

# Summary of Court-Related Legislation



JUDICIAL COUNCIL  
OF CALIFORNIA

JUDICIAL COUNCIL OF CALIFORNIA • GOVERNMENTAL AFFAIRS

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**D**uring the first year of the 2015–2016 Legislative Session, the Legislature and Governor enacted numerous bills that affect the courts or are of general interest to the legal community. Brief descriptions of the measures of greatest interest follow, arranged according to subject matter. The document also includes a table summarizing new laws that create or expand crimes, as well as an index listing all the bills and the page numbers on which their descriptions can be found. Legislation that requires more detail is available as an appendix in the back of the document.

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

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

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

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## APPELLATE

### **SB 734 (GALGIANI), CH. 210**

**EFFECTIVE/OPERATIVE DATE:**

**URGENCY, AUGUST 26, 2016**

#### **ENVIRONMENTAL QUALITY: JOBS AND ECONOMIC IMPROVEMENT THROUGH ENVIRONMENTAL LEADERSHIP ACT OF 2011**

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. (PRC 21178, 21181, 21183, 21184.5, 21189.1, 21189.3)

### **SB 1134 (LENO), CH. 785**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

#### **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. (PEN 1473)

## BUDGET

### **AB 1603 (COMMITTEE ON BUDGET), CH. 25**

**EFFECTIVE/OPERATIVE DATE: JUNE 27, 2016**

#### **PUBLIC SOCIAL SERVICES OMNIBUS**

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. (Various Codes)

### **SB 836 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 31**

**EFFECTIVE/OPERATIVE DATE: JUNE 27, 2016**

#### **STATE GOVERNMENT**

#### **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) is extended to 60 days.

- When filing a new PAGA lawsuit in court, a filed-stamped copy of the complaint must be provided to LWDA. (This requirement 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. (Various Codes)

### **SB 843 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 33**

**EFFECTIVE/OPERATIVE DATE: JUNE 27, 2016**

#### **PUBLIC SAFETY**

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:** Eliminates 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. (Various Codes)

### **SB 848 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 35**

**EFFECTIVE/OPERATIVE DATE: JUNE 27, 2016**

#### **STATE EMPLOYMENT**

- **Judicial Officer Salary:** 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 that any litigation is outstanding, 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. (Various Codes)

# CIVIL

## **AB 551 (NAZARIAN), CH. 599**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

### **RENTAL PROPERTY: BED BUGS**

Establishes new requirements for landlords and tenants to facilitate the prompt treatment and control of bed bugs in residential rental housing. Among other things, on and after July 1, 2017, requires a landlord, before creating a new tenancy for a dwelling unit, to provide a written notice to the prospective tenant that includes, but is not limited to (a) general information about bed bug identification, behavior, and biology; (b) the importance of cooperation for prevention, treatment, and prompt written reporting of suspected infestations; and (c) the procedure to report suspected infestations to the landlord. Requires the above notice to be provided to all other existing tenants by January 1, 2018. Provides that a landlord may not engage in any retaliatory conduct against a tenant who has notified the landlord of finding or reasonably suspecting a bed bug infestation on the property. Prohibits a landlord from renting or leasing, or offering to rent or lease, any vacant dwelling unit that the landlord knows or should reasonably know has a current bed bug infestation. Clarifies that the above prohibition does not impose a duty on a landlord to inspect a dwelling unit or the common areas of the premises for bed bugs if the landlord has no notice of a suspected or actual bed bug infestation, and that the landlord shall be considered to have notice if a bed bug infestation is evident on visual inspection. (CIV 1942.5, 1954.1, 1954.600 et seq.)

## **AB 1682 (STONE), CH. 876**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

### **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 or an act of childhood sexual abuse, sexual exploitation of a minor, or 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 provi-

sions may be grounds for professional discipline. Requires the State Bar of California to investigate and take appropriate action against such an attorney. (CCP 1002)

## **AB 1684 (STONE), CH. 63**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

### **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. (GOV 12930)

## **AB 1793 (HOLDEN), CH. 244**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

### **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 the person who engaged in the business or acted in the capacity of a contractor is shown to have (1) 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. (B&P 7031)

## **AB 2159 (GONZALEZ), CH. 132**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

### **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 inquiries when a person seeking to make an inquiry has shown by clear and convincing evidence that the inquiry is necessary to comply with federal immigration law. (EVID 351.2)

**AB 2298 (WEBER), CH. 752**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**CRIMINAL GANGS**

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. (GOV 70615; PEN 186.34, 186.35)

**AB 2446 (GORDON), CH. 523**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**STATE WATER RESOURCES CONTROL BOARD:  
JUDICIAL REVIEW**

Seeks to expand the authority of the State Water Resources Control Board (SWRCB)—and to a lesser extent regional water boards—to issue or not issue a stay pending board proceedings, prohibit certain judicial challenges to water board decisions until after the administrative process has run its course, and clarify two specified evidentiary requirements. Among other things, expands a provision of existing law—authorizing the SWRCB, in response to a petition to review an order of a regional water board, to stay the effect of a decision or order of the state or regional water board—to additionally allow the board to stay an order or decision issued under authority delegated to an officer or employee of the SWRCB. Requires the SWRCB to issue or deny the stay within 90 days, or within 45 days if the request for a stay relates to water quality certification associated with a hydroelectric facility requiring a license issued by the Federal Energy Regulatory Commission. Specifies that, if the board fails to meet these deadlines, the request for a stay is deemed denied. Authorizes an aggrieved party, within 30 days of any order of the SWRCB issuing or denying a stay or within 30 days of the board’s failing to issue or deny a stay, to file with the superior court a petition for writ of mandate for review of the board’s order or lack thereof. Specifies that in any civil action brought under the Porter-Cologne Water Quality Control Act in which a regional water board or the SWRCB seeks an injunction or restraining order, it shall not be necessary to allege or prove that irreparable harm will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued. Provides that for any order or decision of the SWRCB under the Safe Drink-

ing Water Act, if no aggrieved party petitions for a writ of mandate within the 30-day period authorized by the Act, the decision or order of the board is not subject to review by any court. (H&S 116700; WAT 13321, 13330, 13361)

**AB 2819 (CHIU), CH. 336**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**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. (CCP 1161.2, 1167.1)

**AB 2881 (COMMITTEE ON JUDICIARY), CH. 703**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**  
**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, court-appointed commissioner or referee, certification review hearing officer conducting the certification review hearing, or 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. (Various Codes)

**AB 2899 (HERNÁNDEZ), CH. 622**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**  
**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. (LAB 1197.1)

**SB 269 (ROTH), CH. 13**  
**EFFECTIVE/OPERATIVE DATE: URGENCY, MAY 10, 2016**  
**DISABILITY ACCESS**

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. (Various Codes)

**SB 775 (ALLEN), CH. 83**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**  
**TENANCY: RENT CONTROL: CERTIFICATION**

Provides that the requirement to certify rents in jurisdictions with rent control under the Petris Act does not apply to tenancies beginning January 1, 1999, that are subject to the Costa-Hawkins Rental Housing Act. Provides that for a tenancy that began after January 1, 1999, if a property owner has provided the local agency with the tenancy’s initial rent in compliance with the agency’s registration requirements in a writing signed under penalty of perjury, there will be a rebuttable presumption that the statement of the initial rent is correct. (CIV 1947.8)

**SB 1001 (MITCHELL), CH. 782**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**  
**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 reverify 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. (LAB 1019.1)

**SB 1007 (WIECKOWSKI), CH. 626**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**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 on request of an indigent consumer at the expense of the nonconsumer 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 a demand for arbitration or a response, answer, or counterclaim to a demand for arbitration, or at 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. (CCP 1282.5)

**SB 1087 (ANDERSON), CH. 85**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**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 and the warrant provides that it will be deemed executed

if the business causes the delivery of records described in the warrant to the law enforcement agency, compliance will be met 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. (EVID 1560, 1561, 1563)

**SB 1241 (WIECKOWSKI), CH. 632**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**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 attorney's fees to a plaintiff who is enforcing his or her rights under this bill, as specified. (LAB 925)

## COURT FACILITIES

**AB 1900 (JONES-SAWYER), CH. 510**

**EFFECTIVE/OPERATIVE DATE:**

**URGENCY, SEPTEMBER 23, 2016**

**SAN PEDRO SUPERIOR COURTHOUSE**

Authorizes the sale of the San Pedro 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. (GOV 70395)

# COURT OPERATIONS

## **AB 2466 (WEBER), CH. 757**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

### **VOTING: FELONS**

Requires the clerk of the superior court of each county, on the basis of the records of the court, to furnish to the chief elections official of the county, at least on April 1 and September 1 of each year, a statement showing the names, addresses, and dates of birth of all persons who have been committed to state prison as a result of the conviction of a felony since the clerk's last report. (ELEC 2101, 2106, 2212)

# CRIMINAL LAW AND PROCEDURE

## **AB 813 (GONZALEZ), CH. 739**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

### **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 as a result of 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.

Provides that all such motions are entitled to a hearing. Requires a court to grant the motion if the moving party establishes a ground for relief, by a preponderance of the evidence. 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. (PEN 1473.7)

## **AB 1272 (GROVE), CH. 91**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

### **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. (PEN 1048.1)

## **AB 1276 (SANTIAGO), CH. 635**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

### **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. (PEN 1347.1)

## **AB 1761 (WEBER), CH. 636**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

### **HUMAN TRAFFICKING: VICTIMS: AFFIRMATIVE DEFENSE**

Creates an affirmative defense against a charge of a crime that a person was coerced to commit the offense as a direct result of being a human trafficking victim at the time of the offense and had reasonable fear of harm. Prohibits this defense from being used with respect to a serious or violent crime, as defined, or a charge of human trafficking. Grants a person who prevails on that affirmative defense the right to have all records in the case sealed, except as specified, and to be released from all penalties and disabilities, as provided. (EVID 1107.5; PEN 236.23)

## **AB 1854 (BLOOM), CH. 378**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

### **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. (PEN 1305.3)

**AB 1867 (STEINORTH), CH. 126**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**  
**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. (EVID 452.5)

**AB 1924 (LOW), CH. 511**  
**EFFECTIVE/OPERATIVE DATE: URGENCY, SEPTEMBER 23, 2016**  
**PRIVACY: ELECTRONIC COMMUNICATIONS**

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. (PEN 638.52–638.55, 1546.1)

**AB 1962 (DODD), CH. 405**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**  
**CRIMINAL PROCEEDINGS: MENTAL COMPETENCE**

Requires the California 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 no expert who meets the criteria or has

equivalent qualifications is reasonably available, the court may appoint an expert who does not meet the guidelines. (PEN 1369)

**AB 2013 (JONES-SAWYER), CH. 689**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**  
**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, on 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 with 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—with one member each selected by the California Public Defenders Association, California District Attorneys Association, and Judicial Council—that selects the three counties—a small county of 250,000 to 750,000 residents, a medium county of 750,001 to 2,600,000 residents, and a large county of not less than 2,600,001 residents—to participate in the pilot project. (The committee must consult with the relevant local officials in the eligible counties in making its selections.) 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. (PEN 991.5)

**AB 2027 (QUIRK), CH. 749**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**  
**VICTIMS OF CRIME: NONIMMIGRANT STATUS**

Requires that, on 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. (PEN 679.11)

**AB 2295 (BAKER), CH. 37**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**  
**RESTITUTION FOR CRIMES**

Conforms statutory restitution provisions to the requirement in the California Constitution that each victim is entitled to restitution from the perpetrator of the crime in which the victim suffered a loss. (PEN 186.11, 186.12, 1202.4, 1202.46)

**AB 2380 (ALEJO), CH. 882**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**  
**DEFENDANTS: 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. (PEN 993)

**AB 2498 (BONTA), CH. 644**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**  
**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. (PEN 1048.2)

**AB 2590 (WEBER), CH. 696**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**  
**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, in its sound discretion, to 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. (PEN 1170)

**AB 2655 (WEBER), CH. 79**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**  
**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. (PEN 1305)

**AB 2765 (WEBER), CH. 767**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**  
**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. (PEN 1170.18)

**AB 2839 (THURMOND), CH. 769**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**  
**CRIMINAL PENALTIES: NONPAYMENT OF FINES**

Codifies a new 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. (PEN 1205, 2900.5)

**AB 2888 (LOW), CH. 863**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**SEX CRIMES: MANDATORY PRISON SENTENCE**

Prohibits a court from granting probation or suspending the execution or imposition of a sentence if a person is convicted of rape, sodomy, penetration with a foreign object, or oral copulation if the victim was either unconscious or incapable of giving consent due to intoxication. (PEN 1203.065)

**SB 266 (BLOCK), CH. 706**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**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 in jail of any adult offender under the department’s supervision 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.) (PEN 1203, 1203.35, 4019)

**SB 443 (MITCHELL), CH. 831**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**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 or money forfeited under federal law is distributed to a 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 under 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 a federal agency, willfully fails to appear in court or is deceased, a criminal conviction shall not be required 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 that are contested, except with regard to cash or negotiable instruments of \$40,000 or more (versus \$25,000 in existing law), for which the standard is proof by clear and convincing evidence;
- Allowing forfeiture of property less than \$25,000 in value 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; and
- 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. (H&S 11470.1, 11471.2, 11488.4, 11488.5, 11495)

**SB 813 (LEYVA), CH. 777**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**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 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. (PEN 799, 801.1, 803)

**SB 823 (BLOCK), CH. 650**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**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 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, in which case the petitioner 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 the petitioner's 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. (PEN 236.14)

**SB 1004 (HILL), CH. 865**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

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

Authorizes Alameda, Butte, Napa, Nevada, and Santa Clara Counties to operate a deferred entry of judgment pilot program. (A defendant aged 18–20 at the time of offense may participate in the program if that person is charged with committing a felony offense, other than listed offenses; he or she pleads guilty to the charge or charges; and the probation department determines that the defendant meets other requirements.) Excludes a defendant who is required to register as a sex offender. States that the court shall grant deferred entry of judgment if an eligible defendant consents to participate in the program, waives his or her right to a speedy trial or a speedy preliminary hearing, pleads guilty to the charge or charges, and waives time for the pronouncement of judgment. Authorizes the probation department to file a motion for entry of judgment if it appears to the probation department that the defendant is performing unsatisfactorily in the program as a result of the commission of a new crime or a violation of any juvenile hall rules, or if the defendant is not benefiting from the services in the program. If the defendant has performed satisfactorily during the period in which deferred entry of judgment was granted, at the end of that period authorizes the court to dismiss the criminal charge or charges. (PEN 1000.7)

**SB 1016 (MONNING), CH. 887**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**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. (PEN 186.22, 186.33, 1170, 1170.1, 1170.3, 12021.5, 12022.2, 12022.4)

**SB 1084 (HANCOCK), CH. 867**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**SENTENCING**

Clarifies the following with respect to a person convicted of 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 statements, as 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. (PEN 1170)

**SB 1129 (MONNING), CH. 724**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**PROSTITUTION: SANCTIONS**

Deletes the mandatory minimum terms of incarceration imposed for engaging in prohibited acts relating to prostitution. (PEN 647)

**SB 1242 (LARA), CH. 789**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**SENTENCING: MISDEMEANORS**

Makes the provision in existing law that every offense punishable by imprisonment in a county jail up to but 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 before 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. (PEN 18.5)

**SB 1295 (NIELSEN), CH. 430**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**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 California Department of State Hospitals. (PEN 2962)

**SB 1474 (COMMITTEE ON PUBLIC SAFETY), CH. 59**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**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 California 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 continuing to require that the vehicle be a distinctive color. (Various Codes)

## EMPLOYER/ EMPLOYEE ISSUES

### **AB 1676 (CAMPOS), CH. 856**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

#### **EMPLOYERS: WAGE DISCRIMINATION**

Clarifies that prior salary cannot be used to justify any disparity in compensation between men and women. (LAB 1197.5)

### **AB 1843 (STONE), CH. 686**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

#### **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 using, 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. (LAB 432.7)

### **AB 2337 (BURKE), CH. 355**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

#### **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. To facilitate compliance by employers, requires the Labor Commissioner to develop a form that employers can use to comply with the notice requirement. Requires the Labor 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 Labor Commissioner posts the form. (LAB 230.1)

### **SB 3 (LENO), CH. 4**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

#### **MINIMUM WAGE: IN-HOME SUPPORTIVE SERVICES: PAID SICK DAYS**

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. (LAB 245.5, 246, 1182.12)

### **SB 1175 (MENDOZA), CH. 214**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

#### **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. (LAB 4603.2, 4603.4, 4625)

## FAMILY LAW

### **AB 1735 (WALDRON), CH. 67**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

#### **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. (FAM 215)

### **AB 2349 (CHIU), CH. 385**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

#### **ASSISTED REPRODUCTION AGREEMENTS FOR GESTATIONAL CARRIERS**

Extends the jurisdiction of courts under the Uniform Parentage Act to cover proceedings to determine parentage of a child who is conceived under an assisted reproduction agreement for gestational carriers under certain specified circumstances. Further specifies what information assisted reproduction agreements must contain. (FAM 7613, 7620, 7962)

**AB 2761 (LOW), CH. 528**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**MARRIAGE**

Expands the list of persons authorized to solemnize a marriage to include former members of the Legislature, former members of Congress from California, former constitutional officers of California, and former city and/or county elected officials, unless they were removed from office for an offense or conviction of a crime that involves moral turpitude, dishonesty, or fraud. Also provides that judges, like other elected officials, may not accept compensation for solemnizing a marriage while serving on the bench, and prohibits judges from solemnizing a marriage if they have been removed from the bench due to committing an offense or have been convicted of a crime that involves moral turpitude, dishonesty, or fraud. (FAM 400, 400.1)

**AB 2872 (PATTERSON), CH. 702**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**CHILDREN**

Among other things, allows an otherwise sealed juvenile case file to be inspected by a court-appointed investigator acting within the scope of investigative duties of an active case, for the purpose of conducting a stepparent adoption. (FAM 9001; WIC 305.6, 827)

**AB 2882 (COMMITTEE ON JUDICIARY), CH. 474**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**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 an SJO. (Various Codes)

**SB 875 (GAINES), CH. 211**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**SOLEMNIZATION OF MARRIAGE: COUNTY SHERIFF**

Expands the list of persons authorized to solemnize a marriage to include a county sheriff. (FAM 400, 400.1)

**SB 1255 (MOORLACH), CH. 114**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**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 the Legislature’s intention is 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. (Various Codes)

## JUVENILE DELINQUENCY

**AB 1945 (STONE), CH. 858**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**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. (WIC 786, 827, 827.9, 828)

## JUVENILE DEPENDENCY

**AB 1702 (STONE), CH. 124**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**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. (WIC 361.5)

**SB 1060 (LENO), CH. 719**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**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 to decide 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. (FAM 8616.5; WIC 366.3, 727.3, 16002)

**SB 1322 (MITCHELL), CH. 654**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**COMMERCIAL SEX ACTS: MINORS**

Among other things, treats a minor who engages in, agrees to engage in, or solicits an act of prostitution as not guilty of a crime, and allows that minor to be taken into temporary custody and declared a dependent of the court if the minor is also commercially exploited. (PEN 647, 653.22)

**SB 1336 (JACKSON), CH. 890**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**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. (WIC 358)

## PROBATE & MENTAL HEALTH

**AB 59 (WALDRON), CH. 251**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**MENTAL HEALTH SERVICES: ASSISTED OUTPATIENT TREATMENT**

Extends the repeal date of the Assisted Outpatient Treatment (AOT) Demonstration Project Act of 2002, or "Laura's Law," by five years, to January 1, 2022. Deletes and recasts in existing law the California Department of

Health Care Service's reporting requirement regarding the AOT services that a participating county provides. (WIC 5348, 5349.5)

**AB 691 (CALDERON), CH. 551**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**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 and in compliance with the bill's provisions. (Various Codes)

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NOTE: SB 873 (Beall; Stats. 2016, ch. 585), a companion measure to AB 691, clarified the bill's immunity provision by specifying that it does not apply in a case of gross negligence or willful or wanton misconduct of the custodian or its officers, employees, or agents.

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**AB 1700 (MAIENSCHIN), CH. 64**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**TRUSTS: NOTICE OF PROPOSED ACTION BY TRUSTEE**

Eliminates the statutory provision that prevents a trustee from using a notice of proposed action for a preliminary and final distribution of trust assets, effectively allowing such use. Clarifies that the notice of proposed action cannot be used by a trustee to discharge himself or herself and avoid any liability related to the discharge. (PROB 16501)

## REDISTRICTING

### **AB 350 (ALEJO), CH. 737**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

#### **DISTRICT-BASED MUNICIPAL ELECTIONS: PREAPPROVAL HEARINGS**

Requires a political subdivision that changes to, or establishes, district-based elections to hold public hearings before and after drawing a preliminary map or maps of the proposed district boundaries. Requires a prospective plaintiff under the California Voting Rights Act (CVRA) to first send a written notice to the political subdivision against which the action would be brought indicating that the method of election used by the political subdivision may violate the CVRA. Permits the political subdivision to take ameliorative steps to correct the alleged violation before the prospective plaintiff commences litigation, and stays the prospective plaintiff's ability to file suit for a prescribed amount of time. Permits a prospective plaintiff who sent a written notice, as described, to recover from the political subdivision reasonable costs incurred in supporting the written notice. (ELEC 10010)

### **AB 1779 (GATTO), CH. 179**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

#### **NONPROBATE TRANSFERS: REVOCABLE TRANSFER ON DEATH DEED**

Requires the California Law Revision Commission to expand its current study of revocable transfer-on-death deeds to determine whether it is feasible and appropriate to expand this nonprobate transfer mechanism to include the transfer of stock cooperatives or other common interest developments and transfers to a trust or other legal entity. (Various Codes)

### **AB 1836 (MAIENSCHIN), CH. 819**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

#### **MENTAL HEALTH: REFERRAL OF CONSERVATEES**

Authorizes the probate court—in consultation with a licensed physician or psychologist, after an evidentiary hearing attended by the conservatee (unless the conservatee waives presence) and the conservatee's counsel—to refer the conservatee for an assessment by the local mental health system to determine if the conservatee has a treatable mental illness, including whether the conservatee is gravely disabled as a result of a mental disorder or impairment by chronic alcoholism and is unwilling to accept, or is incapable of accepting, treatment voluntarily. Provides that if the conservatee cannot afford counsel, the court shall appoint counsel for him or her. Requires the local mental health system to file a copy of the assessment with the court that made the referral for assessment. (WIC 5350.5)

### **AB 2846 (MAIENSCHIN), CH. 81**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

#### **POWERS OF APPOINTMENT**

Among other things, clarifies statutory law related to powers of appointment by replacing the term “donee” with “powerholder” in the powers of appointment portion of the Probate Code. Specifies how a power of appointment is created. Clarifies the instances when a power of appointment is subject to claims of creditors. Adopts the selective allocation doctrine as a rule of construction, and adopts a default rule that allows a taker in default to share fully in unappointed property when the powerholder makes a partial appointment to the taker in default. (Various Codes)

## TRAFFIC

### **AB 1927 (LACKEY), CH. 19**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

#### **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. (PEN 853.9)

### **SB 812 (HILL), CH. 711**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

#### **MODIFIED LIMOUSINES AND TOUR BUSES: STANDARDS AND INSPECTION**

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. (VEH 27375, 34501, 34505.1)

**SB 867 (ROTH), CH. 147**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**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. (GOV 76000.5; H&S 1797.98a)

**SB 881 (HERTZBERG), CH. 779**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2017**

**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. (VEH 42008.8)

**SB 1046 (HILL), CH. 783**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019**

**DRIVING UNDER THE INFLUENCE: IGNITION INTERLOCK DEVICE**

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 reinstate his or her license without the required suspension time before the offender can get a restricted license. Requires the Department of Motor Vehicles to report by January 1, 2025, on data collected on IIDs installed under these provisions, and repeals this requirement as of January 1, 2026. (Various Codes)

# APPENDIX A

## 2016 NEW AND EXPANDED CRIMES

| BILL NUMBER AND CHAPTER,<br>EFFECTIVE DATE, AND TITLE   | CODE SECTION(S)   | SUMMARY DESCRIPTION OF NEW LAW  |
|---|---|---|
| <p><b>AB 287 (Gordon), CH. 682</b><br/><i>Effective/Operative Date:</i><br/><i>January 1, 2017</i></p> <p><b>Vehicle safety: recalls</b></p>  | <p>VEH 3065, 11705,<br/>11750–11762</p>   | <p>Enacts the Consumer Automotive Recall Safety Act, which would prohibit a dealer or rental car company with a motor vehicle fleet of 34 or fewer loaner or rental vehicles from loaning, renting, or offering for loan or rent a vehicle subject to a manufacturer’s recall after receiving a notice of the recall until the vehicle has been repaired, except as specified. Requires the Department of Motor Vehicles (DMV) to obtain a recall database report before mailing a notice of registration renewal to the registered owner of a vehicle and, if the recall database report indicates that the vehicle is subject to a manufacturer’s recall, to include a specified recall disclosure statement with the notice of registration renewal. Expands the definition of a crime by creating new prohibitions, the violation of which would be a crime under existing law.</p> |
| <p><b>AB 516 (Mullin), CH. 90</b><br/><i>Effective/Operative Date:</i><br/><i>January 1, 2019</i></p> <p><b>Vehicles: temporary license plates</b></p>                                    | <p>VEH 1685, 4456, 4456.2,<br/>4456.5, 4462, 4463, 5201,<br/>5202, 5901, 6100, 11714,<br/>38080</p> | <p>Commencing January 1, 2019, prohibits 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; makes counterfeiting a temporary license plate a felony; requires 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.</p>  |
| <p><b>AB 701 (Garcia, Cristina), CH. 848</b><br/><i>Effective/Operative Date:</i><br/><i>January 1, 2017</i></p> <p><b>Sex crimes: rape</b></p>   | <p>PEN 263.1</p>  | <p>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.</p>   |
| <p><b>AB 796 (Nazarian), CH. 493</b><br/><i>Effective/Operative Date:</i><br/><i>January 1, 2017</i></p> <p><b>Health care coverage: autism and pervasive developmental disorders</b></p> | <p>H&amp;S 1374.73; INS 10144.51</p>  | <p>Deletes the January 1, 2017, sunset date on the requirement that every health care service plan contract and health insurance policy provide coverage for behavioral health treatment for pervasive developmental disorder or autism, thereby extending the operation of these provisions indefinitely. By extending the operation of these provisions, the violation of which is a crime by a health care service plan, creates a new crime.</p>  |

| BILL NUMBER AND CHAPTER,<br>EFFECTIVE DATE, AND TITLE  | CODE SECTION(S)         | SUMMARY DESCRIPTION OF NEW LAW  |
|--|-------------------------|---|
| <p><b>AB 857 (Cooper), CH. 60</b></p> <p><i>Effective/Operative Date:</i><br/><i>January 1, 2017</i></p> <p><b>Firearms: identifying information</b></p> | Various Codes           | <p>Among other things, commencing July 1, 2018, requires any person who manufactures or assembles a firearm to (a) apply to the Department of Justice (DOJ) for a unique serial number or other mark of identification; (b) within 10 days of manufacturing or assembling the firearm, engrave or permanently affix the unique serial number or other mark to that firearm; and (c) notify the DOJ once the serial number or other mark is affixed to the firearm. States that by January 1, 2019, any person who, as of July 1, 2018, owns a firearm that does not bear a serial number, as specified, must comply with the above requirements. Prohibits the sale or transfer of ownership of a firearm manufactured or assembled under these provisions, but allows for the transfer, surrender, or sale of a firearm to a law enforcement agency, as specified. Provides that, if the firearm is a handgun, a violation of these provisions is punishable by imprisonment in a county jail not to exceed one year and/or a fine not to exceed \$1,000. (For all other firearms, a violation of these provisions is punishable by imprisonment in a county jail not to exceed six months and/or a fine not to exceed \$1,000.)</p> |
| <p><b>AB 1135 (Levine), CH. 40</b></p> <p><i>Effective/Operative Date:</i><br/><i>January 1, 2017</i></p> <p><b>Firearms: assault weapons</b></p>        | PEN 30515, 30680, 30900 | <p>Among other things, modifies an existing crime by amending the definition of assault weapon to refer to a firearm that has one of several specified military-style features and does not have a "fixed magazine" rather than a firearm that has one of those features and "has the capacity to accept a detachable magazine." Defines "fixed magazine" as "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." Provides that any person who was eligible to register an assault weapon and lawfully possessed such a weapon before January 1, 2017, will be exempt from penalties, if the person registers the weapon by January 1, 2018.</p>  |
| <p><b>AB 1511 (Santiago), CH. 41</b></p> <p><i>Effective/Operative Date:</i><br/><i>January 1, 2017</i></p> <p><b>Firearms: lending</b></p>              | PEN 27880               | <p>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.)</p>  |

| BILL NUMBER AND CHAPTER,<br>EFFECTIVE DATE, AND TITLE  | CODE SECTION(S)               | SUMMARY DESCRIPTION OF NEW LAW  |
|--|-------------------------------|---|
| <b>AB 1554 (Irwin), CH. 742</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Powdered alcohol</b>                                 | Various Codes                 | 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.   |
| <b>AB 1671 (Gomez), CH. 855</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Confidential communications: disclosure</b>          | PEN 632, 632.01, 633.5, 637.2 | 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.  |
| <b>AB 1680 (Rodriguez), CH. 817</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Crimes: emergency personnel</b>                  | PEN 402                       | 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 impeding 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. |
| <b>AB 1695 (Bonta), CH. 47</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Firearms: false reports of stolen firearms</b>        | EN 148.5, 29805               | Expands the scope of an existing crime by making it a misdemeanor to report to certain individuals and peace officers that a firearm has been lost or stolen, knowing the report to be false. Also makes it a misdemeanor for a person convicted of violating this provision to own a firearm within 10 years of the conviction.  |
| <b>AB 1769 (Rodriguez), CH. 96</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>911 emergency system: nuisance communications</b> | PEN 653x, 653y                | 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 via a communication from an electronic communication device for any reason other than an emergency.  |

| BILL NUMBER AND CHAPTER,<br>EFFECTIVE DATE, AND TITLE   | CODE SECTION(S)   | SUMMARY DESCRIPTION OF NEW LAW   |
|---|-------------------|--|
| <b>AB 1785 (Quirk), CH. 660</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Vehicles: use of wireless<br/> electronic devices</b>               | VEH 23123.5       | 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 under specified conditions only.   |
| <b>AB 1798 (Cooper), CH. 198</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Firearms: imitation<br/> firearms: gun-shaped<br/> phone cases</b> | PEN 16700         | Changes the definition of a crime by specifying 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.  |
| <b>AB 1901 (Quirk), CH. 662</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Taxation: cigarettes:<br/> unaffixed stamps</b>                     | R&T 30473.5       | Expands the scope of an existing crime by extending penalties for possessing, selling, or buying false or fraudulent cigarettes, tax stamps, or meter impressions.   |
| <b>AB 1909 (Lopez), CH. 879</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Falsifying evidence</b>   | PEN 141           | 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 be concealed or destroyed, or fraudulently represented as the original evidence upon a trial, proceeding, or inquiry. |
| <b>AB 1937 (Gomez), CH. 664</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Electricity: procurement</b>  | PUC 399.13, 454.5 | Changes the definition of a crime by requiring electrical corporations' proposed procurement plans to also include a showing that the electrical corporations (1) in soliciting bids for new gas-fired generating units, actively seek bids for resources that are not gas-fired generating units located in communities that suffer from cumulative pollution burdens; and (2) in considering bids for, or negotiating bilateral contracts for, new gas-fired generating units, give preference to resources that are not gas-fired generating units located in those communities.                          |

| BILL NUMBER AND CHAPTER,<br>EFFECTIVE DATE, AND TITLE   | CODE SECTION(S)            | SUMMARY DESCRIPTION OF NEW LAW  |
|---|----------------------------|---|
| <b>AB 1954 (Burke), CH. 495</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Health care coverage:<br/> reproductive health care<br/> services</b>                                     | H&S 1367.31; INS 10123.202 | Changes the definition of a crime by amending the Knox-Keene Health Care Service Plan Act of 1975 to prohibit every health care service plan contract or health insurance policy issued, amended, renewed, or delivered on or after January 1, 2017, with exceptions, from requiring an enrollee or insured to receive a referral in order to receive reproductive or sexual health care services, as provided.   |
| <b>AB 2068 (Holden), CH. 245</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Talent services</b>  | LAB 1703, 1703.4           | Expands the scope of an existing crime by, among other things, extending certain penalties relating to talent services to any means of communication relating to those services.  |
| <b>AB 2126 (Mullin), CH. 750</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Public contracts:<br/> Construction Manager/<br/> General Contractor<br/> contracts</b>                  | PCC 6701                   | Expands authorization for the Department of Transportation to use the Construction Manager / General Contractor method on no more than 12 projects, and requires at least 8 of the 12 projects to use department employees or consultants under contract with the department to perform all project design and engineering services. Expands the scope of a crime by requiring that specified information be certified under penalty of perjury.  |
| <b>AB 2165 (Bonta), CH. 640</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Firearms: prohibitions:<br/> exemptions</b>   | PEN 32000                  | Requires a person who leaves an unsafe handgun in an unattended vehicle to lock the handgun in the vehicle's trunk or in a locked container and place the container out of plain view. Makes a violation of this provision an infraction punishable by a fine not exceeding \$1,000.  |
| <b>AB 2269 (Waldron), CH. 568</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Animal shelters: research<br/> animals: prohibitions</b>  | CIV 1834.7                 | Expands the scope of a crime by prohibiting a person or animal shelter from euthanizing an animal for the purpose of transferring the carcass to a research facility or animal dealer and by prohibiting transfer of live animals to a research facility or animal dealer.  |
| <b>AB 2387 (Mullin), CH. 694</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Vehicle equipment:<br/> supplemental restraint<br/> system components and<br/> nonfunctional airbags</b> | VEH 27317                  | 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. |

| BILL NUMBER AND CHAPTER,<br>EFFECTIVE DATE, AND TITLE   | CODE SECTION(S)  | SUMMARY DESCRIPTION OF NEW LAW   |
|---|------------------|--|
| <b>AB 2505 (Quirk), CH. 105</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i>     | PEN 597u         | 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.  |
| <b>Animals: euthanasia</b>  |                  |  |
| <b>AB 2551 (Gallagher), CH. 760</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i> | Various Codes    | Allows a local agency to use the construction manager at-risk, design-build, or design-build-operate method of delivery on a surface storage project, and expands the scope of a crime by requiring the bidder to certify specified information under penalty of perjury.  |
| <b>Contract procurement:<br/>surface storage projects</b>   |                  |  |
| <b>AB 2687 (Achadjian), CH. 765</b><br><i>Effective/Operative Date:</i><br><i>July 1, 2018</i>    | PEN 23152, 23153 | Makes 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.  |
| <b>Vehicles: passenger for<br/>hire: driving under the<br/>influence</b>                          |                  |  |
| <b>AB 2820 (Chiu), CH. 671</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i>      | PEN 396          | 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. |
| <b>Crimes: price gouging:<br/>states of emergency</b>   |                  |  |

| BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE   | CODE SECTION(S)               | SUMMARY DESCRIPTION OF NEW LAW   |
|--|-------------------------------|--|
| <p><b>AB 2844 (Bloom), CH. 581</b></p> <p><i>Effective/Operative Date:</i><br/><i>January 1, 2017</i></p> <p><b>Public contracts:</b><br/><b>discrimination</b></p>              | PCC 2010                      | <p>Expands the scope of a crime by requiring, with some exceptions, a person who submits a bid or proposal to, or otherwise proposes to enter into or renew a contract with, a state agency with respect to any contract in the amount of \$100,000 or more to certify—under penalty of perjury, at the time the bid or proposal is submitted or the contract is renewed—that they are in compliance with the Unruh Civil Rights Act and the California Fair Employment and Housing Act, and that any policy that they have adopted against any sovereign nation or peoples recognized by the government of the United States, including but not limited to the nation and people of Israel, is not used to discriminate in violation of the Unruh Civil Rights Act or the California Fair Employment and Housing Act.</p> |
| <p><b>SB 139 (Galgiani), CH. 624</b></p> <p><i>Effective/Operative Date:</i><br/><i>Urgency, September 25, 2016</i></p> <p><b>Controlled substances</b></p>                      | H&S 11357.5, 11375.5, 11375.7 | <p>Expands the scope of a crime by expanding the definition of a synthetic stimulant compound and a synthetic cannabinoid compound, and excludes from that definition substances that are in the federal clinical trial process, as specified. Provides that a first offense of using or possessing these substances is punishable as an infraction, a second offense as an infraction or misdemeanor, and a third or subsequent offense as a misdemeanor.</p>   |
| <p><b>SB 247 (Lara), CH. 705</b></p> <p><i>Effective/Operative Date:</i><br/><i>January 1, 2017</i></p> <p><b>Charter bus transportation:</b><br/><b>safety improvements</b></p> | Various Codes                 | <p>Requires a charter-party carrier of passengers engaged in charter bus transportation to ensure that the driver of a charter bus that is designed to carry 39 or more passengers provides oral and written or video instructions to all passengers on the safety equipment and emergency exits on the vehicle before the beginning of any trip. Also requires those vehicles manufactured after July 1, 2020, to be equipped with emergency lighting fixtures that will turn on in the event of an impact or collision. (A violation of these requirements is an infraction.)</p>  |
| <p><b>SB 420 (Huff), CH. 734</b></p> <p><i>Effective/Operative Date:</i><br/><i>January 1, 2017</i></p> <p><b>Prostitution</b></p>   | PEN 647                       | <p>Defines and divides the crime of prostitution into three separate forms: (1) the defendant agreed to receive compensation, received compensation, or solicited compensation in exchange for a lewd act; (2) the defendant provided compensation, agreed to provide compensation, or solicited an adult to accept compensation in exchange for a lewd act; and (3) the defendant provided compensation, or agreed to provide compensation, to a minor in exchange for a lewd act, regardless of which party made the initial solicitation.</p>   |

| BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE   | CODE SECTION(S)  | SUMMARY DESCRIPTION OF NEW LAW   |
|--|--|--|
| <p><b>SB 448 (Hueso), CH. 772</b></p> <p><i>Effective/Operative Date:</i><br/><i>January 1, 2017</i></p> <p><b>Sex offenders: Internet identifiers</b></p>                 | <p>PEN 290.012, 290.014, 290.015, 290.018, 290.024, 290.45</p> | <p>Requires a person convicted of a felony on or after January 1, 2017, for which the person must register as a sex offender, to register his or her Internet identifiers, as defined, to law enforcement if the person used the Internet to identify a victim or to commit human trafficking or child pornography offenses, and authorizes law enforcement to use the information to investigate a sex crime, kidnapping, or human trafficking. Makes a person who fails to provide his or her Internet identifiers, regardless of the offense on which the duty to register is based, guilty of a misdemeanor punishable by imprisonment in a county jail not more than six months.</p>  |
| <p><b>SB 819 (Huff), CH. 778</b></p> <p><i>Effective/Operative Date:</i><br/><i>January 1, 2017</i></p> <p><b>Powdered alcohol</b></p>                                     | <p>B&amp;P 23003.1, 23004, 23005, 24200.7, 25623</p>           | <p>Requires the California Department of Alcoholic Beverage Control to revoke the license of any licensee who manufactures, distributes, or sells powdered alcohol, as provided. Prohibits the possession, purchase, sale, offer for sale, distribution, manufacture, or use of powdered alcohol, and makes the specified violation of these provisions punishable as an infraction.</p>   |
| <p><b>SB 839 (Committee on Budget and Fiscal Review), CH. 340</b></p> <p><i>Effective/Operative Date:</i><br/><i>September 13, 2016</i></p> <p><b>Public resources</b></p> | <p>Various Codes</p>   | <p>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 that the fees to Fish and Wildlife levied for violation now be deposited in the Endangered Species Permitting Account; (3) creates the 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.</p> |
| <p><b>SB 869 (Hill), CH. 651</b></p> <p><i>Effective/Operative Date:</i><br/><i>January 1, 2017</i></p> <p><b>Firearms: securing handguns in vehicles</b></p>              | <p>PEN 25140, 25452, 25612, 25645</p>                          | <p>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 it 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.</p>   |

| BILL NUMBER AND CHAPTER,<br>EFFECTIVE DATE, AND TITLE   | CODE SECTION(S)            | SUMMARY DESCRIPTION OF NEW LAW   |
|---|----------------------------|--|
| <p><b>SB 880 (Hall), CH. 48</b></p> <p><i>Effective/Operative Date:</i><br/><i>January 1, 2017</i></p> <p><b>Firearms: assault weapons</b></p>                        | PEN 30515, 30680, 30900    | <p>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.</p>  |
| <p><b>SB 882 (Hertzberg), CH. 167</b></p> <p><i>Effective/Operative Date:</i><br/><i>January 1, 2017</i></p> <p><b>Crimes: public transportation: minors</b></p>      | PEN 640                    | <p>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.</p>  |
| <p><b>SB 883 (Roth), CH. 342</b></p> <p><i>Effective/Operative Date:</i><br/><i>January 1, 2017</i></p> <p><b>Domestic violence: protective orders</b></p>            | PEN 166                    | <p>Conforms 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 with imprisonment in the county jail for up to one year and/or a fine of up to \$1,000; (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.</p> |
| <p><b>SB 923 (Hernandez), CH. 192</b></p> <p><i>Effective/Operative Date:</i><br/><i>January 1, 2017</i></p> <p><b>Health care coverage: cost-sharing changes</b></p> | H&S 1374.255; INS 10199.49 | <p>Expands the scope of a crime by amending the Knox-Keene Health Care Service Plan Act of 1975 to prohibit—for grandfathered health care plan contracts and policies and nongrandfathered plan contracts and policies in the individual and small-group markets—a health care service plan contract or health insurance policy that is issued, amended, or renewed on or after January 1, 2017, from changing the cost-sharing design, as defined, during the plan year or policy year, except when required by state or federal law.</p>   |

| BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE   | CODE SECTION(S)    | SUMMARY DESCRIPTION OF NEW LAW   |
|--|--------------------|--|
| <b>SB 945 (Monning), CH. 364</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Pet boarding facilities</b>                 | H&S 122380–122388  | 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. |
| <b>SB 969 (Nguyen), CH. 193</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Vietnamese rice cakes</b>                    | HSC 111223         | Expands the scope of a crime by requiring, except as provided, manufacturers 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.                 |
| <b>SB 977 (Pan), CH. 537</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Tobacco: youth sports events</b>                | H&S 104495         | 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.  |
| <b>SB 998 (Wieckowski), CH. 716</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Vehicles: public transit bus lanes</b>   | VEH 21655.1, 22500 | 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.   |
| <b>SB 1015 (Leyva), CH. 315</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Domestic work employees: labor standards</b> | LAB 1453           | Expands a crime by deleting the repeal date to the Domestic Worker Bill of Rights, which regulates the hours of work of domestic work employees who are personal attendants and provides an overtime compensation rate for those employees, a violation of which is a misdemeanor.   |

| BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE  | CODE SECTION(S)    | SUMMARY DESCRIPTION OF NEW LAW   |
|---|--------------------|--|
| <p><b>SB 1028 (Hill), CH. 598</b></p> <p><i>Effective/Operative Date:</i><br/><i>January 1, 2017</i></p> <p><b>Electrical corporations:<br/>local publicly owned<br/>electric utilities: electrical<br/>cooperatives: wildfire<br/>mitigation plans</b></p> | PUC 8385–8387      | <p>Expands the scope of a crime by requiring each electrical corporation, local publicly owned electric utility, and electrical cooperative to construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire posed by those electrical lines and equipment; to prepare a wildfire mitigation plan annually; and to submit its plan to the commission for review and by requiring the governing board of all local publicly owned electric utility or electrical cooperatives to determine whether any portion of the geographic area where the utility’s overhead electrical lines and equipment are located has a significant risk of catastrophic wildfire resulting from those electrical lines and equipment, and, if so, requiring the local publicly owned electric utility or electrical cooperative, at an interval determined by the board, to present to the board for its approval those wildfire mitigation measures that the utility intends to undertake to minimize the risk of catastrophic wildfire caused by its overhead electrical lines and equipment.</p> |
| <p><b>SB 1032 (Galgiani), CH. 194</b></p> <p><i>Effective/Operative Date:</i><br/><i>January 1, 2017</i></p> <p><b>Alcoholic beverages:<br/>coupons</b></p>   | B&P 25600.3        | <p>Expands the scope of a crime by amending the Alcoholic Beverage Control Act to prohibit a nonretail licensee from offering, funding, producing, sponsoring, promoting, furnishing, or redeeming any type of coupon and a licensee authorized to sell alcoholic beverages at retail from accepting, redeeming, possessing, or using any type of coupon that is offered, funded, produced, sponsored, promoted, or furnished by a nonretail licensee.</p>   |
| <p><b>SB 1036 (Hernandez), CH. 627</b></p> <p><i>Effective/Operative Date:</i><br/><i>January 1, 2017</i></p> <p><b>Controlled substances:<br/>synthetic cannabinoids:<br/>analog</b></p>   | H&S 11400, 11401   | <p>Expands the scope of a crime by (1) defining a controlled substance analog to include a substance whose chemical structure is substantially similar to the chemical structure of a synthetic cannabinoid compound; and (2) requiring that 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.</p>   |
| <p><b>SB 1107 (Allen), CH. 837</b></p> <p><i>Effective/Operative Date:</i><br/><i>January 1, 2017</i></p> <p><b>Political Reform Act of 1974</b></p>  | GOV 85300, 89519.5 | <p>Expands the scope of a crime by amending the Political Reform Act of 1974 to prohibit an officeholder who is convicted of one of enumerated felonies from using funds held by that officeholder’s candidate-controlled committee for purposes other than certain purposes permitted for the use of surplus campaign funds. Requires the officeholder to forfeit any remaining funds held six months after the conviction becomes final, and directs those funds to be deposited in the General Fund.</p>  |

| BILL NUMBER AND CHAPTER,<br>EFFECTIVE DATE, AND TITLE   | CODE SECTION(S)   | SUMMARY DESCRIPTION OF NEW LAW  |
|---|---|---|
| <b>SB 1137 (Hertzberg), CH. 725</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Computer crimes:</b><br><b>ransomware</b> | PEN 523   | 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."  |
| <b>SB 1182 (Galgiani), CH. 893</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Controlled substances</b>                  | H&S 11350.5, 11377.5  | 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.   |
| <b>SB 1235 (De León), CH. 55</b><br><i>Effective/Operative Date:</i><br><i>January 1, 2017</i><br><b>Ammunition</b>                               | Various Codes   | Creates a new regulatory framework for the purchase and sale of ammunition in California. Provides that any person, corporation, firm, or other business enterprise that 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 of the ammunition or when the firm knows or has 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 and/or a fine not exceeding \$1,000. |
| <b>SB 1446 (Hancock), CH. 58</b><br><i>Effective/Operative Date:</i><br><i>July 1, 2017</i><br><b>Firearms: magazine capacity</b>                 | PEN 32310, 32400, 32405,<br>32410, 32420, 32425, 32430,<br>32435, 32450 | 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.   |
| <b>SBX2 5 (Leno), CH. 7</b><br><i>Effective/Operative Date:</i><br><i>June 9, 2016</i><br><b>Electronic cigarettes</b>                            | Various Codes   | Expands the definition of a crime by, among other things, changing the definition of tobacco.   |
| <b>SBX2 7 (Hernandez), CH. 8</b><br><i>Effective/Operative Date:</i><br><i>June 9, 2016</i><br><b>Tobacco products: minimum legal age</b>         | Various Codes   | 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.  |

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