



Judicial Council of California

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M E M O R A N D U M

Date

October 10, 2024

Action Requested

For Your Information

To

Members of the Administrative Presiding
Justices Advisory Committee
Members of the Appellate Advisory
Committee
Appellate Court Clerk/Executive Officers

Deadline

N/A

Contact

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From

Cory T. Jasperson, Director
Governmental Affairs

Subject

Final Report of 2024 Legislation of Interest
to Appellate Courts

Attached please find a chart listing 2024 legislation of interest to appellate courts. Additional legislative information is available online at <http://leginfo.legislature.ca.gov/>.

CTJ/HR/jh

Attachment

cc: Michelle Curran, Administrative Director, Judicial Council
Robert Oyung, Chief Deputy Director, Judicial Council

APPELLATE CHART 2024

BILL	AUTHOR	SUMMARY	STATUS as of October 1, 2024
AB 81	Ramos	<p>Indian children: child custody proceedings.</p> <p>Provides that the sections of the Family Code, the Probate Code, and the Welfare and Institutions Code that apply to proceedings involving an Indian child shall be collectively known as the California Indian Child Welfare Act. Codifies in section 224.1 the definitions from the federal Indian Child Welfare Act. Clarifies requirements around inquiry concerning possible eligibility for tribal membership and provides that it must occur whether a child is removed from a parent pursuant to a warrant or taken into temporary custody without a warrant in response to <i>In re Robert F.</i> (2023) 90 Cal.App.5th 492 and subsequent cases, including <i>In re Ja. O.</i> (2023) 91 Cal.App.5th 672, which was granted review by the California Supreme Court.</p>	Signed into law (Stats. 2024, ch. 656)
AB 270	Lee	<p>Political Reform Act of 1974: public campaign financing</p> <p>Permits a public officer or candidate to expend or accept public funds for the purpose of seeking elective office unless the funds are earmarked by a state or local entity for education, transportation, or public safety. Consistent with the California Supreme Court’s reference in <i>Johnson v. Bradley</i> (1992) 4 Cal.4th 389 to the Court of Appeal’s observation that “it seems obvious that public money reduces rather than increases the fund raising pressures on public office seekers and thereby reduces the undue influence of special interest groups.”</p>	<p>Held under submission in Senate Appropriations Committee</p> <p>Dead</p>
AB 1168	Bennett	<p>Emergency medical services (EMS): prehospital EMS</p> <p>Requires the City of Oxnard to be treated as if it had retained the right to administer or contract for prehospital ambulance EMS notwithstanding <i>City of Oxnard v. County of Ventura</i> (2021) 71 Cal.App.5th 1010, which found that the City of Oxnard did not have the right to administer ambulance services.</p>	Vetoed

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BILL	AUTHOR	SUMMARY	STATUS as of October 1, 2024
AB 1784	Pellerin	<p>Primary elections: candidate withdrawals</p> <p>Clarifies that state law prohibits a person from running for more than one office at a primary election. Allows a person who has filed to be a candidate at a primary election, other than a candidate for statewide office, to withdraw that candidacy until the filing deadline for that office. Requires an elections official to reject as invalid any nomination papers that a person attempts to file for an office at a primary election if the person has already filed—and not withdrawn—nomination papers for another office at the same primary election. Abrogates the court’s holding in <i>Weber v. Superior Court of Sacramento</i> (Fong) (2024) 101 Cal.App.5th 342.</p>	Signed into law (Stats. 2024, ch. 355)
AB 1820	Schiavo	<p>Housing development projects: applications: fees and exactions</p> <p>Authorizes a development proponent that submits a preliminary application for a housing development to request a preliminary fee and exaction estimate. Requires a city or county to provide the estimate within 30 business days and provide an itemized list and good faith estimate of the total sum amount of all fees and exactions that will apply to the project within 30 business days of final approval of a housing development project. Defines “exaction” as held in <i>Capistrano Beach Water Dist. v. Taj Development Corp.</i> (1999) 72 Cal.App.4th 524.</p>	Signed into law (Stats. 2024, ch. 358)
AB 2125	Garcia	<p>Judicial officers: disqualification</p> <p>Requires the California Law Revision Commission, in consultation with the Commission on Judicial Performance, to deliver, by September 30, 2027, a study on the recusal of judicial officers for prejudice and conflict of interest. Introduced in response to <i>Pico Neighborhood Association v. City of Santa Monica</i> (2023) 15 Cal.5th 292.</p>	Held under submission in Senate Appropriations Committee Dead

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BILL	AUTHOR	SUMMARY	STATUS as of October 1, 2024
AB 2257	Wilson	<p>Local government: property-related water and sewer fees and assessments: remedies</p> <p>Prohibits, if a local agency complies with specified procedures, a person or entity from bringing a judicial action or proceeding alleging noncompliance with the constitutional provisions for any new, increased, or extended fee or assessment, unless that person or entity has submitted a timely written objection to the local agency. Limits a court’s review in any such judicial action or proceedings to a record of proceedings. Provides an opportunity for a ratepayer to present an objection to a new or amended fee, charge, or special assessment before resorting to litigation, consistent with <i>Rosenfield v. Malcom</i> (1967) 65 Cal.2d 559, as cited in <i>Plantier v. Ramona Municipal Water Dist.</i> (2019) 7 Cal.5th 372.</p>	Signed into law (Stats. 2024, ch. 561)
AB 2284	Grayson	<p>County employees’ retirement: compensation</p> <p>Authorizes a retirement system to define “grade” to mean a number of employees considered together because they share specified similarities, without changing the holding in <i>Alameda County Deputy Sheriff’s Association v. Alameda County Employees’ Retirement Association</i> (2020) 9 Cal.5th 1032.</p>	Signed into law (Stats. 2024, ch. 824)
AB 2421	Low	<p>Employer-employee relations: confidential communications</p> <p>Supersedes <i>American Airlines, Inc. v. Superior Court</i> (2003) 114 Cal.App.4th 881 by prohibiting a local public agency employer, state employer, judicial employer, public school employer, higher education employer, or the San Francisco Bay Area Rapid Transit District from questioning any employee or employee representative regarding communications made in confidence between an employee and an employee representative in connection with representation within the scope of the employe organization’s representation.</p>	Held under submission in Senate Appropriations Committee Dead

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BILL	AUTHOR	SUMMARY	STATUS as of October 1, 2024
AB 2456	Jones-Sawyer	<p>Criminal law: civil compromise</p> <p>Supersedes <i>People v. Dimacali</i> (2019) 32 Cal.App.5th 822 by extending civil compromise to be available for offenses where there is an overlapping civil remedy so that offenses such as section 20002 of the Vehicle Code are eligible for civil compromise.</p>	<p>Held under submission in Assembly Public Safety Committee</p> <p>Dead</p>
AB 2483	Ting	<p>Postconviction proceedings</p> <p>Requires the presiding judge of each county superior court, on or before March 1, 2025, to convene a meeting with specified criminal justice partners to develop a plan for fair and efficient handling of postconviction proceedings. Adopts recommendations from the California Committee on Revision of the Penal Code (CRPC) after the CRPC reviewed litigation related to recently enacted postconviction proceeding statutes. Specifies that requirements only apply if no conflict with a more specific statute exists. Among other things, specifies that courts and the prosecution cannot rescind plea agreements in response to sentence modifications (in response to <i>People v. Stamps</i> (2020) 9 Cal.5th 685, 706; <i>People v. Coddington</i> (2023) 96 Cal.App.5th 562; <i>People v. Carter</i> (2023) 97 Cal.App.5th 960) and authorizes courts to modify every aspect of a defendant’s sentence (in response to <i>People v. Buycks</i> (2018) 5 Cal.5th 857, 893–895; <i>People v. Monroe</i> (2022) 85 Cal.App.5th 393, 402.)</p>	<p>Signed into law (Stats. 2024, ch. 964)</p>

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BILL	AUTHOR	SUMMARY	STATUS as of October 1, 2024
AB 2506	Lowenthal	<p>Property taxation: local exemption: possessory interests: publicly owned housing</p> <p>Authorizes a county board of supervisors to exempt any possessory interest held by a tenant of publicly owned housing from property taxation if the total taxes and applicable subventions on the property would amount to less than the cost of assessing and collecting them, as specified. Provides a rebuttable presumption that the property taxes and applicable subventions on a possessory interest held by a tenant in publicly owned housing are less than the assessment and collection costs. Consistent with findings in <i>Housing Authority of Los Angeles County v. Dockweiler</i> (1939) 14 Cal.2d 437 and <i>California Assn. of Psychology Providers v. Rank</i> (1990) 51 Cal.3d 1.</p>	<p>Assembly Rev. & Tax hearing canceled at the request of author</p> <p>Dead</p>
AB 2664	Bryan	<p>Foster youth</p> <p>Requires that, when a child is returned to the home of a parent or guardian at a dispositional hearing and then subsequently removed through a later petition, the child be deemed to have entered foster care on the date of the subsequent jurisdictional hearing or 60 days after the child was removed from the physical custody of their parent or guardian via the subsequent petition, whichever is earlier. Clarifies the timelines for provision of family reunification services, at issue in <i>In re Damian L.</i> (2023) 90 Cal.App.5th 357.</p>	<p>Signed into law (Stats. 2024, ch. 412)</p>
AB 2867	Gabriel	<p>Recovery of artwork and personal property lost due to persecution</p> <p>Provides that California substantive law shall apply in actions to recover fine art or an item of historical, interpretive, scientific, or artistic significance, including those covered by the Holocaust Expropriated Art Recovery Act of 2016, brought by a California resident or their heir. Permits a California resident or representative of the estate of a California resident to bring an action for damages to recover artwork or personal property that was stolen or otherwise lost as the result of political persecution, consistent with the finding in <i>Naftzger v. American Numismatic Soc’y</i> (1996) 42 Cal.App.4th 421.</p>	<p>Signed into law (Stats. 2024, ch. 257)</p>

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BILL	AUTHOR	SUMMARY	STATUS as of October 1, 2024
AB 3138	Wilson	<p>License plates and registration cards: alternative devices</p> <p>Would authorize any vehicle, beginning on January 1, 2027, to be offered an alternative device to a license plate or registration card that includes vehicle location technology. Contains a legislative finding that <i>Ogilvie v. Gordon</i> (2020) 540 F.Supp.3d 920 raised questions about the constitutionality of California’s laws and regulations regarding appropriate messages on license plates.</p>	Signed into law (Stats. 2024, ch. 756)
AB 3281	Committee on Judiciary	<p>Judiciary omnibus</p> <p>Makes numerous technical and noncontroversial updates to codes within the jurisdiction of the Judiciary Committee, including providing a narrow carve-out to the holding in <i>Breslin v. Breslin</i> (2022) 62 Cal.App.5th 801 to protect the Attorney General’s power to regulate charitable assets in probation mediation.</p>	Signed into law (Stats. 2024, ch. 853)
SB 422	Portantino	<p>Unemployment compensation: motion picture industry: loan-out companies</p> <p>Clarifies the responsibilities of loan-out companies and motion picture payroll services companies for the purposes of remitting unemployment insurance taxes and related obligations.</p>	Signed into law (Stats. 2024, ch. 1011)
SB 733	Glazer	<p>Solitary confinement</p> <p>Requires the Department of Corrections and Rehabilitation (CDCR) to track specified data regarding the population within solitary confinement following the settlement in <i>Ashker v. Governor of the State of California</i>. Requires CDCR to report this data to the Legislature on or before January 1, 2026, and annually thereafter.</p>	Held under submission in Assembly Appropriations Committee Dead

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BILL	AUTHOR	SUMMARY	STATUS as of October 1, 2024
SB 999	Cortese	<p>Health coverage: mental health and substance use disorders</p> <p>Requires a health care service plan and disability insurer to ensure compliance with specific requirements for utilization review, including maintaining direct communication access during California business hours for a health care provider to request authorization for mental health and substance use disorder care. Consistent with findings in <i>Rea v. Blue Shield of California</i> (2014) 226 Cal.App.4th 1209 that the California Mental Health Parity Act requires coverage of medically necessary residential treatment.</p>	<p>Held under submission in Assembly Appropriations Committee</p> <p>Dead</p>
SB 1001	Skinner	<p>Death penalty: intellectually disabled persons</p> <p>Codifies and expands the holding in <i>Centeno v. Superior Court</i> (2004) 117 Cal.App.4th 30 by specifying that individuals with an intellectual disability are ineligible for the death penalty. Clarifies that the question of intellectual disability is a question of fact that parties may stipulate to, and the court must respond to within 30 days.</p>	<p>Signed into law (Stats. 2024, ch. 908)</p>
SB 1161	Becker	<p>Juveniles</p> <p>Amends Welfare and Institutions Code section 800 to provide that the jurisdiction of the appellate court is not affected by a juvenile record sealing, and allows a juvenile court to transfer jurisdiction to another county, terminate its jurisdiction, or seal the record or records of a juvenile while an appeal is pending and specifies how the case may proceed if it is subsequently remanded.</p>	<p>Signed into law (Stats. 2024, ch. 782)</p>
SB 1400	Stern	<p>Criminal procedure: competence to stand trial</p> <p>Codifies the holding in <i>Persiani v. Superior Court</i> (2024) 100 Cal.App.5th 48 by requiring a court to hold a hearing to determine if a misdemeanor found incompetent to stand trial is eligible for diversion.</p>	<p>Signed into law (Stats. 2024, ch. 647)</p>

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SB 1503	Archuleta	<p>Cannabis: workers and license requirements</p> <p>Applies the law established in <i>Dynamex Operations W. v. Superior Court</i> (2018) 4 Cal.5th 903, which creates a presumption that a worker who performs services for a hirer is an employee for purposes of wage and benefit claims arising under wage orders issued by the Industrial Welfare Commission, to a worker who performs services for a licensee under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).</p>	<p>Referred to Senate Business, Professions, and Economic Development Committee</p> <p>Dead</p>

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