public.

Judicial Branch Funding for 2016–2017

Supreme Court	\$46.4 m
Courts of Appeal	\$224.8 m
Trial Courts	\$2,817.6 m
Judicial Council	\$133.2 m
Judicial Branch Facility Program	\$409.9 m
Habeas Corpus Resource Center	\$15.0 m
Subtotal, Operational Budget	\$3,646.9 m
Offset from Local Property Tax Revenue	-\$34.5 m
Adjusted Operational Budget	\$3,612.4 m
Less Non-state Funds ¹	-\$95.3 m
Adjusted Operational Budget, State Funds	\$3,517.1 m
Court Construction Projects (<i>Separate budget line item</i>)	\$451.7 m
Total Funding ²	\$4,064.1 m

¹ Non-state funds include federal funds and reimbursements.

² Includes General Fund, special, bond, federal, and nongovernmental costs funds, and reimbursements.

Note: Some totals will not be exact due to rounding.

Throughout this budget advocacy process led by the Chief Justice and the Judicial Council, our branch benefitted greatly from the strong support of local court leadership and justice system partners including the Bench-Bar Coalition, the Open Courts Coalition, and the California Judges Association. We appreciate their collaboration in advocating for branch priorities to make the courts more responsive and accessible to the public.

2016–2017 Budget Highlights

New funding totaling \$135.1 million is included in the 2016–2017 budget for the following components:

Trial Court Operations: \$20 million in new funding to support baseline court operations, which will be allocated according to the Workload-Based Allocation and Funding Methodology developed by the courts.

Proposition 47 Implementation Costs: \$21.4 million to address increased trial court workload associated with voter approval of Proposition 47 (the Safe Neighborhoods and Schools Act), which reduced many possessory drug offenses and low-value property thefts to misdemeanors. This second year of new funding will allow trial courts to manage this significant workload without impacting other mandated court operations.

Statewide Emergency Funding: \$10 million to be administered by the Judicial Council to fund trial court emergencies in the fiscal year. To the extent funds are utilized for this purpose, trial courts' base allocations will be offset annually to replenish the fund. Importantly, this action, along with associated statutory changes contained in the public safety budget trailer bill, eliminates the requirement that 2 percent of the trial courts' annual operating budget be withheld in the Trial Court Trust Fund for trial court emergencies during the fiscal year, returning approximately \$38 million for direct allocation to trial courts in their initial budget allocations for FY 2016–2017.

Court Innovations Grant Program: \$25 million, one-time, to assist trial and appellate courts in implementing operational and service innovations to benefit court users. The competitive grant program will focus on high-priority innovations, modernizations, and efficiencies in the courts. The program will be administered by the Judicial Council, and grants will be made over two or three years.

Language Access: \$7 million for the Judicial Council-approved Strategic Plan for Language Access in the California Courts to expand interpreter access into all civil proceedings. This brings total funding for language access to \$103.5 million. The budget also includes language indicating that trial courts are expected to use in-person translators “to the extent possible.” This language reflects trial courts' discretion in deciding whether the use of in-person interpreters is feasible, and it does not preclude reimbursement for the use of alternative methods of providing language access, including video.

Equal Access Fund: \$5 million for the Equal Access Fund, which provides grants to legal service agencies and programs that offer legal assistance in civil matters to low-income Californians. This brings total funding for the Equal Access Fund to \$20.9 million (\$15.4 million General Fund and \$5.5 million Trial Court Trust Fund).

Centralized Support of the Statewide Phoenix Financial System: \$8.7 million to support state-level operations costs of core services to all 58 superior courts previously funded from the State Trial Court Improvement and Modernization Fund.

Information System Control Enhancements: \$3.2 million to strengthen judicial branch information technology and cyber security controls and enhance data reliability.

Civil Case Management System (V3) Replacement: \$24.8 million over three fiscal years (\$12.4 million in 2016–2017) for the replacement of V3 Court Case Management Systems in the Superior Courts of Orange, Sacramento, San Diego, and Ventura Counties, supporting the transition to modern, off-the-shelf case management systems.

Courts of Appeal Court-Appointed Counsel Program: \$4.3 million to increase by \$10 the hourly rate for the statewide Court of Appeal panel attorney program for indigent defendants.

Deferred Maintenance: \$45 million, one-time, for deferred maintenance in the courts as prioritized by the Judicial Council. These funds are contained in a separate budget item and not reflected in the expenditures for the branch in the table above.

Sheriff-Provided Court Security for New or Renovated Courthouses: \$7 million from the General Fund (a \$5 million increase over the 2015 Budget Act) for ongoing trial court security that specifically addresses urgent security needs for newly constructed or renovated court projects. *Note: This is a direct appropriation to the counties to be earmarked and used exclusively for court security on designated projects.*

Marshal-Provided Court Security: \$343,000 for cost increases related to court security services provided by marshals in the Superior Courts of Shasta and Trinity Counties.

Trial Court Employee-Related Benefit Cost Changes: \$16.1 million for trial court employee health care and retirement cost increases.

State-Level Judicial Entities: The budget includes amendments to align the benefit structure of state judicial branch employees with other state employees. Employees will receive a 5 percent general salary increase this fiscal year and 5 percent next fiscal year, contribute more to their pensions to comply with the California Public Employees' Pension Reform Act, and participate in the Administration's strategies to address the retiree health care unfunded liability. The budget also provides funding for increases in employee health care and retirement costs, and includes \$1.6 million for projected rent increases in buildings occupied by the Supreme Court, Courts of Appeal, Judicial Council, and Habeas Corpus Resource Center.

Subordinate Judicial Officer Conversions: The budget authorizes the conversion of 16 subordinate judicial officer (SJO) positions to judgeships in FY 2016–2017 in accordance with Government Code section 69615(c)(1)(B). SJO conversions are assigned to courts based on the current Judicial Needs Assessment, and take into account the number of SJO positions a court has coupled with workload considerations. The courts eligible for conversions are divided into groups by court size and need¹; the 16 annual SJO conversions are distributed across these groups in numbers that are proportional to the total number of conversions for which the groups are eligible. SJO positions may only be converted when there is a judicial vacancy; courts apply to the Judicial Council's Executive and Planning Committee to convert SJO positions to judgeships.

¹ Group 1: Los Angeles; Group 2: Orange; Group 3: Alameda, Contra Costa, Riverside, Sacramento, San Diego, San Francisco; Group 4: El Dorado, Fresno, Imperial, Kern, Marin, Merced, Napa, Placer, San Luis Obispo, San Mateo, Santa Barbara, Santa Cruz, Solano, Sonoma, Stanislaus, Tulare, Yolo.

Judicial Officer Salary Increases: Judicial salaries are set by the Governor and Legislature in statute (Gov. Code, § 68200 et seq.), and are directly tied to state employee salaries. Any adjustment to salaries reflects the net average salary increase for the current fiscal year for California state employees as explained in Government Code section 68203(a). The Administration continues to finalize contracts with various bargaining units and to the extent the negotiations result in a net increase to state employee salaries, judicial officer salaries will be adjusted accordingly.

The table below identifies the \$135.1 million in new funding provided to the branch for 2016–2017 by program area:

<i>Judicial Branch Programs:</i>	
Supreme Court	\$0.2 m
Courts of Appeal	\$4.7 m
Trial Courts	\$87.3 m
Judicial Council	\$12.4 m
Judicial Branch Facility Program	\$0.1 m
Habeas Corpus Resource Center	\$0.4 m
Subtotal, Judicial Branch Funding	\$105.1 m
<i>Funding available for various programs/grantees:</i>	
Court Innovations Grants	\$25.0 m
Equal Access Fund Grants	\$5.0 m
Total New Funding to Judicial Branch	\$135.1 m
Deferred Maintenance Funding ¹	\$45.0 m
Total Funding to Support Branch	\$180.1 m

¹ These funds are contained in a separate budget item and not reflected in the expenditures for the branch.

2016–2017 Trailer Bill Provisions

There are several trailer bills that include provisions relevant to the judicial branch. Trailer bills are utilized to enact statutory changes necessary to implement the budget.

Public Safety Trailer Bill (SB 843)

Peremptory Challenges: Includes a reduction to the number of peremptory challenges in misdemeanor jury trials from 10 to 6. This effort is intended to reduce the number of jurors being called to service statewide and streamline courtroom operations. This provision will sunset on January 1, 2021, and requires the Judicial Council to report on the effectiveness of the reduction in peremptory challenges by January 1, 2020.

Statewide Emergency Funding: Includes statutory changes necessary to eliminate the requirement that 2 percent of the trial courts' operating budget each year be withheld by the Judicial Council in the Trial Court Trust Fund for trial court emergencies during the fiscal year. Additional changes include offsetting trial courts' base allocations annually to replenish the fund to maintain the \$10 million balance.

Sargent Shriver Civil Counsel Act: The budget includes the elimination of the sunset date for the Sargent Shriver Civil Counsel Act, which established pilot projects that provide legal representation for unrepresented, low-income parties in civil matters involving critical livelihood issues such as housing (eviction), guardianship and conservatorship, and child custody.

State Employment Trailer Bill (SB 848)

Judicial Officer Salary Increases: Clarifies existing law related to judicial officer salary increases. Current law provides that judicial officer salaries shall increase based on the average salary increase for California state employees. The amendments provide provisions to reduce the total salary increase by decreases related to furloughs or enrollment into a personal leave program. If the reduction results in a percentage change that is equal to or less than zero, no salary increase will be provided in that fiscal year. Additionally, to the extent there is any outstanding litigation that has yet to be determined by the time of enactment, interest paid on salary or judicial retiree benefits cannot exceed the rate of interest for the Pooled Money Investment Account.

State Employees of the Judicial Branch: In addition to the general salary increase provided to the state employees of the judicial branch, the budget includes various statutory changes related to retirement contributions for current employees, payments of retiree health care costs for current employees, and retiree health care coverage for employees (and dependents) hired after July 1, 2017.

Social Services Trailer Bill (AB 1603)

Special Immigrant Juvenile Status (SIJS): Includes amendments to existing law related to determinations regarding the custody and care of children as defined by the federal Immigration and Nationality Act. State law provides that courts have jurisdiction to make SIJS findings for immigrant children, and federal law requires individuals under the age of 21 to present a state court order with the SIJS findings in order to apply for immigration relief. Further, immigrant youth ages 18 to 20 have the ability to obtain guardianship orders and then may seek a SIJS finding, providing the same protections to this age group that youth under the age of 18 receive. These statutory changes included in this trailer bill clarify existing law related to the Unaccompanied Undocumented Minors program, which provides legal services funding for unaccompanied minors. Specifically, the changes provide that SIJS findings can be made at any point in the proceedings, prerequisites for findings are the same across superior court divisions,

perceived motivations of the child/juvenile in seeking classification as a special immigrant juvenile shall not be included or referred to in the findings, and that it is in the best interest of the child for a superior court to issue the SIJS factual findings if requested and supported by evidence.

State Government Trailer Bill (SB 836)

Capitol Building Annex Project: Requires the Judicial Council to adopt a rule of court to streamline the process for review of the environmental impact report related specifically to the capitol building annex project, and further requires any California Environmental Quality Act-related actions or proceedings be resolved within 270 days.

Judicial Branch Facility Program

The 2016 Budget Act includes funding from a variety of branch construction funds for various court construction projects (see below).

1.	Imperial County: New El Centro Courthouse	\$39,277,000	Construction
2.	Los Angeles County: New Hollywood Courthouse	\$56,832,000	Design Build
3.	Mendocino County: New Ukiah Courthouse	\$6,068,000	Working Drawings
4.	Riverside County: New Indio Juvenile and Family Courthouse	\$44,074,000	Construction
5.	Riverside County: New Mid-County Civil Courthouse	\$5,666,000	Working Drawings
6.	Sacramento County: New Sacramento Courthouse	\$16,000,000	Working Drawings
7.	Shasta County: New Redding Courthouse	\$135,378,000	Construction
8.	Stanislaus County: New Modesto Courthouse	\$2,066,000	Construction
9.	Tuolumne County: New Sonora Courthouse	\$55,445,000	Construction
10.	El Dorado County (Reappropriation): New Placerville Courthouse	\$3,696,000	Preliminary Plans
11.	Glenn County (Reappropriation): Renovation and Addition to Willows Courthouse	\$33,182,000	Construction

12. Inyo County (Reappropriation): New Inyo County Courthouse	\$1,930,000	Acquisition/Preliminary Plans
13. Los Angeles County (Reappropriation): New Eastlake Juvenile Courthouse	\$18,891,000	Acquisition
14. Santa Barbara County (Reappropriation): New Santa Barbara Criminal Courthouse	\$6,294,000	Working Drawings/Construction
15. Sonoma County (Reappropriation): New Santa Rosa Criminal Courthouse	\$11,252,000	Working Drawings
16. Stanislaus County (Reappropriation): New Modesto Courthouse	\$15,252,000	Working Drawings
17. Tehama County (Reappropriation): New Red Bluff Courthouse	\$387,000	Construction

Next Steps

At its July 29, 2016, meeting, the Judicial Council will consider and vote on trial court funding allocation recommendations submitted by its Trial Court Budget Advisory Committee for FY 2016–2017.

With the welcome appropriation of \$25 million for a competitive grant program to help replicate or develop innovations that benefit court users and the public, an ad hoc judicial branch working group will be appointed to develop the grant program criteria and evaluation structure for consideration by the Judicial Council.

Final recommendations to the council on innovation grant awards will fall within the charge of the new Judicial Branch Budget Committee. In April 2016, the Chief Justice called for the creation of this internal committee with the goal of further improving the council’s ability to carry out its fiduciary responsibilities. In addition to its review of innovation grant proposals from the trial and appellate courts, the committee will review and make recommendations on the use of the new, ongoing funding of \$10 million for statewide emergency reserves, and will review all Budget Change Proposals for alignment with the council’s goals for the judicial branch.

For the new fiscal year, our efforts remain focused on addressing systemic challenges confronting the judicial branch: increased funding, budget stability, the need to find solutions to declining filing fee and penalty assessment revenues that support critical court operations, unmet dependency counsel needs, additional judgeships, availability of funds for courthouse construction, and unfunded costs outside of the courts’ control.

The Judicial Council will continue to work closely with court leadership, justice system stakeholders, and our sister branches of government to address these challenges for the judiciary, improve branchwide operations, and enhance consistent and timely access to justice.

For Reference

Below are links to the budget and trailer bills and the Department of Finance's budget website:

- [SB 826 Budget Act of 2016](#) (judicial branch budget on pp. 5–23)
- [SB 843](#) public safety trailer bills (§§ 1 and 2: misdemeanor preemptory reform; § 8: \$10 million trial court emergency reserve; §§ 9, 10, 11, 12, 13, and 14: Shriver Act sunset elimination)
- [SB 848](#) state employment trailer bills (§ 22: judicial salary changes; §§ 15, 16, 17, 18, 19, and 21: pension and other postemployment benefits changes for state-level judicial branch employees)
- [AB 1603](#) social services trailer bills (§ 1: court findings regarding special immigrant juvenile status)
- [SB 836](#) state government trailer bills (§ 271: requires Judicial Council to adopt a rule of court for expedited judicial review of State Capitol Building Annex environmental impact)
- www.ebudget.ca.gov