



THE CAPITOL CONNECTION

INSIDE THIS ISSUE:

<i>Judicial Council Sponsored Legislation</i>	3
<i>Ripped from the Headlines</i>	4
<i>Legislative Programs</i>	7
<i>Staff Update</i>	8

LEGISLATIVE CALENDAR:

Last day for policy committees to report same house fiscal bills to fiscal committees
April 26

Last day for policy committees to report same house non-fiscal bills to floor
May 10

LEGISLATURE FOCUSES ON COURT SERVICES FOR FAMILIES, JUVENILES

Amid the reality of dwindling resources and persistent need, the Legislature has introduced a number of bills aimed at improving the experiences and outcomes of family law litigants, juvenile dependents, and victims of domestic violence as these parties work their way through the state’s courts. Pursuant to its constitutional duty to advise the Legislature regarding the administration of justice, the Judicial Council has taken a position on many of these measures.

Among the bills that have generated significant interest among family law professionals, judicial officers, and court administrators is SB 1406 by Senator Sheila Kuehl (D-Santa Monica). This bill would prohibit child custody mediators from making recommendations to the court. Currently, all contested child custody cases must be referred to mediation services. By local rule, courts have the option of allowing the mediator to make a recommendation to the court on the disputed issues if the mediation does not resolve them. According to the bill’s supporters, such a procedure, which is used in 33 courts, undermines the ability of a me-

diator to be a neutral facilitator assisting parties in reaching an agreement. They claim that the non-confidential nature of the process results in parties not disclosing important information to the mediator and thereby decrease the likelihood of equitable outcomes.

However, prohibiting mediators from making recommendations would result in the loss of vital information, say the bill’s opponents. Absent an objective voice communicating with the court, there is a concern about the courts’ ability to adequately and efficiently protect the interests of the children involved.

The Judicial Council is opposed to SB 1406 unless it is amended to include the significant resources the recommending courts would need to establish new systems and procedures under a confidential mediation model. Numerous implementation issues must also be addressed, including expanding the range of services the courts can provide in contested custody cases. Senator Kuehl and her staff have indicated a willingness to work with the courts on these issues.

(Continued on page 2)

CHIEF JUSTICE ADDRESSES THE LEGISLATURE

Chief Justice Ronald George made his annual State of the Judiciary address to a joint session of the Legislature on March 12, 2002. The address was well attended by both Senate and Assembly members.

In his address, the Chief Justice commented on the state’s current fiscal condition and told lawmakers, “The judiciary will fully meet its responsibilities within our existing

resources and will not be seeking funds for new programs or major program expansions.”

Regarding courthouse security, Chief Justice George said, “Far from being temples of justice, many of the courthouses in our state pose dangers to those who come to them for justice. Security is inadequate, sometimes

(Continued on page 6)

COURT RELATED BILLS

(Continued from page 1)

Domestic violence victims seeking protective orders would benefit from AB 2030, introduced by Assemblymember Jackie Goldberg (D-Los Angeles). This bill would provide that service of process in domestic violence restraining order cases would be performed by law enforcement at no cost to the party seeking the order. As introduced, the court would be required to arrange for service of process by entering into agreements with law enforcement or private process servers. The Judicial Council was initially concerned that this requirement would place the court in a conflicted position when called to rule on the adequacy of the service. However, when AB 2030 was heard by the Assembly Judiciary Committee on April 2, it was amended to place the responsibility for service with law enforcement who would bill the court for the service, thereby addressing the council's main policy concerns. The bill will be heard next by the Assembly Appropriations Committee. A cost estimate is being developed.

Assemblymember Darrell Steinberg (D-Sacramento) has introduced AB 2496, which seeks to address delays when a ward of the juvenile court is detained pending execution of the court's order or other disposition. As introduced, the bill addresses the court's periodic detention review. Significant amendments are anticipated relating to delays in placement of detained minors.

Some bills of interest to the courts, and the Judicial Council's position, include:

CIVIL AND SMALL CLAIMS

SB 1325 (Kuehl) – Personal jurisdiction: general appearance

Allows a party to object while moving to quash service without having the objections constitute a general appearance; permits a defendant or cross-defendant to move to quash service of summons and simultaneously answer, demur, or move to strike the complaint or cross-complaint. Specifies the circumstances under which a party is not deemed to have made a general appearance for purposes of a court exercising its jurisdiction.

JC Position: Support

Status: Passed Senate Judiciary Committee

CRIMINAL LAW

AB 2171 (Cogdill) – Bail: forfeiture

Prevents an order of forfeiture from being vacated or bail from being exonerated when a defendant has been deported or removed from the United States under federal authority.

JC Position: Support if amended to include an "interest of justice" exception

Status: Assembly Public Safety Committee

SB 1497 (Polanco) – Parole: life prisoners: review by three-judge panel

Sets up a one-time review of the custody status of life prisoners who have been in prison beyond a date specified in certain regulatory matrices. Requires a three-judge panel from the sentencing jurisdiction to consider various matters as to each prisoner qualifying for the review, and either order the immediate release of the prisoner, set a fixed parole date, or order the inmate to remain in custody, pending the hearing process of the Board of Prison Terms.

JC Position: Oppose

Status: Senate Public Safety Committee

DOMESTIC VIOLENCE

SB 1627 (Kuehl) – Protective orders

Revises existing law to require a law enforcement agency to enter proof of service of protective order served by the agency into the Domestic Violence Restraining Order System. For orders not served by law enforcement, the court would be required to either enter the proof of service in the system or send a copy of the proof to law enforcement for entry.

JC Position: Support if amended

Status: Senate Public Safety Committee

FAMILY LAW

AB 1832 (Robert Pacheco) – Psychotherapist-client privilege in dependency proceedings

Creates an exception to the existing psychotherapist-client privilege for any communication made during an assessment, evaluation, or treatment in order to provide information to the juvenile court, the county welfare worker, and the child's attorney to assist the court in determining the child's case plan and any other orders that are in the best interests of the child.

JC Position: Oppose unless amended

Status: Assembly Judiciary Committee

TRAFFIC

SB 1541 (Ackerman) – Traffic stops: evidence of identify: fingerprints

Requires an officer to obtain a thumbprint from a person stopped for a traffic infraction who fails to present satisfactory evidence of identity, unless the officer is called away on an emergency or otherwise cannot perform the task; provides that when a person contests a charge by claiming not to be the person stopped, and there is no thumbprint, the court may, if it believes there is insufficient evidence of identity, refer the case back to the issuing agency for further investigation. Authorizes the court to dismiss the case if the issuing agency fails to respond within 45 days, or if, after receiving the response, there is still insufficient evidence of identity.

JC Position: Support

Status: Passed Senate Public Safety Committee; referred to Senate Appropriations Committee

COUNCIL-SPONSORED LEGISLATION AWAITS HEARINGS

The March issue of *The Capitol Connection* introduced the Judicial Council's legislative program for 2002. Here is an update on the council's sponsored and co-sponsored bills and their current status.

CIVIL AND SMALL CLAIMS

AB 3027 (Committee on Judiciary) – Civil procedure

Requires a party demanding a jury to deposit jury fees at least 25 days before trial and requires each party demanding a jury trial to pay jury fees and mileage at the beginning of the second and each succeeding day's session; provides that service of opposition and reply papers in a summary judgment motion be served in accordance with Code of Civil Procedure section 1005; provides exemption from liability for private contractors who serve as small claims advisors; extends the time prior to a hearing that a notice of small claims action must be served on the defendant; provides that a request for postponement of a small claims hearing be for good cause.

JC Position: Sponsor

Status: Assembly Judiciary Committee

JUDGES

AB 1698 (Committee on Judiciary) – Conversion of vacant subordinate judicial officer positions

Provides for the conversion of eligible subordinate judicial officer (SJO) positions into judgeships.

JC Position: Sponsor

Status: Senate Judiciary Committee

AB 2065 (Nakano) – Judges: confidentiality of home addresses

Includes retired judges among the classes of government officials whose home addresses on record with the Department of Motor Vehicles are kept confidential.

JC Position: Co-sponsor with California Judges Association

Status: Assembly Transportation Committee

AB 2879 (Strom-Martin) – Judges' retirement and assignment

Allows a judge to designate a beneficiary other than his or her spouse to receive the non-community property portion of his or her retirement benefit upon the judge's death; provides that in certain situations a judge who dies while in office with 20 years of service is deemed to have met the requisite age regardless of his or her actual age at the time of death; conforms the compensation of a retired judge assigned to an appellate court with that of a retired judge assigned to a trial court.



*Assembly Member
Strom-Martin*

JC Position: Co-sponsor with the California Judges Association

Status: Assembly Public Employees, Retirement and Social Security Committee

JURIES

AB 2925 (Migden) – Juror mileage reimbursement

Eliminates the reimbursement of mileage for the first day of jury service.

JC Position: Sponsor

Status: Assembly Judiciary Committee

TRIAL COURT FUNDING AND ADMINISTRATION

AB 2321 (Hertzberg) – Tort Claims Act

Placeholder for bill that clarifies the procedure for presenting claims against the trial courts, Courts of Appeal, the Supreme Court, the Judicial Council, and the Administrative Office of the Courts.

JC Position: Sponsor

AB 3028 (Committee on Judiciary) – Court operations

Authorizes the Chief Justice to designate a representative to serve on various commissions; makes technical and clarifying changes to the Code of Civil Procedure and the Welfare and Institutions Code regarding issuance of temporary restraining orders and injunctions.

JC Position: Sponsor

Status: Assembly Judiciary Committee

SB 1732 (Escutia) – Trial court facilities

Declares the Legislature's intent to address the issue of adequacy of court facilities

JC Position: Co-sponsor with the California State Association of Counties

Status: Senate Rules Committee (pending assignment)



Senator Escutia

SB 1396 (Dunn) – Court security

Declares the Legislature's intent that all counties in California use a uniform framework for defining, reporting, billing, and auditing court security costs within the judicial branch.

JC Position: Co-sponsor with the California State Sheriffs' Association

Status: Senate Rules Committee (pending assignment)

SB 2011 (Burton) - Workers compensation

Allows the trial courts to "self insure" like other state agencies; establishes a Judicial Branch Workers Compensation Fund.

JC Position: Sponsor

Status: Senate Labor and Industrial Relations Committee

Status Chart of Pending Legislation

Looking for Judicial Council positions on legislation? The Office of Governmental Affairs prepares a chart after each Policy Coordination and Liaison Committee (PCLC) meeting showing the status of legislation on which the PCLC has adopted a position. The chart provides details such as the source of the bill, and the bill's current status in the Legislature. The bills are listed in numerical order and indexed by subject. To get a copy of the status chart visit us on the web at <http://www.courtinfo.ca.gov/courtadmin/aoc/oga.htm>.

RIPPED FROM THE HEADLINES...

“Ripped From the Headlines” highlights news stories of interest including headlines and lead paragraphs, without editorial comment from *The Capitol Connection*.

“Women missing from fall ballot” *Mercury News* (March 9, 2002)

For the first time since paisley ties were in vogue, the first African-American joined the U.S Supreme Court and the National Organization for Women opened its doors, California is on the verge of shutting women out of the state’s top offices.

Despite all the talk of inclusion and diversity from Democrats and Republicans, both major parties selected largely homogeneous teams in Tuesday’s primary election.

“Some welcome, some wary of bond proposals” *Union Tribune* (March 3, 2002)

In 1984, former Gov. George Deukmejian wanted to hold the amount of state bonds that voters would be asked to approve in the November election to \$1.4 billion.

In the November election this year, voters may be asked to approve about 10 times that amount – a \$13 billion school-construction bond and perhaps a \$2.2 billion housing bond.

A record wave for state bonds, some to restructure debt and others speeding construction projects to boost the economy, could nearly double the debt that must be paid off by the taxpayer-supported state general fund.

The prospect is alarming to fiscally conservative legislators who advocate a pay-as-you-go policy. Others think historically low interest rates provide a rare opportunity to stretch dollars by issuing even more bonds.

“Philadelphia Judge Reverses Landmark Fingerprint Decision: Expert testimony on fingerprints allowed after all.” *The Recorder* (March 14, 2002)

Senior U.S. District Judge Louis H. Pollak of the Eastern District of Pennsylvania has reversed his landmark decision in *United States v. Plaza-Llera* that barred fingerprint experts from telling juries that two fingerprints are a “match” because the science they rely on does not meet the U.S Supreme Court’s *Daubert* test.



In his earlier, January decision, Pollak found that the science of fingerprint examination has never been subjected to the rigors of scientific testing and that the standards for declaring a match were not legally reliable because they were too subjective.

Now, in a major victory for the government, Pollak has handed down a 60-page opinion in which he concluded that his first analysis was flawed because fingerprint identification isn’t a science at all, but rather a field of “technical” knowledge that deserves a different test for reliability in court.

“Raises Denied for State Officials” *Los Angeles Times* (March 15, 2002)

Citing the state budget shortage, a salary commission Thursday refused to raise the pay of top elected California officials, in-

cluding the governor, legislators and statewide officers.

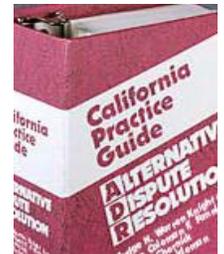
It marked the second year in a row that the California Citizens Compensation Commission failed to approve increases for the state’s top officials, who are among the highest paid in the country.

Commission Chairman Claude Brinegar, a retired oil company executive, and Nicholas Bravo, owner of a benefits management business, said they had received “rare” letters from several Assembly members who asked that salaries not be increased because of the state’s projected budget shortfall. A pay boost, Brinegar told the commission, would be inappropriate and badly timed. All four commissioners present voted against an increase, and a raise will not be considered again until next year.

“Private justice system targeted: Binding arbitration is lauded as fast and fair, but critics say it is often stacked against consumers.” *The Sacramento Bee* (March 18, 2002)

The fine print in employment, health insurance and consumer contracts often requires binding arbitration – a process that is not open to the public, is largely unregulated by the state and whose awards are virtually impossible to overturn.

Supporters call binding arbitration a fast, fair, cost-effective solution, but critics say it can stack the deck against consumers and create a perception of bias from cozy relationships between arbitration services and companies that use them repeatedly.



Members of the state Assembly Judiciary Committee unveiled a package of bills last week that target secrecy, financial conflicts, excessive costs and ethical issues involving private judging services, which set the rules for arbitration and provide everything necessary – including affiliated private judges – for binding resolution of disputes.

“Officials: End fees for child support debacle” *Union Tribune* (March 18, 2002)

Some legislators said it was the most expensive computer fiasco in the nation’s history when the state pulled the plug on a statewide child-support computer system in 1997.

The state spent \$111 million on a system that was supposed to track down and collect money from the “deadbeat dads,” and increasingly some moms, who do not make court-ordered payments for the support of their children.

The failure not only meant the money was wasted, but it also triggered annual federal penalties for not having an automated, statewide child-support collection system that have cost California an additional \$372 million so far.

The bottom line in human terms is that California has about 1 million cases of uncollected child support, and many children growing up in low-income households are being wrongly deprived of financial support from their absent parent.

(Continued on page 5)

RIPPED FROM THE HEADLINES...

(Continued from page 4)

Now to help close a huge state budget gap, the administration of Gov. Davis plans to seek legislation in Congress that would eliminate the federal penalty for next fiscal year, saving California \$180 million.

“Families Don’t Meet Rules on Foster Care: Most violate standards required for nonrelatives, a study in L.A. finds. U.S. may halt funding if conditions don’t improve.” *Los Angeles Times* (March 21, 2002)

A new study of foster homes in Los Angeles has found that 99% of relatives caring for foster children failed to meet current health and safety standards in their homes.

The study of 200 randomly selected households by the county’s child welfare agency found problems ranging from crowded conditions—children in 79 homes were sleeping in the same beds or rooms with adults, on mattresses or sleeping bags on the floor, on couches or in kitchens, dining rooms or closets—to unsanitary or hazardous conditions. Among those were roach infestations, plumbing problems and homes and yards filled with garbage.

The consequences of such widespread failure are twofold: They demonstrate that many foster children in Los Angeles may be living in unhealthy, even dangerous environments. They also bolster charges by the federal government that California for years failed to hold relatives of foster children to the same standards enforced against nonrelative foster parents.

“New Rules Aim to Attract More Death Row Attorneys: The state high court offers financial and research assistance but also insists on more supervision of lawyers.” *Daily Journal* (March 27, 2002)

The California Supreme Court announced Tuesday that attorneys who volunteer to take death penalty appeals will receive more training opportunities and research assistance and will be able to collect their pay faster under new guidelines.

Court officials say they are trying to reduce delays in the appeals process and make it more attractive for private attorneys to take on the daunting task of representing a death row inmate. And to ease the financial crunch on those who draft appeal briefs that take years to complete, the court is offering more frequent installment payments as long as attorneys can show they are making steady progress.

“Court Disfavors Limit on Speech Of Campaigners: Judicial Candidates May Get Justices’ OK to Express Views.” *Daily Journal* (March 27, 2002)

Struggling to resolve a major First Amendment issue, the Supreme Court justices on Tuesday expressed strong skepticism about state laws that bar judicial candidates from announcing their views on controversial legal and political issues.

During a lively one-hour argument, a majority of the court appeared ready to strike down a Minnesota law that prohibits such declaration by sitting judges and their opponents.

The justices indicated they prefer a bright-line rule that allows candidates to announce their views on any issue or past case but

not on pending or future cases. Most justices indicated such a rule would preserve both judicial integrity and the basic First Amendment right to political speech.

“Long-term loan may be summer cash option” *Union Tribune* (March 28, 2002)

For the first time since the deep recession of the early 1990s, the state may have to get a long-term loan to keep from running out of cash this summer.



State Finance Director Tim Gage, saying the state should “err on the side of caution,” has asked Controller Kathleen Connell to prepare to obtain the loan before the new fiscal year begins July 1.

Officials are awaiting tax receipts next month, clearance for a long-delayed ratepayer bond to repay the state general fund for power purchases, and a court decision that could bar state spending if no budget is in place.

A long-term loan may also be needed if a lengthy legislative deadlock, which some are predicting in this election year, prevents passage of a new state budget well into the new fiscal year.

“High Court to Review California’s ‘Three Strikes’ Law” *The Recorder* (April 2, 2002)

Nearly eight years after it was first enacted, California’s “three strikes” law will be scrutinized by the U.S. Supreme Court to determine if it violates the constitutional ban on “cruel and unusual” punishment.

The high court on Monday granted review of two rulings – one from the California state courts, the other from the 9th U.S. Circuit Court of Appeals – that came to opposite conclusions on the issue.

The law, passed in 1994, calls for prison terms of 25 years to life after conviction of a felony that follows two other convictions for serious or violent felonies. While laws in most states allow some kind of sentence enhancements based on a defendant’s prior record, California’s is unusually strict in that the third “triggering” felony conviction need not be violent, and can include convictions for crimes that could have been prosecuted as misdemeanors.

The California law has been challenged numerous times, but the Supreme Court declined to take on the issue until Monday.

“Budget woes common, but bigger here” *Ventura County Star* (April 2, 2002)

It might be small solace to California lawmakers as they returned to business this week after a spring recess, but budget writers in Sacramento have plenty of company around the nation. The difference is that in California the gap they must close – somewhere in the \$15 billion to \$17 billion range – is by far the largest, both in terms of real dollars and in percentage of the total budget.

As a percentage, California’s 16 percent shortfall leads the na-

(Continued on page 6)

RIPPED FROM THE HEADLINES...

(Continued from page 5)

tion, but there are nine other states that must take up deficits of 7.5 percent or more.

“Pacheco bid to honor Boy Scouts fails: Group’s stance on gays, atheists cited for defeat”

San Gabriel Valley Tribune (April 3, 2002)

A day after the state Assembly voted to honor the Girls Scouts of America, lawmakers killed a similar favor for the Boy Scouts because of its policy on gays.

“This resolution would have simply recognized the Boy Scouts for all the positive contributions that they have made to our communities,” author Bob Pacheco said Tuesday after the resolution was killed. “Their mission is simple: They strive to instill in our young men leadership and public service skills.”

The Democrat-led Assembly Judiciary Committee voted 4-4 on a party-line vote. The measure needed a majority vote to advance to the Assembly floor.

Calling her opposition “painful,” committee chairwoman Assemblywoman Ellen Corbett said while she “respects the good work that the Boy Scouts do,” the organization’s policies prevent her from supporting the measure.

Corbett, D-San Leandro, said she supported the Girl Scout resolution because the group welcomes all girls. “I hope that at some point the Boy Scouts will take a lesson from this,” she said.

“Measure Said to Waylay Privacy Bills Cleared Panel: The Assembly Judiciary Committee is likely to approve Lou Papan’s ACR 125, which is opposed by trial lawyers.” *Daily Journal* (April 3, 2002)

A state legislative proposal to authorize a study of financial privacy cleared its first committee hearing Tuesday with consumers complaining it is a backdoor attempt to scuttle bills protecting their privacy.

The author of the resolution, Assemblyman Lou Papan, D-

Millbrae, insisted four times during the Assembly Judiciary Committee that ACR 125 is not intended to restrict other legislation on privacy.

But some committee members, including Assemblywoman Hannah Beth Jackson, D-Santa Barbara, said the resolution would delay consumer privacy legislation for years. Jackson is an ally of the Consumer Attorneys of California, the trial lawyers group that opposes ACR 125, and has noted there have been extensive hearings on the subject for the past two years.

Papan’s proposal would authorize the California Law Revision Commission to conduct the study. The author said there’s been a lot of discussion about the issue, but not a thorough legal analysis. A commission spokesman said it would be a “number of years” before the panel could complete a study of the issue.

“Burton Ready to Deal on DNA: A bill allowing ‘reasonable force’ to obtain DNA samples from inmates is likely to go forward after a compromise.” *Daily Journal* (April 10, 2002)

A proposal to allow prison officials to take DNA samples from inmates by force appears likely to pass a key committee.

In a hearing Tuesday before the Senate Public Safety Committee, those on both sides of SB 1242 said they believed they could reach a compromise on the measure and get it past the committee, its biggest hurdle.

“I’m of the opinion we could come up with a satisfactory bill,” said Senate President Pro Tem John Burton, D-San Francisco, a panel member and critic of the measure. “We ought to work with the sponsors of the bill to clean this up a tad and bring it back,” he said.

Burton previously had been reported as wanting to kill the measure. But the powerful Senate leader said Tuesday he believed his concerns, and those of the measure’s other opponents, could be addressed by amending the bill to include guidelines and limitations on the use of force against inmates.

STATE OF THE JUDICIARY ADDRESS

(Continued from page 1)

making a court appearance a hazardous experience for litigants and witnesses.”

Chief Justice George also highlighted the Judicial Council’s efforts to provide greater assistance to pro per litigants. In praising the creation of the Self-Help Center he said, “A self-help website will never take the place of legal representation by an attorney, but for some individuals it may mean the difference between being able to participate in the process in a meaningful way and having their rights and interests overlooked in a system that simply may be too complex for them to penetrate effectively.”

Following the address the Judicial Council hosted its

eight annual Judicial-Legislative-Executive Forum. During the Forum, legislators and members of the executive branch had a chance to meet with the Chief Justice and other members of the California Supreme Court, the Judicial Council, and other members and guests of the judicial branch. Over 175 people attended.



Members of the California Legislature greet Chief Justice Ronald M. George as he prepares to give his annual State of the Judiciary Address.

OTHER GROUPS PROPOSE CHANGES TO JUSTICE SYSTEM

In addition to the Judicial Council, a number of other organizations sponsor legislation involving California's justice system. Here are the legislative programs of some of these organizations. (For information on the council's position, if any, on these bills, access the Office of Governmental Affairs status chart on pending legislation at <http://www.courtinfo.ca.gov/courtadmin/aoc/oga.htm>.)

California District Attorneys Association

Bill	Author	Summary
AB 1764	Wayne	Updates current law so that impersonating a person through the use of the Internet or World Wide Web with the intent to deceive, injure, or defraud that person is a crime under Penal Code §474.
AB 1773	Wayne	Allows criminal identity theft charges to be filed not only where the crime occurred or where the property was brought, but also in the jurisdiction where a victim resides.
AB 1838	Hertzberg	Expands the definition of weapons of mass destruction to include restricted biological agents, and an aircraft, vessel, or vehicle that is used as a destructive device and provides for punishment enhancements for crimes perpetrated by means of weapons of mass destruction.
AB 1858	La Suer	Establishes probation terms for certain high technology crime offenses and will require the offender to pay a fee into the High Technology Laboratory Trust Fund in order to decrease repeat criminal conduct. Requires convicted offenders to make restitution to law enforcement agencies for investigation costs and to victims for economic damages.
AB 2471	Bob Pacheco	Amends the Insurance Code to include criminal penalties for witnesses who are willfully false under oath as to material matters related to their insurance claim.
SB 1242	Brulte	Authorizes law enforcement officials to order DNA blood samples to be drawn in a medically approved manner from felon inmates mandated by law to submit blood samples.
SB 1390	Peace	Requires that a motion to suppress evidence set forth the specific and detailed factual and legal bases that demonstrate why a motion to suppress evidence should be granted.
SB 1686	Margett	Prohibits participation in a terrorist organization for criminal purposes, subscribes punishment enhancements for terrorist crimes, and imposes vicarious liability for participants of criminal terrorist organizations.
SB 1757	Battin	Provides that DUI felony conviction that is later reduced to a misdemeanor violation is treated as a felony prior for DUI repeat offenders.
SB 1798	Ackerman	Corrects minor errors and updates certain code provisions to ensure that the criminal statutes in various codes are correct and conforming.
SB 1980	McPherson	Allows search warrants to be issued for Internet Service Provider information related to many types of high technology crimes such as identity theft, on-line auction fraud, credit card fraud, and e-mail harassment.

California Public Defenders Association

Bill	Author	Summary
AB 2023	Frommer	Authorizes contracting agencies of the Public Employees' Retirement System and counties and districts subject to the County Employees' Retirement Law of 1937 to establish a criminal justice member
SB 1391	Burton	Requires that evidence to which trial counsel for the same defendant was entitled at the time of trial be made reasonably accessible to counsel preparing a habeas corpus petition on behalf of a person convicted of a felony, upon submission by that counsel of a specified declaration under penalty of perjury, as provided. Creates an explicit right to prosecute a writ of habeas corpus, regardless of custody or restraint, to address a conviction based on fraud by, or false evidence from, a government official.

California Judges Association

Bill	Author	Summary
AB 2065	Nakano	Includes retired judges among the classes of government officials whose home addresses on record with the Department of Motor Vehicles are kept confidential. <i>(Co-sponsored with the Judicial Council)</i>
AB 2879	Strom-Martin	Allows a judge to designate a beneficiary other than his or her spouse to receive the non-community property portion of his or her retirement benefit upon the judge's death; provides that in certain situations a judge who dies while in office with 20 years of service is be deemed to have met the requisite age regardless of his or her actual age at the time of death; conforms the compensation of a retired judge assigned to an appellate court with that of a retired judge assigned to a trial court. <i>(Co-sponsored</i>

(Continued on page 8)



**Judicial Council of California
Administrative Office of the Courts
Office of Governmental Affairs**

770 "L" Street, Suite 700
Sacramento, CA 95814
Telephone 916-323-3121
Fax 916-323-4347
TDD 800-735-2929

Editorial Board

June Clark
Kate Howard
Kourtney Krieger
Ray Le Bov
Martin Riley

Contributors

Ruby Maciel
Thomas Stevenson
Yvette Trevino
Alla Vorobets
Terrie Wilfong

STAFF UPDATE

The Judicial Council's Administrative Office of the Courts (AOC) Office of Governmental Affairs has recently welcomed two new members to its staff:

Monica LeBlond is a Support Services Supervisor. Prior to joining the AOC, Monica worked at an environmental consulting firm as an Administrative and Quality Manager. In addition, Ms. LeBlond's previous experience includes work as a Project Administrator for GTE Government Systems in Mountain View, CA. Ms. LeBlond has a Bachelor's degree in Music from the State University of New York.

Thomas Stevenson recently came on board

as a Graduate Student Assistant. His responsibilities include assisting advocates in research and information gathering for various projects. He recently graduated from Northern Arizona University with a Bachelor's degree in Criminal Justice and is currently working on a Master's degree in Criminal Justice at California State University, Sacramento.

Both staff members bring a wealth of experience to their new jobs and look forward to serving the Judicial Council and the Administrative Office of the Courts.

LEGISLATIVE PROGRAMS

(Continued from page 7)

California Attorneys for Criminal Justice

Bill	Author	Summary
SB 1391	Burton	Requires that evidence to which trial counsel for the same defendant was entitled at the time of trial be made reasonably accessible to counsel preparing a habeas corpus petition on behalf of a person convicted of a felony, upon submission by that counsel of a specified declaration under penalty of perjury, as provided. Creates an explicit right to prosecute a writ of habeas corpus, regardless of custody or restraint, to address a conviction based on fraud by, or false evidence from, a government official.

Subscribe Today!

The Capitol Connection is delivered electronically each month to hundreds of subscribers at no charge.

People interested in subscribing can contact Yvette Trevino, 916-323-3121, e-mail: yvette.trevino@jud.ca.gov.

The Capitol Connection is on the Web!

Looking for a past issue of the Capitol Connection? Find it online! The Capitol Connection is available on the Internet at www.courtinfo.ca.gov/courtadmin/aoc/capconn.htm.