JUDICIAL COUNCIL OF CALIFORNIA

Summary of Court-Related Legislation

ADMINISTRATIVE OFFICE OF THE COURTS • OFFICE OF GOVERNMENTAL AFFAIRS

ANNUAL SUPPLEMENT **NOVEMBER 2013**

During the first year of the 2013–2014 Legislative Session, the Legislature and Governor enacted numerous bills that affect the courts or are of general interest to the legal community. Brief descriptions of the measures of greatest interest follow, arranged according to subject matter.

New this year is a statement for each new or amended statute that has been determined to impact court operations and procedures. Also new this year is a table summarizing new laws that create or expand crimes.

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

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.

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ACKNOWLEDGMENTS

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ADMINISTRATION

AB 10 (ALEJO), CH. 351
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
MINIMUM WAGE: ANNUAL ADJUSTMENT

SUMMARY DESCRIPTION OF NEW LAW: On and after July 1, 2014, the minimum wage for all industries shall be not less than $9 per hour, and on and after January 1, 2016, the minimum wage for all industries shall be not less than $10 per hour. (LAB 1182.12)

IMPACT ON COURT: Courts may need to update their official employee notice boards reflecting the new state minimum wage. This change may also impact purchased goods/services after July 1, 2014.

AB 556 (SALAS), CH. 691
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
FAIR EMPLOYMENT AND HOUSING ACT: MILITARY VETERANS

SUMMARY DESCRIPTION OF NEW LAW: Adds "military and veteran status" to the list of categories protected from employment discrimination under the Fair Employment and Housing Act (FEHA). The bill also provides an exemption for an inquiry by an employer about military or veteran status for the purpose of awarding a veteran's preference as permitted by law. (GOV 12920, 12921, 12926, 12940)

IMPACT ON COURT: Courts will need to update their workplace notices for employees to know their rights and responsibilities. Courts should be on the lookout for new California Department of Fair Employment and Housing notices.

AB 868 (AMMIANO), CH. 300
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
COURTS: TRAINING PROGRAMS: GENDER IDENTITY AND SEXUAL ORIENTATION

SUMMARY DESCRIPTION OF NEW LAW: Expands training requirements for judges, referees, commissioners, mediators, Court Appointed Special Advocates, and others who work in family law cases to include the effects of gender, gender identity, sexual orientation, and cultural competency as well as sensitivity training regarding lesbian, gay, bisexual, and transgender (LGBT) youth. (GOV 68553; W&I 102, 304.7, 317)

SB 146 (LARA), CH. 129
EFFECTIVE/OPERATIVE DATE: URGENCY, AUGUST 19, 2013
WORKERS' COMPENSATION: MEDICAL TREATMENT: BILLING

SUMMARY DESCRIPTION OF NEW LAW: Amends workers' compensation requirements so that pharmacies used by employees being treated under Labor Code section 4600 do not have to submit requests for payment with an itemization of services provided or a copy of prescriptions filled. (LAB 4603.2)

IMPACT ON COURT: SB 146 corrects an unnecessary and incompatible provision of law with the Division of Workers' Compensation's (DWC's) electronic billing standard for pharmacy billings, which does not support attachments that would be necessary to comply with the literal requirements of the new statute (i.e., providing an actual copy of a prescription that was issued electronically or telephonically). This bill is designed to narrowly resolve this problem. Court staff responsible for workers' compensation claims should be aware of this change in law.

SB 292 (CORBETT), CH. 88
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
EMPLOYMENT: SEXUAL HARASSMENT

SUMMARY DESCRIPTION OF NEW LAW: Overturns the First Appellate District's decision in Kelley v. Conco Companies (2011) 196 Cal.App.4th 191, and clarifies that an employment-related sexual harassment claim made under the Fair Employment and Housing Act (FEHA) does not require proof of sexual desire toward the plaintiff. (GOV 12940)

IMPACT ON COURT: Courts will need to incorporate this into their biannual sexual harassment training.

SB 496 (WRIGHT), CH. 781
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
IMPROPER GOVERNMENTAL ACTIVITY: DISCLOSURE: PROTECTION

SUMMARY DESCRIPTION OF NEW LAW: Clarifies rights and procedures under the California Whistleblower Protection Act (WPA) and related statutes. Among other things, clarifies that an action for damages under the WPA is exempt from the presentation requirements of the Government Claims Act. (GOV 905.2, 1102.5, 8547.15, 19683)

IMPACT ON COURT: Court human resource or personnel departments will need to update staff, supervisors, and managers to ensure rights and procedures are consistently upheld.

APPELLATE

SB 743 (STEINBERG), CH. 386
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
ENVIRONMENTAL QUALITY: TRANSIT-ORIENTED INFILL PROJECTS, JUDICIAL REVIEW STREAMLINING FOR ENVIRONMENTAL LEADERSHIP DEVELOPMENT PROJECTS AND ENTERTAINMENT AND SPORTS CENTER IN THE CITY OF SACRAMENTO

SUMMARY DESCRIPTION OF NEW LAW: Among other things, requires the Judicial Council, on or before July 1, 2014, to adopt a rule of court to establish procedures applicable to certain lawsuits seeking review of a public agency's action in certifying an environmental impact report and in granting project approvals for a downtown arena project in the City of Sacramento. Directs that the procedures established by the rule require that actions or proceedings, including any appeals therefrom, be resolved, to the extent feasible, within 270 days of the certification of the record. Amends the expedited judicial review procedures enacted in AB 900 (Stats. 2011, ch. 354) by requiring the council to adopt a parallel rule of court, under the same deadline, that applies the same 270-day timeline (absent the "to the extent feasible" language) for the courts to resolve lawsuits challenging projects that have been certified according to the AB 900 process. Limits the forms of injunctive relief that the court may use in any action challenging the downtown arena project, as specified. Authorizes the City of Sacramento to prosecute a specified eminent domain action associated with the downtown arena prior to completing CEQA review for the project. (GOV 65088.1, 65088.4; PRC 21155.4, 21168.6.5 21181, 21183, 21185, 21186, 21187, 21189.1, 21189.3)

BUDGET

AB 110 (BLUMENFIELD), CH. 20
EFFECTIVE/OPERATIVE DATE: URGENCY, JUNE 27, 2013
BUDGET ACT OF 2013

SUMMARY DESCRIPTION OF NEW LAW:

Among other things, enacts the following provisions of the judicial branch budget:

1. Augments the judicial branch budget by $63 million, to be divided among branch entities as follows:

   - $60 million to the trial courts, to be distributed utilizing the newly adopted funding allocation methodology;
   - $500,000 for the Supreme Court;
   - $2.375 million for the Courts of Appeal; and
   - $150,000 for the Habeas Corpus Resource Center.

   The augmentation includes accountability measures for the trial courts, including the requirement that individual court plans be provided to the Legislature no later than September 1, 2013, discussing how the trial courts will "maintain or increase public access to justice" with their respective shares of the funds, followed by a report to the Legislature, due between April 14 and May 14, 2014, describing how the courts used or are in the process of using their augmentation.

2. Authorizes the Judicial Council to spend $325,000 to reimburse the California State Auditor for the costs of trial court audits incurred by the California State Auditor under section 19210 of the Public Contract Code. No later than September 1, 2014, the Judicial Council shall report to the appropriate fiscal and policy committees of the Legislature on how the funding identified in this provision was allocated.

3. Authorizes 16 subordinate judicial officer positions to be converted to judgeships in the 2013–2014 fiscal year under the authority described in subparagraph (B) of paragraph (1) of subdivision (c) of section 69615 of the Government Code. (VARIOUS SECTIONS)

IMPACT ON COURT: When combined with budget trailer bills SB 75 (Appendix C) and SB 76 (Appendix D), this package of bills comprises the budget package that impacts each court's budget. The budget trailer bills provide more specific operational impacts with respect to fees, audits, budget process, collections, reimbursements, parole revocation hearings, and other procedural changes. Court administrative and budget staff should be aware of this bill because of the fiscal changes and future implications on budget and court operations. Of particular interest to trial courts is item 0250-101-0932 (in the Budget Act) containing local assistance payable from the Trial Court Trust Fund.

SB 75 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 31

EFFECTIVE/OPERATIVE DATE: URGENCY, JUNE 27, 2013

COURTS

SUMMARY DESCRIPTION OF NEW LAW: Enacts the courts budget trailer bill, including amendments relating to the judicial branch.

See Appendix C for a full description of the bill.

SB 76 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 32

EFFECTIVE/OPERATIVE DATE: URGENCY, JUNE 27, 2013

PUBLIC SAFETY

SUMMARY DESCRIPTION OF NEW LAW: Among other things, chapters out two key provisions of the realignment law enacted by SB 75 (Stats. 2013, ch. 31) relating to parole revocation and parole revocation proceedings.

See Appendix D for a full description of the bill.

CIVIL

AB 227 (GATTO), CH. 581

EFFECTIVE/OPERATIVE DATE: URGENCY, OCTOBER 5, 2013

PROPOSITION 65: ENFORCEMENT

SUMMARY DESCRIPTION OF NEW LAW: Makes various revisions to the Safe Drinking Water and Toxic Enforcement Act (Proposition 65). Among other things, precludes litigation as well as the payment of money in settlement for certain alleged violations of Prop. 65 relating to exposure to alcohol and food-related chemicals, tobacco smoke, and vehicle exhaust if the alleged violator has taken specified remedial measures and has not committed prior offenses. Provides, in the event of a dispute over whether a specified action brought under Prop. 65 is barred by the new "notice and opportunity to cure," that the alleged violator shall bear the burden of proving the applicability of, and compliance with, these affirmative defense/safe harbor provisions. Specifies that, upon the conclusion of such an action, if the trial court determines that the alleged violator has prevailed on the affirmative defense, the court may, upon motion of that alleged violator or upon the court's own motion, review the basis for the belief of the plaintiff that the action was not precluded by the new safe harbor provisions in the bill. Requires the Judicial Council, on January 1, 2019, and at each five-year interval thereafter, to adjust the amount of a new civil penalty. (H&S 25249.7)

AB 499 (TING), CH. 158

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014

JUDICIAL PROCEEDINGS: INJUNCTIONS PROHIBITING HARASSMENT

SUMMARY DESCRIPTION OF NEW LAW: Provides, on or after July 1, 2014, that a civil injunction prohibiting harassment may remain in effect for up to five years. Provides further that such injunction orders may be renewed for an additional five-year period, with both the original and renewed order subject to modification or termination by further order of the court upon either written stipulation or motion of a party. (CCP 527.6)

IMPACT ON COURT: Trial courts will need to notify judges and subordinate judicial officers of this change.

NOTE: The forms that need to be revised (to change the duration of civil harassment (CH) orders from "up to 3" to "up to 5" years) are forms CH-100-INFO, CH-109, CH-110, CH-120, and CH-120-INFO. The default duration contained in CH-130, item 4, does not need to be changed because AB 499 has not amended Code of Civil Procedure section 527.6(j)(2), which states: "The failure to state the expiration date on the face of the form creates an order with a duration of three years from the date of issuance."

AB 824 (JONES), CH. 81
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
WRITTEN AGREEMENTS: EXCLUSION OF EVIDENCE

SUMMARY DESCRIPTION OF NEW LAW: Adds trust instruments to the list of agreements that are covered by the statute codifying the parole-evidence rule. (CCP 1856)

IMPACT ON COURT: Judges and subordinate judicial officers will need to be informed that Code of Civil Procedure section 1856 now expressly includes trust instruments within the application of the parole-evidence rule.

AB 1121 (ATKINS), CH. 651
EFFECTIVE/OPERATIVE DATE: JULY 1, 2014
GENDER IDENTITY: PETITION FOR CHANGE OF NAME

SUMMARY DESCRIPTION OF NEW LAW: Provides that if no objection is timely filed, the court shall grant a petition for a change of name based on gender identity without a hearing. Specifies that if the petition for a change of name is sought to conform the petitioner's name to his or her gender identity, that action is exempt from the requirement for publication and the petition and order of the court shall indicate that the proposed name is confidential. Makes the court-related provisions in the bill operative on July 1, 2014. Creates an optional administrative procedure through the State Registrar for a transgender person born in California to amend gender and name on his or her birth certificate without first obtaining a court order. (CCP 1277, 1278; H&S 103426)

See Appendix A for a full description of the bill.

AB 1167 (DICKINSON), CH. 156
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
COURT RECORDS: ELECTRONIC FORMS

SUMMARY DESCRIPTION OF NEW LAW: Among other things, requires instructions given to a levying officer to include specified information if the instructions are accompanied by a writ of execution for money, possession of personal or real property, or sale of personal or real property that was issued by the court as an electronic record or by a document printed from an electronic record that was issued by the court. Provides generally that the levying officer may proceed in the same manner as if he or she is in possession of a paper version of the original writ. (CCP 687.010; GOV 68150)

IMPACT ON COURT: This bill expands the list of court documents that may be electronically signed or verified to include a writ, subpoena, or other legal process. Staff in courts that electronically issue written instructions and writs of attachment will need to update procedures and ensure that the written instructions contain the requisite information needed by the levying officer. Court staff should work with the local sheriff's office to coordinate this process.

AB 1183 (JONES), CH. 18
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
CIVIL DISCOVERY: MOTION TO COMPEL FURTHER RESPONSE

SUMMARY DESCRIPTION OF NEW LAW: Provides that the existing requirement that a discovery motion to compel a further response must be filed within 45 days of the service of a response or supplemental response begins to run after service of a verified response or supplemental verified response. (CCP 2030.300, 2031.310, 2033.290)

AB 1253 (BLUMENFIELD), CH. 652
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
VEHICLES: MOBILE ADVERTISING DISPLAYS

SUMMARY DESCRIPTION OF NEW LAW: Clarifies that a city or county may also establish civil penalties for violation of a local ordinance or resolution regulating mobile billboards. (VEH 21100)

AB 1404 (COMMITTEE ON JUDICIARY), CH. 86
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
REAL PROPERTY: BOUNDARIES

SUMMARY DESCRIPTION OF NEW LAW: Clarifies and modernizes California's almost 150-year-old neighborhood fence statute. Among other things, provides that there is a rebuttable presumption that adjoining landowners gain an equal benefit from the shared fencing that divides their properties, unless otherwise agreed to by the parties in a written agreement. Provides that the above presumption may be overcome by a preponderance of the evidence demonstrating that imposing equal responsibility for the reasonable costs of construction, maintenance, or necessary replacement of the fence would be unjust. Authorizes the court, in cases where a party successfully rebuts the presumption, either to order a contribution of less than an equal share for the costs of construction, maintenance, or necessary replacement of the fence or to order no contribution. (CIV 841)

IMPACT ON COURT: Judges and subordinate judicial officers must be informed of the presumption that costs must be equally apportioned, as specified, and of the provisions of subdivision (b) of section 841, which specify the factors the court must consider in determining whether the presumption has been rebutted.

SB 233 (LENO), CH. 64
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
DEBT BUYING

SUMMARY DESCRIPTION OF NEW LAW: Enacts the Fair Debt Buying Practices Act, imposing various requirements on practices that may be used to collect on purchased consumer debt. Among other things, requires specific and detailed information about the underlying debt to be included in any action brought by a debt buyer on a consumer debt. Prohibits a debt buyer from bringing suit, initiating another proceeding, or taking any other action to collect a consumer debt if the applicable statute of limitations on the cause of action has expired. (CIV Title 1.6C.5, 1788.50-Part 4; CCP 581.5, 700.010, 706.103, 706.104, 706.108, 706.122)

See Appendix F for a full description of the bill.

SB 310 (CALDERON, R), CH. 251
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
MORTGAGES: FORECLOSURE NOTICES: TITLE COMPANIES

SUMMARY DESCRIPTION OF NEW LAW: Exempts title companies from liability for violations of the Homeowners' Bill of Rights in certain circumstances. Provides specifically that, unless acting in the capacity of a trustee, a licensed title company or underwritten title company shall not be liable for a violation of specified sections of the Homeowners' Bill of Rights in the Civil Code if it records or causes to record a notice of default or notice of sale at the request of a trustee, substitute trustee, or beneficiary in good faith and in the normal course of its business activities. Provides further that specified sections of the Homeowners' Bill of Rights in the Civil Code shall not be construed to affect the liability of a trustee, substitute trustee, or beneficiary that requests a licensed title company or underwritten title company to record a notice of default or notice of sale. (CIV 2924.25, 2924.26)

SB 426 (CORBETT), CH. 65
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
CIVIL PROCEDURE: DEFICIENCY JUDGMENTS

SUMMARY DESCRIPTION OF NEW LAW: Prohibits a deficiency from being owed or collected for any of the following: (a) after a sale of real property or estate for years therein for failure of the purchaser to complete his or her contract of sale; (b) under a deed of trust or mortgage given to the vendor to secure payment of the balance of the purchase price of that real property or estate for years therein; or (c) under a deed of trust or mortgage on a dwelling for not more than four families given to the lender to secure repayment of a purchase money loan that was used to pay all or part of the purchase price of that dwelling, occupied entirely or in part by the purchaser. Prohibits a deficiency from being owed or collected for deficiency on a note secured by a deed of trust or mortgage on real property if the property has been sold under the power of sale provision of the mortgage or deed of trust (i.e., a non-judicial foreclosure). Specifies that the provisions of this bill do not impact existing law governing the liability of a guarantor, pledgor, or other surety with respect to the deficiency, nor does it impact existing law governing other collateral pledged to secure an obligation that is the subject of a deficiency. (CCP 580b, 580d)

IMPACT ON COURT: Trial courts will need to notify judges, subordinate judicial officers, and research attorneys. This will have minimal impact on the clerical processing of deficiency judgments.

SB 551 (GAINES, T.), CH. 176
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
RENEWAL AND EXECUTION OF JUDGMENTS: JUDGMENT DEBTOR

SUMMARY DESCRIPTION OF NEW LAW: Clarifies that a judgment debtor whose liability for the judgment has ceased shall not subsequently be named by the judgment creditor on an application for writ of execution or renewal of judgment. (CCP 683.140, 699.510)

IMPACT ON COURT: Court staff will need to update procedures and, if applicable, case management systems that issue enforcement documents such as writs and abstracts.

SB 612 (LENO), CH. 130
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
RESIDENTIAL TENANCY: VICTIMS OF HUMAN TRAFFICKING AND ELDER OR DEPENDENT ADULT ABUSE

SUMMARY DESCRIPTION OF NEW LAW: Among other things, allows a tenant to terminate his or her tenancy if the tenant or a household member was the victim of human trafficking, provided that the tenant gives specified notice accompanied by supporting documentation of the act constituting an act of human trafficking. Authorizes, until January 1, 2016, a tenant to substantiate the need for early termination of a lease or rental agreement, based upon domestic violence, sexual assault, stalking, elder or dependent adult abuse, or human trafficking, by providing documentation from a qualified third party, based on information received while acting in his or her professional capacity, indicating that the tenant or household member is seeking assistance for physical or mental injuries or abuse, as specified. Requires the Judicial Council, by July 1, 2014, to develop or revise a form that may be used by a party to assert in the responsive pleading the grounds described above as an affirmative defense to an unlawful detainer action. (CIV 1946.7; CCP 1161.3)

IMPACT ON COURT: Trial courts will need to notify judges and subordinate judicial officers of this additional affirmative defense to an unlawful detainer, and the Judicial Council will need to incorporate it into the form required by Code of Civil Procedure section 1161.3 to be used by a party in the responsive pleading to an unlawful detainer action.

COURT FACILITIES

AB 619 (GARCIA), CH. 452
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
COURT FACILITIES

SUMMARY DESCRIPTION OF NEW LAW: Amends Government Code section 70377 pertaining to the interest calculation on late payments to the judicial branch construction funds; changes calculation to the Local Agency Investment Fund (LAIF) rate. Saves money for those trial courts found to have inadvertently made incorrect remittances to the State Court Facilities Construction Fund (SCFCF) or the Immediate and Critical Needs Account (ICNA). Makes the calculation rate for late remittance payments to judicial branch construction funds consistent with the calculation rate for late payments to the Trial Court Trust Fund, which was changed to the LAIF rate in 2007. (GOV 70377)

COURT OPERATIONS

AB 1352 (LEVINE), CH. 274
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
COURTS: DESTRUCTION OF COURT RECORDS

SUMMARY DESCRIPTION OF NEW LAW: Authorizes the destruction of various court records earlier than is permitted under existing law, thereby enabling trial courts to reduce their storage costs. Establishes statutory records retention periods for new types of records that are not dealt with under existing law—such as records resulting from the new criminal justice realignment process. Clarifies that the clerk of the court may use technology to generate certified copies of court records. Reorganizes the primary records retention statute in a more logical, readable, and understandable manner. (GOV 68150, 68151, 68152)

See Appendix B for table.

COURT REPORTERS

AB 648 (JONES-SAWYER), CH. 454
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
COURT REPORTERS

SUMMARY DESCRIPTION OF NEW LAW: Cleans up last year's language creating the $30 fee for court reporter services in civil proceeding lasting less than one hour. Clarifies that:

1. The fee shall only be charged in proceedings where a court reporter is provided (if, due to unforeseen circumstances, the a court reporter is not provided, the fee shall be refunded as soon as practicable);
2. The fee applies in civil proceeding lasting one hour or less;
3. The fee shall be charged to the party who files papers resulting in the proceeding being scheduled;
4. The fee shall be deposited with the clerk of the court as specified by the court but not later than the conclusion of the day's court session;

5. The fee will be charged once per case for all proceedings conducted within the same hour;
6. The fees collected shall be deposited into the Trial Court Trust Fund and distributed back to the court in which the fees were collected; and
7. The fee shall be waived for parties that have received a fee waiver.

(GOV 68086)

IMPACT ON COURT: Trial courts will need to inform judges and subordinate judicial officers. Court staff will need to review procedures to ensure the collection of the fee complies with the statute. As a practical matter, the fee should be collected when papers are filed that result in the matter being scheduled for hearing in a department where the court ordinarily provides a court reporter. It may be necessary to develop a refund policy for instances when the hearing does not go forward due to the matter being dropped from the calendar.

CRIMINAL LAW AND PROCEDURE

AB 68 (MAIENSCHEIN), CH. 764
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
PAROLE

SUMMARY DESCRIPTION OF NEW LAW: Requires the Department of Corrections and Rehabilitation to give notice of any medical parole hearing or any medical parole release to both the county of commitment and the county of proposed release at least 30 days, or as soon as feasible, prior to a medical parole hearing or a medical parole release. (PEN 3550)

IMPACT ON COURT: Judges and subordinate judicial officers who handle parole revocation cases should be aware of the mandatory notice requirements for medical parole.

AB 139 (HOLDEN), CH. 144
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
DOMESTIC VIOLENCE: FEES

SUMMARY DESCRIPTION OF NEW LAW: Among other things, specifies that the $500 payment required by every person granted probation in domestic violence cases is a fee, not a fine, and cannot be reduced for time served. Clarifies the distribution of the $500 fees: two-thirds to county domestic violence program funds (W&I 18305), and one-third to the state Domestic Violence Restraining Order Reimbursement Fund and the state Domestic Violence Training and Education Fund. (PEN 1203.97; W&I 18305)

AB 492 (QUIRK), CH. 13
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
PROBATION: NONVIOLENT DRUG OFFENSES

SUMMARY DESCRIPTION OF NEW LAW: Eliminates the requirement that whenever a person is granted probation for a nonviolent drug possession offense, the sentencing court transfer jurisdiction of the entire case upon a finding by the receiving court of the person's permanent residency in the receiving county, unless there is a determination on the record that the transfer would be inappropriate. (PEN 1203.9)

IMPACT ON COURT: Courts and probation departments have been operating under the probation transfer process found in Penal Code section 1203.9 for a number of years. AB 492 brings Penal Code section 1210.1 cases (also known as Prop. 36 or the Substance Abuse and Crime Prevention Act of 2000 cases) in line with all other probation transfers, thereby creating a single, uniform process.

AB 508 (CALDERON, I.), CH. 234
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
DEBT COLLECTION: HOMELESS VETERANS

SUMMARY DESCRIPTION OF NEW LAW: Provides that if a court, during the course of its routine process to collect fees, fines, and forfeitures or other penalties imposed by the court due to a citation issued for violation of a state or local law, obtains information that a person who has been issued a citation for loitering, curfew violations, or illegal lodging that is outstanding or unpaid served in the military within the last eight years and is homeless or has no permanent address, the court shall not garnish the wages or levy against bank accounts of that person for five years from the date the court obtained that information. Defines "homeless" or "having no [permanent] address" as a person who does not have a fixed, regular, adequate nighttime residence, or who has a primary nighttime residence that is (a) shelter designed to provide temporary living accommodations; (b) an institution that provides temporary residence for individuals intended to be institutionalized; or (c) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(PEN 1463.012)

IMPACT ON COURT: Courts must inform in-house collections staff, the county collections unit, or any third-party contractor responsible for collecting court-ordered debt of new law. New procedures must be developed to suspend collections efforts for five years if the court (or other collecting agency) obtains information that a person with eligible violations is a homeless veteran. Procedures should be developed to document that finding and current procedures must be updated to discharge any civil assessment imposed under Penal Code section 1214.1, if applicable. Case management systems and/or payment schedules should be modified as needed.

AB 539 (PAN), CH. 739
EFFECTIVE/OPERATION DATE: JANUARY 1, 2014
FIREARM POSSESSION: PROHIBITIONS: TRANSFER TO LICENSED DEALER

SUMMARY DESCRIPTION OF NEW LAW: Allows anyone who is prohibited from owning or possessing a firearm to transfer any firearm or firearms in his or her possession, or of which he or she is the owner, to a licensed firearms dealer for the duration of the prohibition if the prohibition on owning or possessing the firearm will expire on a date specified in the court order. Requires a firearms dealer who stores a firearm under these circumstances to notify the Department of Justice of the date that the dealer has taken possession of the firearm, and would also require the Attorney General to maintain a record of this information. Makes conforming changes to the above provisions.

IMPACT ON COURT: Courts must ensure they are providing the current DOJ forms related to the transfer of a firearm and must also ensure they have current restraining order forms with the correct transfer information.

AB 568 (MURATSUCHI), CH. 125
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
CRIMINAL PROCEDURE: TESTIMONY OF LAW ENFORCEMENT OFFICERS

SUMMARY DESCRIPTION OF NEW LAW: Provides, for purposes of introducing hearsay statements at a preliminary hearing, that a law enforcement officer is defined as any officer or agent employed by a federal, state, or local government agency who has either five years of law enforcement experience or has completed a training course certified by the Commission on Peace Officer Standards and Training (POST) that includes training in the investigation and reporting of cases and in testifying at preliminary hearings, and whose primary responsibility is the enforcement of any law, the detection and apprehension of persons who have violated any law, or the investigation and preparation for prosecution of cases involving violations of law. (PEN 872)

AB 624 (MITCHELL), CH. 266
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
COUNTY JAIL: REHABILITATION CREDITS

SUMMARY DESCRIPTION OF NEW LAW: Authorizes a sheriff or county director of corrections to award a prisoner, in addition to the credits otherwise earned, program credit reductions from his or her term of confinement for successful completion of specific program performance objectives for rehabilitative programming, including academic programs, vocational programs, vocational training, substance abuse programs, and core programs such as anger management and social life skills. (PEN 4019.4)

AB 651 (BRADFORD), CH. 787
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
CONVICTIONS: EXPUNGEMENT

SUMMARY DESCRIPTION OF NEW LAW: Authorizes courts, in their discretion and in the interest of justice, to grant dismissals (commonly referred to as "expungements") for eligible petitioners who were convicted of a felony and sentenced to local prison under Penal Code section 1170(h)(5). Individuals filing such petitions shall reimburse the court for the actual costs of services rendered, not to exceed $150, whether or not the petition is granted and the records are sealed or expunged. However, the court may order reimbursement only in cases where the petitioner has the ability to pay. (PEN 1203.41)

IMPACT ON COURT: This bill will increase the number of expungements processed by the courts. The court will need to create or modify procedures to process these Penal Code section 1170(h) felony expungements. The current expungement application will need to be updated (Judicial Council form CR-180, Petition for Dismissal) or create a new application. Minute orders and courtroom paperwork may need to be modified to reflect these changes. Judges, subordinate judicial officers, and court staff should be informed of the changes and trained on the procedure/expansion.

AB 752 (JONES-SAWYER), CH. 52
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
WORK FURLOUGH: COUNTY JAILS

SUMMARY DESCRIPTION OF NEW LAW: Expands eligibility for jail work furlough programs, currently limited to persons imprisoned in the county jail for a misdemeanor, nonpayment of a fine, contempt, or as a condition of probation for any criminal offense, to include felons sentenced to county jail.

AB 805 (JONES-SAWYER), CH. 17
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
BAIL

SUMMARY DESCRIPTION OF NEW LAW: Provides that in setting, reducing, or denying bail, a judge or magistrate may consider a report prepared by investigative staff for the purpose of recommending whether a defendant should be released on his or her own recognizance. (PEN 1275)

IMPACT ON COURT: Courts that have an investigative staff under Penal Code section 1318.1 may want to advise their judges and subordinate judicial officers of the modification to Penal Code section 1275.

AB 986 (BRADFORD), CH. 788
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
POSTRELEASE COMMUNITY SUPERVISION: FLASH INCARCERATION: CITY JAILS

SUMMARY DESCRIPTION OF NEW LAW: Permits each county agency responsible for postrelease supervision to determine an appropriate response to alleged violations, including flash incarceration in a city jail. (PEN 3453, 3454, 3000.08)

IMPACT ON COURT: Courts should be aware in case this becomes an issue during a revocation proceeding and should share this information with judges and hearing officers.

AB 1004 (GRAY), CH. 460
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
CRIMINAL PROCEDURE

SUMMARY DESCRIPTION OF NEW LAW: Allows magistrates signatures on arrest warrants to be in the form of a digital or electronic signature. (PEN 817)

AB 1050 (DICKINSON), CH. 270
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
BOARD OF STATE AND COMMUNITY CORRECTIONS

SUMMARY DESCRIPTION OF NEW LAW: Requires the Board of State and Community Corrections (BSCC) to develop definitions of key terms relevant to data collection and evidence-based programs and practices, including, but not limited to, "recidivism," "average daily population," "treatment program completion rates," and any other terms deemed relevant in order to facilitate consistency in local data collection, evaluation, and implementation of evidence-based practices, promising evidence-based practices, and evidence-based programs. Requires the BSCC to consult with specified stakeholders and experts when developing the definitions, including a representative of the Administrative Office of the Courts. (PEN 6027)

IMPACT ON COURT: Courts should be aware of the changes, specifically the data collection, which may create shifts in local sentencing to probation, Penal Code section 1170(h)(5)(A) "straight local sentences," or section 1170(h)(5)(B) "split sentences with mandatory supervision."

AB 1325 (PÉREZ, J.) CH. 791
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
VANDALISM: PUNISHMENT

SUMMARY DESCRIPTION OF NEW LAW: Extends from 240 days to one year the period of time for a person convicted of vandalism or affixing graffiti to complete his/her court-imposed community service. (PEN 594.6)

SB 105 (STEINBERG), CH. 310
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
CORRECTIONS

SUMMARY DESCRIPTION OF NEW LAW: Authorizes up to $315 million for immediate in-state and out-of-state prison capacity. Increases the amount of funding that county probation departments receive if they can serve felony probationers locally and keep them from coming to state prison. Requires that if the federal three-judge panel modifies its order requiring the state to reduce its prison population to 137 percent of capacity by December 31, 2013, in a way that reduces the cost of compliance, the first $75 million in savings will go to reducing recidivism, upon appropriation by the Legislature. (GOV 19050.2, 19050.8; PEN 1233.1, 1233.3, 1233.4, 2910, 11191, 13602, 1233.9, 2915, 6250.2)

IMPACT ON COURT: This bill will put two plans into effect to alleviate California's prison overcrowding. With respect to courts, SB 105 places many responsibilities on the Administrative Office of the Courts, while local county programs will be evaluated under Penal Code sections 1233.1, 1233.3, 1233.4, and 1233.9 to determine failure and return-to-custody rates for persons placed on probation, mandatory supervision, and postrelease community supervision. These plans could indirectly impact courts through the probation and sheriff's departments. A table containing the operative dates for SB 105 can be found in Appendix E.

See Appendix E for a full description of the bill.

SB 109 (CORBETT), CH. 752
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
CHARTER-PARTY CARRIERS: LIMOUSINES: EMERGENCY EXITS

SUMMARY DESCRIPTION OF NEW LAW: Among other things requires limousines operating within the state to have: (1) at least one or two rear push-out windows with at least one window located on each side of the vehicle. If the design of the vehicle precludes the installation of a push out window on each side of the vehicle, the second push out window must be located on the roof of the vehicle. For limousines that are precluded from installing any side push out windows, one push out window must be installed on the roof of the vehicle; and (2) at least two rear side doors that meet certain criteria. (PUC 5385.7, VEH 27375)

SB 130 (CORBETT), CH. 44
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
WITNESSES

SUMMARY DESCRIPTION OF NEW LAW: Adds kidnapping to commit a robbery or to commit a robbery or a sex crime, sexual acts with a child under 10, criminal threat, and stalking to the crimes for which a prosecuting witness may have a support person. Expands current law allowing support persons to apply to cases in which the defendant is charged with an attempt to commit any of the listed crimes. Expands existing provisions for minor victims under the age of 11 or persons with a disability that permit these witnesses specified comfort and support and protect them from coercion or undue influence. Adds kidnapping to commit a robbery or to commit a robbery or a sex crime; assault with intent to commit mayhem, rape, sodomy, or oral copulation; human trafficking; sexual acts with a child under 10; criminal threat; and stalking to the crimes for which those accommodations may be made. Provides that the court may apply these accommodations to cases in which the defendant is charged with an attempt to commit any of the listed crimes. (PEN 868.5, 868.8)

SB 162 (LIEU), CH. 56
EFFECTIVE/OPERATION DATE: JANUARY 1, 2014
PRISONERS: TEMPORARY REMOVAL

SUMMARY DESCRIPTION OF NEW LAW: Permits superior court judges to issue temporary removal orders on state prison inmates in specific circumstances for investigative purposes prior to the filing of felony cases. Requires a finding of good cause in an affidavit by the requesting district attorney or peace officer stating the law enforcement purpose is legitimate and necessary. The removal must contain the signature of the judge making the order and contain the seal of the court. The removal shall be for no longer than 30 days but may be extended upon application for an extension and shall not exceed an additional 30 days beyond the initial period specified in the removal order. (PEN 2690.5)

IMPACT ON COURT: This bill is the result of a recent Court of Appeals case that found the superior courts lacked jurisdictional authority over the transfer of prison inmates prior to the filing of a felony case. (Swarthout v. Superior Court of Los Angeles (2012) 208 Cal.App.4th 701) This legislation provides the superior court with the statutory authority to order these inmate transfers to county facilities.

SB 260 (HANCOCK), CH. 312
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
YOUTH OFFENDER PAROLE HEARINGS

SUMMARY DESCRIPTION OF NEW LAW: Establishes a parole process for persons sentenced for crimes they committed before the age of 18 years to prison terms that are not life without parole (LWOP), three-strikes, or Jessica's Law sentences. It requires the Board of Parole Hearings (BPH) to conduct a youth offender parole hearing to provide an opportunity for early release. Makes a person eligible for release on parole at a youth offender parole hearing (1) during the 15th year of incarceration if the person meeting these criteria received a determinate sentence, (2) during the 20th year if the person received

a sentence that was less than 25 years to life, or (3) during the 25th year of incarceration if the person received a sentence that was 25 years to life. (PEN 3041, 3046, 3051, 4801)

SB 378 (BLOCK), CH. 150
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
OFFICIAL RECORD OF CONVICTION: ADMISSIBILITY OF ELECTRONICALLY DIGITIZED COPY

SUMMARY DESCRIPTION OF NEW LAW: Provides that an electronically digitized copy of an official record of conviction that has been certified in accordance with specified requirements is admissible to prove the commission, attempted commission, or solicitation of a criminal offense, prior conviction, service of a prison term, or other act, condition, or event documented by the record. Defines "electronically digitized copy" to mean a copy that is made by scanning, photographing, or otherwise exactly reproducing a document, is stored or maintained in a digitized format, and bears an electronic signature or watermark unique to the entity responsible for certifying the document. (EVID 452.5)

IMPACT ON COURT: Courts that have electronic data management and document storage may be able to expedite requests for preparing and certifying an electronic 'prior conviction packet' file one time rather than incurring the costs associated with producing and certifying multiple hard copies.

SB 463 (PAVLEY), CH. 508
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
SENTENCING

SUMMARY DESCRIPTION OF NEW LAW: Existing law provides that most felonies are punishable by a triad of terms of incarceration in state prison, comprising low, middle, and upper terms. Existing law, operative on and after January 1, 2014, requires the court to impose the middle term unless there are circumstances in mitigation or aggravation of the crime. This bill extends to January 1, 2017, the provisions of law that specify that the court shall, in its discretion, impose the term or enhancement that best serves the interests of justice. The bill also makes conforming changes. (PEN 186.22, 186.33, 1170, 1170.1, 1170.3, 12021.5, 12022.2, 12022.4)

SB 513 (HANCOCK), CH. 798
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
DIVERSION PROGRAMS: SEALED RECORDS

SUMMARY DESCRIPTION OF NEW LAW: Provides that two years after a person has successfully completed a pretrial diversion program, he or she may petition the court for an order sealing the arrest records and related court files and records. Provides that upon the granting of the order, the court clerk shall allow no access to the court file and records. Requires the court to give the petitioning person a copy of the order and inform the petitioner that he or she may state that the arrest never occurred. (PEN 851.87)

IMPACT ON COURT: If a county's district attorney has an active prefiling diversion program, the court may see a significant increase in filings under this section. This will include additional filing, data entry, and hearings. Court staff will need to create a procedure for processing these types of petitions.

SB 530 (WRIGHT), CH. 721
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
CRIMINAL OFFENDERS: REHABILITATION

SUMMARY DESCRIPTION OF NEW LAW: Authorizes a trial court hearing an application for a certificate of rehabilitation before the applicable period of rehabilitation has elapsed to grant the application if the court, in its discretion, believes relief serves the interests of justice. Prohibits an employer from asking a job applicant to disclose, or from utilizing as a factor in determining any condition of employment, information about a conviction that has been judicially dismissed or ordered sealed, as provided, unless (1) the employer is required by law to obtain that information; (2) the applicant would be required to possess or use a firearm in the course of his or her employment; (3) anyone who has been convicted of a crime is prohibited by law from holding the position sought by the applicant even if that conviction has been expunged, judicially ordered sealed, statutorily eradicated, or judicially dismissed following probation; or (4) the employer is prohibited by law from hiring an applicant who has been convicted of a crime. (PEN 4852.22)

SB 569 (LIEU), CH. 799
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
INTERROGATION: ELECTRONIC RECORDATION

SUMMARY DESCRIPTION OF NEW LAW: Requires, among other things, the electronic recordation of an entire custodial interrogation of a minor 16 years of age or older who is suspected of committing an offense for which he or she may be tried as an adult. (PEN 859.5)

IMPACT ON COURT: Judges and subordinate judicial officers should be made aware of the requirements and related new jury instructions.

SB 618 (LENO), CH. 800
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
WRONGFUL CONVICTIONS

SUMMARY DESCRIPTION OF NEW LAW: Streamlines the process for compensating persons who have been exonerated after being wrongfully convicted and imprisoned. Among other things, provides that if a claimant has secured a declaration of factual innocence from the court after having his or her conviction set aside, the finding shall be sufficient grounds for payment of compensation for a claim against the state made to the California Victim Compensation and Government Claims Board. (PEN 851.865, 4900, 4901, 4902, 4903, 4904, 1485.5, 1485.55)

IMPACT ON COURT: Judges and subordinate judicial officers should make sure that factual findings and credibility determinations are detailed in the court's record so that persons subject to these cases may make claims to the California Victim Compensation and Government Claims Board.

SB 717 (DESAULNIER), CH. 317
EFFECTIVE/OPERATIVE DATE:
URGENCY, SEPTEMBER 20, 2013
SEARCH WARRANTS: DRIVING UNDER THE INFLUENCE

SUMMARY DESCRIPTION OF NEW LAW: Authorizes the issuance of a search warrant to allow law enforcement officers to take a sample of blood or other bodily fluid that may be used as evidence in misdemeanor driving under the influence (DUI) cases when a person refuses to submit to or complete a blood test as requested by the officer. (PEN 1524)

IMPACT ON COURT: This legislation is in response to the U.S. Supreme Court's ruling in Missouri v. McNeely (2013) 133 S.Ct. 1552, 185 L.Ed.2d 696, which held that the natural metabolization of alcohol in the bloodstream did not present a per se exigency that justified an exception to the Fourth Amendment's search warrant requirement for nonconsensual blood testing in all drunk-driving cases, and that exigency needed to be determined, instead, on a case-by-case basis based on the totality of the circumstances. The court stated that, in those drunk-driving cases in which officers can reasonably obtain a warrant before a blood sample can be drawn without significantly undermining the efficacy of the search, the Fourth Amendment requires they do so. In California, there was no statutory authorization for issuing a warrant for a blood draw in misdemeanor DUI cases. If the alleged misdemeanor violator refuses to consent to a blood test as required by Vehicle Code section 23612, the court may issue a search warrant to allow officers to take a sample of the blood as evidence in the DUI matter. This change may increase the number of search warrants processed by the courts and increase the off-hours contact officers requesting search warrants will make with judges and subordinate judicial officers.

SB 769 (BLOCK), CH. 46
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
VETERANS: CRIMINAL DEFENDANTS

SUMMARY DESCRIPTION OF NEW LAW: Clarifies that dismissal of a case under provisions for veteran-defendants who had military service–related mental health issues does not restore a defendant's right to possess a firearm and does not prevent conviction for being a felon or drug addict in possession of a firearm. (PEN 1170.9)

IMPACT ON COURT: Courts with veterans court calendars should pay particular attention to this bill. Defendants must also be provided with the firearms prohibition packet upon conviction. For courts that had not been giving these packets to veterans, this will require a change in court procedures.

DOMESTIC VIOLENCE

AB 157 (CAMPOS), CH. 260
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
PROTECTIVE ORDERS: CREDIBLY IMPERSONATING AND FALSELY PERSONATING

SUMMARY DESCRIPTION OF NEW LAW: Effective July 1, 2014, adds false personation and credible impersonation, as defined, to the list of activities for which a protective order may be issued under the Domestic Violence Prevention Act. (FAM 6320)

IMPACT ON COURT: Judges and subordinate judicial officers need to be informed. Judicial Council forms DV-100, DV-110, and DV-130 need to be modified to include this restraint.

AB 161 (CAMPOS), CH. 261
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
RESTRAINING ORDERS

SUMMARY DESCRIPTION OF NEW LAW: Effective July 1, 2014, authorizes a court to issue an ex parte order restraining any party from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage held for the benefit of the parties and/or their child or children for whom support may be ordered. (FAM 6325.5)

IMPACT ON COURT: Judges should determine if the parties' relationship qualifies them for a support proceeding. Court staff authorized for CLETS need to include this order in the California Courts Protective Order Registry (CCPOR) and California Restraining and Protective Order System (CARPOS) databases.

AB 176 (CAMPOS), CH. 263
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
FAMILY LAW: PROTECTIVE AND RESTRAINING ORDERS

SUMMARY DESCRIPTION OF NEW LAW: Effective July 1, 2014, provides that if more than one restraining order has been issued and one of the orders is an emergency protective order that has precedence in enforcement (PEN 162), a peace officer must enforce the emergency protective order. If none of the orders are emergency protective orders that have precedence in enforcement, and one of the orders is a no-contact order, a peace officer must enforce the no-contact order. (FAM 3100, 6383, 6405; PEN 136.2)

AB 238 (GOMEZ), CH. 145
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
PROTECTIVE AND RESTRAINING ORDERS: COMPUTER DATABASE SYSTEM

SUMMARY DESCRIPTION OF NEW LAW: Deletes the requirement that a law enforcement officer who requests an emergency protective order carry copies of the order while on duty (FAM 6273). Instead, requires a law enforcement officer who requests an emergency protective order to enter the order into the California Restraining and Protective Order System (CARPOS) within two hours of the issuance of the order. (FAM 6271, 6273; PEN 646.91)

FAMILY LAW

AB 522 (BLOOM), CH. 40
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
CIVIL ACTIONS: EXCEPTIONS TO DISMISSAL FOR DELAY IN PROSECUTION

SUMMARY DESCRIPTION OF NEW LAW: Expands the types of dissolution cases that are exempt from dismissal for delay in prosecution to include, when a personal conduct restraining order has been issued, dissolution of a domestic partnership, dissolution of void or voidable marriages, or child custody or visitation-related actions, as well as any dissolution case in which an issue has been bifurcated. (CCP 583.161)

AB 1403 (COMMITTEE ON JUDICIARY), CH. 510
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
FAMILY LAW

SUMMARY DESCRIPTION OF NEW LAW: Judicial Council–sponsored provisions confirm the Judicial Council's authority to convert up to 10 additional subordinate judicial officer (SJO) positions to judgeships if the conversion will result in family or juvenile law cases being heard by a judge instead of by an SJO. Also updates the Uniform Parentage Act to be gender neutral. (VARIOUS FAM; GOV 69617)

SB 274 (LENO), CH. 564
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
FAMILY LAW: PARENTAGE: CHILD CUSTODY AND SUPPORT

SUMMARY DESCRIPTION OF NEW LAW: Authorizes a court to find that a child has more than two parents if such a finding is necessary to avoid harm to the child. The Uniform Parentage Act (UPA) defines the legal relationship between parents and children. The purpose of this bill is to eliminate the limitations under a 2011 case (In re M.C. (2011) 195 Cal.App.4th 197) in which the court was limited in recognizing the rights of more than two parents under the UPA, regardless of the circumstances. (VARIOUS FAM)

IMPACT ON COURT: Courts will need to establish processes for adding an additional parent to a case or proceeding under the UPA. Case management reprogramming may be required. Mediators need to know to offer services to more than two parents in proceedings. Judges and subordinate judicial officers need to be informed of new provisions for allocating custody and visitation (amends FAM 3040) as well as child support (FAM 4052.5) obligations among the parents.

JUDGES/JUDICIAL OFFICERS

AB 1005 (ALEJO), CH. 113
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
JUDICIAL APPOINTMENTS: DEMOGRAPHIC DATA

SUMMARY DESCRIPTION OF NEW LAW: Requires the State Bar, the Governor's Office, and the Administrative Office of the Courts to collect demographic data on disability and veteran status, in addition to the information already currently collected on gender, race, and ethnicity for judicial nominees, applicants, appointees, judges, and justices. Applies only to the collection of demographic data for candidates, appointees, nominees, justices, and judges who apply, or are reviewed, appointed, nominated, or elected, on or after January 1, 2014, with the release of the data to begin in 2015. (GOV 12011.5)

JUDICIAL COUNCIL–SPONSORED

AB 619 (GARCIA), CH. 452
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
COURT FACILITIES

See Court Facilities.

AB 648 (JONES-SAWYER), CH. 454
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
COURT REPORTERS

See Court Reporters.

AB 1004 (GRAY), CH. 460
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
CRIMINAL PROCEDURE

See Criminal Law and Procedure.

AB 1293 (BLOOM), CH. 382
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
COURTS

See Probate.

AB 1352 (LEVINE), CH. 274
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
COURTS: DESTRUCTION OF COURT RECORDS

See Court Operations and Appendix B.

SB 378 (BLOCK), CH. 150
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
OFFICIAL RECORD OF CONVICTION: ADMISSIBILITY OF ELECTRONICALLY DIGITIZED COPY

See Criminal Law and Procedure.

JUVENILE DELINQUENCY

AB 1006 (YAMADA), CH. 269
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
JUVENILE COURT RECORDS: SEALING AND DESTRUCTION

SUMMARY DESCRIPTION OF NEW LAW: Requires that, beginning January 1, 2015, information about eligibility and procedures for the sealing and destruction of juvenile court records be provided to minors whose offenses are or will be eligible for sealing or destruction. (W&I 781)

IMPACT ON COURT: Juvenile courts and probation departments will need to clarify or update procedures to ensure proper notice and use of forms.

JUVENILE DEPENDENCY

AB 406 (TORRES), CH. 7
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
CHILD ABUSE REPORTING

SUMMARY DESCRIPTION OF NEW LAW: Makes permanent the provisions of Welfare and Institutions Code section 18961.7, allowing counties to continue to establish multidisciplinary personnel teams to assist in the investigation of child abuse claims by providing for the sharing of information between provider agencies. (W&I 18961.7)

IMPACT ON COURT: Juvenile courts will need to inform judges and subordinate judicial officers of this extension.

AB 506 (MITCHELL), CH. 153
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
HIV TESTING: INFANTS

SUMMARY DESCRIPTION OF NEW LAW: Among other things, allows a social worker to consent to an HIV test for an infant under the age of one year who has been taken into temporary custody. In cases where an infant tests positive for HIV under these circumstances, allows a social worker to authorize emergency medical care for the infant without court order when such care is appropriate to treat the infant for HIV. (H&S 121020)

IMPACT ON COURT: This may result in fewer court orders and hearings about medical testing and treatment.

AB 545 (MITCHELL), CH. 294
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
DEPENDENT CHILDREN: PLACEMENT: NONRELATIVE EXTENDED FAMILY MEMBER

SUMMARY DESCRIPTION OF NEW LAW: For the purposes of placement, expands the definition of "non-relative extended family member" to include adult care-givers who have a familial relationship with a relative of the child, in addition to a familial relationship with the child directly. (W&I 362.7)

IMPACT ON COURT: Judges, subordinate judicial officers, and social workers should be informed of this change, and courts may see a slight increase in the number of court-ordered placement requests.

AB 643 (STONE), CH. 80
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
PUBLIC SCHOOLS: PUPIL RECORDS: CONFIDENTIALITY

SUMMARY DESCRIPTION OF NEW LAW: Expands the list of those permitted to access pupil records without written parental consent or judicial order so that state law conforms with federal law. (ED 49076)

IMPACT ON COURT: These changes could result in fewer court orders being sought to access records.

AB 787 (STONE), CH. 487
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
FOSTER CARE

SUMMARY DESCRIPTION OF NEW LAW: Among other things, allows a nonminor dependent under age 21 to petition the court to resume dependency jurisdiction under specified circumstances. Brings California law into compliance with federal program guidelines in order to maintain federal funding. (VARIOUS W&I)

IMPACT ON COURT: Courts may recognize a marginal increase in the number of petitions filed to return to foster care or transitional jurisdiction.

AB 1133 (MITCHELL), CH. 490
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
FOSTER CHILDREN: SPECIAL HEALTH-CARE NEEDS

SUMMARY DESCRIPTION OF NEW LAW: Subject to the state and federal statutory preference for placement of foster youth with family members, gives priority consideration for placement of medically fragile foster youth with a foster parent who is an individual nurse provider under Welfare and Institutions Code section 14043.26(m). (W&I 17739)

IMPACT ON COURT: AB 1133 adds Welfare and Institutions Code section 17739 to assist judges and attorneys in placing medically fragile foster youth. In addition to the priority consideration provided in section 17739, there is also a subdivision covering preference that judges and subordinate judicial officers will need to be aware of. It does not appear that the new law will require any changes to forms or case management systems.

SB 342 (YEE), CH. 492
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
FOSTER CHILDREN: SOCIAL WORKER: VISITS

SUMMARY DESCRIPTION OF NEW LAW: Among other things, requires that mandated monthly visits by county social workers with children in foster care take place within the foster home, include a private discussion between the foster child and social worker, and give the foster child the opportunity to request a further meeting outside of the foster home. Does not require the social worker to schedule the further meetings requested by the child. (W&I 16516.5, 16516.6)

SB 522 (HUESO), CH. 494
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
FOSTER FAMILY HOME AND SMALL FAMILY HOME INSURANCE FUND

SUMMARY DESCRIPTION OF NEW LAW: Narrows the limitation of liability of the Foster Family Home and Small Family Home Insurance Fund to exclude only a loss resulting from a dishonest, fraudulent, criminal, or intentional act of a foster parent. Also limits fund liability to $300,000 per home per consecutive 12-month period, as opposed to per calendar year. (H&S 1527, 1527.3, 1527.4, 1527.35)

LABOR AND EMPLOYMENT

SB 13 (BEALL), CH. 528
EFFECTIVE/OPERATIVE DATE: URGENCY, OCTOBER 04, 2013
PUBLIC EMPLOYEES' RETIREMENT BENEFITS

SUMMARY DESCRIPTION OF NEW LAW: Makes various corrections and clarifications to the Public Employees Pension Reform Act of 2013 (PEPRA); key provisions include:

- Clarifies that the provision for legacy employees to move between public employers (in addition to moving between reciprocal employers) also applies in cases of concurrent membership.
- Clarifies that judges will be subject to felony forfeiture provisions required under the JRS I and JRS II and PEPRA, resulting in the highest loss of benefits possible under the various sections.
- Exempts from the definition of "new member" an individual who changes retirement systems or plans for the same employer without a break in service.
- Clarifies that the normal cost rate used to determine employee contributions includes all benefits under the plan (such as death and survivor benefits and cost-of-living adjustments).
- Clarifies that an employer is not required to change the retiree health vesting schedule of any employee subject to a specific health vesting schedule prior to January 1, 2013, or with whom the employer had a contractual agreement for a particular health vesting schedule.

(GOV 7522.02, 7522.04, 7522.10, 7522.25, 7522.30, 7522.32, 7522.34, 7522.40, 7522.66, 7522.43, 7522.56, 7522.72, 7522.74, 20683.2, 21400, 31494.1, 31800, 31808, 31812)

IMPACT ON COURT: Contact your individual retirement system.

PROBATE

AB 140 (DICKINSON), CH. 668
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
UNDUE INFLUENCE

SUMMARY DESCRIPTION OF NEW LAW: Provides in the Elder Abuse and Dependent Adult Civil Protection Act (EADACPA) a new definition of "undue influence" to mean "excessive persuasion that causes another person to act or refrain from acting by overcoming that person's free will and results in inequity." Sets forth specific factors that courts must consider in determining whether the result in question was produced by undue influence. Makes this new definition the operative definition in the Probate Code for specified cases alleging undue influence of elders, minors, and dependent adults. States the intent of the Legislature that the provision applying the new definition in the Probate Code is to supplement the common law meaning of undue influence without superseding or interfering with the operation of that law. (PROB 86; W&I 15610.30, 15610.70)

IMPACT ON COURT: Trial courts will need to notify judges and subordinate judicial officers of new Probate Code section 86 and the changes and additions to Welfare and Institutions Code sections 15610.30 and 15610.70. Court staff such as probate attorneys/examiners will need to be made aware of the new law. This bill should have no significant impact on court operations.

AB 381 (CHAU), CH. 99
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
ESTATES AND TRUSTS: UNDUE INFLUENCE AND ELDER ABUSE

SUMMARY DESCRIPTION OF NEW LAW: Extends existing double damage provisions in the Probate Code to a person who misappropriates property through undue influence in bad faith, or through acts of financial elder abuse, and provides that the person shall also be liable for reasonable attorney's fees and costs at the discretion of the court except as otherwise provided by law. (PROB 859, 4231.5)

AB 490 (SKINNER), CH. 39
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
INTESTATE SUCCESSION: CHILDREN

SUMMARY DESCRIPTION OF NEW LAW: Provides that a parent of a child who died intestate does not inherit from or through that child if any of the following is true: (1) the parent's parental rights were terminated and the parent-child relationship was not judicially reestablished, (2) the parent failed to acknowledge the child, or (3) the parent left the child during the child's minority and made no effort to provide for the child's support or to communicate with the child, or both, for at least seven consecutive years that continued until the end of the child's minority, with the intent to abandon the child. Specifies that failure to provide support or communicate with the child for the required period is presumptive evidence of the parent's intent to abandon the child. Provides further that a parent who does not inherit under any of the above is deemed to have predeceased the child and the intestate estate passes as otherwise required by law. (PROB 6452)

IMPACT ON COURT: Trial courts will need to notify judges and subordinate judicial officers that Probate Code section 6452 has been repealed and replaced with new language affecting the rights of parents to inherit from or through a child on the basis of the parent and child relationship. Court staff such as probate attorneys/examiners will need to be made aware of the new law. This bill should not have a significant impact on court operations.

AB 672 (HARKEY), CH. 239
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
TAX ADMINISTRATION: TAX CLEARANCE CERTIFICATES

SUMMARY DESCRIPTION OF NEW LAW: Among other things, eliminates the requirement for a tax clearance certificate issued by the Franchise Tax Board in order for the court to allow the final account of a fiduciary for certain estates. This bill has a sunset date of December 1, 2018. (R&T 17735)

IMPACT ON COURT: In light of the elimination of this requirement, trial courts will need to notify judges and subordinate judicial officers of the amendments to Revenue and Taxation Code section 17735 and the elimination of the need for a property tax clearance certificate in specified estates. Court staff such as probate attorneys/examiners will need to be made aware of the new law. This bill should not have a significant impact on court operations.

AB 937 (WIECKOWSKI), CH. 127
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
CONSERVATORS AND GUARDIANS: PERSONAL RIGHTS OF CONSERVATEES

SUMMARY DESCRIPTION OF NEW LAW: Provides that the care, custody, and control of a conservator shall not extend to personal rights retained by the conservatee, including, but not limited to, the right to receive visitors, telephone calls, and personal mail, unless specifically limited by court order. (PROB 2351)

IMPACT ON COURT: Trial courts will need to notify judges and subordinate judicial officers of the need to make specific orders limiting contact with visitors, telephone calls, and mail if necessary to protect the consevatee from abuse. Court staff responsible for conservatorship orientation sessions and self-help center staff should be made aware of this bill. Other court staff such as courtroom clerks, court investigators, and probate attorneys/examiners will need to be made aware of the new law. It may be prudent to inform private professional fiduciary groups, county counsel, and public guardians of this change in the law. This bill should have no significant impact on court operations.

AB 1029 (MAIENSCHEIN), CH. 105
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
TRUSTS AND ESTATES: ALLOCATIONS OF RECEIPTS

SUMMARY DESCRIPTION OF NEW LAW: Revises and recasts the requirements by which a trustee is to determine whether money received from a distributing entity is to be treated as a partial liquidation. Provides that a trustee is not liable for any claim of improper allocation of the receipt when that is based on information that was not received or actually known by the trustee by the date of allocation, provided that the trustee satisfies specified requirements. (PROB 16350)

IMPACT ON COURT: Trial courts will need to notify judges and subordinate judicial officers of the amendments to Probate Code section 16350. Court staff such as court investigators and probate attorneys/examiners will need to be made aware of the new law. This bill should have no significant impact on court operations.

AB 1160 (WAGNER), CH. 84
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
DECEDENTS' ESTATES: PERSONAL REPRESENTATIVE

SUMMARY DESCRIPTION OF NEW LAW: Allows a personal representative to petition the court to provide assistance in a proceeding to determine beneficiaries and distribution rights. Provides that the court may grant or deny this petition, in whole or in part, on the pleadings, without an evidentiary hearing or further discovery. Specifies that such a petition may be granted only upon a showing of good cause. Specifies further that the court shall determine the manner and capacity in which the personal representative may provide assistance in the proceeding. Provides that the court may direct the personal representative to file papers as a party to the proceeding, or to take other specified action, if the action is deemed by the court to be necessary to assist the court. (PROB 11704)

IMPACT ON COURT: Trial courts will need to notify judges and subordinate judicial officers of the amendments to Probate Code section 11704. Court staff such as probate attorneys/examiners will need to be made aware of the new law. This bill should have no significant impact on court operations.

AB 1293 (BLOOM), CH. 382
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
COURTS

SUMMARY DESCRIPTION OF NEW LAW: Adds a probate fee of $40 for the filing of a request for special notice in decedents' estate, guardianship, conservatorship, or trust proceedings to help courts cover their costs incurred to ensure that proper service of notices and other documents to all persons who have requested special notice has been given by other filing parties or, if such notice has not been given, that the hearings on petitions filed by these other parties are postponed so that proper notice can be given to the requesting parties. (GOV 70662)

IMPACT ON COURT: Court staff such as legal processing clerks, fiscal services personnel, and probate attorneys/examiners will need to be informed of the new fee. Since this is a new fee, statewide fee schedules have to be modified and local case management systems will need to be updated. The responsibility to give the special notice is not on the court. When a request for special notice is properly requested in a proceeding, the party filing any matter included in item 2 of the Judicial Council form Request for

Special Notice (form DE-154, GC-035) must give notice and a copy of the paper filed to the party requesting special notice. If special notice has not been properly given, continuances may be necessary. Court orders when special notice is dispensed with, waived, or required are not been changed by this bill.

AB 1339 (MAIENSCHEIN), CH. 248
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
PROFESSIONAL FIDUCIARIES: GUARDIANS AND CONSERVATORS

SUMMARY DESCRIPTION OF NEW LAW: Among other things, requires that when a petition to appoint a guardian or a temporary guardian, or a conservator or a temporary conservator, is filed and the petitioner or proposed guardian or conservator is a professional fiduciary, the petition also include the petitioner's or proposed guardian's or conservator's proposed hourly fee schedule or another statement of the petitioner's or proposed guardian's or conservator's proposed compensation from the estate of the proposed ward or conservatee for services performed. Requires the guardian or conservator, if he or she is a professional fiduciary, to file concurrently with the inventory and appraisal a proposed hourly fee schedule or another statement of his or her proposed compensation from the estate of the ward or conservatee for services performed. Authorizes the guardian or conservator to submit a new proposed hourly fee schedule or another statement of his or her proposed compensation at any time on or after one year from the original submission, as specified. Provides that the submittal of a new hourly fee schedule or another statement of the guardian's or conservator's proposed compensation, as authorized by this bill, shall not preclude a court from later reducing the guardian's or conservator's hourly fees or other compensation, or his or her attorney's fees or other compensation. (PROB 1510, 1821, 2250, 2614.7, 2614.8, 2643, 2643.1)

IMPACT ON COURT: Trial courts will need to notify judges and subordinate judicial officers of the amendments to Probate Code sections 1510, 1821, 2250, and 2643, and of the additions of Probate Code sections 2614.7, 2614.8, and 2643.1. Judges and subordinate judicial officers will need to be aware of the requirement that an hourly fee schedule or another statement of a private professional fiduciary's proposed compensation must be filed with the inventory and appraisal before an order for periodic payments can be made. Court staff such as probate attorneys/examiners will need to be made aware of the new law and that submission of an hourly fee schedule or another statement of a private professional fiduciary's proposed compensation does not preclude the court from reducing fees when appropriate. This bill should have a minimal impact on court operations. Courtroom clerks should be informed of the new law in the event judges desire to include a finding on the minute order that the hourly fee schedule or other statement of a private professional fiduciary's proposed compensation has been filed as required. Legal processing clerks need to be made aware of the new law so they understand why the proposed fee accompanies the inventory and appraisal. AB 1339 was sponsored by the Professional Fiduciaries Association of California

SB 826 (COMMITTEE ON JUDICIARY), CH. 61
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
CIVIL LAW: OMNIBUS BILL

SUMMARY DESCRIPTION OF NEW LAW: Makes technical corrections to sections of the Family and Probate Codes. Specifically, this bill: (1) clarifies that supervised visitation requirements are set forth in standard 5.20 of the Standards of Judicial Administration; and (2) makes a technical correction to a specified fee reimbursement statute by clarifying that it applies when an estate is commenced on behalf of a "decedent," not a "dependent." (FAM 3202; PROB 8200(d))

STATE BAR AND PRACTICE OF LAW

AB 267 (CHAU), CH. 123
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
EVIDENTIARY PRIVILEGES: LAWYER REFERRAL SERVICE-CLIENT PRIVILEGE

SUMMARY DESCRIPTION OF NEW LAW: Provides that a person who consults a lawyer referral service for the purpose of retaining a lawyer or securing legal advice has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the client and the lawyer referral service if the privilege is claimed by a specified person or entity. Specifies the circumstances in which the privilege does not apply and provides that the lawyer referral service–client privilege may be waived in accordance with existing law. (EVID 912, 965, 966, 967, 968)

IMPACT ON COURT: Judges and subordinate judicial officers must be informed of the newly established lawyer referral service–client privilege established by Evidence Code section 966, and of related provisions in new sections 967 (requiring a lawyer referral service to claim the privilege if disclosure of a privileged communication is sought and the client has not consented to the disclosure), 968 (specifying circumstances under which the privilege does not arise), and section 965 (defining terms for purposes of these provisions).

TRAFFIC

AB 443 (LOWENTHAL), CH. 101
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
VEHICLES: DELINQUENT PARKING AND TRAFFIC VIOLATIONS

SUMMARY DESCRIPTION OF NEW LAW: For family transfers only, prohibits the Department of Motor Vehicles from transferring ownership of a vehicle for which a processing agency has filed an itemization of outstanding parking or toll evasion penalties until the penalties are paid. (VEH 4764, 4767, 4774)

SB 788 (COMMITTEE ON TRANSPORTATION AND HOUSING), CH. 523
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
TRANSPORTATION

SUMMARY DESCRIPTION OF NEW LAW: Makes non-controversial changes to sections of law relating to transportation, including amending corresponding code sections to reflect recent legislation that allows those carrying commercial driver's licenses to attend traffic violator school if the individual commits a traffic offense while driving a noncommercial vehicle. (VEH 42007)

APPENDIX A

AB 1121 (ATKINS), CH. 651
EFFECTIVE/OPERATIVE DATE: JULY 1, 2014
GENDER IDENTITY: PETITION FOR CHANGE OF NAME

SUMMARY DESCRIPTION OF NEW LAW: Provides that if no objection is timely filed, the court shall grant a petition for a change of name based on gender identity without a hearing. Specifies that if the petition for a change of name is sought to conform the petitioner's name to his or her gender identity, that action is exempt from the requirement for publication and the petition and order of the court shall indicate that the proposed name is confidential. Makes the court-related provisions in the bill operative on July 1, 2014. Creates an optional administrative procedure through the State Registrar for a transgender person born in California to amend gender and name on his or her birth certificate without first obtaining a court order. (CCP 1277, 1278; H&S 103426)

NEW PROVISIONS GOVERNING PETITIONS FOR A CHANGE OF NAME BASED ON GENDER IDENTITY

➢ HEARINGS NO LONGER ALLOWED IN UNCONTESTED CASES: Requires, rather than authorizes, the court to grant an uncontested name change petition without a hearing. (CCP 1277(a)(1))

➢ NO PUBLICATION REQUIREMENTS: Exempts from newspaper publication requirements any petition for a change of name that is sought in order to conform the petitioner's name to his or her gender identity. (CCP 1277(b)(3))

CONFIDENTIALITY REQUIREMENTS

➢ Provides, at the request of the petitioner, that the petition and order of the court shall, in lieu of reciting the proposed name, indicate that the proposed name is confidential. (CCP 1277(b)(3))

➢ Specifies that the current legal name of the petitioner shall be kept confidential by the court and not published in the court's calendars, indexes, or register of actions, as specified, or by any means in any public forum, including a hardcopy or an electronic copy, or any other type of public media or display, when the petition is sought to conform the petitioner's name to his or her gender identity. (CCP 1277(b)(4))

➢ Provides that, notwithstanding the above, the court may, at the request of the petitioner, issue an order reciting the name of the petitioner at the time of the filing of the petition and the new legal name of the petitioner as a result of the court's granting of the petition. (CCP 1277(b)(5))

OPTIONAL ADMINISTRATIVE PROCEDURE FOR NAME CHANGES

Requires the State Registrar to issue a new birth certificate, without a court order, for any person born in California who has undergone clinically appropriate treatment for the purpose of gender transition who submits an affidavit from a physician, as specified. (H&S 103426)

OPERATIVE DATE

Provides that the bill's new court-related provisions, as described above, become operative on July 1, 2014. (Stats. 2013, ch. 651, sec. 2; codified at CCP 1277(f))

APPENDIX B

Retention table relating to AB 1352

	CURRENT RETENTION PERIOD	NEW RETENTION PERIOD
	CIVIL CASES	
Mental Health	Lanterman Developmental Disabilities Services Act and Lanterman-Petris-Short Act: 30 years (GOV 68152(c)(7))	Lanterman Developmental Disabilities Services Act: 10 years Lanterman-Petris-Short Act: 20 years Riese (capacity) hearings: the latter of either (i) 20 years after the date of the capacity determination order or (ii) the retention date for court records related to any underlying involuntary treatment or commitment proceeding, if any Petitions for return of firearms to petitioners who relinquished them while detained in a mental health facility: 10 years (GOV 68152(a)(12)(A)–(D))
Probate Records	All probate records, including probated wills, except as otherwise specified: Permanently (GOV 68152(h)(3))	DECEDENT ESTATES: All orders, judgments, decrees of the court; all inventories and appraisals; and all wills and codicils of the decedent filed in the case, including those not admitted to probate: Permanently Other records: 5 years after final disposition of the estate proceeding (GOV 68152(a)(11)(A)) Wills and codicils transferred or delivered to the court under specified provisions of the Probate Code: Permanently (GOV 68152(a)(11)(B)) Substitutes for decedent estate administration: ➢ Affidavit procedures for real property of small value: Permanently ➢ Proceedings for determining succession to property and proceedings for determination of property passing or belonging to surviving spouse: Permanently retain all inventories and appraisals and court orders. Other records: Retain for 5 years after final disposition of the proceeding (GOV 68152(a)(11)(C))

	CURRENT RETENTION PERIOD	NEW RETENTION PERIOD
Conservatorship	10 years (GOV 68152(h)(1)) Judgments: Permanently (GOV 68152(j)(12))	Court orders: Permanently, except as specified Other conservatorship records: 5 years after the latter of either (i) the final disposition of the conservatorship proceeding or (ii) death of the conservatee, if that date is disclosed in the court's file (GOV 68152(a)(11)(D))
Guardianships	10 years after 18 years of age (GOV 68152(h)(2)) Judgments: Permanently (GOV 68152(j)(12))	Court orders terminating the guardianship, if any, and court orders settling final account and ordering distribution of the estate: Permanently Other records: 5 years after the latter of (1) the final disposition of the guardianship proceeding; or (2) the earlier date of the ward's death, if that date is disclosed in the court's file, or the date the ward turns 23 years of age
Minors' and Disabled Persons' Compromises	No comparable provision; treated like a civil record, i.e., 10 years	Judgments in favor of minors or disabled persons; orders approving compromises of claims and actions and disposition of the proceeds of judgments; orders directing payment of expenses, costs, and fees; orders directing deposits into blocked accounts and receipts and acknowledgments of those orders; and orders for the withdrawal of funds from blocked accounts: Permanently Other records: Same retention period as for records in the underlying case. If there is no underlying case, retain for 5 years after the latter of either (1) the date the order for payment or delivery of the final balance of the money or property is entered, or (2) the earlier of the date of the minor's death, if that date is disclosed in the court's file, or the date the minor reaches 23 years of age (GOV 68152(a)(11)(F)(i)–(ii))

	CURRENT RETENTION PERIOD	NEW RETENTION PERIOD
Trusts	No comparable provision; treated like a civil record, i.e., 10 years	Trusts proceedings: Permanently Trusts instruments and court orders for trusts created by substitute judgment: Permanently Other records for trusts created by substitute judgment: Retain as long as the underlying conservatorship file is retained Trust instruments and court orders for special needs trusts: Permanently Other records relating to special needs trusts: Retain until the latter of either (1) the retention date of "other records" in the beneficiary's conservatorship or guardianship file, as specified, if any, or (2) 5 years after the date of the beneficiary's death, if that date is disclosed in the court's file (GOV 68152(a)(11)(G)(i)–(iv)) All other proceedings under the Probate Code: Retain as provided for civil cases (GOV 68152(a)(11)(H))
CRIMINAL CASES		
Capital Felony (death penalty)	If prosecution seeks the death penalty: Permanently, except as specified (GOV 68152(e)(1))	Capital felony cases in which the defendant is sentenced to death, and in any felony resulting in a sentence of life or life without the possibility of parole: Permanently If a capital felony is disposed of by a sentence less than death, life, or life without possibility of parole: Retain judgment permanently and the record for 50 years or for 10 years after the defendant's death If a capital felony is disposed of by acquittal: 10 years (GOV 68152(c)(1))

	CURRENT RETENTION PERIOD	NEW RETENTION PERIOD
Other Felonies and Registered Sex Offender Misdemeanors	75 years (GOV 68152(e)(2), (10))	Judgments: Permanently Other documents: 50 years or the maximum term of the sentence, whichever is longer, or 10 years after the defendant's death Felony case files that do not include final sentencing or other final disposition because the case was bound over from a former municipal court to the superior court and not already consolidated with the superior court file: Retain for 10 years from the disposition of the superior court case (GOV 68152(c)(2)
Felony Reduced to Misdemeanor or Misdemeanor Reduced to Infraction	No comparable provision; treated like a felony or misdemeanor	In accord with either relevant misdemeanor rules or relevant infraction rules (GOV 68152(c)(3), (9))
Dismissed Criminal Cases	No comparable provision; treated like underlying criminal case record	Felony charge is dismissed: 3 years, except as provided (GOV 68152(c)(4)) Misdemeanor charge is dismissed: 1 year, except as provided (GOV 68152(c)(5))
Infractions	Except as otherwise specified: 3 years (GOV 68152(e)(11))	Except as otherwise specified: 1 year Vehicle Code infraction: 3 years Marijuana H&S 11357(b) infraction: 2 years from date of conviction, or from date of arrest, if defendant has complied with all terms and conditions of sentence and the case is no longer subject to review on appeal (GOV 68152(c)(10))
Parking Infractions	2 years (GOV 68152(e)(12))	Eliminates the current 2-year retention period

	CURRENT RETENTION PERIOD	NEW RETENTION PERIOD
Search Warrants	10 years, generally	If issued in connection with a capital felony case: Permanently (GOV 68152(j)(18)) If there is an underlying case: 10 years from date of issue. If retention period for records in underlying case is less than 10 years or if the underlying case is a capital felony: Retain for same period as for records in underlying case. If no underlying case: Retain for 5 years from date of issue. (GOV 68152 (c)(13))
Arrest Warrant	Same period as period for retention of the records in the underlying case category (GOV 68152(j)(2))	Same period as period for retention of the records in the underlying case category. If none, 1 year from date of issue. (GOV 68152 (c)(12))
OTHER RECORDS		
Court Orders Not Associated With an Underlying Case	3 years (GOV 7=68152(h)(6)	1 year (GOV 68152 (g)(12))
Habeas Corpus	Same period as period for retention of the records in the underlying case category (GOV 68152(f))	In criminal and family law matters: Retain for the same retention period as for records in the underlying case, whether granted or denied. In mental health matters: Retain all records for the same retention period as for records in the underlying case, whether granted or denied. If no underlying case: Retain records for 20 years. (GOV 68152(d)(1)-(2))
Coroner's Inquest	Same period as period for retention of the records in the underlying case category; if no case: Permanently (GOV 68152(j)(5))	Eliminates the retention period

APPENDIX C

SB 75 (Committee on Budget and Fiscal Review), CH. 31

EFFECTIVE/OPERATIVE DATE: URGENCY, JUNE 27, 2013

COURTS

SUMMARY DESCRIPTION OF NEW LAW: Enacts the courts budget trailer bill, including amendments relating to the judicial branch.

SMALL CLAIMS

Increases the fee charged to the plaintiff for each defendant to whom the court clerk mails a copy of the claim under section 116.340 of the Code of Civil Procedure. States that the fee shall be distributed to the court in which the fee was collected. (CCP 116.232)

IMPACT ON COURT: Courts should have done all of the following:

- Updated all case management and accounting systems to increase the Uniform Civil Fee charged to plaintiffs for small claims served to defendants by mail. The fee was increased to $15 as of 6/27/13.
- Updated all fee schedules.
- Posted public notice of the changes.
- Due to the lack of advance opportunity for notice prior to the effective date, handled filings with insufficient fees.

COURT COLLECTIONS

Facilitates use of the Franchise Tax Board's Tax Intercept Program for the collection of delinquent payments as follows:

- States that neither the Controller nor the Franchise Tax Board (FTB) may condition a request for offset against a refund from the FTB, winnings in the California State Lottery, or a cash payment for unclaimed property for any overdue and unpaid fine, penalty, assessment, bail, vehicle parking penalty, or court-ordered reimbursement for court-related services on the submission of the person's social security number. (GOV 12419.10(a)(1))
- Provides that FTB may, if necessary to confirm the identity of a person before making an offset, obtain a social security number from the Department of Motor Vehicles (DMV). (GOV 12419.10(d))

IMPACT ON COURT: Courts that participate in the Franchise Tax Board's Tax Intercept Program will no longer be required to obtain and provide social security numbers to the FTB prior to initiating the Tax Intercept Program. Instead, the FTB and State Controller's Office will use their existing legal authority to obtain social security numbers from the DMV if necessary to confirm the identity of a person before making an offset.

COURT REPORTER FEES

Clarifies that for each proceeding lasting less than one hour, a fee of $30 shall be charged for the services of a court reporter. Clarifies that the proceeds of the fees collected shall be distributed to the court in which the fee was collected. (GOV 68086(a)(1)(A))

IMPACT ON COURT: Courts need to inform judges, subordinate judicial officers, and staff that the $30 court reporter fee should be charged for each proceeding lasting less than one hour. No changes needed for distribution.

TRIAL COURT BUDGET ISSUES

Clarifies issues related to trial court reserves and cash flow as follows:

- Requires the Judicial Council to offset each trial court's preliminary and final allocations by the amount of reserves held by the court in excess of the amount authorized to be carried over in accordance with subdivision (b) of section 77203 of the Government Code. (GOV 68502.5(c)(2)(A))
- Exempts from the calculation of the 1 percent carryover of unexpended funds those funds specified in statute and attached as **Exhibit 1**. (GOV 77203(b)(1)–(6))

➢ Permits the Administrative Office of the Courts to borrow interest-free funds from the State Court Facilities Construction Fund, the Immediate and Critical Needs Account, and the Judicial Branch Workers' Compensation Fund if the cash balance of the Trial Court Trust Fund is insufficient to support trial court operations. (GOV 68502.6(a)–c))

➢ Requires the Administrative Office of the Courts to submit a report to the Joint Legislative Budget Committee and the Department of Finance for each loan executed under this section no later than August 30 of each year. Specifies report content requirements. (GOV 68502.6(d))

➢ Removes the sunset date of January 1, 2017, from the provision that requires trial courts, before adopting a baseline budget plan for the fiscal year, to provide the public notice of, and an opportunity for input on, the trial court's proposed budget plan. (GOV 68511.7(e))

IMPACT ON COURT: Court financial staff should be aware of the new requirements and clarifications of the new laws, which will have substantial financial impact on courts beginning June 30, 2014, when courts will be limited from carrying over unexpended funds that exceed 1 percent of their operating budgets from the prior fiscal year with only some exceptions. See **Exhibit 1** for details. Court should also be aware of loan options available to the AOC in the event that the cash balance of the Trial Court Trust Fund is insufficient to support trial court operations.

EXEMPLIFICATION FEES

Increases from $20 to $50 the fee for the exemplification of a record or other paper on file.

IMPACT ON COURT: Courts should have done all of the following:

➢ Updated all case management and accounting systems to increase the Uniform Civil Fee charged for exemplification of a record or other paper on file. The fee was increased to $50 as of June 27, 2013.

➢ Updated all fee schedules.

➢ Posted public notice of the changes.

➢ Due to the lack of advance opportunity for notice prior to the effective date, handled filings with insufficient fees.

JUDICIAL BRANCH AUDITS

Establishes a framework for audits of judicial branch entities as follows:

➢ Directs the State Auditor, beginning March 15, 2015, and continuing biennially thereafter, to identify five judicial branch entities, excluding the Administrative Office of the Courts, for audit to assess enumerated risk factors. Requires the State Auditor to commence an audit of each identified judicial branch entity, subject to an appropriation for this audit whereby monies are allocated in the annual Budget Act. Further requires the Administrative Office of the Courts to reimburse the State Auditor for the actual costs of the audits. (PCC 19210(a)–(b))

➢ Directs the State Auditor, on or before March 15, 2015, and continuing biennially thereafter, to commence an audit of the Administrative Office of the Courts. (PCC 19210(c))

IMPACT ON COURT: Court executive officers, judges, and subordinate judicial officers should be aware of the enumerated risk factors as listed in subsections (A) through (H) of Public Contract Code section 19210 in case their court is selected for an audit.

DETERMINATION OF REPAYMENT IN REUNIFICATION

Includes the county financial officer among the entities entitled to determine that payment by a parent or guardian for the costs of support, legal services, probation costs, or any other reimbursable costs, as defined, shall be waived (1) if that repayment will pose a barrier to reunification with the child because it will limit the ability of the parent or guardian to comply with the requirements of the reunification plan or compromise the parent's or guardian's current or future ability to meet the financial needs of the child, or (2) if the court finds that the repayment would be unjust under the circumstances of the case. (W&I 903.45(b))

IMPACT ON COURT: Courts need to make court staff aware of this new provision for county financial officers and clarify that, if the county officer determines that payment of reimbursable costs should be waived for the parent or guardian, the county financial officer is then prohibited from petitioning the court for an order of repayment of these costs.

REPORTING AND DATA COLLECTION PERTINENT TO THE COMMUNITY CORRECTIONS PERFORMANCE INCENTIVE ACT

Requires that county probation departments provide data to the Administrative Office of the Courts (AOC) related to offenders on mandatory supervision and postrelease community supervision; assigns additional tasks to the AOC related to SB 678; makes specified funding adjustments under that act; and removes the sunset date of January 1, 2015. (PEN 1229–1233.8)

IMPACT ON COURT: No impact on court, unless the court can assist the probation department in providing the required data (or part of the data) via the court's case management system.

EXHIBIT 1 TO APPENDIX C

Guidance on 1% Cap on Fund Balance Carryover Pursuant to GC Section 77203

GOVERNMENT CODE SECTION 77203

GC 77203 was amended by SB 75 (Chapter 31, Statutes of 2013), effective June 27, 2013, to exclude a number of statutorily restricted monies from the 1% cap on the amount of fund balance that trial courts can carry forward from one fiscal year to the next without a reduction in a court's allocation by the Judicial Council as required by GC 68502.5.

77203. (a) Prior to June 30, 2014, a trial court may carry over all unexpended funds from the courts operating budget from the prior fiscal year.

(b) Commencing June 30, 2014, a trial court may carry over unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. The calculation of the 1 percent authorized to be carried over from the previous fiscal year shall not include funds received by the court pursuant to the following:

(1) Section 470.5 of the Business and Professions Code.

(2) Section 116.230 of the Code of Civil Procedure, except for those funds transmitted to the Controller for deposit in the Trial Court Trust Fund pursuant to subdivision (h) of that section.

(3) Subdivision (f) of Section 13963, Sections 26731, 66006, 68090.8, 70640, 70678, and 76223, subdivision (b) of Section 77207.5, and subdivision (h) of 77209.

(4) The portion of the filing fees collected for conversion to micrographics pursuant to former Section 26863, as that section read immediately before its repeal, and Section 27361.4.

(5) Sections 1027 and 1463.007, subdivision (a) of Section 1463.22, and Sections 4750 and 6005, of the Penal Code.

(6) Sections 11205.2 and 40508.6 of the Vehicle Code.

Attachment A provides the statutory language for each of the 20 revenue items cited in GC 77203.

FUND BALANCE EXCLUDED FROM 1% CAP PURSUANT TO GC SECTION 77203

Starting June 30, 2014, at the end of fiscal year any fund balance related to the statutes below are not subject to the cap on the amount of fund balance that trial courts can carry forward to the subsequent fiscal year pursuant to GC section 77203 and 100 percent of those unspent monies can be carried forward to the subsequent fiscal year for only the use(s) authorized by the statutes.

MONIES FROM FEES SET BY THE COURT TO REIMBURSE OR OFFSET COSTS

As a general rule, monies related to fees that courts have discretion in setting the amount should never accumulate as fund balance, as the amount of the fee should be set so as not to exceed the cost of the activity for the service the fee is meant to offset or reimburse. This rule applies to Penal Code 1463.007 and Vehicle Codes 11205.2 and 40508.6.

MONIES RECEIVED ON REIMBURSEMENT BASIS

As a general rule, monies that courts receive on a reimbursement basis should never accumulate as fund balance, since courts should not request reimbursement above the level of incurred costs that are reimbursable. This rule applies to Penal Codes 1027, 4750, and 6005.

DESCRIPTION OF FUND BALANCE EXCLUDED BY GC 77203

1. B&P 470.5 – Dispute Resolution

Monies distributed to a court from a portion of certain first paper civil fees collected by courts prior to remittance to the TCTF when authorized by the court's county or provided to the court by its county and that can only be used for support of a county's dispute resolution program.

2. CCP 116.230 – Small Claims

Monies distributed to a court from the TCTF or by its county from a portion of certain small claims fees collected by courts and remitted to the TCTF and that can only be used in providing small claims advisory services.

3. GC 13963(f) – Restitution Fund

Monies from collections of restitutions given to the court by the California Victim Compensation and Government Claims Board as an incentive for collection efforts and that can only be used by the court for furthering restitution collection efforts.

4. GC 26731 – Fees Collected by Sheriff or Marshal

Monies from the fee ($15 of the total) collected by the sheriff's civil division or marshal under Government Code sections 26721, 26722, 26725, 26726, 26728, 26730, 26733.5, 26734, 26736, 26738, 26742, 26743, 26744, and 26750 and that can be used only be used for the civil division of the sheriff or marshal. Ninety-five percent of the moneys in the special fund shall be expended to supplement the costs of the depositor for the implementation, maintenance, and purchase of auxiliary equipment and furnishings for automated systems or other nonautomated operational equipment and furnishings deemed necessary by the sheriff's civil division or marshal. Five percent of the moneys in the special fund shall be used to supplement the expenses of the sheriff's civil division or marshal in administering the funds.

5. GC 26863 (immediately prior to its repeal) – Automated Recordkeeping and Micrographics

Monies (from $1 to $3 per applicable first paper civil filing fees) courts collected and retained locally prior to January 1, 2006 and that must be used for "automating the trial court recordkeeping system and conversion of the trial court document storage system to micrographics". Monies distributed to courts from the TCTF, using the distribution amount under GC 26863 after December 31, 2005, are not statutorily restricted revenues, but are distributed according to council policy, which does not require courts to use the monies for any specific purpose.

6. GC 27361.4 – County Recorder's Document Storage

Monies from a $1 fee for filing every instrument, paper, or notice for record provided by the county and that must be used to defray the cost of converting the county recorder's document storage system to micrographics.

7. GC 66006 – Development Fees

Monies from a fee that is charged by a local agency in connection with the approval of a development project and that must be used for a specific development project.

8. GC 68090.8 – 2% Automation Fund Distribution from the Trial Court Improvement Fund

Monies distributed to courts from 2% Automation Fund remittances in the Trial Court Improvement Fund for the period July 1, 2000 to December 31, 2005 and that can only be used for the costs of automating trial court recordkeeping systems.

9. GC 70640 – Children's Waiting Room

Monies distributed to a court from the TCTF from a portion of certain first paper civil filing fees collected by the court and remitted to the TCTF and that can only be used for costs, excluding capital outlay, in establishing and maintaining a children's waiting room.

10. GC 70678 – $25 Fee Related to Child Custody

Monies distributed to a court from the TCTF from the $25 fee collected by the court and remitted to the TCTF. $15 of the $25 fee can only be used to pay the costs of maintaining mediation services and $10 can only be used to pay the costs of services provided by a family law facilitator.

11. GC 76223 – Merced County Court Construction Funds

Allows Merced Superior Court to use revenues from civil assessments for failure to appear on the construction of court facilities. Court is contractually obligated to make payments to the court construction fund maintained by the county (but not statutorily required to do so).

12. GC 77207.5(b) – 2% Automation Fund Replacement Distribution from the Trial Court Trust Fund

Monies distributed to a court from the TCTF from a portion of civil filing fee revenue and that can only be used for the development and implementation of automated systems as described in subdivision (a) of GC section 68090.8, including "the development of automated administrative systems, including automated accounting, automated data collection through case management systems, and automated case-processing systems for the trial courts, together with funds to train operating personnel, and for the maintenance and enhancement of the systems. Under this code section, automated administrative systems does not include electronic reporting systems for use in a courtroom.

13. GC 77209(h) – Jury Royalty

Monies distributed to a court from the Trial Court Improvement Fund prior to July 1, 2012 or the State Trial Court Improvement and Modernization Fund after June 30, 2012 from the royalties received for the publication of jury instructions and that can only be used for the improvement of the jury system.

14. Penal Code 1027 – Fee Related to Psychiatrists and Licensed Psychologists

Monies provided by the county for the reimbursement of fees charged by psychiatrists or psychologists appointed by the court when a defendant pleads not guilty by reason of insanity. This statute requires that counties pay the fees. As discussed above, as a general rule, by the end of the fiscal year the monies received should be completely offset by the costs for which the fee is authorized, leaving no unspent monies (or restricted fund balance).

15. Penal Code 1463.007 – Comprehensive Collections

Monies that courts with a comprehensive collection program can retain from collections of court-ordered debt and that can only be used to offset the costs incurred by the court for operating a comprehensive collections program, excluding capital expenditures. As discussed above, as a general rule, by the end of the fiscal year the monies received should be completely offset by the costs for which the fee is authorized, leaving no unspent monies (or restricted fund balance).

16. Penal Code 1463.22(a) – Fees Related to VC 16028, 16030, and 16031

Monies from the collection of $17.50 fee for each conviction of a violation of VC 16028 and must be used to defray the costs incurred by administering VCs 16028, 16030, and 16031, which was repealed in 1991.

17. Penal Code 4750 – Prisoner Hearings

Monies distributed by the AOC from the General Fund for the reimbursement of reasonable and necessary costs incurred by a court for hearings for any crime committed by a prisoner, employee, or other person at a state prison but is not limited to, crimes committed by the prisoner while detained in local facilities as a result of a transfer pursuant to PC 2910 or 6253 or any trial or hearing on the question of the sanity of a prisoner. As discussed above, as a general rule, by the end of the fiscal year the monies received should be completely offset by the costs for which the fee is authorized, leaving no unspent monies (or restricted fund balance).

18. Penal Code 6005 – Prisoner Hearings

Monies distributed by the AOC from the General Fund for the reimbursement for reasonable and necessary costs incurred by a court for hearings for a juvenile who is charged with a public offense while confined to a correctional institution under the supervision of the Department of Corrections and tried for that public offense. As discussed above, as a general rule, by the end of the fiscal year the monies received should be completely offset by the costs for which the fee is authorized, leaving no unspent monies (or restricted fund balance).

19. VC 11205.2 – Traffic Assistance Program

Monies from a fee that courts may charge a traffic violator and retain locally to defray the costs incurred by a public or private nonprofit agency running a Traffic Assistance Program on a contractual basis for the court. Since VC 11205.2 replaced VC 11205, monies collected by courts pursuant to VC 11205 for the Court Assistance Program, which was repealed effective January 1, 2013, are also excluded from the cap. As discussed above, as a general rule, by the end of the fiscal year the monies received should be completely offset by the costs for which the fee is authorized, leaving no unspent monies (or restricted fund balance).

20. VC 40508.6 – Up to $10 Administrative Assessment

Monies from an up to $10 assessment that courts can impose and retain locally for clerical and administrative costs incurred for (1) recording and maintaining a record of a defendant's prior convictions and/or (2) notifying the Department of Motor Vehicles of defendants whose driver's license or automobile registration is attached or restricted pursuant to VC 40509 or 40509.5. Courts can impose an up to $10 assessment separately for each of the two types of costs. As discussed above, as a general rule, by the end of the fiscal year the monies received should be completely offset by the costs for which the fee is authorized, leaving no unspent monies (or restricted fund balance).

COMPUTATION OF CAP ON CARRY-FORWARD FUND BALANCE

The amount of the cap can be computed by multiplying a court's prior-year "operating budget" by 1 percent. "Operating budget" is equivalent to total expenditures of operating funds from the prior-year.[1] If the amount of a court's ending fund balance less any unspent statutorily restricted monies that can be excluded from the cap as allowed by GC 77203 is equal to or less than the cap, the Judicial Council will not reduce that court's allocation as required by GC section 68502.5. If the fund balance less excludable unspent monies is higher, the Judicial Council is required to reduce that court's allocation by the amount over the cap on a one-time basis.

[1] Operating funds do not include fiduciary and proprietary funds.

APPENDIX D

SB 76 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 32

EFFECTIVE/OPERATIVE DATE: URGENCY, JUNE 27, 2013

PUBLIC SAFETY

SUMMARY DESCRIPTION OF NEW LAW: Among other things, chapters out two key provisions of the realignment law enacted by SB 75 (Stats. 2013, ch. 31) relating to parole revocation and parole revocation proceedings.

JURISDICTION FOR PAROLE REVOCATION

Addresses which courts have jurisdiction to conduct parole revocation proceedings and expands court jurisdiction to conduct revocation proceedings to include the trial court in the county in which an alleged violation occurred, in addition to the trial court in the county of supervision. (PEN 1203.2)

IMPACT ON COURT: Penal Code section 1203.2(b)(1) has been amended to including the trial court in the county in which an alleged violation of supervision has occurred as having jurisdiction to hear petitions to revoke parole and impose a term of custody. This will allow the Department of Corrections and Rehabilitation to attach their petition to the new case filed in another county's trial court. It will also prevent having to transport a defendant between county court systems for separate hearings. Courts will need to be aware they may hold hearings on parole petitions even if the parolee is not currently being supervised in their county.

JURISDICTION FOR PAROLE REVOCATION HEARINGS

Addresses which courts have jurisdiction to conduct parole revocation proceedings and expands court jurisdiction to conduct revocation proceedings to include the trial court in the county in which an alleged violation occurred, in addition to the trial court in the county of supervision. (PEN 3000.08) NOTE: Chapters out section 23 of SB 75 (Stats. 2013, ch. 31).

IMPACT ON COURT: Penal Code section 3000.08(a) has been amended to include the trial court in the county in which an alleged violation of supervision has occurred as having jurisdiction to hear petitions to revoke parole and impose a term of custody. This will allow the Department of Corrections and Rehabilitation to attach their petition to the new case filed in another county's trial court. It will also prevent having to transport a defendant between county court systems for separate hearings. Courts will need to be aware they may hold hearings on parole petitions even if the parolee is not currently being supervised in their county. Additional language in this section specifies that the term of mandatory supervision begins upon a person's release from state prison prior to or on or after July 1, 2013, after serving a prison term, or whose sentence has been deemed served pursuant to Section 2900.5. This additional clarification is important to note, but should not impact court operations.

CUSTODY CREDITS

Adds Penal Code section 4019.1 to allow the sheriff to award additional time credits to any inmate sentenced to the county jail who participates in an in-custody work or job training program other than those specified in section 4019.2 and who is eligible to receive one day of credit for every one day of incarceration under section 4019. The sheriff or county director of corrections may instead award one and one-half days of credit for every one day of incarceration that the inmate satisfactorily participates in work or job training subject to this section. (GOV 29552, 30027.9, 30061, 30070; PEN 326.3, 1170, 1203.2, 3000.08, 3003, 3451, 4019.1, 5003.2, 13821; W&I 1984, 18220, 18220.1)

Courts will not be awarding these new custody credits at sentencing. However, the new credits could impact when a person is released to mandatory supervision. Some courts are providing pre- and post-release hearings to ensure there is a smooth transition. See also AB 624 (Stats. 2013, ch. 266).

APPENDIX E

SB 105 (STEINBERG), CH. 310
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
CORRECTIONS

SUMMARY DESCRIPTION OF NEW LAW: Authorizes up to $315 million for immediate in-state and out-of-state prison capacity. Increases the amount of funding that county probation departments receive if they can serve felony probationers locally and keep them from coming to state prison. Requires that if the federal three-judge panel modifies its order requiring the state to reduce its prison population to 137 percent of capacity by December 31, 2013, in a way that reduces the cost of compliance, the first $75 million in savings will go to reducing recidivism, upon appropriation by the Legislature. (GOV 19050.2, 19050.8; PEN 1233.1, 1233.3, 1233.4, 2910, 11191, 13602, 1233.9, 2915, 6250.2)

IMPACT ON COURT: This bill will put two plans into effect to alleviate California's prison overcrowding. With respect to courts, SB 105 places many responsibilities on the Administrative Office of the Courts, while local county programs will be evaluated under Penal Code sections 1233.1, 1233.3, 1233.4, and 1233.9 to determine failure and return-to-custody rates for persons placed on probation, mandatory supervision, and postrelease community supervision. These plans could indirectly impact courts through the probation and sheriff's departments. Below is a table containing the operative dates for SB 105.

BILL SECTION #: STATUTE	DESCRIPTION	EFFECTIVE/OPERATION DATE
Section 2: GOV 19050.2 (Amends)	Allows the California City Correctional Center to be considered an agency or jurisdiction	Operative *until* January 1, 2017
Section 3: GOV 19050.2 (Adds)	Deletes the reference to the California City Correctional Center	January 1, 2017
Section 4: GOV 19050.8 (Amends)	Allows for the training of correctional officers at the California City Correctional Center	Operative *until* January 1, 2017
Section 5: GOV 19050.8 (Adds)	Deletes the reference to the California City Correctional Center	January 1, 2017
Section 6: PEN 1233.1 (Repeals)	Establishes the formulas for annual costs calculations for Community Corrections Performance Incentives	Operative *until* July 1, 2014
Section 7: PEN 1233.1 (Adds)	Includes costs to incarcerate in contract facilities to the list of formulas for annual costs calculations	July 1, 2014
Section 8: PEN 1233.3 (Repeals)	Provides formulas for probation failure-reduction incentives	Operative *until* July 1, 2014
Section 9: PEN 1233.3 (Adds)	Provides new formulas for probation failure-reduction incentives	July 1, 2014
Section 10: PEN 1233.4 (Repeals)	Provides for performance-based funding for high success with adult felony probationers	Operative *until* July 1, 2014
Section 11: PEN 1233.4 (Adds)	Allows a county qualifying for performance-based funding and a probation failure-reduction incentive grant to choose which they want to receive. The AOC would administer these grants.	July 1, 2014

BILL SECTION #: STATUTE	DESCRIPTION	EFFECTIVE/OPERATION DATE
Section 12: PEN 1233.9 (Adds)	Creates the Recidivism Reduction Fund, subject to appropriation by the Legislature	Immediately
Section 13: PEN 2910 (Amends/Repeals)	Allows prisoners transferred to local facilities to participate in local programs, including work furlough	Operative *until* January 1, 2017
Section 14: PEN 2910 (Adds)	Changes provisions related to the transfer of inmates to city or county facilities	January 1, 2017
Section 15: PEN 2915 (Adds)	Allows the Secretary, CDCR, to secure housing in California with private entities or in another state	Operative *until* January 1, 2017
Section 16: PEN 6250.2 (Adds)	Allows the Secretary, CDCR, to transfer prisoners or place prisoners in community correctional facilities	Operative *until* January 1, 2017
Section 17: PEN 11191 (Amends/Repeals)	Establishes rules for placement of a California inmate in out-of-state facilities	Operative *until* January 1, 2017
Section 18: PEN 1191 (Adds)	Modifies placement of California inmates in out-of-state facilities	January 1, 2017
Section 19: PEN 13602 (Amends/Repeals)	Allows CDCR to use the training academy in California City for training of correctional employees	Operative *until* January 1, 2017
Section 20: PEN 13602 (Adds)	Makes new provisions for training of correctional employees	January 1, 2017
Section 21: Stats. 2012, ch. 42, § 15	Relates to the closure of the California Rehabilitation Center Norco facility by Dec. 31, 2016, or within 6 months upon completion of new Level II dorm facilities, whichever is soonest	Immediately
Section 22	Appropriations: $315 million to CDCR	Immediately

APPENDIX F

SB 233 (LENO), CH. 64
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2014
DEBT BUYING

SUMMARY DESCRIPTION OF NEW LAW: Enacts the Fair Debt Buying Practices Act, imposing various requirements on practices that may be used to collect on purchased consumer debt. Among other things, requires specific and detailed information about the underlying debt to be included in any action brought by a debt buyer on a consumer debt. Prohibits a debt buyer from bringing suit, initiating another proceeding, or taking any other action to collect a consumer debt if the applicable statute of limitations on the cause of action has expired. (CIV Title 1.6C.5, 1788.50-Part 4; CCP 581.5, 700.010, 706.103, 706.104, 706.108, 706.122)

DEFINITIONS

Sets forth the following definitions for the purposes of the act:

- "Debt buyer" means a person or entity that is regularly engaged in the business of purchasing charged-off consumer debt for collection purposes, whether it collects the debt itself, hires a third party for collection, or hires an attorney-at-law for collection litigation. "Debt buyer" does not mean a person or entity that acquires a charged-off consumer debt incidental to the purchase of a portfolio predominantly consisting of consumer debt that has not been charged off. (CIV 1788.50(a)(1))
- "Charged-off consumer debt" means a consumer debt that has been removed from a creditor's books as an asset and treated as a loss or expense. (CIV 1788.50(a)(2))

NEW RULES GOVERNING COMMUNICATIONS BETWEEN DEBT BUYERS AND DEBTORS

Required information for written communications: Prohibits a debt buyer from making any written statement in an attempt to collect a consumer debt unless the debt buyer possesses the following information:

1. That the debt buyer is the sole owner of the debt at issue or has authority to assert the rights of all owners of the debt. (CIV 1788.52(a)(1))
2. The debt balance at charge off and an explanation of the amount, nature, and reason for all post-charge-off interest and fees, if any, imposed by the charge-off creditor or any subsequent purchasers of the debt. This paragraph shall not be deemed to require a specific itemization, but the explanation shall identify separately the charge-off balance, the total of any post-charge-off interest, and the total of any post-charge-off fees. (CIV 1788.52(a)(2))
3. The date of default or the date of the last payment. (CIV 1788.52(a)(3))
4. The name and an address of the charge-off creditor at the time of charge off, and the charge-off creditor's account number associated with the debt. The charge-off creditor's name and address shall be in sufficient form so as to reasonably identify the charge-off creditor. (CIV 1788.52(a)(4))
5. The name and last known address of the debtor as they appeared in the charge-off creditor's records prior to the sale of the debt. If the debt was sold prior to January 1, 2014, the name and last known address of the debtor as they appeared in the debt owner's records on December 31, 2013, shall be sufficient. (CIV 1788.52(a)(5))
6. The names and addresses of all persons or entities that purchased the debt after charge off, including the debt buyer making the written statement. The names and addresses shall be in sufficient form so as to reasonably identify each such purchaser. (CIV 1788.52(a)(6))

DOCUMENTS AND INFORMATION REQUIRED TO BE PROVIDED TO DEBTORS

Provides that a debt buyer shall:

- Not make any written statement to a debtor in an attempt to collect a consumer debt unless the debt buyer either has access to a copy of a contract or other document evidencing the debtor's agreement to the debt; or, if the claim is based on debt for which no signed contract or agreement exists, the debt buyer shall have access to a copy of a document provided to the debtor while the account was active, demonstrating that the

debt was incurred by the debtor. Specifies, for a revolving credit account, that the most recent monthly statement recording a purchase transaction, last payment, or balance transfer shall be deemed sufficient to satisfy this requirement. (CIV 1788.52(b))

➢ Provide all of the above information or documents to the debtor without charge within 15 calendar days of receipt of a debtor's written request for information regarding the debt or proof of the debt, or cease all collection of the debt until the debt buyer provides the information or documents to the debtor. (CIV 1788.52(c))

➢ Provide all debtors with whom it has contact an active postal address to which the above requests can be sent. Specifies that a debt buyer may also provide an active email address to which these requests can be sent and through which information and documents can be delivered, if the parties agree. (CIV 1788.52(c))

➢ Provide a specified written notice with its initial written communication to the debtor that, among other things, informs the debtor of his or her right to request records from the debt buyer showing information that the debt buyer is required to possess as a condition of collecting on the debt. (CIV 1788.52(d))

➢ Provide the above notice, in cases where a language other than English is principally used by the debt buyer in the initial oral contact with the debtor, in that language to the debtor within five working days. (CIV 1788.52(e))

NEW RULES GOVERNING SETTLEMENT AGREEMENTS

Establishes the following new rules and procedures governing settlement agreements in cases involving purchased consumer debt:

➢ Provides that all settlement agreements between a debt buyer and a debtor shall be documented in open court or otherwise reduced to writing. (CIV 1788.54(a))

➢ Requires the debt buyer to ensure that a copy of the written settlement agreement is provided to the debtor. (CIV 1788.54(a))

➢ Specifies that a debt buyer that receives payment on a debt shall provide, within 30 calendar days, a receipt or monthly statement to the debtor. (CIV 1788.54(b))

➢ Provides that the receipt or statement referenced above shall clearly and conspicuously show the amount and date paid, the name of the entity paid, the current account number, the name of the charge-off creditor, the account number issued by the charge-off creditor, and the remaining balance owing, if any. Specifies further that the receipt or statement may be provided electronically if the parties agree. (CIV 1788.54(b))

➢ Specifies that a debt buyer that accepts a payment as payment in full, or as a full and final compromise of the debt, shall provide to the debtor, within 30 calendar days, a final statement that contains the criteria listed above. (CIV 1788.54(c))

➢ Provides that a debt buyer shall not sell an interest in a resolved debt, or any personal or financial information related to the resolved debt. (CIV 1788.54(c))

PROHIBITS COLLECTION OF TIME-BARRED DEBT

Provides that a debt buyer shall not bring suit or initiate an arbitration or other legal proceedings to collect a consumer debt if the applicable statute of limitations on the debt buyer's claim has expired. (CIV 1788.56)

NEW PLEADING REQUIREMENTS

Provides that a complaint brought by a debt buyer seeking to collect on a consumer debt sold or resold on or after January 1, 2014, must allege all of the following:

1. That the plaintiff is a debt buyer. (CIV 1788.58(a)(1))
2. The nature of the underlying debt and the consumer transaction or transactions from which it is derived, in a short and plain statement. (CIV 1788.58(a)(2))
3. That the debt buyer is the sole owner of the debt at issue, or has authority to assert the rights of all owners of the debt. (CIV 1788.58(a)(3))
4. The debt balance at charge off and an explanation of the amount, nature, and reason for all post-charge-off interest and fees, if any, imposed by the charge-off creditor or any subsequent purchasers of the debt. This paragraph shall not be deemed to require a specific itemization, but the explanation shall identify separately the charge-off balance, the total of any post-charge-off interest, and the total of any post-charge-off fees. (CIV 1788.58(a)(4))

5. The date of default or the date of the last payment. (CIV 1788.58(a)(5))
6. The name and an address of the charge-off creditor at the time of charge off, and the charge-off creditor's account number associated with the debt. The charge-off creditor's name and address shall be in sufficient form so as to reasonably identify the charge-off creditor. (CIV 1788.58(a)(6))
7. The name and last known address of the debtor as they appeared in the charge-off creditor's records prior to the sale of the debt. If the debt was sold prior to January 1, 2014, the debtor's name and last known address as they appeared in the debt owner's records on December 31, 2013, shall be sufficient. (CIV 1788.58(a)(7))
8. The names and addresses of all persons or entities that purchased the debt after charge off, including the plaintiff debt buyer. The names and addresses shall be in sufficient form so as to reasonably identify each such purchaser. (CIV 1788.58(a)(8))
9. That the debt buyer has complied with the provisions above that govern the debt buyer's communications and interactions with the debtor. (CIV 1788.58(a)(9))

DISMISSALS

Provides that if the defendant debtor appears for trial on the scheduled trial date, and the plaintiff debt buyer either fails to appear or is not prepared to proceed to trial, and the court does not find a good cause for continuance, the court may, in its discretion, dismiss the action with or without prejudice. Authorizes the court in such instances to award the defendant debtor's costs of preparing for trial, including, but not limited to, lost wages and transportation expenses. (CCP 581.5)

REMEDIES AND ENFORCEMENT

INDIVIDUAL ACTIONS: Provides that, in an action brought by an individual or individuals, a debt buyer who violates any provision of this act with respect to any person is liable to the person in an amount equal to the sum of the following:

1. Any actual damages sustained by that person as a result of the violation, including, but not limited to, the amount of any judgment obtained by the debt buyer as a result of a time-barred suit to collect a debt from that person. (CIV 1788.62(a)(1))
2. Statutory damages in an amount as the court may allow, which shall not be less than one hundred dollars ($100) nor greater than one thousand dollars ($1,000). (CIV 1788.62(a)(2))

CLASS ACTIONS: Specifies that in the case of a class action, a debt buyer that violates any provision of this title shall be liable for any statutory damages for each named plaintiff as provided above. Provides that if the court finds that the debt buyer engaged in a pattern and practice of violating any provision of this title, the court may award additional damages to the class in an amount not to exceed the lesser of five hundred thousand dollars ($500,000) or one percent of the net worth of the debt buyer. (CIV 1788.62(b)) Specifies that, in determining the amount of liability in class actions brought under the bill's provisions, the court shall consider, among other relevant factors, the frequency and persistence of noncompliance by the debt buyer, the nature of the noncompliance, the resources of the debt buyer, and the number of persons adversely affected. (CIV 1788.62(d))

ATTORNEY'S FEES AND COSTS: Provides that in the case of any successful action to enforce liability under the bill's provisions, the court shall award costs of the action, together with reasonable attorney's fees as determined by the court. (CIV 1788.62(c)(1)) Specifies that reasonable attorney's fees may be awarded to a prevailing debt buyer upon a finding by the court that the plaintiff's prosecution of the action was not in good faith. (CIV 1788.62(c)(2))

STATUTE OF LIMITATIONS FOR ENFORCEMENT ACTIONS: Provides that an action to enforce any liability created under the act shall be brought within one year from the date of the last violation. (CIV 1788.62(f))

SAFE HARBOR: Relieves a debt buyer from any liability under this act if the debt buyer shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error, and occurred notwithstanding the maintenance of procedures reasonably designed to avoid any such error. (CIV 1788.62(e))

NO WAIVER

Provides that any waiver of the bill's provisions is contrary to public policy, and is void and unenforceable. (CIV 1788.64)

FORMS TO BE PROVIDED IN CONNECTION WITH ENFORCEMENT OF MONEY JUDGMENTS

Requires that a copy of the form that a judgment debtor may use to make a claim of exemption and a copy of the form used to provide a financial statement be provided to the debtor (as opposed to simply being informed that such forms are available) in connection with the process for executing earnings withholding orders and wage garnishments. (See CCP 700.010(a)(3); 706.103(a)(4),(5); 706.104(a); and 706.108(4),(5))

OPERATIVE DATE

Provides that the bill's requirements shall only apply to debt buyers with respect to all consumer debt sold or resold on or after January 1, 2014. (CIV 1788.50(d))

APPENDIX G

NEW AND EXPANDED CRIMES

BILL NUMBER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 16 (Pérez, J.), CH. 763 ***Effective/Operative Date: January 1, 2013*** **Elder and dependent adult abuse: reporting**	PEN 273.5	Makes it a felony for any person to willfully inflict corporal injury resulting in a traumatic condition on his or her fiancé or fiancée or on someone with whom the person has, or previously had, a dating or engagement relationship.
AB 20 (Waldron), CH. 143 ***Effective/Operative Date: January 1, 2014*** **Obscene matter: minors**	EPEN 311.12, 1203.4	Requires that every person convicted of a violation of certain offenses relating to obscene matter involving minors, as specified, in which the violation is committed on or via a government-owned computer or via a government-owned computer network, or in which the production, transportation, or distribution of the obscene matter involves the use, possession, or control of government-owned property, in addition to any imprisonment or fine imposed for the commission of the underlying offense, be punished by a fine not exceeding $2,000, unless the court determines that the defendant does not have the ability to pay. Requires revenue from any fines collected to be transferred for deposit into a county fund established for that purpose and allocated for sexual assault investigator training, high technology crime task forces, public agencies and nonprofit corporations that provide shelter, counseling, or other direct services for victims of human trafficking and for multidisciplinary teams involved in the prosecution of child abuse cases, as specified. (PEN 311.12). Excludes these persons from provisions of law that provide for the release from all penalties and disabilities resulting from an offense for which the person was convicted if specified criteria are met.

The summaries provided in this report should not be used to circumvent reading the actual statue added or amended by the California Legislature and approved by the Governor.

BILL NUMBER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 35 (Hernández, R.), CH. 571 ***Effective/Operative Date: January 1, 2014*** **Deferred action for childhood arrivals**	B&P 22449; UNEM INS 1264; VEH 13001	Specifies that immigration consultants, attorneys, notaries public, and organizations accredited by the U.S. Bureau of Immigration Appeals are the only individuals authorized to charge clients or prospective clients for providing services associated with filing an application under the federal Deferred Action for Childhood Arrivals program. Prohibits such individuals from engaging in practices amounting to price gouging, as defined. Provides that a violation of these provisions by an attorney is cause for discipline by the State Bar. Specifies that a violation of these provisions by a notary public is cause for revocation or suspension of his or her commission as a notary public by the Secretary of State.
AB 48 (Skinner), CH. 728 ***Effective/Operative Date: January 1, 2014*** **Firearms: large-capacity magazines**	PEN 32310, 32311	Makes it a misdemeanor, punishable by a fine of not more than $1,000, or imprisonment in a county jail not to exceed 6 months, or both, to buy or receive a large-capacity magazine or to knowingly manufacture, import, keep for sale, offer or expose for sale, or give, lend, buy, or receive any large-capacity magazine conversion kit that is capable of converting an ammunition feeding device into a large-capacity magazine. Makes it a misdemeanor or a felony for any person to buy or receive any large-capacity magazine.
AB 64 (Donnelly), CH. 548 ***Effective/Operative Date: January 1, 2014*** **Vehicles: fifth-wheel travel trailers**	VEH 35400.6	Exempts from the prohibition against vehicles exceeding 40 feet in length, a fifth-wheel travel trailer that does not exceed 48 feet in length from the foremost point of the trailer to the rear extremity of the trailer, and that does not exceed 40 feet in length from the kingpin to the rearmost axle. Requires a manufacturer of a fifth-wheel travel trailer that meets this exemption to include in the delivery documents provided to a dealer the overall length of the fifth-wheel travel trailer. Makes a violation of this requirement a crime.
AB 65 (Achadjian), CH. 259 ***Effective/Operative Date: Urgency, September 9, 2013*** **Crimes: sex crimes**	PEN 261, 286	Provides that rape and sodomy occur when a person submits to sexual intercourse under the belief that the person committing the act is someone known to the victim other than the accused. Makes conforming changes to other provisions of law.

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BILL NUMBER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 154 (Atkins), CH. 662 ***Effective/Operative Date: January 1, 2014*** **Abortion**	B&P 2253, 2725.4, 3502.4; H&S 123468	Makes it a public offense, punishable by a fine not exceeding $10,000 or imprisonment in a county jail not exceeding one year, or both, for a person to perform an abortion if the person does not have a valid license to practice as a physician and surgeon, with an exception for a person who performs an abortion by medication or aspiration techniques in the first trimester of pregnancy if he or she holds a license or certificate authorizing him or her to perform the functions necessary for an abortion by medication or aspiration techniques.
AB 170 (Bradford), CH. 729 ***Effective/Operative Date: January 1, 2014*** **Assault weapons and .50 BMG rifles**	PEN 16970, 31000, 31110, 32650	Provides that, for purposes of the assault weapons ban, a "person" is defined as an individual, except as specified. Provides that, for purposes of provisions that prohibit the manufacture, importation, and distribution of assault weapons, and provisions related to specified licensed firearms dealers with permits to sell assault weapons, a "person" is defined as an individual, partnership, corporation, limited liability company, association, or any other group or entity, regardless of how it was created. Makes conforming changes to related provisions of law.
AB 184 (Gatto), CH. 765 ***Effective/Operative Date: January 1, 2014*** **Statute of limitations**	PEN 803	Provides that if a person flees the scene of a vehicle accident that has caused death or permanent, serious injury, charges may be brought either 1 or 3 years after the completion of the offense, as specified, or 1 year after the person is initially identified as a suspect in the commission of the offense, whichever is later.
AB 231 (Ting), CH. 730 ***Effective/Operative Date: January 1, 2014*** **Firearms: criminal storage**	PEN 25100, 25110, 26835	Creates the offense of criminal storage of a firearm in the third degree when a person keeps a loaded firearm within any premises under his or her custody or control and negligently stores or leaves a loaded firearm in a location where the person knows, or reasonably should know, that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, unless reasonable action is taken by the person to secure the firearm against access by the child. Makes the offense punishable as a misdemeanor.

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BILL NUMBER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 263 (Hernández, R.), CH. 732 ***Effective/Operative Date: January 1, 2014*** **Employment: retaliation: immigration-related practices**	LAB 98.6, 98.7, 1102.5, 1103, 1024.6	Prohibits an employer or any other person or entity from engaging in unfair immigration-related practices, as defined, for the purpose of retaliation against any person who exercises any rights under the Labor Code. Authorizes a private right of action for equitable relief, damages, and penalties by an employee against an employer who engages in unfair immigration-related practices, and establishes a four-tier license suspension and revocation scheme for first and subsequent violations. Clarifies that an employer is prohibited from discriminating, retaliating, or taking adverse action against an employee or job applicant who has engaged in prescribed protected conduct relating to the enforcement of the employee's or applicant's rights. Provides that the protected conduct covered by the bill includes a written or oral complaint by an employee that he or she is owed unpaid wages. Makes it a misdemeanor for a person or entity to violate these provisions and provides up to a $10,000 civil penalty for such violations. Specifies that an employee is not required to exhaust administrative remedies or procedures to bring an enforcement action.
AB 266 (Blumenfield), CH. 405 ***Effective/Operative Date: January 1, 2014*** **Vehicles: high-occupancy vehicle lanes**	VEH 5205.5, 21655.9	Extends provisions of law authorizing the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles (HOVs), until January 1, 2019, or until federal authorization expires, or until the Secretary of State receives that specified notice, whichever occurs first. A violation of these provisions is a crime.
AB 272 (Gomez), CH. 582 ***Effective/Operative Date: January 1, 2014*** **Rabies: vaccinations**	H&S 121690	Requires a dog owner, by the time his or her dog is three months or older, to procure the dog's vaccination against rabies by a licensed veterinarian with canine antirabies vaccine approved by the State Department of Public Health and in a manner consistent with the vaccine label. A violation of this provision is an infraction.
AB 274 (Bonilla), CH. 733 ***Effective/Operative Date: January 1, 2014*** **Child care and development services**	ED 8221.5, 8262.1, 8262.3, 82273	Among other things, requires child-care providers authorized to provide services under the Child Care and Development Services Act to submit to the alternative payment program a monthly attendance record or invoice for each child who received services that includes, at a minimum, the dates and actual times care was provided each day. Requires the monthly attendance record or invoice to, at a minimum, be signed under penalty of perjury by the parent or guardian of the child receiving services and be attested to by the child-care provider once per month as accurately reflecting the child's attendance.

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BILL NUMBER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 306 (Lowenthal), CH. 96 ***Effective/Operative Date: January 1, 2014*** **Vehicles: motor carrier**	VEH 34620	Expands the scope of a crime by requiring any business that contracts with a tow operator to obtain proof of a valid motor carrier permit before allowing the tow operator to retrieve vehicles from or deliver vehicles to its premises.
AB 307 (CAMPOS), CH. 291 ***Effective/Operative Date: January 1, 2014*** **Protective orders**	PEN 136.2, 166	Among other things, expands a court's authority to issue protective stay-away orders valid for up to 10 years against a party who has been convicted of rape, spousal rape, or any crime requiring the party to register as a sex offender under Penal Code section 290. Requires the courts to consider issuing a protective order in cases where the defendant has been convicted of certain sex crimes, including rape, spousal rape, and crimes for which a person is required to register as a sex offender. A violation of such protective orders results in a misdemeanor contempt conviction.
AB 329 (Pan), CH. 325 ***Effective/Operative Date: January 1, 2014*** **Ticket sellers: equitable online ticket-buying process: sale or use of circumventingsoftware**	B&P 22505.5	Makes it a misdemeanor for a person who intentionally uses software to circumvent a security measure, access control system, or other control or measure on a ticket seller's Internet website that is used to ensure an equitable ticket-buying process.
AB 339 (Dickinson), CH. 231 ***Effective/Operative Date: January 1, 2014*** **Sale of animals at swap meets**	H&S 122370	Authorizes, subject to exceptions and commencing January 1, 2016, a swap meet operator to permit a vendor to offer animals for sale at a swap meet provided the local jurisdiction has adopted certain standards for the care and treatment of those animals during the time that the animals are present at and transported to and from the swap meet. Makes a swap meet vendor who offers animals for sale at a swap meet in violation of these requirements guilty of an infraction punishable by a fine not to exceed $100 for the first violation or by a fine not to exceed $500 for each subsequent violation.

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BILL NUMBER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 449 (Muratsuchi), CH. 232 ***Effective/Operative Date: January 1, 2014*** **Elementary and secondary education: certificated school employees: allegation of misconduct: reports to Commission on Teacher Credentialing**	ED 44030.5, 44242.5	Among other things, requires the superintendent of a school district or county office of education, or the administrator of a charter school, employing a person with a credential to report any change in the employment status of the credential holder to the Commission on Teacher Credentialing not later than 30 days after the change in employment status if the credential holder, while working in a position requiring a credential and as a result of an allegation of misconduct or while an allegation of misconduct is pending, is dismissed, is not reelected, resigns, is suspended or placed on unpaid administrative leave for more than 10 days as a final adverse action, retires, or is otherwise terminated by a decision not to employ or reemploy. Makes refusing or willfully neglecting to make the report a misdemeanor punishable by a fine of not less than $500 or more than $1,000.
AB 500 (Ammiano), CH. 737 ***Effective/Operative Date: January 1, 2014*** **Firearms**	PEN 11106, 16520, 16540, 16850, 17060, 23510, 25135, 28220	Among other things, makes it a misdemeanor for a person who is 18 years of age or older and resides with another person that he or she knows or has reason to know is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm, to keep a firearm in the residence unless certain specified conditions are met.
AB 524 (Mullin), CH. 572 ***Effective/Operative Date: January 1, 2014*** **Immigrants: extortion**	PEN 519	Provides that a threat to report the immigration status or suspected immigration status of the threatened individual, or of his or her relative or a member of his or her family, may induce fear sufficient to constitute the crime of extortion. Specifies that its provisions are intended to clarify existing law.
AB 525 (Ting), CH. 235 ***Effective/Operative Date: January 1, 2014*** **Alcoholic beverages: licenses: theaters**	B&P 23039, 24045.75	Permits the Department of Alcoholic Beverage Control to issue a special on-sale general license to the operator of any for-profit theater that is located in the City and County of San Francisco, configured with theatrical seating, and primarily devoted to live theatrical performances. Permits sales, service, and consumption of alcoholic beverages in the lobbies and seating areas of such theaters at specified times. Expands the definition of a crime relating to the sale of alcohol.

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BILL NUMBER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 529 (Lowenthal), CH. 500 ***Effective/Operative Date: January 1, 2016*** **Vehicles: motor carriers: inspections and fees**	R&T 7235, 7236; VEH 34501.12, 34505.5, 34505.6, 34515, 34601, 34622, 34623, 34606, 40000.22	Among other things, revises and recasts the Biennial Inspection of Terminals Program (BIT). Makes it a misdemeanor for a motor carrier to operate any types of vehicles specified by the BIT without identifying to the California Highway Patrol (CHP) all terminals in this state where the CHP may inspect the vehicles and where the motor carrier will make the vehicle inspection and maintenance records and driver records available for CHP's inspection. Makes failure by the lessor of certain vehicles to make the vehicles available for inspection upon request by an authorized CHP representative in the course of that representative's inspecting the terminal of the lessee. Makes it a misdemeanor for a motor carrier to operate or cause to be operated any of certain specified vehicles unless the motor carrier is knowledgeable of, and in compliance with, all applicable statutes and regulations.
AB 538 (Pan), CH. 738 ***Effective/Operative Date: January 1, 2014*** **Firearms**	PEN 26384, 26405, 26620, 27600, 27620, 28000, 28160, 28210, 28215, 31835	Among other things, makes it a misdemeanor for a firearms dealer who is registering or recording an electronic or telephonic transfer of a firearm to fail to include information about any applicable waiting period exemption.
AB 658 (Calderon, I.), CH. 296 ***Effective/Operative Date: January 1, 2014*** **Personal information: disclosure**	CIV 56.06	Deems any business that offers software or hardware to consumers, including a mobile application or a related device designed to maintain medical information, as defined, for purposes of allowing the individual to manage his or her information, or for diagnosing, treating, or managing a medical condition of the individual, as a provider of health care subject to the state Confidentiality of Medical Information Act. Expands the definition of a crime by making those businesses subject to the criminal penalty provisions of that act.
AB 707 (Ting), CH. 240 ***Effective/Operative Date: January 1, 2014*** **Vehicles**	VEH 22352	Provides that the prima facie speed limit is 25 miles per hour for any driver passing a senior center or other facility primarily used by senior citizens that is next to a street other than a state highway and posted with a standard "SENIOR" warning sign, thereby expanding the definition of a crime. Permits a local authority to erect a standard "SENIOR" warning sign when it determines that the proposed signage should be implemented.
AB 711 (Rendon), CH. 742 ***Effective/Operative Date: January 1, 2014*** **Hunting: non-lead ammunition**	F&G 3004.5	Requires, as soon as practicable, but by no later than July 1, 2019, the use of non-lead ammunition for the taking of wildlife in California. Makes a violation of this provision a misdemeanor.

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BILL NUMBER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 721 (Bradford), CH. 504 ***Effective/Operative Date: January 1, 2014*** **Controlled substances: transporting with intent to sell**	H&S 11352, 11379	Defines "transports" for purposes of transporting specified Schedule I and II controlled substances, or any Schedule III, IV, or V controlled substance that is a narcotic drug, to mean "to transport for sale" unless the substance is transported upon written prescription.
AB 781 (Bocanegra), CH. 532 ***Effective/Operative Date: January 1, 2014*** **Sales and use taxes: fees: administration: violations for noncompliance: sales suppression devices**	R&T 7153.6, 55363.5	Among other things, makes it a criminal offense for any person to sell, purchase, install, transfer, or possess any automated sales suppression device, zapper, or phantom-ware (devices) with the knowledge that the sole purpose of the device is to defeat or evade the determination of an amount due. Makes the offense punishable by a fine of up to $5,000 for three or fewer offenses or up to $10,000 for more than three offenses; or imprisonment in the county jail for up to 3 years, with sentence lengths of: (1) not more than 1 year, or 16 months, or (2) 2 or 3 years; or both. Defines "automated sales suppression device," "zapper," and "phantom-ware," among other terms.
AB 789 (Williams), CH. 155 ***Effective/Operative Date: January 1, 2014*** **Trapping**	F&G 4004	Reduces from 10 inches by 10 inches to 6 inches by 6 inches the maximum size of conibear traps that may be used to trap mammals except where the traps are submerged or partially submerged or set in a managed wetland area. Requires signage of specified size and location on public lands or lands open to public use that warn of traps in use in order to prevent injury to pets and others. Generally prohibits mammals from being killed by certain methods (intentional drowning, injection with any chemical not sold for the purpose of euthanizing animals, or chest crushing). Defines new crimes by specifying these new Fish and Game Code violations.
AB 884 (Bonilla), CH. 456 ***Effective/Operative Date: January 1, 2014*** **County Board of Parole Commissioners: parole terms**	PEN 3081	Increases the amount of time that a county parole board may place a county jail prisoner on county parole from two to three years.

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AB 908 (Bonilla), CH. 553 ***Effective/Operative Date: January 1, 2014*** **Unemployment insurance: use of information**	UNEM INS 1095	Requires the Director of the Employment Development Department to permit the use of any information in his or her possession to provide any peace officer with the Investigations Division of the Department of Motor Vehicles information when the requesting peace officer has been designated by the Chief of the Investigations Division and requests this information in the course of an investigation into identity theft, counterfeiting, document fraud, or consumer fraud, as provided. Expands the crime of unauthorized access, use, or disclosure of this information by requiring this information to be provided to peace officers with the Investigations Division of the Department of Motor Vehicles for these purposes.
AB 924 (Bigelow), CH. 618 ***Effective/Operative Date: January 1, 2014*** **Grand theft**	GOV 8214.1; H&S 1265.5, 1337.9, 1736.5; PEN 186.2, 463, 487, 487a, 489, 1202.5	Makes grand theft of a horse, mare, gelding, any bovine animal, any caprine animal, a mule, jack, jenny, sheep, lamb, hog, sow, boar, gilt, barrow, or pig, or the stealing by a person of the carcass or portion of the carcass of any bovine, caprine, equine, ovine, or suine animal, or of any mule, jack, or jenny, punishable as a felony or a misdemeanor, or by a fine not exceeding $5,000, or by both that fine and imprisonment. Requires the proceeds of the fine to be allocated to the Bureau of Livestock Identification to be used upon appropriation for specified purposes. Makes technical, nonsubstantive, and conforming changes.
AB 1047 (Linder), CH. 649 ***Effective/Operative Date: January 1, 2014*** **Commercial driver's licenses**	VEH 12505, 12804.9, 15210, 15250, 15309.5	Makes it a crime punishable as either an infraction or as a misdemeanor for a first offense of cheating on a DMV examination for a commercial driver's license or permit.
AB 1108 (Perea), CH. 772 ***Effective/Operative Date: January 1, 2014*** **Sex offenders: foster care homes: prohibitions**	PEN 3003.6	Makes it a misdemeanor for any individual who is required to register as a sex offender under Penal Code section 290 to reside in a facility or home that provides foster care or is a placement for a dependent child of the juvenile court.

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BILL NUMBER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 1159 (Gonzalez), CH. 574 ***Effective/Operative Date: Urgency, October 5, 2013*** **Immigration services**	B&P 22442, 22442.3, 22443.1, 6126.7, 22442.5, 22442.6	Commencing July 1, 2014, increases the amount of bond that immigration consultants must post to $100,000. Requires the written contract of immigration consultants to contain additional information relating to an explanation of the purpose of each service to be performed. Requires an immigration consultant to establish a client trust account and to deposit in this account any funds received from the client prior to performing immigration reform act services, as defined, for that client, and imposes certain requirements relating to the expenditure of funds from this trust account. Prohibits an attorney or an immigration consultant from demanding or accepting the advance payment of any funds from a person before the enactment of an immigration reform act, as defined, and would require any funds received after the effective date of AB 1159 but before the enactment of an immigration reform act to be refunded to the client promptly— no later than 30 days after the receipt of any funds. Requires that any funds received for services not rendered before the effective date of this legislation to be either refunded to the client or deposited in a client trust fund in accordance with specified provisions. A violation of these provisions by an immigration consultant is a crime.
AB 1213 (Bloom), CH. 748 ***Effective/Operative Date: January 1, 2014*** **Bobcat Protection Act of 2013**	F&G 4155	Enacts the Bobcat Protection Act of 2013, which, beginning January 1, 2014, make it unlawful to trap any bobcat, or attempt to do so, or to sell or export any bobcat or part of any bobcat taken in the area surrounding Joshua Tree National Park, as specified.
AB 1247 (Medina), CH. 537 ***Effective/Operative Date: Urgency, October 4, 2013*** **Business investments: Small Business Financial Assistance Act of 2013**	GOV 8684.2, 63088, 63089.5, 63089.6, 63089.61, 63089.62	Transfers the administration of the California Small Business Financial Development Corporation Law to the California Infrastructure and Economic Development Bank (I-Bank), located within the Governor's Office of Business and Economic Development, and to a program manager designated by the executive director of the I-Bank. Expands the definitions of "financial institution" and "financial company" for those purposes. Applies conflict-of-interest provisions to the members of the I-Bank's board of directors, the program manager, the executive director, and other officers and employees, and thereby extends the application of a crime.

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BILL NUMBER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 1371 (Bradford), CH. 331 ***Effective/Operative Date: September 16, 2014*** **Vehicles: bicycles: passing distance**	VEH 21750, 21760	Enacts the Three Feet for Safety Act, requiring the driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a highway to pass in compliance with specified requirements applicable to overtaking and passing a vehicle, and to do so at a safe distance that does not interfere with the safe operation of the overtaken bicycle, having due regard for the size and speed of the motor vehicle and the bicycle, traffic conditions, weather, and the surface and width of the highway. Prohibits, with specified exceptions, the driver of the motor vehicle that is overtaking or passing a bicycle proceeding in the same direction on a highway from passing at a distance of less than 3 feet between any part of the motor vehicle and any part of the bicycle or its operator. Makes violation of these provisions an infraction.
SB 4 (Pavley), CH. 313 ***Effective/Operative Date: January 1, 2014*** **Oil and gas: well stimulation**	PRC 3213, 3215, 3 236.5, 3401; WAT 10783	Establishes a comprehensive regulatory program for oil and gas well stimulation treatments (e.g., hydraulic fracturing, acid well stimulation), which includes, among other things, a study, the development of regulations, a permitting process, and public notification and disclosure. A person who violates any prohibition specific to the regulation of oil or gas operations is guilty of a misdemeanor.
SB 14 (Gaines, T.), CH. 172 ***Effective/Operative Date: Urgency, August 27, 2013*** **Bear Lake Reservoir: recreational use**	H&S 115843.6	Exempts, until January 1, 2017, the Bear Lake Reservoir in Alpine County from the prohibition of recreational use that involves bodily contact with water in a reservoir that is stored for domestic use if specified requirements are met. Provides that, upon a finding of noncompliance, the Lake Alpine Water Company could be subject to suspension, amendment, or revocation of any permit issued under specified provisions, and that failure to comply with these provisions would be deemed a violation subject to specified fines, penalties, or other enforcement actions.
SB 57 (Lieu), CH. 726 ***Effective/Operative Date: January 1, 2014*** **Electronic monitoring: removing or disabling GPS device: offense**	PEN 3010.10	Prohibits a person who is required to register as a sex offender and who is subject to parole supervision from removing or disabling, as specified, an electronic global positioning system (GPS) or other monitoring device affixed as a condition of parole. Provides that the parole authority shall revoke the person's parole and requires that he or she be incarcerated in the county jail for 180 days.

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SB 59 (Evans), CH. 282 ***Effective/Operative Date: Urgency, September 9, 2013*** **Crimes: sex crimes**	PEN 288a, 289	Expands the definition of oral copulation and sexual penetration sex crimes committed by fraud or impersonation to include occurrences where an individual submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by artifice, pretense, or concealment by the perpetrator with the intent to induce the victim's belief.
SB 120 (Roth), CH. 43 ***Effective/Operative Date: Urgency, June 28, 2013*** **Intoxicating liquors**	PEN 172g	Makes it a misdemeanor to sell, or expose for sale, any intoxicating liquor within one-half mile of the entrance to La Sierra College in the City of Riverside.
SB 145 (Pavley), CH. 777 ***Effective/Operative Date: January 1, 2014*** **Sex offenders: child pornography**	PEN 288.2, 311.11	Creates new categories of offenses related to aggravated forms of child pornography and increases state prison terms for those offenses.
SB 168 (Monning), CH. 715 ***Effective/Operative Date: January 1, 2014*** **Farm labor contractors: successors: wages and penalties**	LAB 1698.9	Holds the successor of a farm labor contractor liable for the predecessor's owed wages or penalties to former employees, whether the predecessor was licensed or not, if the successor farm labor contractor meets certain criteria. A violation of this provision is a crime.
SB 194 (Galgiani), CH. 754 ***Effective/Operative Date: January 1, 2014*** **Vehicles: electronic wireless communications device: prohibitions**	VEH 23124	Prohibits a person under 18 years of age from using an electronic wireless communications device while driving, as defined, even if it is equipped with a hands-free device, thereby expanding the scope of a crime.
SB 197 (Evans), CH. 368 ***Effective/Operative Date: January 1, 2014*** **Commercial fishing: commercial fishing salmon stamp**	F&G 7860	Extends the sunset to January 1, 2019, on provisions requiring that specified monies be deposited into the Fish and Game Preservation Fund that are currently set to expire on January 1, 2014. Replaces references to the Commercial Salmon Stamp Account with references to the Commercial Salmon Stamp Dedicated Subaccount, which the bill would establish in the Fish and Game Preservation Fund, and would require the transfer of specified moneys from the Fish and Game Preservation Fund to the new subaccount.

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SB 234 (Walters), CH. 179 ***Effective/Operative Date: Urgency, August 27, 2013*** **Recreational off-highway vehicles**	VEH 38603, 38604	Limits the requirement that passengers in a recreational off-highway vehicle (ROHV) may sit only in seats installed by the original manufacturer to ROHVs with a 2014 or later model year. Requires seats installed in 2013 or earlier model year ROHVs that are in locations other than those provided by the manufacturer to be installed so that a passenger sitting in one is fully contained inside the vehicle's rollover protection structure. Defines a handhold for purposes of requiring that a passenger must be able to grasp the handhold while sitting in a seat with the harness fastened, provides that the steering wheel is the handhold for the driver, and requires that handholds be designed to allow passengers to exit the ROHV without interference. A violation of these provisions is a crime.
SB 255 (Cannella), CH. 466 ***Effective/Operative Date: Urgency, October 1, 2013*** **Disorderly conduct: invasion of privacy**	PEN 647	Provides that any person who photographs or records, by any means, the image of the intimate body part or parts of another identifiable person under circumstances where the parties agree or understand that the image shall remain private and subsequently distributes the image taken with the intent to cause serious emotional distress is guilty of disorderly conduct and subject to imprisonment in county jail or a fine, or both, if the depicted person suffers serious emotional distress.
SB 262 (Monning), CH. 180 ***Effective/Operative Date: January 1, 2014*** **Contractors**	B&P 7068.1	Requires the person qualifying on behalf of a contracting firm to be responsible for exercising direct supervision and control in order to secure compliance with the Contractors State License Law (Contractors Law). Provides that failure to exercise direct supervision and control shall constitute a cause for disciplinary action and shall be punishable as a misdemeanor by imprisonment in a county jail not to exceed six months, by a fine of not less than $3,000 but not more than $5,000, or by both.
SB 272 (Corbett), CH. 695 ***Effective/Operative Date: January 1, 2014*** **Advertising and solicitations: government and military endorsements**	B&P 17533.6	Makes it a misdemeanor for any person, firm, corporation, or association that is a nongovernmental entity to use any seal, emblem, insignia, trade or brand name, or any other term, symbol, or content that reasonably could be interpreted or construed as implying any federal, state, or local government, military veteran entity, or military or veteran service organization's connection, approval, or endorsement of any product or service, including, but not limited to, any financial product, goods, or services, by any means, including, but not limited to, a mailing, electronic message, Internet website, periodical, or television commercial.

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BILL NUMBER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 286 (Yee), CH. 414 ***Effective/Operative Date: January 1, 2014*** **Vehicles: high-occupancy vehicle lanes**	VEH 5205.5, 21655.9, 42001.6	Extends, from January 1, 2015, to January 1, 2019, the sunset date on the law that allows certain clean air vehicles to use high-occupancy vehicle (HOV) lanes with a single occupant. A violation of that law is a crime.
SB 288 (Lieu), CH. 756 ***Effective/Operative Date: January 1, 2014*** **Employment protections: time off**	LAB 230.5	Prohibits an employer from discharging, discriminating, or retaliating against an employee for taking time off from work to appear in court to be heard at any proceeding where the employee is a victim of the specified offenses, including vehicular manslaughter while intoxicated and felony domestic violence. For purposes of this requirement, defines a proceeding to include any delinquency proceeding; any proceeding involving a post-arrest release decision, plea, any sentencing, or any postconviction release decision; or any proceeding where a right of the victim is at issue. Defines a victim as any person who suffers direct or threatened physical, psychological, or financial harm as a result of crime or a delinquent act or the attempted commission thereof. The term "victim" also includes the person's spouse, parent, child, sibling, or guardian. Expands an existing crime by making employers guilty of a misdemeanor for willfully refusing to rehire, promote, or otherwise restore an employee determined to be eligible for rehire or promotion by a grievance procedure or hearing.
SB 333 (Lieu), CH. 284 ***Effective/Operative Date: January 1, 2014*** **Crimes: emergencies: false reporting**	PEN 148.3	Provides that any individual convicted of filing a false emergency report is liable to a public agency for the reasonable cost of the emergency response by the public agency. Clarifies that nothing in the requirements in existing law relating to a false report resulting in an emergency response precludes punishment for the conduct under any other law providing for greater punishment.
SB 363 (Wright), CH. 758 ***Effective/Operative Date: January 1, 2014*** **Firearms: criminal storage: unsafe handguns: fees**	PEN 25100, 25200, 32000, 32015	Among other things, makes it a misdemeanor for a person to keep a handgun at the person's premises if he or she knows or reasonably should know that someone prohibited from possessing a firearm or deadly weapon under state or federal law is likely to gain access to the handgun without permission and gains access to the handgun. Also makes it a misdemeanor if a prohibited person gaining access to the handgun thereby causes death or injury to himself or herself or any other person, carries the firearm to a public place, or unlawfully displays or uses the firearm.

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BILL NUMBER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 380 (Padilla), CH. 371 *Effective/Operative Date: January 1, 2014* **Communications: service interruptions**	PUC 7908	Prohibits a governmental entity, or a communications service provider acting at the request of a governmental entity, from interrupting communications service for the purpose of protecting public safety or preventing use of the communications service for an illegal purpose, except pursuant to an order, with specified contents and findings, signed by a judicial officer. Authorizes a governmental entity to interrupt communications service without an order when it reasonably determines an extreme emergency situation exists that involves immediate danger of death or great bodily injury and there is insufficient time to first obtain a court order, provided the entity takes specified actions, including applying for a court order no later than six hours after commencement of an interruption of communications service. Specifies that if it is not possible to apply for a court order within the six hours specified above due to an emergency, the entity shall do so at the first reasonably available opportunity, but in no event later than 24 hours after commencement of the service interruption. Provides further that this application must include a declaration, signed under penalty of perjury, stating the reasons for not meeting the six-hour deadline, thereby creating a new crime.
SB 390 (Wright), CH. 718 *Effective/Operative Date: January 1, 2014* **Employee wage withholdings: failure to remit**	LAB 227	Makes it a crime for an employer to fail to remit withholdings from an employee's wages that were made according to state, local, or federal law. Prescribes how recovered withholdings or court-imposed restitution, if any, should be forwarded or paid.
SB 400 (Jackson), CH. 759 *Effective/Operative Date: January 1, 2014* **Employment protections: victims of domestic violence, sexual assault, or stalking**	SLAB 230, 230.1	Prohibits an employer from discriminating or retaliating against an employee who is a victim of stalking, and requires the employer to make reasonable accommodations in a timely manner for an employee who is a victim of domestic violence, sexual assault, or stalking if the victim provides notice to the employer of the status or the employer has actual knowledge of the status. Reasonable accommodations may include the implementation of safety measures or procedures for such a victim. Specifies that an employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee covered by the bill's provisions who has been determined to be eligible for rehiring or promotion by a grievance procedure or hearing authorized by law is guilty of a misdemeanor.

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BILL NUMBER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 427 (Monning), CH. 256 ***Effective/Operative Date: January 1, 2014*** **Vessels: equipment requirements: personal flotation devices**	H&N 651, 658.3	Defines "vessel" to mean every description of a watercraft or other artificial contrivance used or capable of being used as a means of transportation on water, except as specified. Deletes the requirements that the U.S. Coast Guard–approved personal flotation device be of a specific type and that it be used in accordance with approval labels and manufacturer's instructions. A violation of these requirements is an infraction.
SB 534 (Hernandez, E.), CH. 722 ***Effective/Operative Date: January 1, 2014*** **Health and care facilities**	H&S 1225, 1267.15, 1275.3	Requires, among other things, that until the state Department of Public Health adopts regulations relating to the provision of services by a chronic dialysis clinic, a surgical clinic, or a rehabilitation clinic, those clinics must comply with prescribed federal certification standards in effect immediately preceding January 1, 2013. A violation of that requirement is a crime.
SB 606 (De León), CH. 348 ***Effective/Operative Date: January 1, 2014*** **Harassment: child or ward**	PEN 11414	Clarifies that misdemeanor harassment of a child because of the employment of the child's parent or guardian may include attempting to record the child's image or voice if done in a harassing manner, as defined. Increases the penalty for harassing a child because of the employment of the child's parent or guardian from up to six months in county jail and/or a fine of up to $1,000, to up to one year in county jail and/or a fine of up to $10,000. Provides that a second conviction is punishable by five days to one year in jail and a fine of up to $20,000 and that a third or subsequent conviction would require 30 days to one year in jail and a fine of up to $30,000.
SB 683 (Block), CH. 761 ***Effective/Operative Date: January 1, 2015*** **Firearms: firearm safety certificate**	PEN 31615, 31620	Commencing January 1, 2015, prohibits a person from purchasing or receiving any firearm without a valid firearm safety certificate, subject to exceptions, and prohibits any person from selling, delivering, loaning, or transferring any firearm to anyone who does not have a valid firearm safety certificate. Commencing January 1, 2015, makes any person who alters, counterfeits, or falsifies a firearm safety certificate, or who uses or attempts to use any altered, counterfeited, or falsified firearm safety certificate to purchase a firearm, guilty of a misdemeanor.

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BILL NUMBER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 762 (Hill), CH. 318 ***Effective/Operative Date: January 1, 2014*** **Secondhand goods: lost, stolen, or embezzled items**	B&P 21647; FIN 21206.8; PEN 1411, 11108.5	Clarifies the interests of licensed pawnbrokers and secondhand dealers relating to the seizure and disposition of property during a criminal investigation or criminal case, by, among other things: (1) clarifying that if a peace officer has probable cause to believe that specified property in the possession of a licensed pawnbroker or secondhand dealer is lost, stolen, or embezzled, the peace officer may place a hold on the property not to exceed 90 days; (2) requiring the licensed pawnbroker or secondhand dealer to maintain physical possession of the property placed on hold and prohibits the property's release or disposal, except under the written authorization signed by a peace officer who is a member of the same law enforcement agency as the peace officer placing the hold on the property; (3) specifying that if a search warrant is issued for the search of a business of a licensed pawnbroker or secondhand dealer to secure lost, stolen or embezzled property that has been placed on hold, the hold shall continue for the duration that the property remains subject to the court's jurisdiction; (4) specifying that if a civil or criminal court is called upon to adjudicate the competing claims of a licensed pawnbroker or secondhand dealer and another party claiming ownership or an interest in the property that is or was subject to a hold as specified, the court shall award the possession of the property only after due consideration is given as specified; and (5) requiring that in adjudicating the competing claims of a pawnbroker and a person claiming ownership or an interest in the property seized from a pawnbroker, the adjudicating court shall give due consideration to the specified effect on the claim. Expands an existing crime because a knowing violation of these provisions by a person engaging in the business of a secondhand dealer or pawnbroker is a crime.
SB 801 (Roth), CH. 281 ***Effective/Operative Date: January 1, 2014*** **Department of Finance: reports: crimes**	GOV 13031	Creates a new crime by requiring the Department of Finance to require each department head or designee whose duty it is to audit the accounts of a state agency or other state entity to provide a certification under penalty of perjury to the department that the budgeting and accounting information provided reconciles to the year-end finance reports submitted to the State Controller's Office.

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Summary of Court-Related Legislation

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