California Courts Review

Annual Supplement

A FORUM FOR THE STATE JUDICIAL BRANCH

DECEMBER 2008

2008 Legislative Summary

During the second year of the 2007–2008 Legislative Session, the Legislature and Governor enacted 100 bills that affect the courts or are of general interest to the legal community. Brief descriptions of these measures follow, arranged according to subject matter.

The effective date of legislation is January 1, 2009, unless otherwise noted. Urgency measures normally take effect upon enactment, and some measures have delayed operative dates. Those dates are included where applicable.

The bill descriptions are intended to serve only as a guide to identifying bills of interest; they 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 cited.

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

2 Civil Law and Procedure
3 Court Operations
4 Criminal Law and Procedure
7 Domestic Violence
8 Employment Issues
8 Family Law
9 Fines, Fees, and Forfeitures
9 Judicial Officers
9 Juvenile Delinquency
10 Juvenile Dependency
11 Miscellaneous
11 Probate
13 Traffic
14 Index

CIVIL LAW AND PROCEDURE

ELDER ABUSE: PROTECTIVE ORDERS

AB 225, BEALL, CH. 480
W&I 15657.03

Reenacts, as of January 1, 2010, the elder abuse protective orders statute and expands its scope to (1) allow the court, in its discretion, on a showing of good cause, to extend the protection to the petitioner's named family, household members, and conservator; and (2) provide that when a person named in a protective order has not been served personally with the order but has received actual notice of the existence and substance of the order through personal appearance in court to hear the terms of the order from the court, no additional proof of service is required for enforcement of the order. Provides that a petitioner shall not be required to pay a fee for law enforcement to serve a protective order issued under the bill's provisions.

RESIDENTIAL TENANCIES: DOMESTIC VIOLENCE

AB 2052, LIEU, CH. 440
CIV 1946.7; CCP 1161
URGENCY, EFFECTIVE SEPTEMBER 27, 2008

Allows a victim of domestic violence, stalking, or sexual assault to terminate a lease and vacate a rental unit if he or she provides the landlord with a protective order or a copy of a report to law enforcement protecting the tenant or household member or alleging that he or she is a victim of domestic violence, sexual assault, or stalking. Until January 1, 2012, creates a rebuttable presumption that a person has committed a nuisance for unlawful detainer purposes if that person has committed a specified act of domestic violence, stalking, or sexual assault against a tenant or subtenant on the premises. This presumption does not apply if the victim has not vacated the premises.

CIVIL DISCOVERY: OUT-OF-STATE PROCEEDINGS

AB 2193, TRAN, CH. 231
CCP 2029.010, 2029.100 ET SEQ.; GOV 70626

Enacts the Interstate and International Depositions and Discovery Act, effective January 1, 2010. Broadens the range of documents issued by an out-of-state court pursuant to which a California court would be authorized to issue a subpoena. Establishes a process for obtaining a subpoena, paying a filing fee, and submitting the subpoena issued by the out-of-state court with a specified application. Permits an active member of the California State Bar who is retained by a party to an out-of-state proceeding to issue a deposition subpoena. Creates a process for the resolution of a dispute regarding discovery conducted in California in connection with an out-of-state proceeding. Provides that a request for relief in this regard would be filed in the superior court in which the discovery is sought with payment of specified fees. Permits a party to appeal court orders in connection with a dispute by extraordinary writ to the appropriate Court of Appeal. Requires the Judicial Council, on or before January 1, 2010, to prepare an application form and to either create new subpoena forms or modify existing subpoena forms for issuance pursuant to the bill's provisions.

CIVIL DISCOVERY: SUBPOENAS

AB 2433, KREKORIAN, CH. 742
CCP 1987.1, 1987.2

Gives a person who has used an Internet service provider or other interactive computer service standing to move to quash or modify a subpoena served on the person or the provider requesting the person's personal identifying information, as defined, for use in a pending out-of-state action. Requires the court to award reasonable expenses, including reasonable attorney's fees, incurred in making such a motion if the moving party prevails and the court determines that the underlying action arises from the moving party's exercise of free speech rights on the Internet and the respondent has failed to make a prima facie showing of a cause of action.

COURTS: ACCESS TO JUSTICE

AB 2448, FEUER, CH. 462
GOV 68630 ET SEQ.

Revises and redrafts the existing statute governing court fee waivers to ensure that indigent litigants have an opportunity to access the courts in a timely manner and to provide for recovery of those fees in appropriate cases. Adds specified public benefit programs to the existing list that entitles a party to an automatic fee waiver. Creates specified procedures for requiring that waived fees be repaid if appropriate in family law matters.

ACKNOWLEDGMENTS

This 2008 California Courts Legislative Summary was prepared by the Administrative Office of the Courts, Office of Governmental Affairs, in cooperation with the Coalition of Trial Court Clerk Associations.

COMMON INTEREST DEVELOPMENTS: ASSESSMENTS

AB 2846, FEUER, CH. 502
CIV 1365.1, 1367.6

Provides that if a dispute exists between the owner of a separate interest and a homeowners association regarding any disputed charge or sum levied by the association, and the amount in dispute does not exceed the jurisdictional limits of small claims court, the owner of the separate interest may pay the disputed amount under protest and commence an action in small claims court.

PUBLIC SOCIAL SERVICES: UNREASONABLE FEES

SB 1136, ALQUIST, CH. 479
CIV 1770, 1780

Defines and creates a private right of action for unfair or deceptive trade practices consisting of charging unreasonable fees for providing assistance in obtaining public social services. Requires that, in addition to other available remedies, the court award treble actual damages whenever it is proven by a preponderance of the evidence that a defendant has charged or received unreasonable fees for providing assistance in procuring, maintaining, or securing public social services.

CONTRACTORS

SB 1432, MARGETT, CH. 157
B&P 7071.5, 7071.10, 7071.11; CCP 116.220

Among other things, increases the jurisdictional limit of small claims court from $4,000 to $6,500 for any action brought by a natural person against a defendant guarantor that charges a fee for its guarantor or surety services.

DISABLED PERSONS: EQUAL ACCESS RIGHTS: CIVIL ACTIONS

SB 1608, CORBETT, CH. 549
CIV 55.3, 55.51 ET SEQ., 55.55 ET SEQ.

Requires a court, in civil actions involving construction-related accessibility claims, to issue an order granting a 90-day stay of the proceedings, scheduling a mandatory early evaluation conference (EEC), and directing the defendant to file with the court under seal and serve on the plaintiff a copy of any relevant certified access specialist (CASp) report. Provides that the CASp report shall be subject to a protective order if the defendant has satisfied certain requirements relating to the CASp inspection of the site. Provides that the court must schedule an EEC 21–50 days after issuance of the stay order and requires that EECs be conducted by a superior court judge or commissioner, or a court early evaluation conference officer, as defined. Requires the Judicial Council to develop various forms and notices and to post them on its public Web site. Makes the court-related provisions of this bill operative only after the Department of Finance notifies the Judicial Council that a specified prerequisite has been met.

COURT OPERATIONS

COURT FACILITIES

AB 1491, JONES, CH. 9
GOV 70321, 70322, 70363, 70374, 70402
URGENCY, EFFECTIVE APRIL 23, 2008

Revives and extends until December 31, 2009, the deadline for the transfer of court facilities from county to state governance, under the direction of the Judicial Council. Increases the amount of the county facility payment that counties are required to pay for the ongoing maintenance and operation of the facilities for which a transfer agreement is executed later than September 30, 2008. Clarifies that the county and the AOC may transfer multiple court facilities within the county under a single transfer agreement.

COURT OPERATIONS

AB 1949, EVANS, CH. 218
CCP 36; GOV 6103, 68071, 71601, 76000; PEN 832.9; VEH 42006

Makes several technical and clarifying changes to improve court operations. Among other things, updates the law on trial preferences to remove obsolete references; provides additional time for the Judicial Council's processing of local court rules; makes a technical correction to the definition of a subordinate judicial officer; makes the court, not the county, responsible for specified court commissioner relocation costs; clarifies that governmental entities are not exempt from paying civil jury fees and jury deposits; and redirects specified assessments for night/weekend court fees to the Court Facilities Trust Fund.

PAYMENTS TO PUBLIC AGENCIES: COURT-ORDERED RESTITUTION

AB 2803, HORTON, CH. 104
GOV 6159

Allows courts to accept payment of court-ordered restitution by credit card, debit card, or electronic funds transfer.

CRIMINAL LAW AND PROCEDURE

CRIMES: SALE OR DISTRIBUTION OF *SALVIA DIVINORUM*

AB 259, ADAMS, CH. 184
PEN 379

Makes it a misdemeanor to sell or distribute *Salvia divinorum* or Salvinorin A, or any substance or material containing *Salvia divinorum* or Salvinorin A, to any person under 18 years of age.

ALCOHOLIC BEVERAGES: LABELS

AB 346, BEALL, CH. 624
B&P 25205

Makes it a misdemeanor for a manufacturer or importer to sell to a wholesaler or retailer in this state a container of beer or an alcoholic beverage that derives 0.5 percent or more of its alcoholic content by volume from flavors or other ingredients containing distilled alcohol without a label or a firmly affixed sticker that includes information regarding its alcohol content and its status as an alcoholic beverage.

IMITATION FIREARMS

AB 352, SOLORIO, CH. 422
PEN 12556

Expands the existing prohibition against openly displaying or exposing any imitation firearm in a public place to include any display on the grounds of a public school.

CRIMES AGAINST CHILDREN

AB 534, SMYTH, CH. 423
PEN 273i

Makes it a misdemeanor for any person to publish information describing or depicting the physical appearance of a child, the location of a child, or locations where children may be found with the intent that another person imminently uses the information to commit a crime against a child.

ELECTRONIC COMMUNICATION DEVICES: THREATS TO SAFETY

AB 919, HOUSTON, CH. 583
PEN 653.2

Makes it a misdemeanor for an individual to use an electronic communication device to distribute a person's identifying information for the purpose of inciting others to harass that person.

CONTROLLED SUBSTANCES

AB 1141, ANDERSON, CH. 292
H&S 11055, 11057, 11377

Makes it a misdemeanor to unlawfully possess Khat, Cathinone, or Cathine.

WITNESSES: CONDITIONAL EXAMINATIONS

AB 1158, BENOIT, CH. 14
PEN 1340

Allows the court to permit the conditional examination of a witness in a criminal trial to be conducted through a contemporaneous, two-way videoconference system upon a determination that the witness is too sick or infirm to attend the examination in person.

CRIMES: HUMAN TRAFFICKING

AB 1278, LIEBER, CH. 258
CIV 1670.7; PEN 784.8

Provides additional procedural tools to combat the crime of human trafficking. Provides that when multiple human trafficking violations occur in more than one jurisdiction, and the offenses involve the same victim or victims, the court shall hold a hearing to consider whether the matter should proceed in the county of filing or whether one or more counts should be severed.

CRIMES: COUNTERFEIT TRADEMARKS

AB 1394, KREKORIAN, CH. 431
PEN 350

Makes it is a misdemeanor or felony to willfully manufacture, intentionally sell, or knowingly possess for sale any counterfeit registered trademark.

ELDER AND DEPENDENT ADULT ABUSE

AB 1424, DAVIS, CH. 152
PEN 166

Makes it a misdemeanor punishable by contempt of court to willfully and knowingly violate certain elder or dependent adult abuse protection or stay-away orders.

CRIMES: PUBLIC EMPLOYEE BENEFITS

AB 1844, HERNANDEZ, CH. 369
ED 22010; GOV 20085, 31455.5

Makes it a misdemeanor for a person to make or present false material statements and representations in connection with the Public Employees' Retirement Law, the Teachers' Retirement Law, or the County Employees Retirement Law of 1937, or to aid or abet someone in this regard. Makes it a misdemeanor for a person to knowingly accept, with the intent to keep for personal benefit, a payment from these retirement systems with the knowledge that he or she was not entitled to the benefit.

THEFT: FIRE HYDRANT PARTS

AB 1859, ADAMS, CH. 659
PEN 496e
URGENCY, EFFECTIVE SEPTEMBER 30, 2008

Provides that any person who buys or receives, for purpose of salvage, any part of a fire hydrant or fire department connection that has been stolen, shall, in addition to any other penalty, be subject to a fine not to exceed $3,000.

LOCAL CORRECTIONAL FACILITIES: CONTRABAND

AB 1923, ANDERSON, CH. 190
PEN 4575

Makes it a misdemeanor for any unauthorized person housed in a local correctional facility to possess any device designed or intended to open or unlatch a handcuff.

EMERGENCY TELEPHONE SYSTEM: ABUSE

AB 1976, BENOIT, CH. 89
PEN 653y

Provides that a written warning shall be issued for the first violation of using a 911 system for any reason other than an emergency and increases the fines for the second, third, and subsequent violations to $50, $100, and $250, respectively.

CRIMINAL PROCEDURE: DISCHARGE OF ACCUSATION OR INFORMATION: BAR TO PUBLIC OFFICE

AB 2092, DE LA TORRE, CH. 94
PEN 1203.4

Provides that the dismissal, upon successful completion of probation, of an accusation or information underlying a conviction that prohibits a person from holding office does not permit that person to hold office.

ELDER ABUSE: REPORTING

AB 2100, WOLK, CH. 481
W&I 15630

Requires the local ombudsperson or local law enforcement agency to whom a case of elder or dependent adult abuse has been reported to report all cases of known or suspected physical abuse and financial abuse to the local district attorney's office in the county where the abuse occurred. Makes failure to do so a misdemeanor.

PEACE OFFICERS AND FIREFIGHTERS: CANINE UNITS

AB 2131, NIELLO, CH. 226
CIV 54.25

Provides that a peace officer or firefighter assigned to a canine unit who is on duty away from his or her home jurisdiction because of a declared federal, state, or local emergency, and who is acting in the course and scope of his or her duties, shall not be discriminated against in hotels, lodging, and other public places by being required to pay an extra charge or deposit for the dog.

BAY-DELTA SPORT FISHING

AB 2162, MULLIN, CH. 637
F&G 7362, 7363

Extends to January 1, 2010, the sunset date for the misdemeanor of sport fishing in the tidal waters of the San Francisco Bay Delta and the main stem of the Sacramento and San Joaquin Rivers, including major tributaries, below the most downstream dam, without a Bay-Delta Sport Fishing Enhancement Stamp or validation affixed to a valid sport fishing license.

CRIMES: ACADEMIC RESEARCH

AB 2296, MULLIN, CH. 492
PEN 422.4, 602.12
URGENCY, EFFECTIVE SEPTEMBER 28, 2008

Makes it a misdemeanor for any person to publish information describing or depicting an academic researcher or his or her immediate family member, or identifying the location where an academic researcher or his or her immediate family member may be found, with the intent that another person imminently use the information to commit a crime involving violence or threat of violence against the academic researcher or immediate family member.

BATTERING: WRIT OF HABEAS CORPUS

AB 2306, KARNETTE, CH. 146
PEN 1473.5

Extends to January 1, 2020, the sunset date on the provision allowing a writ of habeas corpus to be brought where battered women's syndrome was not admitted at trial but would have been relevant if it had been admitted.

CHILD ABUSE REPORTING: MANDATED REPORTERS

AB 2337, BEALL, CH. 456
PEN 11165.7

Under the Child Abuse and Neglect Reporting Act, makes it a misdemeanor for an alcohol and drug counselor to fail to report to any police or sheriff's department a reasonable suspicion that a child has been the victim of child abuse or neglect, whenever the counselor, in his or her professional capacity or within the scope of his or her employment, reasonably suspects such abuse or neglect.

SEXUALLY VIOLENT PREDATORS

AB 2410, NAVA, CH. 155
W&I 6603.3, 6603.5, 6603.7

In a sexually violent predator (SVP) civil commitment hearing, prohibits disclosure of a victim's or witness's address or telephone number to the defendant or defendant's family unless ordered by the court. Makes willful unauthorized disclosure a misdemeanor. Requires that, in an SVP civil commitment hearing where a defendant is acting as his or her own attorney, contact with a victim or witness only be made through a private investigator. Authorizes the court to identify the victim in all records and during all proceedings in an SVP civil commitment hearing as "Jane Doe" or "John Doe."

CRIMES: WEAPONS

AB 2470, KARNETTE, CH. 676
PEN 626.10, 12556

Expands the prohibition against bringing or possessing weapons on the grounds of, or within, schools to include any instrument that expels a nonmetallic BB or pellet, and expands the prohibition to apply, in addition to grades K–12, to public or private colleges and universities.

VANDALISM: PENALTIES: COMMUNITY SERVICE

AB 2609, DAVIS, CH. 209
PEN 594

Requires the court, when appropriate and feasible, to order a defendant convicted of vandalism consisting of defacing property by graffiti to clean up or repair the property.

MUSIC PIRACY: RESTITUTION

AB 2750, KREKORIAN, CH. 468
PEN 1202.4

Requires a court to order persons convicted of specified crimes relating to music piracy to pay restitution to persons who have suffered economic loss as a result of the illegal activity.

STUN GUNS

AB 2973, SOTO, CH. 556
PEN 244.5, 12655

Replaces the reference to "taser" in the definition of stun gun in the Penal Code with "less lethal weapon" and makes it a misdemeanor to sell a less lethal weapon to a person under the age of 18.

CRIMES: IDENTIFICATION DOCUMENTS

SB 31, SIMITIAN, CH. 746
CIV 1798.79 ET SEQ.

Makes it a misdemeanor for a person or entity to intentionally remotely read or attempt to remotely read a person's identification document using radio frequency identification without his or her knowledge and prior consent. Makes it a misdemeanor for a person or entity to knowingly disclose, or cause to be disclosed, operational system keys used in a contactless identification document system.

CRIMES: COMMUNICATIONS

SB 129, KUEHL, CH. 109
PEN 653m

Expands the scope of the current crime of making repeated phone calls or electronic communications with the intent to annoy a person at his or her residence by prohibiting making repeated communications regardless of where the communication is received.

CRIMINAL PROCEDURE: COMMENCEMENT

SB 610, CORBETT, CH. 110
PEN 804

Provides that prosecution begins when a defendant is arraigned on a complaint that charges a felony.

CRIMINAL PROCEDURE: JURISDICTION

SB 612, SIMITIAN, CH. 47
PEN 786

Provides that a possible venue for trial of an identity theft crime includes the county in which the victim resides. When the victim's residence provides the sole basis for jurisdiction, grants trial courts the authority to determine whether the county of the victim's residence is the appropriate place for trial. Requires the court, when ruling on the matter, to consider the rights of the parties, the access of the parties to evidence, the convenience to witnesses, and the interests of justice.

CRIMES: UNDETECTABLE KNIVES

SB 1033, RUNNER, CH. 111
PEN 12001.1
URGENCY, EFFECTIVE JULY 10, 2008

Makes it a misdemeanor for any person to knowingly export any undetectable knife out of this state for commercial, dealer, wholesaler, or distributor sale or to offer or expose an undetectable knife, for dealer, wholesaler, or distributor sale.

CRIMINAL STREET GANGS: NUISANCE: DAMAGES

SB 1126, CEDILLO, CH. 38
PEN 186.22a
URGENCY, EFFECTIVE JUNE 25, 2008

Authorizes the Attorney General, district attorney, or prosecuting city attorney, in order to satisfy a money damages award in a nuisance abatement action, to collect assets from a criminal street gang or individual members who knew or should have known of the unlawful act. Provides that only members of the criminal street gang who created, maintained, or contributed to the creation or maintenance of the nuisance are personally liable for the money damages.

ALCOHOLIC BEVERAGES: POSSESSION: TRUCKEE RIVER

SB 1159, COX, CH. 44
B&P 25608.10
URGENCY, EFFECTIVE JUNE 30, 2008

Makes it an infraction to possess alcoholic beverages, whether in open or closed containers, on vessels along the Truckee River from the Highway 89 Bridge in Tahoe City to the Alpine Meadows Bridge during summer holiday periods.

CRIMES: HARD WOODEN KNUCKLES

SB 1162, MALDONADO, CH. 346
PEN 12020.1

Adds "hard wooden knuckles" to existing law that makes it a misdemeanor to commercially manufacture or cause to be commercially manufactured, to knowingly import into California for commercial sale and keep for commercial sale, or to offer or expose for commercial sale any hard plastic knuckles.

PUBLIC SAFETY: TECHNICAL CORRECTIONS

SB 1241, MARGETT, CH. 699
VARIOUS CODES

Makes a series of technical corrective changes to various code sections.

SEX OFFENDERS

SB 1302, COGDILL, CH. 599
PEN 290.46, 1203.065, 1203.067, 12021, 12022.3, 12022.8

Adds the crime of continuous sexual abuse of a child to the list of crimes for which the court shall order the defendant to be psychologically evaluated prior to grant of probation. Adds the crime of sexual acts with children 10 years of age or younger to the list of crimes for which denial of probation is mandated. Adds the crime of sexual battery to the list of crimes disallowing possession of a firearm. Adds the crime of assault with intent to commit a sexual offense to the list of crimes for which enhancements are imposed for inflictions of great bodily injury, weapon use, and being armed with a weapon.

WITNESS TESTIMONY: SUPPORT PERSONS: ELDER ABUSE

SB 1343, BATTIN, CH. 48
PEN 868.5

Adds certain crimes against elder and dependent adults to the list of offenses for which a prosecuting witness, who is an elder or dependent adult, may have up to two support persons present during the witness's testimony.

CONTEMPT: VICTIM OF DOMESTIC VIOLENCE

SB 1356, YEE, CH. 49
CCP 1219

Eliminates incarceration as a sanction option for contempt of court when the contempt finding is based on a domestic violence victim's refusal to testify in the case.

HIGHWAY WORKERS: ASSAULT AND BATTERY

SB 1509, LOWENTHAL, CH. 410
PEN 241.5, 243.65

Makes it a misdemeanor to assault or batter a highway worker engaged in the performance of his or her duties where the person committing the offense knows or reasonably should know that the victim is a highway worker engaged in the performance of his or her duties.

BURGLARY TOOLS: BUMP KEYS

SB 1554, DUTTON, CH. 119
PC 466

Adds "bump key" to the list of tools for which possession with the intent to commit burglary is a misdemeanor.

SENTENCING

SB 1701, ROMERO, CH. 416
PEN 1170, 1170.3

Extends the sunset date from January 1, 2009, to January 1, 2011, until which a court sentencing a defendant in the wake of *Cunningham v. California* (2007) 549 U.S. 270, 127 S.Ct. 856 may impose the lower, middle, or upper term of imprisonment.

CRIMES: CLEAN AIR STICKER: MISUSE

SB 1720, LOWENTHAL, CH. 417
VEH 4463

Makes it an infraction to create, use, sell, or traffic in fraudulent Clean Air Stickers for hybrid vehicles, or fraudulently resell valid Clean Air Stickers.

DOMESTIC VIOLENCE

DOMESTIC VIOLENCE: RESTRAINING ORDERS

AB 1771, MA, CH. 86
PEN 136.2, 273.75

Authorizes a court, when determining whether good cause exists to issue a criminal protective order in a domestic violence case, to consider the underlying nature of the offense charged and the criminal history information regarding the defendant that is currently provided to the court.

DOMESTIC VIOLENCE: ELDER ABUSE, HARASSMENT, WORKPLACE VIOLENCE: NOTICE TO PROTECTED PERSON

AB 2068, AGHAZARIAN, CH. 153
GOV 6103.3

Authorizes local law enforcement agencies to notify persons who are protected by Domestic Violence Prevention Act (DVPA), elder abuse, civil harassment, or workplace violence protective orders that the order has been served on the restrained person if the protected person has requested notification.

NAME CHANGES

AB 2304, PLESCIA, CH. 586
CCP 1277

Requires that the current legal name of a petitioner seeking a confidential name change because he or she is participating in the Secretary of State's Safe at Home program be kept confidential and not published in any calendars, indexes, or register of actions by any means or in any public forum, including a hard copy, or an electronic copy, or any other type of public media or display. Authorizes a petitioner to request that the records be sealed and requires the Judicial Council to develop, on

or before January 1, 2010, rules of court and forms for that purpose.

DOMESTIC VIOLENCE: EX PARTE ORDERS

AB 2553, SOLORIO, CH. 263
FAM 6320.5

Requires the court to set a hearing for any jurisdictionally adequate application for an ex parte Domestic Violence Prevention Act order that is denied and to state the reasons for the denial in its order. Requires the Judicial Council to adopt new forms to implement this provision by January 1, 2010.

EMPLOYMENT ISSUES

PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS)

AB 2202, CABALLERO, CH. 261
GOV 20221.5, 20571.5

Requires state agencies and employers participating in PERS to provide payroll information for retired annuitants; part-time, seasonal, and temporary employees; and other employees not currently enrolled in PERS.

PUBLIC EMPLOYEE BENEFITS

SB 1123, WIGGINS, CH. 371
GOV 7507, 7507.2

Enacts recommendations from the Public Employee Post-Employment Benefits Commission. Requires a local body to hold a public hearing before adopting changes in retirement benefits. Establishes the California Actuarial Advisory Panel to provide impartial and independent information on post-employment benefits to public agencies.

FAMILY LAW

HUMAN SERVICES

AB 1279, COMMITTEE ON BUDGET, CH. 759
VARIOUS CODES
URGENCY, EFFECTIVE SEPTEMBER 30, 2008

Contains various provisions relating to human services areas of the State Budget. Increases the adoption home study fee and requires that 50 percent of the fee be paid at the time the adoption petition is filed with the court. Delays implementation of provisions concerning requests for sibling contact information for children adopted through the dependency court until July 1, 2010. Makes permanent the Compromise of Arrears Program in the Department of Child Support Services (DCSS). Requires the DCSS, by January 10, 2009, to provide more comprehensive data from the state hearing pilot project that demonstrates that the pilot has reduced state hearings, as well as a breakdown of how the pilot's revised hearing process results in savings related to state hearing costs. Requires the DCSS by February 1, 2009, to submit proposed statutory language to codify the new hearing process.

PATERNITY ACTIONS: RECORDS

AB 1679, EVANS, CH. 50
FAM 7643

Revises current law on the confidentiality of court files under the Uniform Parentage Act to provide that all documents in the file other than the final judgment are subject to inspection only by the parties, their attorneys, or the agents of a party, acting under written authorization from the party or the party's attorney.

CHILD CUSTODY EVALUATIONS: CONFIDENTIALITY

AB 1877, ADAMS, CH. 215
FAM 3111

Provides that unwarranted disclosure of otherwise confidential information from a child custody evaluation can be subject to monetary sanctions. Requires the Judicial Council to adopt a form to be served with all custody evaluation reports that would explain the consequences for unwarranted disclosure by January 1, 2010.

CUSTODY ORDERS: EVIDENCE OF SEXUAL ABUSE

AB 2960, LA MALFA, CH. 54
FAM 3064

Adds evidence of sexual abuse of a child that is recent in origin and part of a continuing pattern to the list of acts that indicate the potential for immediate harm that can support the entry or modification of a child custody order on an ex parte basis.

CHILD CUSTODY

SB 1255, HARMAN, CH. 57
FAM 3041.5

Extends until January 1, 2013, the sunset date on Family Code section 3041.5 authorizing judicial officers to order child custody litigants to submit to drug and alcohol testing under specified circumstances.

PATERNITY JUDGMENT: RECONSIDERATION

SB 1333, ASHBURN, CH. 58
FAM 7646

Allows the filing of motions for reconsideration of previous motions filed to vacate or set aside a judgment of paternity based on genetic evidence demonstrating that the previously established father is not the biological father of the child if the original motion was filed between September 24, 2006, and December 31, 2006, it was not granted because it was untimely, and the

reconsideration motion is filed on or before December 31, 2009.

ADOPTION

SB 1726, SCOTT, CH. 534
FAM 7612, 7613, 7630, 7660.5, 7662, 8639, 8714.5, 8802, 8814.5; PROB 1510

Allows a birth father to validly execute a waiver of notice or denial of paternity before or after the birth of the child. Requires guardianships and adoption cases that are consolidated to be heard in the court in which the adoption is pending. Eliminates appearance fees for prospective adoptive parents or adoption agencies joined to a paternity proceeding. Clarifies that conflicts in parenting presumptions for a mother-child relationship are to be resolved using the same principles that apply to father-child presumptions. Applies rules governing parentage of a child born through artificial insemination to a child born through an embryo implanted in a woman with sperm from a man not married to the woman, and specifically applies the rules, gender neutrally, to spouses.

FINES, FEES, AND FORFEITURES

ESTATES AND TRUSTS: ELIMINATION OF GRADUATED FILING FEE

AB 171, BEALL, CH. 310
GOV 70650, 70651, 70652, 70657.5, 70658

Codifies the decision of the Court of Appeal in *Burkey v. State of California* (2008) 161 Cal.App.4th 465 by eliminating the graduated first paper filing fee in probate matters with estates over $250,000 and instead setting the fee at the same level for all estates.

SEIZED PROPERTY: FEES

AB 1826, BEALL, CH. 214
H&S 11488.5

Clarifies that the filing fee for filing an action seeking return of seized property in connection with controlled substance offenses is the same as the first paper filing fee for all unlimited civil actions.

DOMESTIC VIOLENCE: ADDITIONAL FEE

AB 2405, ARAMBULA, CH. 241
PEN 1463.27

Permits a county to authorize imposition of an additional fee of not more than $250 for a conviction of specified crimes of domestic violence. Requires the fees to be deposited into a fund in each county and used for domestic violence prevention programs focusing on assisting immigrants, refugees, or persons who live in rural communities.

FINES AND FORFEITURES

SB 1236, PADILLA, CH. 60
GOV 76000.5; H&S 1797.98a

Extends until January 1, 2014, the authority of a county board of supervisors to levy additional penalties on criminal offenses and to allocate 15 percent of the funds collected under that penalty to fund pediatric trauma centers.

COURT FACILITIES: FINANCING

SB 1407, PERATA, CH. 311
VARIOUS CODES

Sets the framework for the future issuance of up to $5 billion in revenue bonds to finance the construction and renovation of approximately 41 major capital court projects. Increases civil first paper filing fees, criminal assessments, parking penalties, select probate fees, certain traffic-related fees, and fees on out-of-state attorneys to provide dedicated revenue to support the construction and debt service payments on the issued bonds.

JUDICIAL OFFICERS

JUDGES' RETIREMENT SYSTEM II

AB 545, WALTERS, CH. 626
GOV 75506.7, 75506.8
URGENCY, EFFECTIVE SEPTEMBER 30, 2008

Allows Judges' Retirement System II members who are on leave from the bench for active duty military service to elect to purchase retirement service credit for the time they were on leave by repaying their missed contributions.

JUVENILE DELINQUENCY

COMMERCIALLY SEXUALLY EXPLOITED MINORS

AB 499, SWANSON, CH. 359
W&I 18259 ET SEQ.

Authorizes Alameda County to establish a pilot program to develop a best practice, multidisciplinary model for law enforcement and the criminal and juvenile justice systems to address the needs of commercially sexually exploited minors who have been arrested or detained by local law enforcement.

MEDI-CAL: ELIGIBILITY: JUVENILE OFFENDERS

SB 1147, CALDERON, CH. 546
W&I 14011.10, 14029.5

Provides that inmate status shall not result in the termination of a ward's Medi-Cal eligibility. Requires the Department of Health Care Services, in consultation with the Chief Probation Officers of California and the County Welfare Directors Association, to establish the protocols and procedures necessary to ensure that Medi-Cal

eligibility is not terminated and claims for Medi-Cal services provided to a ward are made only when federal financial participation is available.

JUVENILE DEPENDENCY

FOSTER CARE: INCARCERATED PARENTS

AB 2070, BASS, CH. 482
W&I 361.5, 366.21, 366.22, 366.25, 366.26, 366.27, 366.3, 366.35, 16508.1

Increases the time reunification services may be available to parents whose children are dependents of the court up to 24 months from the time the child was removed from the parent in consideration of barriers to service faced by parents who are incarcerated, institutionalized, or in residential substance abuse treatment. Requires that a parent's criminal history be considered at the six-month review hearing only to the extent that it is relevant to the child's welfare and the ability of the parent to care for the child. Provides that jurisdiction over termination of a juvenile court guardianship can be in the court that established it or the court of the county in which the ward and guardian currently reside.

FOSTER CHILDREN: EXTRACURRICULAR ACTIVITIES

AB 2096, BASS, CH. 483
W&I 362.05, 727

Provides that group home providers and employees may give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities provided that they use the reasonable and prudent parent standard in determining whether it is appropriate.

DEPENDENT CHILDREN

AB 2310, MAZE, CH. 131
W&I 391

Requires the child welfare agency to prepare a letter for a child who is emancipating from the jurisdiction of the juvenile dependency court indicating that the child was a foster youth and providing the dates of juvenile court jurisdiction. Also requires that the agency provide, as part of the documents and information already required by law, tribal history information and family photos, if available.

REUNIFICATION SERVICES

AB 2341, MAZE, CH. 457
W&I 361.5, 388

Provides a minimum statutory period for reunification services (12 months for children age 3 and over, and 6 months for children under age 3) for parents of dependent children unless current statutory exemptions apply to the parent or the parent has voluntarily relinquished the child. Allows for a petition to be granted to terminate services if the court finds by clear and convincing evidence that one of the statutory exemptions now exists and reunification is no longer in the child's best interest.

HEALTH SERVICES: CONFIDENTIAL INFORMATION

AB 2352, FUENTES, CH. 700
CIV 56.103, W&I 5328.04

Restores access to specified mental health records for probation officers and social workers for the purpose of coordinating mental health services for juvenile wards and dependents.

WARDS AND DEPENDENT CHILDREN: PROGRAM OF SUPERVISION

AB 2483, BASS, CH. 132
W&I 301

Requires that a parent who is also a dependent child have an opportunity to meet with his or her counsel, if counsel has been appointed previously, before he or she can be subject to family maintenance services.

FOSTER CARE, ADOPTION, AND DEPENDENT CHILDREN

AB 2651, AGHAZARIAN, CH. 701
FAM 8712, 8811, 8908; W&I 309, 361.4, 16501.1
URGENCY, EFFECTIVE SEPTEMBER 30, 2008

Makes changes to California child welfare laws to conform to federal law to ensure the continuation of federal compliance and funding. Effective October 1, 2008, and to the same extent required for federal funding, prohibits the director of the Department of Social Services (DSS) from approving a foster care placement when the applicant or any other designated persons, including residents, staff, or employees, have been convicted of certain serious or violent felonies at any time or any felony in the previous five years for assault, battery, or drug- or alcohol-related offenses. In addition, effective October 1, 2008, prohibits DSS, or a licensed adoption agency or delegated county adoption agency, from giving final approval for an adoptive placement in any home where the prospective adoptive parent or an adult living in the home has been convicted of the specified felonies.

NONDISCRIMINATION

AB 2654, LAIRD, CH. 682
W&I 103

Revises nondiscrimination provisions for Court Appointed Special Advocate recruitment to make them consistent with other state nondiscrimination policies.

COUNTY CHILD WELFARE SERVICES: MORTALITY REVIEW

AB 2904, HAYASHI, CH. 255
W&I 16502.5

Clarifies that the county board of supervisors may receive confidential juvenile case file or law enforcement information pertain-

ing to a child who dies of abuse or neglect and who was receiving county child welfare services under specified circumstances.

DEPENDENT CHILDREN

AB 3051, JONES, CH. 166
PROB 1517; W&I 349

States the intent of the Legislature that children who wish to attend their dependency hearings be given the opportunity to do so, that hearings be calendared to accommodate their schedules, and that courts promote communication with and the participation of children in their hearings. Also states the intent of the Legislature that the Administrative Office of the Courts promote these objectives. Requires a juvenile dependency court to allow a child who is the subject of a proceeding and is present in court to address the court and participate in the hearing. Requires the court to determine whether a child 10 years of age or older and who is not present was given an opportunity to attend the hearing. If the court finds that the child was not given an opportunity to attend but wished to be present, requires the court to continue the hearing for the period necessary to secure the attendance of the child, unless the court finds that it is not in the best interest of the child to continue the hearing. Also provides that the court may make any orders reasonably necessary to ensure that the child has an opportunity to attend.

FOSTER CARE

SB 1380, STEINBERG, CH. 486
W&I 18358 ET SEQ.

Expands eligibility and revises operational, reporting, and training requirements for the intensive treatment foster care program.

MISCELLANEOUS

COMMUNICABLE DISEASE: INVOLUNTARY TESTING

AB 2737, FEUER, CH. 554
H&S 121060, 121060.1, 121065

Authorizes a court to order the withdrawal of blood from an arrestee for testing when a peace officer, firefighter, or emergency personnel who, while acting within the scope of his or her duties, is potentially exposed to a bloodborne pathogen.

CONFLICT OF INTEREST: SETTLEMENTS

AB 2801, CARTER, CH. 163
GOV 1091

Expands the existing "remote interest" exemption to the general rule in conflict of interest provisions that public officers shall not have a financial interest in any contract that they make in their official capacity, so as to allow a public body to enter into a settlement agreement in which a member has an interest. Provides that it is a remote interest if the agreement is entered into as part of the settlement of litigation involving the body or board of which the officer is a member in which the public body is represented by legal counsel; the interested member has recused himself or herself from all participation, direct or indirect, in the making of the agreement on behalf of the body or board; and where a court finds, after a review of the merits and other relevant facts and circumstances, that the agreement serves the public interest.

PROBATE

GUARDIANS AND CONSERVATORS

AB 1340, JONES, CH. 293
PROB 1821, 1822, 1970 ET SEQ., 2250, 2323, 2340, 2350, 2352, 2620, 3140

Among other things, provides that the time for giving notice of the hearing on a petition for a temporary conservatorship is five court days rather than five days. Provides that if a person other than the conservatee files a petition for termination of the conservatorship or instruction to the conservator that is unmeritorious or intended to harass or annoy the conservator, and the person has previously filed pleadings in the conservatorship proceedings that were unmeritorious or intended to harass or annoy the conservator, the petition shall be grounds for the court to determine that the person is a vexatious litigant. Prohibits a superior court from permitting a person without a valid professional fiduciary's license to continue to carry out the duties of a professional fiduciary, unless that person is excluded or exempt from professional fiduciary licensing requirements. Makes two minor changes to the provisions of the Omnibus Conservatorship and Guardianship Reform Act of 2006 related to accountings: (1) clarifies that, for the first accounting, nonprofessional guardians and conservators are required only to provide bank account statements as of the date preceding the appointment and account statements as of the closing date of the accounting period, and (2) clarifies that courts may, by local rule, require the return of supporting documents submitted to the court with the accountings, including original bank statements and escrow statements, to the depositing guardian or conservator when the accounting becomes final.

CONSERVATORS AND GUARDIANS: PROPERTY IN FOREIGN JURISDICTIONS

AB 2014, TRAN, CH. 52
PROB 1063, 2400, 2401.1, 2600

Defines estate, in reference to the powers and duties of a guardian or conservator of the estate and in reference to the inventory and accounts of the guardianship or conservatorship estate, to mean all of the ward's or conservatee's personal property, wherever located, as well as real property located in this state. Requires a guardian or conservator to use ordinary care and diligence with respect to any real property

located in a foreign jurisdiction of which the guardian or conservator has actual knowledge. Requires a guardian or conservator who has actual knowledge of any real property of a conservatee or ward in a foreign jurisdiction to include in the accounting a schedule that identifies the real property, provides a good faith estimate of the fair market value of the real property, and declares what action, if any, will or has been taken to preserve and protect the real property.

WILLS: REQUIREMENTS

AB 2248, SPITZER, CH. 53
PROB 6110

Requires a witness to a will to sign the will within the testator's lifetime. Allows a printed will that fails to meet current statutory requirements to be probated if the proponent of the will establishes by clear and convincing evidence that the testator, at the time he or she signed the will, intended the document to be his or her will.

PUBLIC ADMINISTRATORS AND CONSERVATORS

AB 2343, CABALLERO, CH. 237
GOV 24011; PROB 1456.2, 7605, 15660.5, 15680, 15688

Permits a public guardian or public administrator to be appointed as a trustee only if certain conditions are met. Prohibits appointment of a public administrator unless the court finds, after reasonable inquiry, that no other qualified person is willing to act as trustee. Prohibits the public administrator from being appointed unless, at the time of the appointment, the entire trust is to be distributed outright or he or she consents. Requires that the public guardian or public administrator receive notice prior to the hearing to appoint him or her as trustee or temporary trustee and prohibits appointment of the public guardian or public administrator as a cotrustee without his or her consent. Provides that if the public guardian or public administrator consents to appointment as trustee, he or she would be required to submit a written certification of the consent to the court. Specifies the expenses and compensation that a public guardian, public administrator, and his or her attorney are to receive for acting as a trustee, under specified circumstances, including a minimum compensation of $1,000, to be paid to the public guardian or public administrator and his or her attorney.

PET TRUSTS

SB 685, YEE, CH. 168
PROB 15212

Repeals current law on trusts for domesticated or pet animals and enacts new, more detailed provisions for the creation and enforcement of pet trusts. Among other things, provides that a trust for the care of a domestic or pet animal is for a lawful noncharitable purpose and terminates when no animal is living on the date of the settlor's death, unless otherwise provided in the trust. Requires a court to liberally construe an animal trust to bring it within the bill's provisions, to presume against an interpretation that would render the disposition a mere request or an attempt to honor the animal, and to carry out the general intent of the trust. Permits any person interested in the welfare of the animal or any nonprofit charitable organization that has as its principal activity the care of animals to petition the court regarding the trust, as specified. Provides a process for an accounting of the trust, to be waived if the value of the trust assets does not exceed $40,000, as specified. Permits beneficiaries of the trust, a person designated by the trust, or certain nonprofit charitable organizations, upon reasonable request, to inspect the animal, the premises where the animal is maintained, or the books and records of the trust.

FINANCIAL ABUSE OF ELDER OR DEPENDENT ADULTS

SB 1140, STEINBERG, CH. 475
W&I 15610.30, 15657.5, 15657.6, 15657.7

Adds the taking or appropriation of property by undue influence to the definition of financial abuse of an elder or dependent adult. Creates a presumption that a person has taken or appropriated property of an elder or dependent adult for a wrongful use if the person knew or should have known that his or her conduct was likely to be harmful to the elder or dependent adult. Creates a new cause of action for financial abuse against a person who takes the property of an elder or dependent adult who lacks capacity and then refuses to return the property after a demand for return of the property was made by the elder or dependent adult. Establishes that the statute of limitations for the filing of an Elder Abuse and Dependent Adult Civil Protection Act (EADACPA) financial abuse action, including the new cause of action for property taken from an elder or dependent adult who lacks capacity, is four years from the date the plaintiff discovers, or should have discovered, the facts constituting the financial abuse. Clarifies that in an action under EADACPA, the court shall award attorney's fees and costs in addition to compensatory damages and all other remedies otherwise provided by law.

WILLS AND TRUSTS: NO CONTEST CLAUSES

SB 1264, HARMAN, CH. 174
PROB 21300 ET SEQ., 21310 ET SEQ.

Revises, recasts, and clarifies the law governing no contest clauses in wills and trust instruments beginning January 1, 2010. Among other things, eliminates declaratory relief petitions. Defines a no contest clause as a provision in an otherwise valid instrument that, if enforced, penalizes a beneficiary for filing a pleading in any court. Provides that a no contest clause is enforceable against the following contests:

(1) a direct contest that is brought without probable cause; (2) if the no contest clause so provides, a pleading to challenge a transfer of property on the grounds that it was not the transferor's property at the time of the transfer; (3) if the no contest clause so provides, the filing of a creditor's claim or prosecution of an action based on the claim. Defines a direct contest as an attempt to invalidate an instrument on one or more of the following grounds: forgery, lack of due execution, lack of capacity, menace, duress, fraud or undue influence, revocation of the instrument, or disqualification of a beneficiary. Provides that probable cause exists if, at the time of filing a contest, the facts known to the contestant would cause a reasonable person to believe that there is a reasonable likelihood that the requested relief will be granted given the opportunity for further investigation or discovery.

TRAFFIC

VEHICLES: ALCOHOL-RELATED RECKLESS DRIVING

AB 2802, HOUSTON, CH. 103
H&S 11836; VEH 23103.5

Requires a court to order a person convicted of alcohol-related reckless driving to participate for at least nine months or longer in a licensed program that includes education, group counseling, and individual interview sessions, if that person has a prior conviction of a violation of the alcohol-related reckless driving law or another specified driving under the influence (DUI) law and the prior convicted offense occurred within 10 years. Requires the Department of Motor Vehicles to additionally include in the annual report to the Legislature an evaluation of the effectiveness of that program. Requires the court to revoke the person's probation for failure to enroll in, participate in, or complete the program.

MOTOR VEHICLES: ELECTRONIC WIRELESS COMMUNICATIONS DEVICE

SB 28, SIMITIAN, CH. 270
VEH 12810.3, 23123.5

Prohibits a person from driving a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication, except to make or receive a call.

CERTIFIED IGNITION INTERLOCK DEVICES

SB 1190, OROPEZA, CH. 392
VEH 23575, 23575.1

Reduces from 0.20 percent to 0.15 percent the blood alcohol level that triggers heightened consideration by the court of whether to order installation of an ignition interlock device on a first conviction of driving under the influence. Authorizes the Department of Motor Vehicles to study the effectiveness of ignition interlock devices and report its findings to the Legislature on or before January 1, 2013.

VEHICLES: MAXIMUM COMBINATION LENGTH

SB 1228, MALDONADO, CH. 394
VEH 35401

Extends to January 1, 2010, the sunset date on an exemption from vehicle length limits for trailer combinations used for transporting agricultural products.

VEHICLES: DUI: IGNITION INTERLOCK

SB 1388, TORLAKSON, CH. 404
VEH 14601.2, 14601.4, 14601.5, 23573

Changes the mandate that requires the installation of an ignition interlock device when a person has been convicted of driving on a suspended license, which was suspended because of driving under the influence, from a court-imposed sanction to an administrative sanction. Provides that the administration of the regulation of ignition interlock devices is the responsibility of the Department of Motor Vehicles.

INDEX

ASSEMBLY BILLS

NO.	AUTHOR	SUBJECT	CHAPTER	PAGE
AB 171	Beall	Estates and Trusts: Elimination of Graduated Filing Fee	310	9
AB 225	Beall	Elder Abuse: Protective Orders	480	2
AB 259	Adams	Crimes: Sale or Distribution of *Salvia Divinorum*	184	4
AB 346	Beall	Alcoholic Beverages: Labels	624	4
AB 352	Solorio	Imitation Firearms	422	4
AB 499	Swanson	Commercially Sexually Exploited Minors	359	9
AB 534	Smyth	Crimes Against Children	423	4
AB 545	Walters	Judges' Retirement System II	626	9
AB 919	Houston	Electronic Communication Devices: Threats to Safety	583	4
AB 1141	Anderson	Controlled Substances	292	4
AB 1158	Benoit	Witnesses: Conditional Examinations	14	4
AB 1278	Lieber	Crimes: Human Trafficking	258	4
AB 1279	Committee on Budget	Human Services	759	8
AB 1340	Jones	Guardians and Conservators	293	11
AB 1394	Krekorian	Crimes: Counterfeit Trademarks	431	4
AB 1424	Davis	Elder and Dependent Adult Abuse	152	4
AB 1491	Jones	Court Facilities	9	3
AB 1679	Evans	Paternity Actions: Records	50	8
AB 1771	Ma	Domestic Violence: Restraining Orders	86	7
AB 1826	Beall	Seized Property: Fees	214	9
AB 1844	Hernandez	Crimes: Public Employee Benefits	369	4
AB 1859	Adams	Theft: Fire Hydrant Parts	659	4
AB 1877	Adams	Child Custody Evaluations: Confidentiality	215	8
AB 1923	Anderson	Local Correctional Facilities: Contraband	190	5
AB 1949	Evans	Court Operations	218	3
AB 1976	Benoit	Emergency Telephone System: Abuse	89	5
AB 2014	Tran	Conservators and Guardians: Property in Foreign Jurisdictions	52	11
AB 2052	Lieu	Residential Tenancies: Domestic Violence	440	2
AB 2068	Aghazarian	Domestic Violence: Elder Abuse, Harassment, Workplace Violence: Notice to Protected Person	153	7
AB 2070	Bass	Foster Care: Incarcerated Parents	482	10
AB 2092	De La Torre	Criminal Procedure: Discharge of Accusation or Information: Bar to Public Office	94	5
AB 2096	Bass	Foster Children: Extracurricular Activities	483	10
AB 2100	Wolk	Elder Abuse: Reporting	481	5
AB 2131	Niello	Peace Officers and Firefighters: Canine Units	226	5
AB 2162	Mullin	Bay-Delta Sport Fishing	637	5

AB 2193	Tran	Civil Discovery: Out-of-State Proceedings	231	2
AB 2202	Caballero	Public Employees' Retirement System (PERS)	261	8
AB 2248	Spitzer	Wills: Requirements	53	12
AB 2296	Mullin	Crimes: Academic Research	492	5
AB 2304	Plescia	Name Changes	586	7
AB 2306	Karnette	Battering: Writ of Habeas Corpus	146	5
AB 2310	Maze	Dependent Children	131	10
AB 2337	Beall	Child Abuse Reporting: Mandated Reporters	456	5
AB 2341	Maze	Reunification Services	457	10
AB 2343	Caballero	Public Administrators and Conservators	237	12
AB 2352	Fuentes	Health Services: Confidential Information	700	10
AB 2405	Arambula	Domestic Violence: Additional Fee	241	9
AB 2410	Nava	Sexually Violent Predators	155	5
AB 2433	Krekorian	Civil Discovery: Subpoenas	742	2
AB 2448	Feuer	Courts: Access to Justice	462	2
AB 2470	Karnette	Crimes: Weapons	676	6
AB 2483	Bass	Wards and Dependent Children: Program of Supervision	132	10
AB 2553	Solorio	Domestic Violence: Ex Parte Orders	263	8
AB 2609	Davis	Vandalism: Penalties: Community Service	209	6
AB 2651	Aghazarian	Foster Care, Adoption, and Dependent Children	701	10
AB 2654	Laird	Nondiscrimination	682	10
AB 2737	Feuer	Communicable Disease: Involuntary Testing	554	11
AB 2750	Krekorian	Music Piracy: Restitution	468	6
AB 2801	Carter	Conflict of Interest: Settlements	163	11
AB 2802	Houston	Vehicles: Alcohol-Related Reckless Driving	103	13
AB 2803	Horton	Payments to Public Agencies: Court-Ordered Restitution	104	3
AB 2846	Feuer	Common Interest Developments: Assessments	502	3
AB 2904	Hayashi	County Child Welfare Services: Mortality Review	255	10
AB 2960	La Malfa	Custody Orders: Evidence of Sexual Abuse	54	8
AB 2973	Soto	Stun Guns	556	6
AB 3051	Jones	Dependent Children	166	11

SENATE BILLS

SB 28	Simitian	Motor Vehicles: Electronic Wireless Communications Device	270	13
SB 31	Simitian	Crimes: Identification Documents	746	6
SB 129	Kuehl	Crimes: Communications	109	6
SB 610	Corbett	Criminal Procedure: Commencement	110	6

California Courts Review

DECEMBER 2008

California Courts Review Legislative Summary is published annually by the Judicial Council of California, Administrative Office of the Courts, Office of Governmental Affairs.

770 L Street, Suite 700
Sacramento, CA 95814-3393
916-323-3121

Copyright © 2008 by Judicial Council of California/ Administrative Office of the Courts.

Chair, Judicial Council
Chief Justice
Ronald M. George

Administrative Director of the Courts
William C. Vickrey

Chief Deputy Director
Ronald G. Overholt

Director, Office of Governmental Affairs
Curtis L. Child

Office of Governmental Affairs Contributing Writers
June Clark
Tracy Kenny
Janus Norman
Daniel Pone
Henry Sepulveda

Office of Governmental Affairs Contributing Editors
Katie Asher
Donna Hershkowitz
Monica LeBlond
Dia S. Poole

Copy Editor
Jill Whelchel

Design and Production
Yelena Bondarenko

■

Printed on recycled and recyclable paper.

NO.	AUTHOR	SUBJECT	CHAPTER	PAGE
SB 612	Simitian	Criminal Procedure: Jurisdiction	47	6
SB 685	Yee	Pet Trusts	168	12
SB 1033	Runner	Crimes: Undetectable Knives	111	6
SB 1123	Wiggins	Public Employee Benefits	371	8
SB 1126	Cedillo	Criminal Street Gangs: Nuisance: Damages	38	6
SB 1136	Alquist	Public Social Services: Unreasonable Fees	479	3
SB 1140	Steinberg	Financial Abuse of Elder or Dependent Adults	475	12
SB 1147	Calderon	Medi-Cal: Eligibility: Juvenile Offenders	546	9
SB 1159	Cox	Alcoholic Beverages: Possession: Truckee River	44	6
SB 1162	Maldonado	Crimes: Hard Wooden Knuckles	346	6
SB 1190	Oropeza	Certified Ignition Interlock Devices	392	13
SB 1228	Maldonado	Vehicles: Maximum Combination Length	394	13
SB 1236	Padilla	Fines and Forfeitures	60	9
SB 1241	Margett	Public Safety: Technical Corrections	699	7
SB 1255	Harman	Child Custody	57	8
SB 1264	Harman	Wills and Trusts: No Contest Clauses	174	12
SB 1302	Cogdill	Sex Offenders	599	7
SB 1333	Ashburn	Paternity Judgment: Reconsideration	58	8
SB 1343	Battin	Witness Testimony: Support Persons: Elder Abuse	48	7
SB 1356	Yee	Contempt: Victim of Domestic Violence	49	7
SB 1380	Steinberg	Foster Care	486	11
SB 1388	Torlakson	Vehicles: DUI: Ignition Interlock	404	13
SB 1407	Perata	Court Facilities: Financing	311	9
SB 1432	Margett	Contractors	157	3
SB 1509	Lowenthal	Highway Workers: Assault and Battery	410	7
SB 1554	Dutton	Burglary Tools: Bump Keys	119	7
SB 1608	Corbett	Disabled Persons: Equal Access Rights: Civil Actions	549	3
SB 1701	Romero	Sentencing	416	7
SB 1720	Lowenthal	Crimes: Clean Air Sticker: Misuse	417	7
SB 1726	Scott	Adoption	534	9

JUDICIAL COUNCIL
OF CALIFORNIA

www.courtinfo.ca.gov