



**Judicial Council of California**  
ADMINISTRATIVE OFFICE OF THE COURTS

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## MEMORANDUM

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Date	Action Requested
February 24, 2012	N/A
To	Deadline
Court of Appeal Presiding Justices and Clerks Members, Administrative Presiding Justices Advisory Committee	N/A
Members, Appellate Advisory Committee	Contact
	June Clark, 916-323-3121 june.clark@jud.ca.gov
From	
June Clark, Senior Attorney	
Subject	
Report of Legislation of Interest to Appellate Courts	

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Attached you will find two charts reflecting actions of the 2011-2012 legislative session. The first chart consists of legislation of potential interest to the appellate courts. The second consists of legislation responding to California appellate and Supreme Court decisions.

These and other bills can be found on the Internet at [www.leginfo.ca.gov/billinfo.html](http://www.leginfo.ca.gov/billinfo.html)

JC/yc

Attachments

cc: Jody Patel  
Curt Soderland

## 2011-12 PENDING LEGISLATION AFFECTING THE CALIFORNIA APPELLATE COURTS

<b>BILL</b>	<b>AUTHOR</b>	<b>SUMMARY</b>	<b>STAFF</b>	<b>JC POSITION</b>	<b>STATUS as of February 24, 2012</b>
<b>AB 1062</b>	<b>Dickinson</b>	Deletes an order dismissing or denying a petition to compel arbitration as a basis from which an appeal may be taken.	Daniel Pone		Inactive file

NOTE: This cumulative table is current through 2.24.2012. For additional information such as bill analyses, legislative deadlines, hearing dates, or Judicial Council positions on legislation, please contact the Judicial Council's Office of Governmental Affairs at (916) 323-3121. Bills can be found on the internet at [www.leginfo.ca.gov](http://www.leginfo.ca.gov).

## 2011-12 LEGISLATION RESPONDING TO CALIFORNIA APPELLATE AND SUPREME COURT DECISIONS

BILL	AUTHOR	SUMMARY	STATUS as of February 24, 2012
<b>AB 324</b> (Tracy Kenny)	<b>Buchanan</b>	Specifies that juvenile offenders who have been adjudicated for an offense requiring registration as a sex offender may be committed to the California Department of Corrections and Rehabilitation's Division of Juvenile Facilities even if they have not been adjudicated for an offense listed in Welfare and Institutions Code section 707(b). Addresses <i>In re C.H.</i> (2011) 53 Cal.4th 94, wherein the California Supreme Court ruled that current law does not expressly authorize commitment of juvenile sex offender to the DJF if the offender was not adjudicated for a Welfare and Institutions Code (WIC) Section 707(b) offense. (As amended February 7, 2012.)	To the Governor
<b>AB 433</b> (Daniel Pone)	<b>Lowenthal</b>	Among other things, allows a person who has undergone clinically appropriate treatment for the purpose of gender transition to file a petition in any superior court to recognize the change in gender and, additionally, if applicable, a name change and request for a new birth certificate. [Note: according to the sponsor, this bill was introduced, in part, in response to the Court of Appeal's decision in <i>Somers v. Superior Court</i> , (2009) 172 Cal.App.4 <sup>th</sup> 1407, which held that California's refusal to issue new birth certificates to individuals who underwent gender reassignment surgery and who, while born in California, now reside elsewhere, violates the Privileges and Immunities Clause of the U.S. Constitution.]	Signed into law (Stats. 2011, ch. 718)
<b>AB 934</b> (Daniel Pone)	<b>Feuer</b>	Provides that specified communications are not privileged, including communications authorized by certain provisions of state law relating to real property transactions of residential tenants, or discrimination against residential tenants as specified. States the intent of the Legislature, in enacting specified provisions in the bill, to invalidate the holdings in <i>Action Apartment Ass'n v. Santa Monica Rent Control Bd.</i> , (2007) 41 Cal.4 <sup>th</sup> 1232 and <i>Feldman v. 1100 Park Lane Associates</i> , (2008) 160 Cal.App.4 <sup>th</sup> 1467.	Dead
<b>AB 1067</b> (Daniel Pone)	<b>Huber</b>	Provides that the denial of a motion to reconsider an order pursuant to Code of Civil Procedure (CCP) section 1008 is not appealable, except as part of an appeal of the underlying order or final judgment. [Note: there is currently a split of authority in the appellate courts on whether an order denying a motion for reconsideration pursuant to CCP section 1008 is appealable (see <i>Tate v. Wilburn</i> , (2010) 184 Cal.App.4 <sup>th</sup> 150, which discusses the two lines of authority). AB 1067 would codify the majority view that such orders are not appealable.]	Signed into law (Stats. 2011, ch. 78)

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## 2011-12 LEGISLATION RESPONDING TO CALIFORNIA APPELLATE AND SUPREME COURT DECISIONS

BILL	AUTHOR	SUMMARY	STATUS as of February 24, 2012
<b>AB 1114</b> <b>(June Clark)</b>	<b>Lowenthal, B.</b>	Deletes provisions regarding the process for involuntary administration of psychotropic medication set forth in <i>Keyhea v. Rushen</i> , (1986) 178 Cal.App.3 <sup>rd</sup> 526, and instead codifies a process requiring the inmate's informed consent, unless a noticed hearing is conducted in which an administrative law judge determines by clear and convincing evidence that the inmate suffers from a mental illness or disorder, that the inmate is or is likely to become gravely disabled or a danger to self or others, and that the medication is in the inmate's best medical interest.	Signed into law (Stats. 2011, ch. 665)
<b>AB 1220</b> <b>(Daniel Pone)</b>	<b>Alejo</b>	Among other things, states the intent of the Legislature in enacting Section 2 of this act to modify the court's opinion in <i>Urban Habitat Program v. City of Pleasanton</i> , (2008) 164 Cal.App.4 <sup>th</sup> 1561, with respect to the interpretation of Section 65009 of the Government Code.	Vetoed
<b>AB 1286</b> <b>(Daniel Pone)</b>	<b>Fuentes, D.</b>	Provides that unless approval of a settlement or compromise relating to a claim for earned wages is being sought pursuant to the California Rules of Court, an employee's waiver or release of such a wage claim that is based on a provision of the Labor Code or an order of the Industrial Welfare Commission, or is derivative of such a claim, and is covered by a pending certified or uncertified class action or representative action, shall not be valid or enforceable if that employee is a class member or a putative class member in a pending certified or uncertified class action or is represented or potentially represented in a representative action. [Note: according to the sponsor, this bill was introduced in response to the Court of Appeal's recent decision in <i>Chindarah v. Pick Up Stix</i> , (2009) 171 Cal.App.4 <sup>th</sup> 796.]	Dead
<b>AB 1864</b> <b>(Daniel Pone)</b>	<b>Wagner</b>	Among other things, states the intent of the Legislature in enacting this act to codify, as public policy, the holding of <i>Howard v. Drapkin</i> (1990) 222 Cal.App.3d 843, and to extend the protection and immunity from civil litigation for damages to all professionals appointed by the court pursuant to Part 2 (commencing with Section 3020) of Division 8 of the Family Code or Section 730 of the Evidence Code. (As introduced.)	Not yet referred

## 2011-12 LEGISLATION RESPONDING TO CALIFORNIA APPELLATE AND SUPREME COURT DECISIONS

BILL	AUTHOR	SUMMARY	STATUS as of February 24, 2012
<b>SB 8</b> <b>(Daniel Pone)</b>	<b>Yee</b>	Establishes the Richard McKee Transparency Acts of 2011, which require records, as defined, maintained by a CSU or CCC auxiliary organization or UC campus foundation to be made available to the public and require the entities to follow specified timelines and procedures for responding to public records requests, consistent with CPRA. [Note: the bill was introduced in response to <i>California State University, Fresno Assn., Inc. v. Superior Court</i> (2001) 90 Cal.App.4th 810, which held that the California Public Records Act applies only to state agencies, not campus auxiliary organizations.] (As amended July 14, 2012.)	Signed into law (Stats. 2011, ch. 247)
<b>SB 914</b> <b>(June Clark)</b>	<b>Leno</b>	Prohibits the search of information contained in a portable electronic device by a law enforcement officer incident to a lawful custodial arrest except pursuant to a warrant issued by a duly authorized magistrate using established procedures. Declares the Legislature's intent to reject the rule announced by the California Supreme Court in <i>People v. Diaz</i> , (2011) 51 Cal.App.4th 84.	Vetoed
<b>SB 1003</b> <b>(Daniel Pone)</b>	<b>Yee</b>	Among other things, specifies the intent of the Legislature, in amending Section 54960 of the Government Code, to supersede the decision of the California Court of Appeal for the Fifth District in <i>McKee v. Tulare County Bd. of Sup'rs</i> (Nov. 2, 2011, F061146) in a non-published opinion, in which the Court held that injunctive and declaratory relief were not available to determine the applicability of this chapter to a past action or practice of a legislative body of a local agency that the body, while resolving not to repeat it, nevertheless continued to maintain was lawful. Specifies further that the Legislature finds and declares that the amendments made to Section 54960 of the Government Code by this act are declaratory of existing law. (As introduced.)	Senate Governance and Finance
<b>SB 1069</b> <b>(Daniel Pone)</b>	<b>Corbett</b>	Amends the law governing deficiency judgments, as specified. States that the amendments to Section 580b of the Code of Civil Procedure that are contained in this act are intended by the Legislature to codify the holding in <i>Spangler v. Memler</i> (1972) 7 Cal.3d 603, as construed by <i>DeBerard Properties, Inc. v. Lim</i> (1999) 20 Cal.4th 659. (As introduced.)	Not yet referred

## 2011-12 LEGISLATION RESPONDING TO CALIFORNIA APPELLATE AND SUPREME COURT DECISIONS

BILL	AUTHOR	SUMMARY	STATUS as of February 24, 2012
<b>SB 1528</b> <b>(Daniel</b> <b>Pone)</b>	<b>Steinberg</b>	Provides, in order to ensure the public policy of all injured persons being compensated equally, that an injured person is entitled to recover the reasonable value of medical services provided without regard to the amount actually paid, as specified. [Note: the bill was introduced in response to the California Supreme Court's decision in <i>Howell v. Hamilton Meats &amp; Provisions</i> (2011) 52 Cal.4th 541.] (As introduced.)	Not yet referred

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