JUDICIAL COUNCIL OF CALIFORNIA

Summary of Court-Related Legislation

JUDICIAL COUNCIL OF CALIFORNIA • GOVERNMENTAL AFFAIRS

ANNUAL SUPPLEMENT

NOVEMBER 2014

During the second 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. The document also includes a table summarizing new laws that create or expand crimes, as well as an index listing all the bills and the page numbers on which their descriptions can be found. Legislation that requires more detail is available as an appendix in the back of the document.

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

This summary is intended to serve only as a guide to identify bills of interest; the bill descriptions 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 necessarily cited.

Until the annual pocket parts are issued, bill texts can be examined in their chaptered form in *West's California Legislative Service* or *California Deering's Advance Legislative Service*, where they are published by chapter number. In addition, chaptered bills and legislative committee analyses can be accessed on the Internet at *http://leginfo.legislature.ca.gov*. Individual chapters may be ordered directly from the Legislative Bill Room, State Capitol, 10th Street, Room B32, Sacramento, California 95814, 916-445-2323.

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ACKNOWLEDGMENTS

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APPELLATE

AB 1932 (JONES), CH. 58
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
APPELLATE COURT DECISIONS

Specifies that a judgment by the appellate division of a superior court must contain a brief statement of the reasons for the judgment, and provides that a judgment stating only "affirmed" or "reversed" is insufficient for this purpose. (CCP 77)

AB 2154 (JONES), CH. 95
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
APPEALS IN CIVIL ACTIONS: STAY OF ENFORCEMENT

Provides that an order for attorney's fees, costs, or both, awarded in a proceeding under the Family Code, shall not be stayed when an appeal is perfected, unless an undertaking is given. (CCP 917.75)

BAIL SCHEDULE

AB 1566 (HOLDEN), CH. 595
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
INEDIBLE KITCHEN GREASE

Among other things, increases fines on renderers of inedible kitchen grease for failure to keep certain records, extends the operation of statutes relating to inedible kitchen grease, and makes it a crime to take possession of inedible kitchen grease from an unlicensed collection center or an unlicensed renderer. (VARIOUS CODES)

SB 611 (HILL), CH. 860
EFFECTIVE/OPERATIVE DATE:
URGENCY, SEPTEMBER 30, 2014
MODIFIED LIMOUSINES: INSPECTION PROGRAM: SAFETY REQUIREMENTS

Requires all modified limousines, as defined, to be equipped with two fire extinguishers, and makes a violation of this requirement a crime. (VARIOUS CODES)

SB 941 (MONNING), CH. 433
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
VESSEL OPERATOR CARDS

Requires the Division of Boating and Waterways to develop a vessel operator card program on or before January 1, 2018, and to issue vessel operator cards under that program. Makes it an infraction for someone who has not received a vessel operator card to operate any vessel with an engine, with certain exceptions. (H&N 678)

SB 1162 (BERRYHILL), CH. 67
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
VESSELS: VIOLATIONS

Reclassifies the following violations as infractions, and reduces the associated fine to the amount specified:

1. Mooring a vessel to a buoy or beacon, except a designated mooring buoy ($100);
2. Violating a "blue light law" by failing to provide a clear course for a law enforcement vessel ($100);
3. Owning, operating, commanding, or permitting the use of a vessel at a speed over five miles per hour (mph) within 100 feet of a swimmer ($100);
4. Owning, operating, commanding, or permitting the use of a vessel at a speed over five mph within 200 feet of an occupied beach, swimming float, diving platform, lifeline, or way or landing float used to fast a boat ($100);
5. Operating a vessel towing a person on water skis without a person of at least 12 years of age on board, in addition to the operator, to monitor the progress of the person being towed ($200); operating a vessel towing a person on water skis at night ($200);
6. Violating U.S. Coast Guard Navigation Rule 20 relating to navigation lights, which describes the time frame and condition during which vessel operators must comply with regulations on lighting ($100);
7. Improperly shielding floodlights or headlights that may interfere with proper navigation of approaching vessels ($100); and
8. Performing certain reckless or negligent acts including riding on the bow, gunwale, or transom of a moving vessel that lacks deterrents to falling overboard ($250). (H&N 307, 655.2, 668)

SB 1175 (WALTERS), CH. 786
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
VEHICLES: LENGTH LIMITATIONS: MOTORSPORTS

Allows extralong semitrailers of up to 56 feet on California roads if they are used primarily in connection with motorsports when a permit is issued through the Department of Transportation, thereby impacting the bail schedule. (VEH 35401.5)

BUDGET

AB 1468 (COMMITTEE ON BUDGET), CH. 26
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
PUBLIC SAFETY

Appropriates $15 million to the Recidivism Reduction Fund for the establishment of ongoing operation and staffing of programs known to reduce recidivism and enhance public safety, including collaborative courts that service moderate- and high-risk adult criminal offenders, pretrial programs, and the use of risks and needs assessment instruments at sentencing of felony offenders subject to local supervision.

See Appendix A for a full description of the bill.

SB 852 (LENO), CH. 25
EFFECTIVE/OPERATIVE DATE: JUNE 20, 2014
BUDGET ACT OF 2014

Provides the following augmentations to the judicial branch budget:

1. $86.3 million for trial court operations (ongoing);
2. $40 million in a one-time partial reversal of the $50 million ongoing redirection of funds from the Immediate and Critical Needs Account that is being used for trial court operations (AB 1476, a subsequent budget bill, authorized the appropriation of the funding for preliminary plans and working drawings for the new Sacramento Criminal Courthouse);
3. $42.8 million to offset increases to trial court employee health benefit and retirement costs;
4. $2.2 million to address rent increases at state buildings that house the Supreme Court; the Courts of Appeal, the First, Second, and Third Appellate Districts; and the Judicial Council; and
5. $5 million to address state-level judicial branch employee cost increases.

The budget also provides for up to $30.9 million to backfill reductions in Trial Court Trust Fund revenue from an anticipated drop in first-paper filing fees.

In his budget announcement, Governor Edmund G. Brown, Jr., indicated his plan to further augment trial court operations by 5 percent in fiscal year 2015–2016 and to cover the ongoing increases to trial court employee health benefit and retirement costs.

SB 855 (COMMITTEE ON BUDGET), CH. 29
EFFECTIVE/OPERATIVE DATE: JUNE 20, 2014
HUMAN SERVICES

Among other things, authorizes the State Department of Social Services to apply for a court order appointing a receiver to temporarily operate a community care facility or a residential care facility for the elderly for no more than three months, subject to extension by the department, when circumstances exist indicating that continued management of the facility by the licensee would present a substantial probability of imminent danger or serious physical harm or death to the clients or residents or the facility is closing and adequate arrangements for the relocation of clients or residents have not been made. Makes a licensee who fails to comply with specified provisions in the bill that bar the licensee from accepting new residents or entering into admission agreements for new residents liable for civil penalties in the amount of $500 per violation per day for each day that the licensee is in violation of these provisions until the violation has been corrected.

See Criminal Law and Procedure.

CIVIL

AB 1256 (BLOOM), CH. 852
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CIVIL LAW: PRIVACY: ENTRY AND EXIT OF FACILITIES

Revises existing statutory "invasion of privacy" tort provisions to expand both physical and constructive invasion of privacy torts to involve circumstances where any physical impression is captured of the plaintiff's private activities (and not just personal or familial activities). Enacts a new civil liability statute based on the unlawful acts of any person, except a parent or guardian acting toward his or her minor child, to (1) by force, threat of force, or physical obstruction that is a crime of violence, intentionally injure, intimidate, interfere with or attempt to injure, intimidate, or interfere with any person attempting to enter or exit specified facilities; or (2) by nonviolent physical obstruction, intentionally injure, intimidate, interfere with or attempt to injure, intimidate, or interfere with any person attempting to enter or exit a specified facility. Provides for both public and private enforcement of the bill's provisions. (CIV 1708.8, 1708.9)

AB 1356 (BLOOM), CH. 853
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
STALKING: REMEDIES

Includes a pattern of conduct intended to place the plaintiff under surveillance within the elements defining the tort of stalking. Permits the plaintiff to show, as an alternative to the plaintiff's reasonable fear for his or her safety or that of a family member, that the pattern of conduct resulted in the plaintiff's suffering substantial emotional distress and that the pattern of conduct would cause a reasonable person to suffer substantial emotional distress. Requires the plaintiff to show that the person has either made a credible threat with the intent to place the plaintiff in reasonable fear for his or her safety or the safety of an immediate family member, or recklessly disregarded the safety of the plaintiff or that of an immediate family member. (CIV 1708.7)

AB 1513 (FOX), CH. 666
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
RESIDENTIAL PROPERTY: POSSESSION BY DECLARATION

Establishes, until 2018, a pilot program to facilitate removal of persons unlawfully occupying residential property that, under the program, has been registered with and verified by local law enforcement to be vacant. Limits application of these provisions to residential property consisting of one to four units located in the Cities of Palmdale or Lancaster, in Los Angeles County, or the City of Ukiah, in Mendocino County. Among other things, authorizes the owner of vacant real property, or his agent, to register vacant property with the local police agency using a specified form, signed under penalty of perjury, and attesting that the property is vacant and is not authorized to be occupied by any person. Requires the owner or the owner's agent to register the vacant property no later than three days after learning that the property is vacant. Requires a licensed private security services company or police agency retained by the owner or owner's agent under the pilot program to inspect the vacant property not less than once every three days and to immediately notify the police agency where the property is registered if any unauthorized person is found on the property. Requires the police agency where the property is registered to respond to the property as soon as practicable after being notified by the licensed security business that an unauthorized person is found on the property, and requires the responding officer to take a number of actions, including ascertaining the identity of any persons found on the property and notifying any person who does not produce written authorization or other evidence demonstrating the person's right to possession that the owner may obtain a temporary restraining order and that the person on the property may be subject to arrest for trespass if he or she is subsequently found on the property in violation of that court order. (CCP 527.11, 527.12)

AB 1577 (ATKINS), CH. 631
EFFECTIVE/OPERATIVE DATE: JULY 1, 2015
CERTIFICATES OF DEATH: GENDER IDENTITY

Requires a person completing a death certificate to record the decedent's sex to reflect the decedent's gender identity as reported by an informant, unless the person completing the certificate is presented with other documentation or proof of clinical treatment for gender transition, in which case the person completing the certificate shall record the decedent's sex as that which corresponds to the decedent's

gender identity as indicated in that document. Provides that if a document is not presented and a majority of persons who have equal rights to control the disposition of the remains do not agree with the gender identity of the decedent as reported by the informant, any one of those persons may file a petition seeking an order of the court determining who among those parties shall determine the gender identity of the decedent. Provides further that a person completing the death certificate in compliance with specified provisions of this bill is not liable for any damages or costs arising from claims related to the sex of the decedent as entered on the certificate of death. (H&S 102875)

AB 1659 (CHAU), CH. 93
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CIVIL ACTIONS: POST-VERDICT MOTIONS

Establishes a uniform briefing schedule for the following post-verdict motions: a motion for a new trial, a motion for a judgment notwithstanding the verdict, and a motion to vacate the judgment. (CCP 629, 659a, 663a)

AB 1660 (ALEJO), CH. 452
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
DRIVER'S LICENSES: NONDISCRIMINATION

Among other things, provides that information supplied in order to obtain a driver's license under AB 60 (Stats. 2013, ch. 524)—which authorized the Department of Motor Vehicles (DMV) to issue an original driver's license to a person who is unable to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law if he or she meets all other qualifications for licensure and provides satisfactory proof to DMV of his or her identity and California residency—is private and confidential, shall not be disclosed by a government entity or employer, and is not subject to disclosure under the California Public Records Act. Makes it a violation of the Fair Employment and Housing Act to discriminate against an individual because he or she holds or presents a driver's license issued under these provisions. (GOV 12926; VEH 1653.5, 12800.7, 12801.9)

AB 1856 (WILK), CH. 305
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
DEPOSIT IN LIEU OF BOND

Updates California's Bond and Undertaking Law to add cashier's checks, bonds, and notes of the United States and the State of California to the list of items of value that may be deposited with a court in lieu of a bond. (CCP 995.710, 995.720, 995.740, 995.760)

AB 1945 (WIECKOWSKI), CH. 415
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
ENFORCEMENT OF MONEY JUDGMENTS: EXEMPTIONS

Authorizes a community property exemption for a domestic partner of a judgment debtor. Provides specifically that, in the case of community property subject to the enforceability of a money judgment against a debtor's property, the domestic partner of a judgment debtor may claim a "703" bankruptcy exemption, whether or not the domestic partner is also a judgment debtor under the judgment. (CCP 703.020)

AB 2074 (HERNÁNDEZ, ROGER), CH. 211
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
RECOVERY OF WAGES: LIQUIDATED DAMAGES

Clarifies that the statute of limitations for a suit filed to pursue liquidated damages for the failure to pay the minimum wage will run until the expiration of the statute of limitations for the wages in which the penalties are being sought. (LAB 1194.2)

AB 2136 (DALY), CH. 107
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CONTRACTS: STATUTE OF FRAUDS

Exempts electronic messages of an ephemeral nature from the requirement imposed on real estate brokers to retain specified records and transactions for three years from the date of the closing of a transaction. (B&P 10148; CIV 1624)

AB 2256 (GARCIA), CH. 470
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CIVIL PROCEDURE: SERVICE AND FEES: SHERIFFS

Adjusts and adds to the fees set under existing law for service of process of various documents by sheriffs, and revises existing requirements for gaining access to gated communities for the purpose of service of process. (CCP 262.7, 415.21; GOV 6103.3, 26720.9, 26721.2, 26722, 26723, 26725.1, 26726, 26727, 26728.1, 26729, 26730, 26731, 26733.5, 26736, 26738, 26740, 26741, 26744.5, 26746, 26746.1, 26750)

AB 2306 (CHAU), CH. 858
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CONSTRUCTIVE INVASION OF PRIVACY: LIABILITY

Expands a person's potential liability for constructive invasion of privacy by removing the limitation that the person use a visual or auditory enhancing device, and instead makes the person liable when using any device to engage in the specified unlawful activity. (CIV 1708.8)

AB 2310 (RIDLEY-THOMAS), CH. 339
EFFECTIVE/OPERATIVE DATE: URGENCY, SEPTEMBER 15, 2014
UNLAWFUL DETAINER: NUISANCE: UNLAWFUL WEAPONS AND AMMUNITION

Reauthorizes a lapsed pilot program allowing city attorneys and city prosecutors in specified cities to evict a tenant for unlawful activities relating to weapons or ammunition on real property. (CIV 3485)

AB 2317 (MAIENSCHEIN), CH. 183
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
EXECUTION: SALE OF PROPERTY

Codifies in California's Enforcement of Judgments Law a judgment debtor's equitable right of redemption. Provides specifically that although a sale of property to satisfy a judgment is absolute and may not be set aside for any reason, except as specified, this sale does not affect, limit, or eliminate a judgment debtor's equitable right of redemption. (CCP 701.680)

AB 2365 (PÈREZ, JOHN), CH. 308
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CONTRACTS: UNLAWFUL CONTRACTS

Provides that a contract or proposed contract for the sale or lease of consumer goods or services is unlawful if it includes a provision requiring the consumer to waive his or her right to make any statement regarding the consumer's experience with the seller or lessor or its employees or agents, unless the waiver of this right was knowing, voluntary, and intelligent. Makes it also unlawful for a party to threaten or to seek to enforce a provision in violation of the above, or to otherwise penalize a consumer for making any statement regarding the consumer's experience with a seller or lessor, or its employees or agent, unless the consumer has knowingly, voluntarily, and intelligently waived his or her right to do so. Provides that any waiver of the above provisions generally is contrary to public policy and therefore void and unenforceable. Provides that any person who violates the above provisions is subject to specified penalties. (CIV 1670.8)

AB 2485 (DICKINSON), CH. 341
EFFECTIVE/OPERATIVE DATE: URGENCY, SEPTEMBER 15, 2014
UNLAWFUL DETAINER: NUISANCE: CONTROLLED SUBSTANCES

Reauthorizes a lapsed pilot program allowing city attorneys and prosecutors in specified cities to bring an unlawful detainer action in the name of the people against a tenant for illegal conduct involving a controlled substance on real property. (CIV 3486, 3486.5)

AB 2494 (COOLEY), CH. 425
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
COURTS: FRIVOLOUS ACTIONS OR PROCEEDINGS

Authorizes, until January 1, 2018, a trial court to award reasonable expenses incurred as a result of bad-faith actions or tactics that are "frivolous" or solely intended to cause unnecessary delay by deleting language that currently limits that authorization to actions or tactics arising on or before a complaint or proceeding on or before December 31, 1994. Provides that this authorization does not apply to disclosures and discovery requests, responses, objections, or motions, and specifies that any sanctions imposed under this section shall be imposed consistently with the standards, conditions, and procedures stated in specified provisions of CCP section 128.7. Requires a party that files a motion under the bill's provisions, and a party that files an opposition to the motion, to promptly upon filing transmit to the California Research Bureau (CRB)—by e-mail copy of the endorsed, filed caption page of the motion or opposition—a copy of any related notice of appeal or petition for a writ, and a conformed copy of any order issued under this section, including any order granting or denying the motion. Requires the CRB, on or before January 1, 2017, to submit a specified report to the Legislature examining the impact and effect of this act. (CCP 128.5)

AB 2617 (WEBER), CH. 910
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CIVIL RIGHTS: WAIVER OF RIGHTS

Imposes specified restrictions on the future contractual waivers of rights under the Ralph Civil Rights Act and the Tom Bane Civil Rights Act. Among other things, provides that the exercise of a person's right to refuse to waive any legal right, penalty, remedy, forum, or procedure for a violation of these civil rights laws shall not affect any otherwise legal terms of a contract or agreement. Specifies further that any waiver of any legal right, penalty, remedy, forum, or procedure for a violation of this bill—a waiver that is required as a condition of entering into a contract for goods or services—shall be deemed involuntary, unconscionable, against public policy, and therefore unenforceable. (CIV 51.7, 52, 52.1)

AB 2634 (BRADFORD), CH. 296
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CIVIL RIGHTS

Authorizes individuals to seek appropriate equitable and declaratory relief to eliminate a pattern or practice of interference, or attempted interference, with the exercise or enjoyment of rights secured by the laws or the Constitution of the United States or of the State of California. (CIV 52.1)

AB 2643 (WIECKOWSKI), CH. 859
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
INVASION OF PRIVACY: DISTRIBUTION OF SEXUALLY EXPLICIT MATERIALS

Creates, subject to certain exceptions, a new basis for civil liability for the nonconsensual and intentional distribution of intimate images where the person in those images had a reasonable expectation of privacy, the defendant knew that the other person had a reasonable expectation that the material would remain private, and the person suffers either general damages or special damages, as specified. Protects third parties from civil liability where the distributed material was previously distributed by another person, and otherwise exempts defendants from civil liability in certain circumstances, such as where the person appearing in the material waived any reasonable expectation of privacy in the distributed material by making it accessible to the general public. Authorizes—in addition to any other relief available at law—equitable relief against the person in violation of this bill, including a temporary restraining order or a preliminary or permanent injunction, as specified, and provides for attorney's fees and costs for the prevailing party. Specifies processes for the use of a pseudonym, placing responsibility solely on the parties and their counsel to redact the plaintiff's name from all documents filed with the court. Requires the Judicial Council, by July 1, 2015, to develop a specified confidential information form for the plaintiff's use of a pseudonym. (CIV 1708.85)

AB 2727 (FRAZIER), CH. 170
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
COURTS: WITNESS LOCAL AGENCY EMPLOYEES

Increases the amount that a subpoenaing party must advance, together with the subpoena, from $150 to $275 for each day that a local agency employee is required to remain in attendance at a civil trial under the subpoena. (GOV 68096.1)

AB 2747 (COMMITTEE ON JUDICIARY), CH. 913
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CIVIL LAW: OMNIBUS BILL

Enacts assorted changes to various provisions of law. Among other things, updates tenant prejudgment claim of right to possession forms; applies the Uniform Electronic Transactions Act to tenant security deposit agreements; provides that the court's decision to grant a fee waiver in a case involving a guardianship or conservatorship is to be based on the financial resources of the proposed ward or conservatee; exempts a probate referee acting in his or her official capacity from paying or depositing a fee for the filing of any document, paper, report, supplemental report, or objection in any proceeding that may constitute an appearance by a party to a legal proceeding; and narrows the scope of the Judicial Council's required report to the Legislature under the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 to focus only on the effects of the act on the administration of justice, as well as extends the deadline for completion of the report. (VARIOUS CODES)

See Probate and Mental Health.

AB 2751 (HERNÁNDEZ, ROGER), CH. 79
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
RETALIATION

Among other things, clarifies that the civil penalty of up to $10,000 against an employer who discriminates, retaliates, or takes any adverse action against an employee or applicant for employment who exercises a right protected under local and state labor and employment laws is to be awarded to the employee or employees who suffered the violation. (LAB 98.6, 1019, 1024.6)

SB 406 (EVANS), CH. 243
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
TRIBAL COURT CIVIL MONEY JUDGMENT ACT

Enacts the Tribal Court Civil Money Judgment Act, which is designed to simplify and clarify the process by which tribal court civil money judgments are recognized and enforced in California. Among other things, requires that a party seeking enforcement of a tribal court civil money judgment in the superior court file an application that includes all the information about the case required in an application for recognition of a sister state's judgment, plus a copy of the tribal court's rules of procedure and a declaration that the case was tried in compliance with those rules. Requires the party seeking enforcement to give notice to the party against whom the tribal court civil money judgment was entered, and allows that party an opportunity to oppose enforcement. Specifies that if there is no opposition within 30 days, a superior court judgment based on the tribal court judgment is entered automatically. Specifies further that if there is opposition, the court must hold a hearing on the issue within 45 days. (CCP 1714, 1730)

SB 545 (ANDERSON), CH. 49
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
NAME CHANGE: MINORS

Provides that in order for the action for a change of name to be exempt from the current publication requirement, the petitioner would be required to establish that the name he or she is seeking to acquire is on file with the Secretary of State. (CCP 1277)

SB 1027 (HILL), CH. 194
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
BOOKING PHOTOGRAPHS: COMMERCIAL USE

Prohibits the solicitation, requirement, or acceptance of a fee to remove, connect, modify, or refrain from publishing or otherwise disseminating a booking photograph. Exempts a public entity from this prohibition. Provides that each payment solicited or accepted in violation of this bill constitutes a separate violation. Provides that—in addition to any other sanctions, penalties, or remedies provided by law—a subject individual who is aggrieved by a violation of this bill's provisions may bring a civil action in any court of competent jurisdiction against any person in violation of this bill for damages in an amount equal to the greater of $1,000 per violation or the actual damages suffered by him or her as a result, along with costs, reasonable attorney's fees, and any other legal or equitable relief. Provides that the jurisdiction of the above civil action also includes the county in which the subject individual resides at the time of the violation. (CIV 1798.91.1)

COURT INTERPRETERS

AB 1657 (GOMEZ), CH. 721
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
COURTS: INTERPRETERS

Declares the intent of the Legislature to provide interpreters to all parties who need language services in all civil matters, authorizes a court to provide an interpreter to a party in civil matters regardless of income, and creates a priority order for such services based on the availability of funding. (EVID 755, 756; GOV 68092.1)

AB 2370 (CHAU), CH. 424
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
COURT INTERPRETERS

Requires a judge to verify, on the record, the certification or registration number of a certified or registered interpreter, or the qualifications of a noncertified or nonregistered interpreter who is appointed when neither a certified nor a registered interpreter is available. (GOV 68561)

CRIMINAL LAW AND PROCEDURE

AB 336 (AMMIANO), CH. 403
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CRIMES: PROSTITUTION: EVIDENCE

Requires—in any prosecution for committing an act of disorderly conduct or for loitering in any public place with the intent to commit prostitution, in which the prosecution intends to introduce possession of one or more condoms as evidence in support of the commission of the crime—certain procedures to be followed, including that prosecution make a written motion to the court and to the defendant stating that the prosecution has an offer of proof of the relevancy of the possession by the defendant of one or more condoms. Permits the court to make an order stating what evidence may be introduced by the prosecutor if the court finds the evidence regarding possession of condoms relevant and admissible. Permits the prosecutor to then offer that evidence under the order of the court. (EVID 782.1)

AB 579 (MELENDEZ), CH. 12
EFFECTIVE/OPERATIVE DATE: URGENCY, APRIL 28, 2014
MANDATORY SUPERVISION

Provides that mandatory supervision begins upon release from custody. (PEN 1170)

AB 1014 (SKINNER), CH. 872
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
GUN VIOLENCE RESTRAINING ORDERS

Establishes a new process for courts to issue civil gun violence restraining orders. (VARIOUS CODES)

See Appendix B for a full description of the bill.

AB 1438 (LINDER), CH. 280
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
SEX OFFENDERS: CERTIFICATES OF REHABILITATION

Clarifies that any person convicted of engaging in sodomy, intercourse, oral copulation, or sexual penetration with a child who is no more than 10 years old, or of aggravated sexual assault of a child under the age of 14, is subject to lifetime parole, if parole is granted. Specifies that a person convicted of the life-term offense of sex acts with a child no more than 10 years old is ineligible to obtain a certificate of rehabilitation and thereby be relieved of the duty to register as a sex offender. Clarifies that a person convicted of aggravated sexual assault of a child cannot obtain a certificate of rehabilitation. (PEN 290.5, 3000.1, 4852.01)

AB 1585 (ALEJO), CH. 708
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
HUMAN TRAFFICKING

Provides that a defendant who has been convicted of solicitation or prostitution may petition the court to set aside the conviction if the defendant can establish by clear and convincing evidence that the conviction was the result of his or her status as a victim of human trafficking. Allows a court to issue an order that does all of the following: (1) states a finding that the petitioner was a victim of human trafficking when he or she committed the crime, (2) orders expungement relief, and (3) notifies the Department of Justice (DOJ) that the petitioner was a victim of human trafficking when he or she committed the crime and of the relief that has been ordered by the court. Prohibits DOJ from disseminating the petitioner's record of conviction for applications and petitions related to adoptions and other specified licensing, employment, and certification requirements. (FAM 8712, 8811, 8908; PEN 1203.49, 11105)

AB 1591 (ACHADJIAN), CH. 141
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
FIREARMS: PROHIBITED PERSONS: NOTIFICATION

Requires that courts notify the Department of Justice—within one court day of the finding in an electronic format, in a manner prescribed by the DOJ—about individuals who have been adjudged by a court to be incompetent to stand trial, not guilty by reason of insanity, a danger to others as a result of a mental disorder or mental illness, or a mentally disordered sex offender. (W&I 8103)

AB 1607 (FOX), CH. 877
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
SEXUALLY VIOLENT PREDATORS

Requires the person petitioning for conditional release, the director of the Department of State Hospitals, and the designated attorney of the county of commitment to notify the court within 30 court days of receipt of notice

of a conditional release hearing if it appears that a county other than the county of commitment may be the county of domicile. Makes the court's determination of the county of domicile final and applicable to further hearings pertaining to conditional release. Requires the court, after determining the county of domicile, to set a date for the conditional release hearing and provide notice, as specified. Authorizes the county of domicile to elect to represent the state at the conditional release hearing. Provides that if the committed person has been conditionally released in a county other than the county of commitment, the jurisdiction of the person would, upon request of the designated counsel of the county of placement, be transferred to the court of the county of placement. Preserves notice requirements placed on courts under existing law. (W&I 6608, 6608.5)

AB 1610 (BONTA), CH. 709
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
MATERIAL WITNESSES: HUMAN TRAFFICKING

Authorizes the defendant or the people to apply for an order that a witness be examined conditionally when the defendant has been charged with human trafficking and evidence shows that the life of the witness is in jeopardy or that the witness has been threatened or dissuaded from testifying, or if the court finds a reasonable basis to believe that the witness will not attend the trial. (PEN 1335, 1337)

AB 1698 (WAGNER), CH. 455
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
FALSIFIED PUBLIC RECORDS

Requires a court to issue a written order declaring a false or forged instrument to be judged void at its inception when (a) a defendant is convicted of offering a false or forged instrument for filing; or (b) a defendant enters a plea in which a charge of offering a false or forged instrument is dismissed, but he or she agrees to let the court consider the dismissed charge for purposes of sentencing. Requires the order to state whether the instrument is false, forged, or both and to describe the nature of the falsity or forgery. Requires a copy of the false or forged instrument to be attached to the court order. Requires a certified copy of the court order to be filed, registered, or recorded by the prosecuting agency. (PEN 115)

AB 1900 (QUIRK), CH. 160
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
VICTIMS OF SEX CRIMES: TESTIMONY: VIDEO RECORDING

Makes a technical change to modernize the recording and preservation requirements of admissible, recorded court testimony by replacing the term "videotape" with "video recording." (PEN 1346, 1346.1, 1347, 1347.5)

AB 2098 (LEVINE), CH. 163
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
MILITARY PERSONNEL: VETERANS: SENTENCING: MITIGATING CIRCUMSTANCES

Requires the court to consider a defendant's status as a veteran suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder (PTSD), substance abuse, or other mental health problems as result of his or her military service as a factor in favor of granting probation. Requires the court to consider a defendant's status as a combat veteran suffering from sexual trauma, traumatic brain injury, PTSD, substance abuse, or other mental health problems as a result of his or her military service as a factor in mitigation when choosing whether to impose the lower, middle, or upper term of a state prison sentence. Provides that consideration of veteran status in sentencing does not preclude the court from considering similar trauma, injury, substance abuse, or mental health problems due to other causes as evidence or factors in mitigation. (PEN 1170.9, 1170.91)

AB 2124 (LOWENTHAL), CH. 732
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
MISDEMEANOR OFFENSES: DEFERRAL OF SENTENCING: PILOT PROGRAM

Establishes a pilot program in Los Angeles County, until January 1, 2018, to authorize a judge, at his or her discretion and over the objection of the prosecution, to defer sentencing a defendant who has submitted a plea of guilty or nolo contendere for a misdemeanor for a period not to exceed 12 months. (PEN 10091.94–10091.98)

AB 2186 (LOWENTHAL), CH. 733
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
DEFENDANTS: COMPETENCY

Requires the court, when determining if a defendant lacks capacity to make decisions regarding the administration of antipsychotic medication, to consider the opinion of the psychiatrist or psychologist appointed by the court to examine the defendant for mental competency purposes. Requires the court, if it finds any one of a list of conditions to be true, to issue an order—as specified, valid for no more than one year—authorizing involuntary administration of antipsychotic medication to the defendant when and as prescribed by the defendant's treating psychiatrist at a state hospital or other facility. Provides that if an administrative law judge upholds the 21-day certification by the defendant's treating psychiatrist that antipsychotic medication is medically necessary, the court may, for a period not to exceed 14 days, extend the certification and continue the required hearing under stipulation between the parties or upon a finding of good cause. Allows the district attorney, county counsel, or representative of a state hospital or other facility to petition the court for an order, reviewable as specified, to administer involuntary medication under specified criteria. Requires the court to review the order to administer involuntary medication at the time of the review of the initial competency report by the medical director of the treatment facility and at review of the six-month progress reports. Allows the district attorney, county counsel, or representative of a state hospital or other facility to petition the court, within 60 days of the expiration of a one-year involuntary medication order, for a renewal of the order, subject to specified conditions. (PEN 1370)

AB 2190 (MAIENSCHEIN), CH. 734
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CRIMINAL DEFENDANTS: GRAVELY DISABLED PERSONS

Allows a court, when appropriate, to conditionally release a defendant found to be incompetent to a placement in the community, rather than in a custodial or inpatient setting, to receive mental health treatment until competency is restored. Requires the court to find that the alternative placement will provide more appropriate treatment for the defendant and that the placement will not pose a danger to the health and safety of others. Requires the court to consider all listed criteria before placing an offender who is subject to Penal Code section 1601 on outpatient status rather than requiring the court to find that all of the listed criteria have been met. Requires that if a criminal court with jurisdiction orders an evaluation of the defendant's mental condition, and that evaluation leads to a conservatorship investigation, the officer conducting the investigation must submit a copy of the report to the defendant or the defendant's attorney, who in turn may authorize its release to the criminal court. Also makes the conservatorship report otherwise confidential. (PEN 1601–1603; W&I 5354)

AB 2199 (MURATSUCHI), CH. 468
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
MANDATORY SUPERVISION: COSTS

Requires that the probation officer determine the ability of a defendant to pay for a portion of the reasonable costs of mandatory supervision, and provides that the court may hold additional hearings during the mandatory supervision period to review the defendant's financial ability to pay the amount, and in the manner set by the probation officer or his or her authorized representative, or set by the court. (PEN 1203.1b)

AB 2309 (BROWN), CH. 471
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CONTROLLED SUBSTANCES: POSSESSION: DEFERRED ENTRY OF JUDGMENT

Provides that persons in unauthorized possession of specified prescription drugs, benzodiazepine anti-anxiety drugs, weight-control stimulants, and pain management and attention deficit control drugs are eligible for deferred entry of judgment or diversion and dismissal of the charges upon completion of a rehabilitation program. (PEN 1000)

AB 2397 (FRAZIER), CH. 167
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CRIMINAL PROCEDURE: DEFENDANT'S APPEARANCE BY VIDEO

Expands the types of appearances that can be made using two-way video conference technology between a defendant housed in a state, county, or local facility within the county and a courtroom to include specified noncritical trial appearances, if the defendant and defense counsel consent to the defendant's physical absence from court. Defines "noncritical portions of the trial," for these provisions only, as only those appearances during which testimonial evidence is not taken. (PEN 977)

AB 2411 (BONTA), CH. 611
EFFECTIVE/OPERATIVE DATE: URGENCY, SEPTEMBER 26, 2014
PROBATION AND PAROLE

Clarifies that the supervision requirements enacted in 2010 as part of Chelsea's Law for sex offenders on probation or parole—generally known as the "Containment Model"—apply to offenders without regard to when their crime or crimes were committed. (PEN 1203.067, 3008)

AB 2492 (JONES-SAWYER), CH. 819
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CONTROLLED SUBSTANCES: SENTENCING

Deletes the requirement that a person convicted of using or being under the influence of certain controlled substances serve at least 90 days in a county jail, and deletes the requirement that as a condition of probation for commission of the offense, the person serve at least 90 days in a county jail. (H&S 11550)

AB 2499 (BONILLA), CH. 612
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
OFFENDERS: HOME DETENTION PROGRAMS

Among other things, provides that unless otherwise ordered by the court, mandatory supervision commences on release from physical custody or an alternative custody program, whichever is later. Also provides that this provision be applied prospectively to any person sentenced on or after January 1, 2015. Provides that for defendants released from jail to electronic home monitoring programs, all days of custody, including days in home detention programs for inmates who otherwise would be in jail in lieu of bail, are credited toward the term of imprisonment or toward any fine. (PEN 1170, 1203.016, 1203.018, 2900.5, 4019)

AB 2501 (BONILLA), CH. 684
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
VOLUNTARY MANSLAUGHTER

Provides that for purposes of determining sudden quarrel or heat of passion in manslaughter cases, the provocation is not objectively reasonable if it resulted from the discovery of, knowledge about, or potential disclosure of the victim's or defendant's actual or perceived gender, gender identity, gender expression, or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant, or if the defendant and victim dated or had a romantic or sexual relationship. (PEN 192)

AB 2625 (ACHADJIAN), CH. 742
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
DEFENDANTS: COMPETENCE

Requires the medical director of the state hospital or other treatment facility to which a defendant is confined for treatment to regain mental competence to do the following if the medical director's report concerning the defendant's progress toward mental competency recovery indicates that the defendant has no substantial likelihood of regaining mental competence in the foreseeable future: (1) promptly notify and provide a copy of the report to the defense counsel and the district attorney; and (2) provide a separate notification, in compliance with applicable privacy laws, to the committing county's sheriff that transportation will be needed for the patient. Specifies, for the cases referenced above, that the committing court shall order the defendant to be returned to the court for further proceedings to determine if the defendant is eligible to be placed under a specified conservatorship no later than 10 days following receipt of the medical director's report. Provides that the court shall transmit a copy of its order to the community program director or his or her designee. Requires that a defendant committed to a state hospital for treatment to regain mental competency, but who has not recovered competence, be returned to the committing court no later than 90 days before the expiration of the defendant's term of commitment. (PEN 1370)

AB 2645 (DABABNEH), CH. 111
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
PROBATION: MANDATORY SUPERVISION: TRANSFER OF CASE

Whenever a person is released to probation or mandatory supervision by a court, (1) prohibits transfers to the superior court of another county until restitution amounts have been determined, unless a transferring court finds that a determination cannot be made within a reasonable amount of time from the date of the motion to transfer; (2) requires courts that transfer cases without first determining restitution to retain jurisdiction to determine the amount as soon as practicable; and (3) clarifies that, in all other aspects, the receiving court receives full jurisdiction over the matter. (PEN 1203.9)

AB 2683 (COOLEY), CH. 99
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CONTEMPT: JURORS

Deletes as a category of juror misconduct constituting misdemeanor contempt the willful disobedience by a juror of a court admonishment against any communication or research about a pending trial, including electronic or wireless communications. (PEN 166)

SB 855 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 29
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
HUMAN SERVICES

Among other things, allows a court to find that a minor is a dependent of the court on the basis of having received food, shelter, or money in exchange for performing sexual acts and of having a parent or guardian who has failed, or is unable, to protect the minor. Also establishes programs and services to prevent the commercial sexual exploitation of children and to protect children who are victims of commercial sexual exploitation. (VARIOUS CODES)

See Budget.

SB 939 (BLOCK), CH. 246
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CRIMINAL JURISDICTION

Permits the consolidation of human trafficking–related charges occurring in different counties into a single trial if all involved jurisdictions agree. (PEN 784.7, 784.8)

SB 950 (TORRES), CH. 191
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
BRIBERY: STATUTE OF LIMITATIONS: TOLLING

Tolls, until the discovery of the offense, the statute of limitations for offering a bribe to a public official or for asking, receiving, or agreeing to receive a bribe by a public official. (PEN 803)

SB 955 (MITCHELL), CH. 712
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
INTERCEPTION OF ELECTRONIC COMMUNICATIONS

Adds human trafficking to the list of offenses for which a court may order interception of electronic communications if the judge finds, among other things, that there is probable cause to believe that an individual is committing, has committed, or is about to commit one of several enumerated offenses. (PEN 629.52)

SB 980 (LIEU), CH. 554
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
PRISONERS: DNA TESTING

Revises processes related to court orders authorizing postconviction DNA testing by, among other things, requiring the prosecution, on request of the defendant and order of the court, to make reasonable efforts to obtain, and law enforcement and labs to make reasonable efforts to provide, specified information, including copies of DNA lab tests, reports, and evidence logs. Requires the custodian of evidence, if the evidence has been lost or stolen, to report to the prosecution and the defense as specified. Provides that in determining whether to grant DNA testing, the court shall not decide whether the test results would ultimately require relief from the conviction. Provides that, when the court grants a motion for DNA testing, and a DNA profile of an unknown person is generated, the court may conduct a hearing to determine if the DNA profile should be uploaded into the state and federal DNA index systems. Changes the period after which a government entity may destroy biological material related to a criminal case before a person is released from incarceration from 90 days to 180 days after specified notifications regarding potential motions. (PEN 1405, 1405.1, 1417.9)

SB 1058 (LENO), CH. 623
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
WRIT OF HABEAS CORPUS

Provides, for purposes of a writ of habeas corpus, that false evidence includes opinions of experts that have either been repudiated by the expert who originally provided the opinion at a hearing or trial or that have been undermined by later scientific research or technological advances. (PEN 1473)

SB 1110 (JACKSON), CH. 655
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
ARRAIGNMENT: MILITARY AND VETERAN STATUS: FORMS

Requires the Judicial Council to revise its military service form to include information explaining the rights of individuals who have active duty or veteran status, as defined, and to include a space for the local court to provide the contact information for the county veterans service office. Requires the court to inform the defendant about the form and that certain provisions of law are specifically designed for individuals who have active duty or veteran status and who have been charged with a crime. Requires the court to transmit a copy of the form to the county veterans service officer for confirmation of the defendant's military service and to transmit a copy of the form to the U.S. Department of Veterans Affairs. (PEN 858)

SB 1197 (PAVLEY), CH. 517
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
RESTITUTION: COLLECTION BY COUNTIES

Among other things, requires, as a condition of postrelease community supervision, that a defendant pay court-ordered restitution and restitution fines in the same manner as a person placed on probation. (PEN 1203c, 2085.6, 3453; R&T 19280)

SB 1222 (BLOCK), CH. 137
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
DISMISSAL: CRIMINAL ACTION

Requires the judge or magistrate to state the reasons for the dismissal of a criminal action orally on the record. Also requires the court to state the reasons for the dismissal of a criminal action in an order entered on the minutes if requested by either party or in any case in which the proceedings are not being recorded electronically or by a court reporter. (PEN 1385)

SB 1227 (HANCOCK), CH. 658
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
DIVERSION: MEMBERS OF THE MILITARY

Authorizes the court, with the consent of the defendant and a waiver of the defendant's right to a speedy trial, to postpone prosecution, either temporarily or permanently, of a misdemeanor or a felony for which a sentence would be served in a county jail if the defendant was, or currently is, a member of the U.S. military and if he or she may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of his or her military service. (PEN 1001.80)

SB 1310 (LARA), CH. 174
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
MISDEMEANORS: MAXIMUM SENTENCE

Requires that every offense punishable by imprisonment in a county jail up to or not exceeding one year be punishable by imprisonment not to exceed 364 days. (PEN 18.5)

SB 1412 (NIELSEN), CH. 759
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CRIMINAL PROCEEDINGS: MENTALLY INCOMPETENT OFFENDERS

Applies and adapts the procedures and standards currently governing persons found incompetent to stand trial to cases where a defendant subject to mandatory supervision or postrelease community supervision (PRCS) faces revocation of his or her conditional release due to incompetency. Among other things, prohibits a person from having his or her probation, mandatory supervision, PRCS, or parole revoked while that person is mentally incompetent. Specifies that a court trial is required to determine competency in any proceeding for a violation of probation, mandatory supervision, PRCS, or parole. Credits time spent by a defendant in a state hospital or other facility as a result of commitment during the process toward the period of revocation or the remaining term of supervision that was suspended. Allows the court, if a defendant is found mentally incompetent during PRCS or parole revocation hearings, to (1) order the defendant to undergo treatment; or (2) dismiss the pending revocation matter and return the defendant to supervision, in which case the court could (a) modify the terms and conditions of supervision, (b) refer the matter to the public guardian of the county to initiate conservatorship proceedings, or (c) refer the matter to a local mental health court, reentry court, or other collaborative justice court available for improving the mental health of the defendant. Requires the court—if a person is subject to parole due to a conviction for an offense of first- or second-degree murder or a registrable sex offense in which at least one victim of the offense was a child less than 14 years old, and the person is found mentally incompetent—to remand the person to the custody of the Department of Corrections and Rehabilitation on a finding of probable cause that the person violated a term or condition of parole. (PEN 1367–1370.5, 1371, 1373, 1375.5)

SB 1461 (COMMITTEE ON PUBLIC SAFETY), CH. 54
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
PUBLIC SAFETY

Makes technical and corrective changes as well as non-controversial changes to various criminal justice laws by, among other things, clarifying that the accessory theory still exists as a prosecutorial option for the crime of transportation of controlled substances. (VARIOUS CODES)

DOMESTIC VIOLENCE

AB 1498 (CAMPOS), CH. 665
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
PROTECTIVE ORDERS

Requires a court to consider—in all cases where the defendant is charged with rape, statutory rape, spousal rape, or any other offense for which the defendant would have to register as a sex offender—issuing a protective order on its own motion during the pendency of the criminal proceedings. (PEN 136.2)

AB 1850 (WALDRON), CH. 673
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
RESTRAINING ORDERS

Provides that a minor who was not a victim but who was physically present at the time of an act of domestic violence is deemed to have suffered harm for the purpose of issuing a protective order in a pending criminal case. (PEN 136.2)

AB 2089 (QUIRK), CH. 635
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
DOMESTIC VIOLENCE: PROTECTIVE ORDERS

Amends numerous sections of the Domestic Violence Protection Act. Among other things, allows a court to issue a domestic violence restraining order solely on the basis of the affidavit or testimony of the party requesting such an order; states that the length of time between an act of abuse and the request for an order is not alone determinative; clarifies when mutual restraining orders are issued; and requires the court to state its reasons for denying an order either in writing or on the record. (FAM 6203, 6220, 6300, 6301, 6305, 6340)

SB 910 (PAVLEY), CH. 638
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
DOMESTIC VIOLENCE: RESTRAINING ORDERS

Expands the definition of domestic violence to include abuse perpetrated against a child of a party to the domestic violence proceedings or a child who is the subject of an action under the Uniform Parentage Act, as specified, or against any other person related to the defendant by consanguinity or affinity within the second degree. (PEN 136.2)

FAMILY LAW

AB 414 (FOX), CH. 202
EFFECTIVE/OPERATIVE DATE: URGENCY, AUGUST 15, 2014
SPOUSAL SUPPORT: MODIFICATIONS

Reinstates, and removes the sunset provision from, Family Code section 4326, which expired on January 1, 2014, stating that the termination of a child support order may constitute a "change of circumstances" for the purposes of requesting a modification of spousal support. (FAM 4326)

AB 1525 (LOWENTHAL), CH. 450
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
MARRIAGE: SOLEMNIZATION

Allows a marriage to be solemnized by a city clerk, in addition to those individuals already authorized to perform marriages. (FAM 400.1)

AB 1628 (FOX), CH. 328
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
VISITATION RIGHTS: GRANDPARENT RIGHTS

Adds as a basis to grant standing for a grandparent to file a petition for visitation with a grandchild if one of the parents is incarcerated or involuntarily institutionalized. (FAM 3104)

AB 1701 (PATTERSON), CH. 763
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
FAMILY LAW: ADOPTION

Among other things:

1. Clarifies who can bring an action to declare the existence or nonexistence of a presumed parent-child relationship;
2. Allows a single consolidated petition to terminate the parental rights to multiple children;
3. Allows a court to permit prospective adoptive parents to appear in adoption proceedings by telephone, videoconference, or other remote electronic means;
4. Clarifies that a minor parent's relinquishment of parental rights is not subject to revocation solely because the parent or guardian of the minor parent was not served with notice;
5. Allows a parent to relinquish parental rights to a licensed private adoption agency while a child is found to be a dependent of the court, and requires the juvenile court to approve or reject the relinquishment within a specified time. (FAM 7630, 7662, 7666, 7671, 7807, 7842, 8603, 8604, 8613.5, 8700, 8804, 8807, 8808, 8814, 8815; W&I 361)

AB 1843 (JONES), CH. 283
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CHILD CUSTODY EVALUATIONS: CONFIDENTIALITY

Authorizes the disclosure of otherwise confidential information to the licensing entity of a child custody evaluator for the purpose of conducting an investigation into allegations of the evaluator's unprofessional conduct. (B&P 129; FAM 3025.5, 3111)

AB 2344 (AMMIANO), CH. 636
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
FAMILY LAW: PARENTAGE

Among other things, creates a statutory form to establish the intent to be a legal parent or not when donating genetic material, and establishes the procedure for stepparent adoptions involving a spouse or partner who gave birth during the marriage or partnership, including exempting such adoptions from home visit and home study requirements. (FAM 7613.5, 7692, 9000.5, 9001, 9002, 9006, 9007)

AB 2586 (BLOOM), CH. 169
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
FAMILY LAW PROCEEDINGS

Automatically reopens discovery on issues raised in post-judgment pleadings in family law proceedings, and sets the "trial date" for discovery purposes. (FAM 218)

FINES, FEES, FORFEITURES

AB 852 (DICKINSON), CH. 447
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
DRIVER'S LICENSES: APPLICATIONS

Prohibits a person from receiving financial compensation for the sole purpose of filling out an original driver's license application for another person. Imposes a $2,500 civil penalty for a violation of this provision. (VEH 12801.2)

JUDGES/JUDICIAL OFFICERS

AB 2745 (COMMITTEE ON JUDICIARY), CH. 311
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
COURTS

Ratifies the conversion of up to 10 additional Subordinate Judicial Officer (SJO) positions to judgeships if the conversion would result in family or juvenile law cases being heard by a judge instead of by a SJO. Updates the underlying methodology for allocating judgeships so that it complies with the most recent judicial needs assessment approved by the Judicial Council. (FAM 2452; GOV 69614, 69614.2, 69618)

JUDICIAL COUNCIL–SPONSORED

AB 1618 (CHESBRO), CH. 57
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
JUVENILES: CASE FILE INSPECTION

See Juvenile Dependency.

AB 1657 (GOMEZ), CH. 721
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
COURTS: INTERPRETERS

See Court Interpreters.

AB 2190 (MAIENSCHEIN), CH. 734
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CRIMINAL DEFENDANTS: GRAVELY DISABLED PERSONS

See Criminal Law and Procedure.

AB 2645 (DABABNEH), CH. 111
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
PROBATION: MANDATORY SUPERVISION: TRANSFER OF CASE

See Criminal Law and Procedure.

AB 2683 (COOLEY), CH. 99
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CONTEMPT: JURORS

See Criminal Law and Procedure.

AB 2745 (COMMITTEE ON JUDICIARY), CH. 311
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
COURTS

See Judges/Judicial Officers.

SB 406 (EVANS), CH. 243
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
TRIBAL COURT CIVIL MONEY JUDGMENT ACT

See Civil.

SB 1222 (BLOCK), CH. 137
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
DISMISSAL: CRIMINAL ACTION

See Criminal Law and Procedure.

JUVENILE DELINQUENCY

AB 2195 (ACHADJIAN), CH. 898
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
JUVENILES: TRUANCY

Authorizes a hearing on truancy matters to take place in an Informal Juvenile and Traffic Court in counties where such a court exists, and establishes the circumstances under which a hearing may take place and the types of orders that may be issued. (W&I 256, 257, 258)

SB 1038 (LENO), CH. 249
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
JUVENILES: DISMISSAL OF PETITION

Removes the cap of 21 years of age by which a court must dismiss a petition against a former ward of the court. Does not require the court to have jurisdiction over the former ward at the time of dismissal of a petition. Further requires a court to automatically seal the records of minors under specified circumstances, and grants limited access to such files without this access constituting "unsealing" of the records. (W&I 782, 786)

SB 1296 (LENO), CH. 70
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
JUVENILES: CONTEMPTUOUS HABITUAL TRUANTS

Prohibits a court from confining, or otherwise placing in custody, a minor for contempt when the contempt is solely for the violation of a court order on truancy issues. Also forbids the removal of such a minor from parental custody "except for the purposes of school attendance." (CCP 1219; W&I 207, 213.3, 601)

JUVENILE DEPENDENCY

AB 388 (CHESBRO), CH. 760
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
JUVENILES

Among other things, requires that the decision to detain or continue the detention of a dual-status minor not be based on either the minor's status as a dependent of the court or on the Child Welfare Services department's failure to find a suitable placement for the minor. (H&S 1536, 1538.7; W&I 241.1, 635, 636, 730.6, 4096.5, 11469)

AB 1618 (CHESBRO), CH. 57
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
JUVENILES: CASE FILE INSPECTION

Provides tribal courts, entities, and officials with access to juvenile case files of children who are members of or eligible for membership in that tribe when their counterparts in the superior court or county are authorized to access the files. (W&I 827)

AB 1761 (HALL), CH. 765
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
DEPENDENT CHILDREN: PLACEMENT

Among other things, expands the time periods during which a county Department of Social Services must conduct a suitability assessment of a relative or nonrelative extended family member who requests temporary placement of a child who has been taken into temporary custody based on allegations of abuse or neglect, if the child is not released to a parent or guardian. (W&I 309, 361.3)

AB 2454 (QUIRK-SILVA), CH. 769
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
FOSTER YOUTH: NONMINOR DEPENDENTS

Allows a nonminor dependent who received either Kin-GAP aid or adoption assistance aid after turning 18 years old to petition for resumption of dependency jurisdiction. (W&I 388.1, 11403)

AB 2607 (SKINNER), CH. 615
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
JUVENILES: DETENTION

Among other things, limits a court's authority to decide what is a reasonable ground for continued detention of a dual-status minor or nonminor, specifically eliminating administrative delays or a probation officer's inability to find an appropriate placement for the minor or nonminor. Includes releasing the minor or nonminor from custody as an option for relief. (W&I 727, 737)

SB 873 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 685
EFFECTIVE/OPERATIVE DATE: SEPTEMBER 27, 2014
HUMAN SERVICES

Among other things, clarifies that a superior court has the authority to issue a ruling making findings that support a minor's petition for Special Immigrant Juvenile Status (SIJS) to the federal government. Requires a court to make specified findings if those findings are supported. Requires a court to maintain the confidentiality of records relating to a request for SIJS findings by limiting who is authorized to inspect the records. Confirms the court's authority to provide interpreters in proceedings relating to a request for SIJS findings. (CCP 155; EVID 757)

SB 977 (LIU), CH. 219
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
JUVENILES

Among other things, authorizes a court to place a child with a parent who is enrolled in a certified substance abuse treatment facility that allows a dependent child to reside with his or her parent. (W&I 319, 358.1, 361, 361.2, 366.1, 366.21, 366.22, 366.25, 16500.5)

SB 1099 (STEINBERG), CH. 773
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
DEPENDENT CHILDREN: WARDS OF THE JUVENILE COURT: SIBLING VISITATION

Among other things, requires a court to review the reasons for any suspension of sibling visitation with a minor or nonminor dependent. (W&I 358.1, 361.2, 362.1, 366, 366.1, 366.3, 388, 706.6, 778, 16002)

SB 1460 (COMMITTEE ON HUMAN SERVICES), CH. 772
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CHILD WELFARE

Among other things, requires a juvenile court to transfer a case file to a tribe having jurisdiction over a juvenile court case, and requires both the juvenile court and the tribe to document the finding of facts supporting jurisdiction over the child by the tribal court. Requires that a transfer order shall have precedence in scheduling "and shall be heard by the court at the earliest possible moment after the order is filed." Further allows a child who has been removed from the custody of his or her parents to be placed with a resource family, as defined. (W&I 305.5, 361.2, 381, 727, 827.15)

LABOR

AB 1522 (GONZALEZ), CH. 317
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
EMPLOYMENT: PAID SICK DAYS

Enacts the Healthy Families, Healthy Workplaces Act of 2014 and requires employers to provide at least 3 paid sick days for an employee who works for 30 or more days within a year from commencement of employment. Would also authorize an employee to use the accrued sick days only after three months of employment. (LAB 245–248, 2810.5)

AB 1973 (HERNÁNDEZ, ROGER), CH. 537
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
STATE HOLIDAYS: NATIVE AMERICAN DAY

Adds the fourth Friday of September each year, designated "Native American Day," to the list of official state holidays. Because Code of Civil Procedure section 135 provides that unless expressly excepted, all state holidays set forth in section 6700 are judicial holidays, the legal effect of this legislation has been to create a new judicial holiday, which would have significant impacts on the courts. Judicial Council staff has confirmed that the Legislature did not intend to establish a new judicial holiday through AB 1973, and both legislative and gubernatorial staff are prepared to pursue curative legislation. In the months ahead, Governmental Affairs will be working with the Legislature to clarify that the courts will not be required to close on that day. (GOV 6700)

PROBATE AND MENTAL HEALTH

AB 296 (WAGNER), CH. 867
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
TRUSTS

Provides that an allocation to principal of money received in total or partial liquidation of an entity or money received that is a capital gain dividend distribution, as specified, does not include a net short-term capital gain distribution from a regulated investment company or a real estate investment trust. (PROB 16350)

AB 1311 (BRADFORD), CH. 591
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
RECALL ELECTIONS AND VOTER REGISTRATION

Among other things, prohibits a person, including a conservatee, from being disqualified from voting on the basis that he or she signs the affidavit of voter registration with a mark or a cross; signs the affidavit of voter registration with a signature stamp; or completes the affidavit of registration with the assistance of another person. (ELEC 2208, 2209, 11302; PROB 1823, 1826, 1828, 1851, 1910)

AB 2024 (BONILLA), CH. 336
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
PROFESSIONAL FIDUCIARIES

Authorizes the Professional Fiduciaries Bureau to establish a retired-status license. Prohibits a professional fiduciary from practicing with a retired or cancelled license. Provides that an expired professional fiduciary license that is not renewed within three years shall not be renewed, restored, or reinstated. Clarifies the bureau's authority to investigate any professional fiduciary with a retired, inactive, canceled, or suspended license. (B&P 6531, 6538, 6541.1, 6542, 6580, 6592)

AB 2747 (COMMITTEE ON JUDICIARY), CH. 913
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CIVIL LAW: OMNIBUS BILL

Among other things, provides that the court's decision to grant a fee waiver in a case involving a guardianship or conservatorship is to be based on the financial resources of the proposed ward or conservatee. Clarifies that an initial fee waiver that has been granted by the court excuses the applicant from paying assessments for specified court investigations that are conducted under Probate Code sections 1513, 1826, or 1851 regarding a guardianship or conservatorship. Exempts a probate referee acting in his or her official capacity from paying or depositing a fee for the filing of any document, paper, report, supplemental report, or objection in any proceeding that may constitute an appearance by a party to a legal proceeding. (GOV 68631, 68631.5, 68632; PROB 1513.1, 1815.5)

See Civil.

SB 940 (JACKSON), CH. 553
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CALIFORNIA CONSERVATORSHIP JURISDICTION ACT

Enacts the California Conservatorship Jurisdiction Act (CCJA), which is a modified version of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. Establishes, effective January 1, 2016, provisions for interstate jurisdiction, transfer, and recognition of conservatorships. Requires the Judicial Council, on or before January 1, 2016, to develop court rules and forms necessary to implement the CCJA. (VARIOUS CODES)

See Appendix C for a full description of the bill.

STATE BAR/ PRACTICE OF LAW

AB 2746 (COMMITTEE ON JUDICIARY), CH. 429
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
ATTORNEYS: ANNUAL MEMBERSHIP FEES

Among other things, authorizes the State Bar of California to charge the annual membership fee of up to $390 for active members for 2015. Increases the optional, additional amount that can be contributed toward free legal services for people of limited means to $40. Requires that the net proceeds from the sale or lease of property, if any, be held by the State Bar without expenditure or commitment for any purpose until approved by the Legislature by statute. (B&P 6021, 6033, 6140, 6140.03, 6144.1, 6216, 6218)

APPENDIX A

AB 1468 (COMMITTEE ON BUDGET), CH. 26
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
PUBLIC SAFETY

Appropriates $15 million to the Recidivism Reduction Fund for the establishment of ongoing operation and staffing of programs known to reduce recidivism and enhance public safety, including collaborative courts that service moderate- and high-risk adult criminal offenders, pretrial programs, and the use of risks and needs assessment instruments at sentencing of felony offenders subject to local supervision. Requires the Judicial Council to develop and administer a competitive grant program to be used to support the administration and operation of those programs. Requires participating courts on behalf of the court, county, and other local justice system partners to submit a joint application that clearly details the initiative for which funding is sought; the associated staffing activities, programs, and services to be delivered by the partner organizations; and a description of how the grant program will cover those costs. Places additional responsibilities and reporting requirements on the Judicial Council. (PEN 1233.10)

COURT SECURITY FUNDING FOR SHERIFFS

Establishes a process by which counties that have increased trial security costs resulting from new trial court construction can request a General Fund augmentation. (GOV 69927)

PRESUMPTION OF SPLIT SENTENCES

Requires that the court, when imposing a sentence relating to jail felonies, impose mandatory supervision for a period selected at the discretion of the court, unless the court finds that, in the interests of justice, to do so in a particular case is inappropriate. Shall be applied prospectively to persons sentenced on or after January 1, 2015. Provides that the portion of a defendant's sentenced term that is suspended, otherwise known as mandatory supervision, begins upon release from custody. (PEN 1170(h))

Requires the Judicial Council, by January 1, 2015, to adopt rules providing criteria for consideration by the trial judge at the time of sentencing regarding the court's decision to deny a period of mandatory supervision in the interest of justice under Penal Code section 1170(h)(5)(A) or to determine the appropriate period and conditions of mandatory supervision. (PEN 1170.3)

STATE DEPARTMENT OF STATE HOSPITALS: MENTALLY DISORDERED OFFENDERS

Requires a court, when ordering that a defendant be committed to the Department of State Hospitals or another treatment facility, to provide, before the defendant's admission to the place of commitment, any medical records of the defendant in addition to other documents already required by law. Deletes the requirement that when a court directs that a defendant be confined to a state hospital the court select the state hospital in accordance with the policies established by the Department of State Hospitals. (PEN 1026)

Clarifies that when a court orders a mentally incompetent defender to a state hospital, placement will be directed by the Department of State Hospitals. Expands the facilities to which a court may place a defendant who is mentally incompetent to stand trial to include a community-based residential treatment system established in the Welfare and Institutions Code if the facility has a secured perimeter or a locked and controlled treatment facility. (W&I 5670–5676.5)

PROPOSITION 36 OFFENDERS: SUPPORT FOR TRANSITION INTO COMMUNITY

Requires the California Department of Corrections and Rehabilitation, in consultation with the Judicial Council, to establish a referral process for Proposition 36 offenders to participate in programs and receive services that the department has existing contracts to provide. Requires the Judicial Council to inform courts of the availability of the programs and services. (PEN 667.2)

COMMUNITY CORRECTIONS PERFORMANCE INCENTIVES FUND

Makes a $1 million appropriation to the Judicial Council for Community Corrections Performance Incentives Fund and realignment data collection through an ongoing annual appropriation. (PEN 1233.6)

Requires the Department of Finance to determine the distribution of any Community Corrections Performance Incentives Fund monies remaining after the distribution, and authorizes the department to give preference to high-performing counties that did not receive funding under PEN 1233.4. (VARIOUS CODES)

APPENDIX B

AB 1014 (SKINNER), CH. 872
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
GUN VIOLENCE RESTRAINING ORDERS

Establishes a new process for courts to issue civil gun violence restraining orders:

- Authorizes a court to issue a temporary emergency gun violence restraining order if a law enforcement officer asserts and a judicial officer finds that there are reasonable grounds to believe that the subject of the petition poses an immediate and present danger of causing personal injury to himself, herself, or another by having under his or her custody and control, owning, purchasing, possessing, or receiving a firearm and that the order is necessary to prevent personal injury to himself, herself, or another person, as specified;
- Authorizes a court to issue an ex parte gun violence restraining order, upon a showing of good cause, prohibiting the subject of the petition from having under his or her custody and control, owning, purchasing, possessing, receiving, or attempting to purchase or receive a firearm or ammunition, as specified. Requires the ex parte order to expire no later than 14 days after the date on the order and the court to hold a hearing within 21 days of issuing the ex parte gun violence restraining order to determine if a gun violence restraining order effective for one year should be issued; and
- Authorizes a court to issue a gun violence restraining order prohibiting the subject of the petition from having under his or her custody and control, owning, purchasing, possessing, receiving, or attempting to purchase or receive a firearm or ammunition for a period of one year when evidence is clear and convincing to believe that the subject of the petition, or a person subject to an ex parte gun violence restraining order, as applicable, is substantially likely to cause personal injury to himself, herself, or another by having under his or her custody and control, owning, purchasing, possessing, or receiving a firearm and that the order is necessary to prevent injury to himself, herself, or another person, as specified. Authorizes the renewal of the order for additional one-year periods, and would permit the restrained person to request one hearing to terminate the order during the effective period of the initial order and within each renewal period.

Makes it a misdemeanor for an individual to file a petition for a gun violence restraining order knowing the information in the petition to be false or intending to harass. Provides that a person who violates a gun violence restraining order is guilty of a misdemeanor and shall be prohibited from having under his or her custody and control, owning, purchasing, possessing, receiving, or attempting to purchase or receive a firearm or ammunition for a five-year period, commencing upon the expiration of the existing gun violence restraining order. Allows a search warrant to be issued when the property or things to be seized are a firearm(s), or ammunition in the custody and control of, owned by, or possessed by a person who is the subject of a gun violence restraining order. Requires the law enforcement officer executing a search warrant issued upon that ground to take custody of any firearm or ammunition in the restrained person's custody and control or possession, owned by the restrained person, or discovered under a consensual or other lawful search; and provides rules for executing the search warrant when the location to be searched is jointly occupied by the restrained person and one or more other persons. (PEN 1524, 1542.5, 18100, 18250; W&I 8105)

APPENDIX C

SB 940 (JACKSON), CH. 553
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2015
CALIFORNIA CONSERVATORSHIP JURISDICTION ACT

Enacts the California Conservatorship Jurisdiction Act (CCJA), which is a modified version of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. Establishes, effective January 1, 2016, provisions for interstate jurisdiction, transfer, and recognition of conservatorships. Among other things:

1. Provides general provisions for interstate jurisdiction, transfer, and recognition of conservatorships under the CCJA. Defines states broadly to include United States territories, as well as federally recognized tribes. Provides that a California court may treat a foreign country as if it were a state for the purpose of applying the general, jurisdictional, and transfer provisions of the CCJA.
2. Provides that the CCJA does not apply to a proceeding involving a minor; a person subjected to involuntary mental health treatment, such as a person conserved under the Lanterman-Petris-Short Act; and an adult with a developmental disability. Also provides specified, express limitations on the application of the CCJA to a conservatee with dementia.
3. Provides that a California court has jurisdiction to appoint a conservator for a proposed conservatee if:
    a. California is the proposed conservatee's home state, as defined;
    b. On the date the petition is filed, California is a significant-connection state, as defined, and the respondent does not have a home state;
    c. On the date the petition is filed, California is a significant-connection state and a court of the proposed conservatee's home state has expressly declined to exercise jurisdiction because California is a more appropriate forum;
    d. On the date the petition is filed, California is a significant-connection state, the proposed conservatee has a home state, and a conservatorship petition is not pending in a court of the home state or another significant-connection state; and before the court makes the appointment, no conservatorship petition is filed in the proposed conservatee's home state, no objection to the court's jurisdiction is filed by a person required to be notified of the proceeding, and the California court concludes that it is an appropriate forum under the specified factors; or
    e. California does not otherwise have jurisdiction, as specified; the proposed conservatee's home state and all significant-connection states have expressly declined to exercise jurisdiction because California is the more appropriate forum; and jurisdiction in California is consistent with the U.S. and California constitutions.
4. Provides that a California court that otherwise lacks jurisdiction has special jurisdiction to do any of the following:
    a. Appoint a temporary conservator of the person in an emergency, as defined, for a proposed conservatee who is physically present in California, as specified;
    b. Appoint a conservator of the estate with respect to property located in California; and
    c. Appoint a conservator for a proposed conservatee for whom a provisional order to transfer a proceeding from another state has been issued.
5. Provides that a California court with jurisdiction to appoint a conservator may decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum.
6. Authorizes a California court to communicate with a court in another state concerning a proceeding arising under the CCJA, and authorizes the court to allow parties to participate in that communication.
7. Requires a court investigator to promptly commence an investigation, as specified, and prepare a report following issuance of an order provision-

ally granting a petition to transfer a conservatee from another state to California. Requires a court, in a proceeding to transfer a conservatorship, to appoint legal counsel to represent the interests of a conservatee who is unable to retain legal counsel and requests appointment of counsel.

8. Provides that the first time that the need for a conservatorship is challenged by any interested person or raised on the court's own motion after a transfer, the court shall presume that there is no need for a conservatorship. Provides that the presumption is rebuttable and may be overcome by clear and convincing evidence.

9. Establishes provisions for the transfer of a California conservatorship to another state. Authorizes a conservator appointed in California to petition the court to transfer the conservatorship to another state. Requires the petitioner to give notice of a hearing on the transfer petition to the persons who would be entitled to notice of a conservatorship hearing in California.

10. Provides that if a conservatorship is transferred from California to another state under the CCJA, the foreign conservator may remove the conservatee's personal property from California without seeking a petition to have the conservatee's property removed to the other state.

11. Requires the court to issue an order provisionally granting the petition to transfer a conservatorship and to direct the conservator to petition for acceptance of the conservatorship in the other state, if the court is satisfied that the conservatorship will be accepted by the court in the other state and the court makes certain specific findings.

12. Provides that a petition for the appointment of a temporary conservator may be filed while a transfer petition is pending.

13. Requires the court to hold a hearing on a transfer petition and issue an order provisionally granting the petition unless the court determines that (a) transfer of the proceeding would be contrary to the interests of the conservatee; (b) under the law of the transferring state, the conservator is ineligible for appointment in California; (c) under California law, the conservator is ineligible for appointment in this state, and the transfer petition does not identify a replacement who is willing and eligible to serve in California; or (d) the CCJA does not otherwise apply to the conservatee.

14. Provides that if the court issues an order provisionally granting the transfer petition, the court investigator must promptly commence a specified investigation. Requires the court, not later than 60 days after issuance of an order provisionally granting the petition, to determine whether the conservatorship needs to be modified to conform to California law.

15. Provides that the denial by a California court of a petition to accept a conservatorship transferred from another state does not affect the ability of the conservator to otherwise seek appointment as conservator if the court has jurisdiction to make an appointment other than by reason of the provisional order of transfer.

16. Provides conservatorship registration requirements and recognition of conservatorship orders from other states. Specifies that when the conservatee resides in California, the out-of-state conservator is prohibited from exercising any powers under a CCJA registration. Requires that the out-of-state conservator must comply with California law. Provides further that the out-of-state conservator must provide notice of the registration to:
    a. The court supervising the conservatorship; and
    b. Every person entitled to notice of a petition for appointment of a conservatorship in California and in the state supervising the conservatorship, with specific notice about how the conservator's actions may be challenged.

17. Provides that a conservatorship order of a court of a California tribe can be registered regardless of whether the conservatee resides in California and that the effect of a registered conservatorship order of a court of a California tribe is not contingent on whether the conservatee resides in California.

18. Authorizes courts to charge $30 for the registration of a conservatorship established under the CCJA. Allows travel and other necessary and reasonable expenses incurred under the CCJA to be assessed against the parties according to California law.

Requires the Judicial Council, on or before January 1, 2016, to develop court rules and forms necessary for the implementation of the CCJA. (VARIOUS CODES)

APPENDIX D

2014 NEW AND EXPANDED CRIMES

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 467 (Stone), CH. 10 *Effective/Operative Date: Urgency, April 9, 2014* **Prescription drugs: collection and distribution program**	B&P 4046, 4169.5; H&S 150201, 150202, 150205, 150208	Requires a surplus medication collection and distribution intermediary to keep and maintain for three years complete records for which the intermediary facilitated the donation of medications to or transfer of medications between participating entities. Requires that a surplus medication collection and distribution intermediary license be renewed annually. Makes a violation of the provisions governing licensing and record keeping a crime.
AB 504 (Chesbro), CH. 444 *Effective/Operative Date: January 1, 2015* **Fish: sea cucumbers: transgenic fish**	F&G 1210, 8405.4, 15007	Prohibits hatchery production and stocking of transgenic species of salmonids in California waters. Makes it a misdemeanor to spawn, incubate, or cultivate any transgenic species of finfish belonging to the family Salmonidae anywhere in this state.
AB 988 (Jones), CH. 279 *Effective/Operative Date: January 1, 2015* **New Motor Vehicle Board: all-terrain vehicles: recreational off-highway vehicles**	VEH 111, 3001, 3003	Makes a person who acts as a dealer, among other things, of recreational off-highway vehicles and utility-terrain vehicles subject to these licensing provisions and the provisions governing the New Motor Vehicle Board. Also excludes a dealer who deals exclusively in all-terrain vehicles from appointment to the board as a new motor vehicle dealer.
AB 1439 (Salas), CH. 592 *Effective/Operative Date: January 1, 2015* **Unfair business practices: contests and sweepstakes**	B&P 17539.1	Makes it a misdemeanor for any person, when conducting a contest or sweepstakes, to use an electronic video monitor to simulate gambling or play gambling-themed games that offer the opportunity to win sweepstakes cash, cash-equivalent prizes, or other prizes of value.
AB 1506 (Perea), CH. 114 *Effective/Operative Date: January 1, 2015* **San Joaquin River Conservancy: adoption of regulations: violations: penalties**	PRC 32527.5	Makes a person who violates any of the posted regulations adopted by the San Joaquin River Conservancy governing lands owned or managed by the conservancy guilty of an infraction punishable by a maximum fine not exceeding $250.

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 AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 1511 (Gaines), CH. 449 ***Effective/Operative Date: January 1, 2015*** **Criminal history information: animal control officers**	PEN 11105.07, 13300	Allows an animal control officer, when necessary for performing his or her official duties, to provide a compelling reason to an appropriate criminal justice agency to obtain state summary criminal history information. Provides that a law enforcement officer or other person authorized by law to provide or receive information obtained from that database who knowingly furnishes the record or information to a person who is not authorized by law to receive that information is guilty of a misdemeanor.
AB 1523 (Atkins), CH. 205 ***Effective/Operative Date: January 1, 2015*** **Residential care facilities for the elderly: liability insurance**	H&S 1569.605	Makes it a misdemeanor on and after July 1, 2015, for a residential care facility for the elderly to willfully fail to maintain liability insurance covering injury to residents and guests in the amount of at least $1 million per occurrence and $3 million in the total annual aggregate, caused by the negligent acts or omissions to act of, or neglect by, the licensee or its employees.
AB 1597 (Committee on Agriculture), CH. 281 ***Effective/Operative Date: January 1, 2015*** **Food and agriculture**	F&A 9641.5, 42815	Deletes the 14-day exemption for any horse or other Equidae brought into the state from another state from the requirement that it be accompanied by certain health information, including certification that the horse is free from evidence of any communicable disease. A violation of those provisions is an infraction or a misdemeanor, as specified.
AB 1609 (Alejo), CH. 878 ***Effective/Operative Date: January 1, 2015*** **Firearms**	PEN 11106, 16520, 27585, 27590, 27600, 27875, 27920, 28230	Commencing January 1, 2015, prohibits a resident of California from importing into California, bringing into California, or transporting into California any firearm that he or she purchased or otherwise obtained on or after January 1, 2015, from outside of California unless he or she first has that firearm delivered to a dealer in California for delivery to that resident under the existing requirements regarding dealers. Creates several exemptions to this prohibition. Makes a violation of these provisions involving a firearm that is not a handgun a misdemeanor, and makes a violation involving a handgun a misdemeanor or a felony.

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 AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 1627 (Gomez), CH. 128 ***Effective/Operative Date: January 1, 2015*** **Vehicles: registration services: disclosure of service fees**	VEH 11406	Requires a registration service licensed by the Department of Motor Vehicles to act as a registration service—engaging in the business of soliciting or receiving any application for the registration, renewal of registration, or transfer of registration or ownership of any vehicle of a type subject to registration under the Vehicle Code, or of soliciting or receiving an application for specified motor carrier permits, or of transmitting or presenting any of those documents to engage in the activities described above—to provide a disclosure to each customer that certain services may be provided by the department without an additional fee, as specified. A violation of this provision is a misdemeanor.
AB 1649 (Waldron), CH. 379 ***Effective/Operative Date: January 1, 2015*** **Computer crimes**	PEN 502	Makes it a crime for a person to knowingly and without permission (a) disrupt or cause the disruption of government computer services or public safety infrastructure computer system computer services, as defined, or deny or cause the denial of government computer services or public safety infrastructure computer system computer services to an authorized user; (b) access and without permission add, alter, delete, or destroy any data, computer software, or computer programs that reside or exist internal or external to a public safety infrastructure computer system computer, computer system, or computer network; (c) provide or assist in providing a means of accessing a public safety infrastructure computer system computer, computer system, or computer network; or (d) introduce any computer contaminant into any public safety infrastructure computer system computer, computer system, or computer network.
AB 1680 (Wilk), CH. 232 ***Effective/Operative Date: January 1, 2015*** **Child Performer Services Permit**	LAB 1706	Requires any person with a valid child performer services permit to include the permit number on advertising in print or electronic media—including, but not limited to, Internet websites—or in any other medium of advertising. A violation of this provision is a crime.

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 AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 1732 (Stone), CH. 856 ***Effective/Operative Date: January 1, 2015*** **Vehicles: manufacturers, distributors, and dealers**	VEH 11713, 11713.1, 11713.16	Expands an existing crime of prohibiting licensees who are manufacturers, manufacturer branches, remanufacturers, remanufacturer branches, distributors, distributor branches, transporters, or dealers of vehicles from, among other things, failing to, within 48 hours, withdraw in writing an advertisement of a vehicle that has been sold or withdrawn from sale and advertising or representing a vehicle as a new vehicle if the vehicle is a used vehicle to also prohibit a licensee from advertising a vehicle's prior use or ownership history in an inaccurate manner.
AB 1735 (Hall), CH. 458 ***Effective/Operative Date: January 1, 2015*** **Nitrous oxide: dispensing and distributing**	PEN 381d, 381e	Makes it a misdemeanor for a dispenser or distributor of nitrous oxide to sell or distribute nitrous oxide if the dispenser knows or has reason to believe that the person obtaining the nitrous oxide will use it for intoxication and that person or another person dies or suffers great bodily injury as a result.
AB 1751 (Bloom), CH. 699 ***Effective/Operative Date: January 1, 2015*** **Continuing care retirement communities**	H&S 1771.8	Requires every continuing care retirement community provider to make available to the resident association or its governing body, or if neither exists, to a committee of residents, a financial statement of activities for that facility comparing actual costs to budgeted costs broken down by expense category, not less than quarterly rather than semiannually. Requires a written explanation of all significant budget variances, and requires a provider to make a copy of the annual report available on its Internet website. A violation of these provisions is a crime.
AB 1767 (Holden), CH. 536 ***Effective/Operative Date: January 1, 2015*** **Santa Monica Mountains Conservancy: property destruction: fines**	PRC 33211.6	Increases the criminal fine for dumping any refuse matter, except under a specified permit, on property owned or managed by the Santa Monica Natural Resources Conservancy and posted against that dumping, or to injure, deface, or destroy any property owned or managed by the conservancy, from $1,000 to not more than $1,500.
AB 1775 (Melendez), CH. 264 ***Effective/Operative Date: January 1, 2015*** **Child Abuse and Neglect Reporting Act: sexual abuse**	PEN 11165.1	Amends the Child Abuse and Neglect Reporting Act to provide that sexual exploitation also includes a person who knowingly downloads, streams, or accesses through any electronic or digital medium, a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct, thereby expanding the definition of a crime.

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 AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 1782 (Chesbro), CH. 332 ***Effective/Operative Date: January 1, 2015*** **Wires: unlawful removal**	PEN 591	Makes it a crime for any person to unlawfully and maliciously disconnect or cut a line of telegraph, telephone, or cable television, or any line used to conduct electricity, or any part thereof, or appurtenance or apparatus connected therewith. Specifies that a connected appurtenance or apparatus includes a backup deep-cycle battery or other power supply. Makes the crime punishable by imprisonment in a county jail not exceeding one year, a fine not exceeding $1,000, both that imprisonment and that fine, or imprisonment in a county jail for 16 months or two or three years and a fine not exceeding $10,000.
AB 1791 (Maienschein), CH. 710 ***Effective/Operative Date: January 1, 2015*** **Prostitution: minors**	PEN 647	Increases the penalty for the specified forms of disorderly conduct—including soliciting, agreeing to engage in, or engaging in any act of prostitution—by making that crime punishable by imprisonment in a county jail not exceeding one year, a fine not exceeding $2,000, or both that fine and imprisonment, if the person who was solicited by, agreed to engage in, or engaged in any act of prostitution with the person who committed that crime was a minor at the time of the offense.
AB 1819 (Hall), CH. 459 ***Effective/Operative Date: January 1, 2015*** **Family day care home: smoking prohibition**	H&S 1596.795; LAB 6404.5	Prohibits smoking in a family day care home at any time. A person who willfully or repeatedly violates a provision of the act is guilty of a misdemeanor.
AB 1825 (Nazarian), CH. 208 ***Effective/Operative Date: January 1, 2015*** **School districts: Los Angeles Unified School District: inspector general**	ED 35400	Extends to January 1, 2025, an existing provision of law that makes it a misdemeanor to make a false statement, under oath, to the Inspector General of the Los Angeles Unified School District.

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BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 1832 (Calderon, Ian), CH. 158 *Effective/Operative Date: January 1, 2015* **Ticket sellers: equitable ticket buying process: sale or use of circumventing software**	B&P 22505.5	Makes it a misdemeanor for a person to intentionally use or sell software to circumvent a security control or measure that is used to ensure an equitable ticket buying process.
AB 1871 (Dickinson), CH. 579 *Effective/Operative Date: January 1, 2015* **Agricultural products: direct marketing: certified farmers' markets**	F&A 890, 43100, 47000, 47000.5, 47001, 47002, 47004, 47004.1, 47010, 47011, 47012, 47020, 47021	Makes it a misdemeanor for any person or entity, or employee or agent of that person or entity, to make any statement, representation, or assertion relating to the sale or availability of agricultural products that is false, deceptive, or misleading, punishable by imprisonment in the county jail not exceeding six months, a fine not exceeding $2,500, or both the fine and imprisonment.
AB 1928 (Bocanegra), CH. 145 *Effective/Operative Date: January 1, 2015* **Alcoholic beverages: coupons: beer**	B&P 25600.3	Expands an existing crime by prohibiting a beer manufacturer or a beer wholesaler from offering, promoting, or redeeming coupons, and prohibits an alcoholic beverage retail licensee from accepting or redeeming any type of coupon that is funded, produced, or promoted by a beer manufacturer or beer wholesaler, as defined.
AB 1960 (Perea), CH. 730 *Effective/Operative Date: January 1, 2015* **State summary criminal history information: state hospitals**	W&I 4142	Requires the director of a state hospital or a clinician, as defined, to obtain the state summary criminal history information for a patient committed to the California Department of State Hospitals. Makes it a misdemeanor for this director or clinician to disclose the state summary criminal history information to an unauthorized person.
AB 1964 (Dickinson), CH. 147 *Effective/Operative Date: January 1, 2015* **Unsafe handguns: single-shot pistols**	PEN 32100	Expands the definition of a crime by amending an exemption to the safe handgun requirements for single-shot firearms to exempt only a single-shot pistol with a break top or bolt action and a barrel length of not less than six inches and that has an overall length of at least 10.5 inches when the handle, frame or receiver, and barrel are assembled.

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BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 2039 (Muratsuchi), CH. 893 ***Effective/Operative Date: January 1, 2015*** **Real property sales: auctions**	CIV 1812.610, 2079.23	Makes it a misdemeanor, with respect to an auction that includes the sale of real property, for a person to cause or allow any person to bid at a sale for the sole purpose of increasing the bid on any real property being sold by the auctioneer. Allows an auctioneer or another person to place a bid on the seller's behalf during an auction of real property if prior notice has been given that liberty for that bidding is reserved and the person placing that bid contemporaneously discloses to all auction participants that the particular bid has been placed on behalf of the seller.
AB 2044 (Rodriguez), CH. 701 ***Effective/Operative Date: January 1, 2015*** **Residential care facilities for the elderly**	H&S 1569.618, 1569.625	Amends the California Residential Care Facilities for the Elderly Act to require that residential care facilities for the elderly (RCFEs) (1) maintain at least one administrator, facility manager, or designated substitute who is at least 21 years of age and has adequate qualifications, as specified, to be on the premises 24 hours a day; (2) have at least one RCFE staff member with CPR (cardiopulmonary resuscitation) training and first aid training on duty and on the premises at all times; and (3) provide training for direct-care staff including building and fire safety and the appropriate response to emergencies. A violation of that act is a crime.
AB 2075 (Alejo), CH. 464 ***Effective/Operative Date: January 1, 2015*** **Crimes: importation or sale of endangered animals**	PEN 653o	Delays until January 1, 2020, the effective date of a provision of law making it a misdemeanor to import alligator or crocodile products or bodies with the intent to sell them.
AB 2122 (Bocanegra), CH. 857 ***Effective/Operative Date: January 1, 2015*** **Crimes: audiovisual work: recordings**	PEN 653w	Provides that in a case involving a person's failure to disclose the true name and address of the manufacturer and performer of a sound recording or audiovisual work, the determination of whether the matter involves at least 100 articles of a sound recording or audiovisual work shall apply to the "commercial equivalent" of such articles as defined in existing law and thereby expands the definition of a crime.
AB 2228 (Cooley), CH. 735 ***Effective/Operative Date: January 1, 2015*** **Crisis nurseries**	H&S 1502, 1516, 1526.8, 1596.792	Amends the California Community Care Facilities Act to make a number of changes relating to crisis nurseries. Expands the definition of an existing crime because a violation of that act is a crime.

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BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 2386 (Mullin), CH. 503 ***Effective/Operative Date: January 1, 2015*** **Care facilities: carbon monoxide detectors**	H&S 1503.2, 1568.043, 1569.311, 1596.954, 1597.45, 1597.46, 1597.543	Requires community care facilities; residential care facilities for the elderly; residential care facilities for persons with chronic, life-threatening illness; and day care centers and family day care homes to have one or more functioning carbon monoxide detectors that meet specified statutory requirements in the facility. A violation of this requirement is a misdemeanor.
AB 2424 (Campos), CH. 109 ***Effective/Operative Date: January 1, 2015*** **Prostitution**	PEN 266a	Increases the misdemeanor fine for a person who, within this state, takes any person against his or her will and without his or her consent, or with his or her consent procured by fraudulent inducement or misrepresentation, for the purpose of prostitution from $2,000 to $10,000.
AB 2488 (Levine), CH. 98 ***Effective/Operative Date: Urgency, July 8, 2014*** **Alcoholic beverages: certified farmers' market sales permit**	B&P 23399.4	Specifies that under the certified farmers' market sales permit, the licensee may sell only wine that is produced entirely from grapes or other agricultural products grown by the winegrower and bottled by the winegrower. Requires the certified farmers' market sales permit to authorize the licensee, a member of the licensee's family, or an employee of the licensee to conduct an instructional tasting event on the subject of wine at a certified farmers' market, subject to certain conditions, thereby expanding the definition of an existing crime.
AB 2536 (Mullin), CH. 343 ***Effective/Operative Date: January 1, 2015*** **Employees: emergency rescue personnel**	LAB 230.3	Expands the definition of emergency rescue personnel to include an officer, employee, or member of a disaster medical response team sponsored or requested by the state. Thereby making it a misdemeanor for any employer to willfully refuse to rehire, promote, or otherwise restore such an employee.
AB 2690 (Mullin), CH. 509 ***Effective/Operative Date: January 1, 2015*** **Driving under the influence**	VEH 23550.5	Changes the term "prior violations" to "separate violations" in a statute that authorizes enhanced penalties if the current offense occurred within 10 years of a prior conviction that was punished as a felony for specified driving-under-the-influence offenses, thereby changing the definition of a crime.
AB 2765 (Committee on Governmental Organization), CH. 430 ***Effective/Operative Date: January 1, 2015*** **Horse racing: marketing organizations**	B&P 19605.73, 19613.05	Extends to January 1, 2019, the operation of the law that authorizes thoroughbred racing associations and fairs, and the organization responsible for contracting with thoroughbred racing associations and fairs with respect to the conduct of racing meetings, to form a private, statewide marketing organization to market and promote thoroughbred and fair horse racing. A violation of that law is a crime.

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BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 35 (Pavley), CH. 745 ***Effective/Operative Date: January 1, 2015*** **Wiretapping: authorization**	PEN 629.98	Extends until January 1, 2020, the operation of provisions of law (1) establishing a procedure for a prosecutor to apply for, and a court to issue, an order authorizing law enforcement to intercept a wire or electronic communication; (2) requiring the Attorney General to prepare and submit an annual report to the Legislature, the Judicial Council, and the Director of the Administrative Office of the United States Courts regarding these interceptions; and (3) making a violation of these provisions punishable as a misdemeanor with specified penalties, or as a felony. Existing law further provides that these provisions shall remain in effect until January 1, 2015. This bill extends the operation of these provisions until January 1, 2020.
SB 199 (De León), CH. 915 ***Effective/Operative Date: January 1, 2016*** **BB devices**	PEN 16250, 16700	Beginning January 1, 2016, requires airsoft guns that expel projectiles that are six millimeters or eight millimeters to have fluorescent coloration over the entire trigger guard and a fluorescent adhesive band on the airsoft gun before sale to a customer.
SB 498 (Lara), CH. 746 ***Effective/Operative Date: January 1, 2015*** **Solid waste: biomass conversion**	PRC 40106, 44107	Requires the owner or operator of a biomass conversion facility to submit an annual report to the Department of Resources Recycling and Recovery, under the penalty of perjury, containing specified information for the preceding year.
SB 578 (Wyland), CH. 312 ***Effective/Operative Date: January 1, 2015*** **Behavioral sciences: records retention**	B&P 4980.49, 4989.51, 4993, 4999.75	Requires that, for a client or patient whose therapy is terminated on or after January 1, 2015, a marriage and family therapist, licensed educational psychologist, licensed clinical social worker, or licensed professional clinical counselor must retain the client's or patient's health service records for a minimum of seven years from the date therapy is terminated. Requires a minor client's or minor patient's health service records to be retained for a minimum of seven years from the date the client or patient reaches 18 years of age. A violation of these requirements is a crime.

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BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 777 (Hernandez), CH. 6 ***Effective/Operative Date: Urgency, March 28, 2014*** **Horse racing: workers' compensation**	B&P 19605.75–19605.78	Requires a thoroughbred racing association and fair that conducts a racing meeting to deduct a percentage of the total amount handled in exotic pari-mutuel pools of thoroughbred racing, to be distributed to a specified organization for the purpose of defraying the costs of workers' compensation insurance in connection with thoroughbred horse racing. Authorizes similar deductions from the total amount handled for races for quarter horses and other breeds, and for harness races, to be distributed to specified organizations for defraying workers' compensation insurance costs for trainers and owners in connection with those races. A violation of these provisions is a misdemeanor.
SB 785 (Wolk), CH. 931 ***Effective/Operative Date: January 1, 2015*** **Design-build**	(VARIOUS CODES)	Expands the scope of crime of perjury by requiring corporations and other entities to submit, under penalty of perjury, certain information to the Department of General Services to be prequalified for design-build construction of state public work projects.
SB 838 (Beall), CH. 919 ***Effective/Operative Date: January 1, 2015*** **Juveniles: sex offenses**	W&I 676, 730, 790	Requires additional penalties if a person convicted of specified sex offenses, with the intent to intimidate, harass, humiliate, or bully the victim, uses social media, including, but not limited to, posting photographs online or sharing cellular telephone photographs of the incident that resulted in the conviction, or posting messages online or sharing cellular telephone messages pertaining to the incident that resulted in the conviction.
SB 930 (Berryhill), CH. 481 ***Effective/Operative Date: Urgency, September 19, 2014*** **Arson**	PEN 451.5	Reenacts, until January 1, 2019, the operation of the law making a person guilty of aggravated arson if the fire caused property damage and other losses in excess of $6.5 million, and increases the requisite amount of property damage and other losses to $7 million, thereby expanding the scope of a crime.
SB 952 (Torres), CH. 483 ***Effective/Operative Date: January 1, 2015*** **Prohibited financial interests: aiding and abetting**	GOV 1090, 1093, 1097	Makes it a crime for an individual to aid and abet a member of the Legislature or a state, county, district, judicial district, or city officer or employee in either of the following crimes: (a) being financially interested in a contract made by the member, officer, or employee in his or her official capacity, or by anybody or board of which the member, officer, or employee is a member; or (b) being purchasers at any sale or vendors at any purchase made by the member or officer in his or her official capacity. Prohibits an individual from aiding or abetting a treasurer, controller, city or county officer, or their deputy or clerk in purchasing or selling, or in any manner receiving for their own or any other person's use or benefit, any state, county, or city warrants, scrip, orders, demands, claims, or other evidences of indebtedness against the state, or any county or city thereof.

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BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 1074 (Knight), CH. 221 *Effective/Operative Date: January 1, 2015* **State government: state funds**	GOV 16305.2	Makes it a misdemeanor for a state employee to knowingly transfer or use state money outside of the State Treasury System.
SB 1153 (Leno), CH. 706 *Effective/Operative Date: January 1, 2015* **Residential care facilities for the elderly**	H&S 1569.545	Authorizes the State Department of Social Services to issue a suspension order prohibiting a residential care facility for the elderly from admitting new residents if the facility has failed to pay a fine assessed by the department or if the department finds that the facility has violated applicable laws or regulations, and the violation presents a direct or immediate risk to the health, safety, or personal rights of a resident or residents of the facility and is not corrected immediately, thereby expanding the scope of a crime.
SB 1236 (Monning), CH. 253 *Effective/Operative Date: January 1, 2015* **Transit districts: transit offenses and enforcement**	PEN 830.14; PUC 99170	Prohibits a person from (a) knowingly giving false information to a local transit district employee, or contracted security officer, engaged in the enforcement of a district ordinance or a state law, or otherwise obstructing the issuance of a citation for the violation of a district ordinance or a state law; or (b) violating any of the conditions established by a transit district ordinance under which a passenger may board a transit vehicle with a bicycle and where that bicycle may be stowed on the transit vehicle. A violation of this provision is an infraction.
SB 1255 (Cannella), CH. 863 *Effective/Operative Date: January 1, 2015* **Disorderly conduct: unlawful distribution of image**	PEN 647	Provides that a person who intentionally distributes an image, as described, of the intimate body part or parts, as defined, of another identifiable person, or an image of the person depicted engaging in specified sexual acts, under circumstances in which the persons agree or understand that the image remain private, the person distributing the image knows or should know that distribution of the image will cause serious emotional distress, and the person depicted suffers that distress, is guilty of disorderly conduct.
SB 1283 (Galgiani), CH. 372 *Effective/Operative Date: January 1, 2015* **Controlled substances**	H&S 11357.5, 11375.5	Makes the use or possession of specified synthetic stimulant compounds or synthetic stimulant derivatives, or any synthetic cannabinoid compound or any synthetic cannabinoid derivative, an infraction, punishable by a fine not exceeding $250.

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BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 1300 (Hancock), CH. 519 ***Effective/Operative Date: January 1, 2015*** **Refineries: turnarounds**	LAB 7872, 7873	Provides that an officer or employee of the Division of Occupational Safety and Health who knowingly and willingly discloses trade secret information is guilty of a misdemeanor.
SB 1311 (Hill), CH. 843 ***Effective/Operative Date: January 1, 2015*** **Hospitals: antimicrobial stewardship**	H&S 1288.85	Requires all general acute care hospitals, as defined, to adopt and implement, by July 1, 2015, an antimicrobial stewardship policy in accordance with guidelines established by the federal government and professional organizations and that includes a process to evaluate the judicious use of antibiotics, as specified. A violation of this provision is a crime.
SB 1332 (Wolk), CH. 257 ***Effective/Operative Date: January 1, 2015*** **Pesticides: carbon monoxide pest control devices**	F&A 12999.5, 14160	Authorizes the Director of Pesticide Regulation to regulate the use of carbon monoxide pest control devices, as defined, and to adopt and enforce regulations to provide for the proper, safe, and efficient use of these devices, as specified. A violation of those provisions is a misdemeanor.
SB 1388 (Lieu), CH. 714 ***Effective/Operative Date: January 1, 2015*** **Human trafficking**	PEN 266k, 647	Provides that if a crime of solicitation or prostitution is committed and the person who was solicited was a minor at the time of the offense, and if the defendant knew or should have known that the person who was solicited was a minor at the time of the offense, the violation is punishable by imprisonment in a county jail for not less than two days, except as specified, and not more than one year, or by a fine not exceeding $10,000, or by both that fine and imprisonment.
SB 1430 (Hill), CH. 323 ***Effective/Operative Date: Urgency, September 15, 2014*** **Malicious mischief: airport property: transportation services**	PEN 602.4	Provides that a person who offers for sale transportation services to the airport property to members of the public without written consent of the governing board of the airport property is guilty of a misdemeanor.

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