JUDICIAL COUNCIL OF CALIFORNIA

Summary of Court-Related Legislation

JUDICIAL COUNCIL OF CALIFORNIA • GOVERNMENTAL AFFAIRS

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During the first year of the 2015–2016 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.

2 Budget
2 Civil
7 Court Interpreters
7 Criminal Law And Procedure
11 Domestic Violence
12 Employee/Employer Issues
13 Family Law
14 Judges/Judicial Officers
14 Judicial Council–Sponsored Legislation
14 Juries
15 Juvenile Delinquency
16 Juvenile Dependency
17 Miscellaneous
17 Probate and Mental Health
19 Protective Orders
19 State Bar/Practice Of Law
20 Traffic
22 Appendix A: Civil Legislation
28 Appendix B: Employee/Employer Issues
30 Appendix C: 2015 New And Expanded Crimes Table
40 Index

BUDGET

SB 85 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 26

EFFECTIVE/OPERATIVE DATE: JUNE 24, 2015

PUBLIC SAFETY

Addresses several judicial branch revenue-related topics, including the Recidivism Reduction Fund grant, extension of sunset dates for several recently enacted fee increases, impact of new state Native American Day, and the amnesty program.

RECIDIVISM REDUCTION FUND GRANTS

Reauthorizes a competitive grant program to fund community recidivism and crime reduction services, including, but not limited to, delinquency prevention, homelessness prevention, and reentry services. Extends the date by which funds not encumbered by a community recidivism and crime reduction service provider revert to the state General Fund from one year after allocation of grant funds to no later than June 30, 2016. Abolishes the Recidivism Reduction Fund once all funds are encumbered.

FEE EXTENSIONS

Extends the following judicial branch fees and limitations until July 1, 2018:

- **$40** fee for filing first papers in civil proceedings as specified (Gov. Code, § 70602.6)
- **$1,000** fee to be paid on behalf of all plaintiffs, and by each defendant, intervenor, respondent, or adverse party to a civil action designated or determined to be a complex case, and limits to $18,000 the total amount of complex fees collected from all defendants, intervenors, respondents, or other adverse parties appearing in a complex case (Gov. Code, § 70616)
- **$60** fee for filing any specified motion, application, order to show cause, or other paper requiring a hearing subsequent to the first paper filed (Gov. Code, §§ 70617, 70657, 70677.)

NATIVE AMERICAN DAY

Excludes Native American Day from official judicial holidays.

AMNESTY

Establishes an 18-month traffic and nontraffic infraction violation program that discounts delinquent court-ordered debt, and restores suspended driver's licenses for qualified participants. Commences October 1, 2015, and continues through March 31, 2017. Provides discounts of 50 percent or 80 percent to qualifying debtors, depending on eligibility. Authorizes courts, counties, and third-party vendors responsible for collection of court-ordered debt to oversee county amnesty programs. (Various Codes)

CIVIL

AB 15 (HOLDEN), CH. 474

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016

LIMITATION OF ACTIONS: HUMAN RIGHTS ABUSES

Extends the existing statute of limitations for victims of human trafficking to bring a civil action from 5 years to 7 years and, in the case of minors, from 8 years to 10 years after the plaintiff attains the age of majority. Creates a 10-year statute of limitations to bring (1) an action for assault, battery, or both, where the conduct constituting the assault or battery would also constitute specified acts of torture, genocide, a war crime, attempted extrajudicial killing, or crimes against humanity; (2) an action for wrongful death, where the death arises out of conduct constituting any of the acts described above, or where the death would constitute an extrajudicial killing under the federal Torture Victim Protection Act of 1991; (3) an action for specified takings of property in violation of international law; and (4) an action seeking benefits under an insurance policy, where the insurance claim arises out of any of the conduct described above. (CIV 52.5; CCP 354.8)

AB 432 (CHANG), CH. 32

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016

CIVIL PROCEDURE: ELECTRONIC SIGNATURES

Provides that an electronic signature by a court or judicial officer is effective as an original signature. Defines "electronic signature" for the purposes of the Code of Civil Procedure to mean an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record. (CCP 17, 34)

AB 538 (CAMPOS), CH. 465
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
ACTIONS FOR DAMAGES: FELONY OFFENSES: VICTIM NOTIFICATION

Allows victims of specified felonies to be notified that the person who committed the felony has entered into a contract for the sale of the story of the crime. Among other things, provides that no civil action for damages may be filed against a person who was unlawfully imprisoned or restrained but has been released from prison after successfully prosecuting a writ of habeas corpus (i.e., falsely convicted and later released). Provides that any person or entity that enters into a financial contract with a criminal offender for the sale of the story of a crime for which the offender was convicted shall notify the California Department of Corrections and Rehabilitation (CDCR) that the parties have entered into such a contract if specified conditions are met. Requires CDCR to notify the victim or, if the victim cannot be reasonably notified, a member of the victim's immediate family, as defined, that it has received notification that a contract has been entered into for the sale of the offender's story, if such notification has previously been requested of CDCR. (CCP 340.3; PEN 5065.5)

AB 555 (ALEJO), CH. 330
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
CIVIL ACTIONS

Makes minor changes to the existing voluntary Expedited Jury Trial (EJT) scheme and adds new provisions mandating the use of EJTs in limited civil cases, as specified. Among other things, modifies existing procedures governing EJTs to provide that each party has up to five hours to complete voir dire and present its case. Requires the Judicial Council to update rules and forms relating to the voluntary EJT procedures by July 1, 2016, and deletes the January 1, 2016, repeal date, thereby extending the operation of the voluntary EJT provisions indefinitely. Provides generally that limited civil cases shall be conducted as expedited jury trials, and allows either party to opt out of these mandatory EJT procedures if specified criteria are met. Specifies that a judgment in a limited civil case conducted as an EJT may be appealed to the appellate division of the superior court in which the case was tried. Delays the operation of the new mandatory EJT provisions until July 1, 2016, and imposes a three-year sunset on these provisions. (Various Codes)

See Appendix A for a full description of the bill.

AB 560 (GOMEZ), CH. 151
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
CIVIL ACTIONS: IMMIGRATION STATUS

Provides that in actions involving a minor child seeking recovery under any applicable law, the child's immigration status is irrelevant. Provides that discovery or any similar inquiry in a civil action or proceeding relating to a minor child's immigration status is impermissible, except where the minor child's claims have placed his or her immigration status directly in contention, or the person seeking such discovery shows by clear and convincing evidence that the inquiry is necessary to comply with federal immigration law. Provides that the express application of this act is not intended to imply that adults are not likewise protected by existing law in the same circumstances. (CIV 3339.5)

AB 593 (LEVINE), CH. 55
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
HEARSAY: ADMISSIBILITY OF STATEMENTS

Repeals the January 1, 2016, sunset date of the "forfeiture by wrongdoing" hearsay exception, thereby extending its application indefinitely. (EVID 1390)

AB 689 (DODD), CH. 302
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
MARKETING OF EGGS: VIOLATIONS: ADMINISTRATIVE AND CIVIL PENALTIES

Among other things, authorizes the California Department of Food and Agriculture and county agricultural commissioners, in lieu of prosecution, to levy specified administrative penalties against egg producers for violations of shell egg marketing laws. Provides a process for converting such a penalty into a judgment, which shall be entered immediately by the clerk of the court in conformity with the decision. Specifies that, under section 6103 of the Government Code, no fees shall be charged by the clerk of the superior court for the performance of any official service required in connection with the entry of judgment under the bill's provisions. (F&A 27561.5, 27581.1, 27581.4, 27583, 27583.2, 27583.4, 27584, 27585)

AB 830 (EGGMAN), CH. 202
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
CIVIL ACTIONS: GENDER VIOLENCE

Amends the definition of "gender" in Civil Code section 52.4 to conform to the definition of that term in the Unruh Civil Rights Act, and provides a new civil action for an act of violence that is committed at least in part based on the sexual orientation of the victim. (CIV 52.4, 52.45)

AB 1039 (COMMITTEE ON AGRICULTURE), CH. 227
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
FERTILIZING MATERIALS: VIOLATIONS: ADMINISTRATIVE PENALTY: FILING OF FINAL JUDGMENT

Among other things, authorizes the California Department of Food and Agriculture to levy an administrative penalty against a person in violation of specified provisions relating to fertilizer. Provides a process for converting such a penalty into a judgment, which shall be entered immediately by the clerk of the court in conformity with the decision. Specifies that no fees shall be charged by the clerk of the superior court for performance of any official service required in connection with the entry of judgment and the satisfaction of the judgment under the bill's provisions. (F&A 14651.5)

AB 1141 (CHAU), CH. 345
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
CIVIL ACTIONS

Reinstates the provisions in Code of Civil Procedure (CCP) section 437c that allowed a party to file a motion for partial summary adjudication. Amends CCP section 998, the statute that governs settlement offers and costs, by providing that both plaintiffs and defendants alike could be ordered to pay the "post-offer" costs of the other party as a consequence of rejecting a section 998 settlement offer and failing to ultimately obtain a more favorable award. (CCP 437c, 998)

AB 1267 (BLOOM), CH. 208
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
LAWSUITS, LIENS, AND OTHER ENCUMBRANCES

Prohibits a person from filing or recording a lawsuit, lien, or other encumbrance against any person or entity, knowing that it is false, with the intent to harass the person or entity or, in the case of a public officer or employee, to influence or hinder the person in discharging his or her official duties. Authorizes a court to issue a civil penalty not to exceed $5,000 for violating the prohibition, and allows any person or entity subject to a lien or other encumbrance filed or recorded in violation of the prohibition to petition the superior court for an order directing the claimant to show cause why the lien or other encumbrance should not be stricken and other relief should not be granted. (CCP 765.010, 765.030, 765.040, 765.060; GOV 6223)

AB 1390 (ALEJO), CH. 672
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
GROUNDWATER: COMPREHENSIVE ADJUDICATION

Establishes new procedures for comprehensive adjudication actions filed in superior court to determine the rights to extract groundwater from a basin. Among other things, requires certain defendants to be named in an adjudication action. Requires the complaint to be served and published in a specified manner, and authorizes specified entities to intervene in an action. Provides a draft notice and form answer that substitute for the summons otherwise required in civil actions. Limits the ability of the parties to disqualify judges. Requires parties to make specified initial disclosures, including certain information about expert witnesses. Authorizes the appointment of a special master to report on specified legal and factual issues. Authorizes the stay of an adjudication for up to one year, subject to renewal, to allow the parties to develop a groundwater sustainability plan. Authorizes the court to determine if a final judgment is consistent with the sustainability goal of the Sustainable Groundwater Management Act. (Various Codes)

See Appendix A for a full description of the bill.

AB 1521 (COMMITTEE ON JUDICIARY), CH. 755
EFFECTIVE/OPERATIVE DATE: URGENCY, OCTOBER 10, 2015
DISABILITY ACCESS: CONSTRUCTION-RELATED ACCESSIBILITY CLAIMS

Makes various changes to the law as it pertains to construction-related accessibility claims. Among other things, imposes new procedural requirements on high-frequency litigants (HFLs), as defined, including special pleading requirements. Requires HFLs to pay a new $1,000 supplemental fee, in addition to the first paper filing fee, if certain criteria are met. Requires the Judicial Council, on or before July 1, 2016, to update a statutory advisory form and develop a new verified answer form that includes specified information that a defendant may use to respond to a complaint alleging a construction-related accessibility violation. Allows a defendant business that has been served with a complaint by a high-frequency litigant to request a court stay and early evaluation conference. Provides that, upon a defendant's request, the court shall order the parties and their counsel, within a specified time period, to meet at the subject premises to jointly inspect the premises and review any issues that are claimed to constitute a violation of a construction-related accessibility standard. Authorizes the court to excuse from participating in a site visit, as specified, a plaintiff who is unable, for good cause, to meet in person at the subject premises. (Various Codes)

See Appendix A for a full description of the bill.

SB 226 (PAVLEY), CH. 676
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
SUSTAINABLE GROUNDWATER MANAGEMENT ACT: GROUNDWATER ADJUDICATION

Establishes, as a companion measure to AB 1390 (summarized above), additional measures governing the groundwater adjudication process for groundwater basins that are subject to the Sustainable Groundwater Management Act (SGMA). Among other things, requires the court, in an adjudication of a basin required to have a plan under SGMA, to manage the proceeding in a manner that minimizes interference with the timely completion and implementation of a groundwater sustainability plan, avoids redundancy and unnecessary costs in the development of technical information and a physical solution, and is consistent with the attainment of sustainable groundwater management with the time frames established by SGMA. (CCP 837.5; WAT 10720.1, 10720.5, 10722.2, 10737)

See Appendix A for a full description of the bill.

SB 244 (VIDAK), CH. 176
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
MOBILE HOMES: INJUNCTIONS

Eliminates the January 1, 2016, sunset date on the existing law authorizing the management of a mobile home park to enjoin violations of park rules by seeking an injunction, rather than filing an unlawful detainer, thus making this authority permanent. (CIV 798.88; CCP 85)

SB 363 (MORRELL), CH. 80
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
ATTORNEY'S FEES: BOOK ACCOUNTS

Increases attorney's fees awardable in a contract action based on a book account. Provides specifically that in any action on a contract based on a book account that does not provide for attorney's fees and costs, the prevailing party on the contract is entitled to reasonable attorney's fees and costs, and the court is required to fix the attorney's fees in an amount that does not exceed the lesser of $960 or 25 percent of the principal obligation owing under the contract, where the contract involves a consumer purpose, and $1200 or 25 percent of the principal obligation owing under the contract, where the contract involves a business purpose. (CIV 1717.5)

SB 383 (WIECKOWSKI), CH. 418
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
CIVIL ACTIONS: OBJECTIONS TO PLEADINGS

Establishes new requirements for filing, amending, and resolving demurrers. Among other things, provides that before filing a demurrer, the demurring party shall meet and confer in person or by telephone with the party who filed the pleading that is subject to demurrer to determine whether an agreement can be reached that would resolve the objections raised in the demurrer. (CCP 430.41, 472, 472a)

See Appendix A for a full description of the bill.

SB 501 (WIECKOWSKI), CH. 800
EFFECTIVE/OPERATIVE DATE: JULY 1, 2016
WAGE GARNISHMENT RESTRICTIONS

Revises the formula for calculating the maximum amount of a person's weekly wage earnings that can be garnished to satisfy a judgment debt. Specifically, (1) reduces the maximum amount of disposable earnings that are subject to wage garnishment to the lesser of (a) 25 percent of the individual's disposable earnings for that week or (b) 40 percent of the amount by which the individual's disposable earnings for that week exceed 40 times the state minimum hourly wage, or applicable local minimum hourly wage, as specified; (2) provides that if a judgment debtor works in a location where the local minimum hourly wage is greater than the state minimum hourly wage, the local minimum hourly wage in effect at the time the earnings are payable shall be used for the above calculation; (3) bases the maximum amount of disposable earnings subject to levy on the applicable local hourly minimum wage, rather than the state hourly minimum wage, for any pay period other than weekly; and (4) provides that implementation of these provisions shall not become operative until July 1, 2016. (CCP 706.050)

SB 641 (WIECKOWSKI), CH. 804
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
DEBT BUYING: DEFAULT JUDGMENT

Adds new provisions to the California Fair Debt Buying Practices Act. Among other things, provides that if service of a summons has not resulted in actual notice to an alleged debtor in time to defend an action brought by a debt buyer and a default or default judgment has been entered against the alleged debtor in the action, the alleged debtor may serve and file a notice of motion and motion to set aside the default or default judgment and for leave to defend the action. Requires the notice of motion to be served and filed within a reasonable time, but in no event exceeding the earlier of six years after entry of the default or default judgment against the debtor or 180 days of the first actual notice of the action. Provides, notwithstanding the above, that in the case of identity theft or mistaken identity, the notice of motion shall be served and filed within a reasonable time, but in no event exceeding 180 days of the first actual notice of the action. Provides that in the case of a debtor claiming the disputed debt arose from identity theft, the person alleging that he or she is a victim of identity theft shall provide the court with either a copy of a Federal Trade Commission Identity Theft Victim's Complaint and Affidavit or a copy of a police report filed by the person alleging he or she is a victim of identity theft. States that in the case of mistaken identity regarding a person who owes a debt, the moving party shall provide relevant information or documentation to support the claim that he or she is not the party named in the judgment or is not the person who incurred or owes the debt. Provides that either party to the action may introduce evidence in support of its motion or opposition, including evidence relating to the process server who appears on the proof of service of summons and complaint. Requires the notice of motion to set aside a default or default judgment and for leave to defend the action to designate as the time for making the motion a date prescribed by Code of Civil Procedure section 1005, and requires the notice of motion to be accompanied by an affidavit showing under oath that the alleged debtor's lack of actual notice in time to defend the action was not caused by his or her avoidance of service or inexcusable neglect. Requires the alleged debtor to serve and file with the notice a copy of the answer, motion, or other pleading proposed to be filed in the action. Provides that, on a finding by the court that the motion was made within the permissible time period and that the alleged debtor's lack of actual notice in time to defend the action was not caused by his or her avoidance of service or inexcusable neglect, the court may set aside the default or default judgment on just terms and allow the party to defend the action. Allows the court to select an appropriate remedy other than setting aside the default or default judgment in cases where the validity of the judgment is not challenged. Specifies that the bill's provisions apply to a default or default judgment entered on or after January 1, 2010, except in the case of identity theft, mistaken identity, or other instances in which the alleged debtor is not legally responsible for the debt, in which case these provisions shall apply regardless of the date of the default judgment. Clarifies that nothing in this bill shall limit the equitable authority of the court or other available remedies under law. (CIV 1788.61)

COURT INTERPRETERS

AB 1002 (WILK), CH. 90
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
CIVIL ACTIONS: INTERPRETER COSTS

Adds the fees of a certified or registered interpreter for the deposition of a party or witness who does not proficiently speak or understand the English language to the list of fees recoverable by a prevailing party. (CCP 1033.5)

CRIMINAL LAW AND PROCEDURE

AB 39 (MEDINA), CH. 193
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
SEARCH WARRANTS: ELECTRONIC SUBMISSION

Requires an affiant to first sign his or her affidavit in support of the application for the search warrant and then transmit the proposed search warrant and all supporting affidavits and documents to the magistrate. Provides that the completed search warrant—as signed by the magistrate and transmitted via facsimile transmission, electronic mail, or computer server and received by the affiant—shall be deemed to be the original warrant. (PEN 1526)

AB 231 (EGGMAN), CH. 498
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
PAROLE: PLACEMENT AT RELEASE

Requires that an inmate who is released on postrelease community supervision for a stalking offense not be returned to a location within 35 miles of the victim's actual residence or place of employment, if specified criteria are satisfied. (PEN 3003)

AB 539 (LEVINE), CH. 118
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
SEARCH WARRANTS

Authorizes law enforcement to obtain a search warrant to test the blood of a person suspected of operating a marine vessel while under the influence of drugs and/or alcohol in response to the U.S. Supreme Court's ruling in *Missouri v. McNeeley* ((2013) 133 S.Ct. 1552) that a search warrant is generally required to conduct a blood test of an individual suspected of driving under the influence. (PEN 1524)

AB 673 (SANTIAGO), CH. 251
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
PROBATION AND MANDATORY SUPERVISION: JURISDICTION

Requires the receiving court to accept full jurisdiction over a case at the time of transfer when a defendant's case has been transferred from the county of conviction to the superior court in another county for probation or mandatory supervision. Requires the defendant to continue to pay outstanding restitution, fines, fees, and other costs to the collection program in the county from which the case was transferred. Authorizes the receiving court, with the approval of the court that transferred the case, to collect payments from the defendant. (PEN 1203.9)

AB 929 (CHAU), CH. 204
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
PEN REGISTERS: AUTHORIZED USE

Authorizes state and local law enforcement to use pen register and trap and trace devices under state law, and permits the issuance of emergency pen registers and trap and trace devices. (PEN 638.50, 638.51, 638.53)

AB 950 (MELENDEZ), CH. 205
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
FIREARMS: GUN VIOLENCE RESTRAINING ORDERS

Allows a person who is subject to a gun violence restraining order to transfer his or her firearms or ammunition to a licensed firearms dealer for the duration of the prohibition. (PEN 18120, 29830, 33880)

AB 1104 (RODRIGUEZ), CH. 124
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
SEARCH WARRANTS

Authorizes the issuance of a search warrant when the property or things to be seized are controlled substances or any device, contrivance, instrument, or paraphernalia used for unlawfully using or administering a controlled substance. (PEN 1524)

AB 1140 (BONTA), CH. 569
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
CRIME VICTIMS

Revises various rules governing the California Victim Compensation Program, including permitting a crime victim to testify at a restitution hearing or a modification hearing by live, two-way audio and video transmission, if it is available at the court. (PEN 1202.4)

AB 1156 (BROWN), CH. 378
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
IMPRISONMENT IN COUNTY JAIL

Makes numerous clarifying changes to statutes governing criminal justice realignment, including, among others, that (1) in any case where the preimprisonment credit of a person sentenced to the county jail under the 2011 Criminal Justice Realignment Act exceeds any sentence imposed, the entire sentence shall be deemed to have been served, except for the remaining portion of mandatory supervision, and the defendant shall not be delivered to the custody of the county correctional administrator; (2) when a defendant is sentenced to the county jail under the 2011 Criminal Justice Realignment Act, the court may, within 120 days of the date of commitment, on its own motion or on the recommendation of the county correctional administrator, recall the sentence previously ordered and resentence the defendant in the same manner as if he or she had not previously been sentenced, provided the new sentence, if any, is no greater than the original sentence; (3) the Judicial Council adopt rules providing criteria regarding a court's decision related to the imposition of the lower, middle, or upper term; and (4) a person is not subject to prosecution for a nonfelony offense arising out of a California Vehicle Code violation, with the exception of driving under the influence pending against him or her at the time of his or her commitment to a county jail under the 2011 Criminal Justice Realignment Act. (PEN 1170, 1170.3, 4852.01, 4852.03, 4852.04, 4852.06, 4852.1, 4852.21; VEH 41500)

AB 1310 (GATTO), CH. 643
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
DISORDERLY CONDUCT: UNLAWFUL DISTRIBUTION OF IMAGE

Provides that jurisdiction for trial of the crime of distribution of a sexual image in violation of an agreement that the image shall remain private includes the county in which the offense occurred, the county in which the victim resided at the time of the offense, or the county in which the intimate image was used for an illegal purpose; provides that where the same defendant or defendants commit cybersexual exploitation crimes in more than one county, and the crimes are part of a scheme or involve substantially similar acts, the charges can be tried in a single county; provides that a search warrant for electronic communications and records can include communications between a service provider and a customer, as specified; and specifies procedures, standards, and limitations for obtaining and serving search warrants for electronic communications and computer service information. (PEN 786, 1524.3)

AB 1328 (WEBER), CH. 467
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
CRIMINAL PROCEDURE: WITHHOLDING OF EVIDENCE

Provides that—upon receiving information—if a prosecuting attorney may have deliberately and intentionally withheld relevant or material exculpatory evidence or information in violation of law, a court may make a finding supported by clear and convincing evidence that a violation has occurred. If the court finds such a violation, requires the court to inform the State Bar of California if the prosecuting attorney acted in bad faith and the impact of the withholding contributed to a guilty verdict or guilty or nolo contendere plea or, if identified before conclusion of trial, seriously limited the ability of a defendant to present a defense. Authorizes the court to hold a hearing to consider whether such a violation occurred. Makes conforming changes to existing provisions of law requiring a court to report certain conduct by attorneys to the State Bar. Provides that if a court finds that a violation occurred in bad faith, the court may disqualify an individual prosecuting attorney from a case. Provides that upon a determination by a court to disqualify an individual attorney, the defendant or his or her counsel may file and serve a notice under Penal Code section 1424 to disqualify the prosecut-

ing attorney's office if there is sufficient evidence that other employees of the prosecuting attorney's office acting in bad faith knowingly participated in or sanctioned the intentional withholding of the relevant, material, exculpatory evidence or information and that withholding is part of a pattern and practice of violations. Provides that these provisions do not limit the authority or discretion of the court or other individuals to make reports to the State Bar of California regarding the same conduct, or otherwise limit other available legal authority, remedies, or actions. (B&P 6086.7; PEN 1424.5)

AB 1343 (THURMOND), CH. 705
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
CRIMINAL PROCEDURE: DEFENSE COUNSEL

Requires defense counsel to provide accurate and affirmative advice about the immigration consequences of a proposed disposition, and when consistent with the goals and informed consent of the defendant and with professional standards, defend against those consequences. Requires the prosecution, in the interests of justice, to consider the avoidance of adverse immigration consequences in the plea negotiation process as one factor in an effort to reach a just resolution. (PEN 1016.2, 1016.3)

AB 1352 (EGGMAN), CH. 646
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
DEFERRED ENTRY OF JUDGMENT: WITHDRAWAL OF PLEA

Requires a court to allow a defendant who was granted deferred entry of judgment on or after January 1, 1997, after pleading guilty or nolo contendere to the charged offense, to withdraw his or her plea and enter a plea of not guilty, and would require the court to dismiss the complaint or information against the defendant if the defendant performed satisfactorily during the deferred entry of judgment period and the defendant attests that the plea may result in the denial or loss to the defendant of any employment, benefit, license, or certificate, including, but not limited to, causing a noncitizen defendant to potentially be found inadmissible, deportable, or subject to any other kind of adverse immigration consequence. Requires that if court records showing the case resolution are no longer available, the defendant's declaration, under penalty of perjury, that the charges were dismissed after he or she completed the requirements be presumed to be true if the defendant submits a copy of his or her state summary criminal history information that either shows that the defendant successfully completed the deferred entry of judgment program or does not show a final disposition. (PEN 1203.4)

AB 1375 (THURMOND), CH. 209
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
CRIMINAL PENALTIES: NONPAYMENT OF FINES

Raises the daily rate at which defendants can pay off fines and fees by converting them to jail time from not less than $30 to not less than $125. (PEN 1205, 2900.5)

AB 1492 (GATTO), CH. 487
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
FORENSIC TESTING: DNA SAMPLES

Establishes a procedure for collecting, storing, and destroying DNA of a person convicted of a felony, contingent on a ruling being upheld by the California Supreme Court in *People v. Buza* (2014) 231 Cal.App.4th 1446, review granted Feb. 18, 2015, S223698. Among other things, (1) authorizes samples collected during felony arrests to be forwarded to the Department of Justice (DOJ) upon a judicial finding of probable cause; (2) establishes procedures for a person's DNA sample and searchable database profile to be expunged if the case is dismissed or the accused is acquitted or otherwise exonerated and the person has no past qualifying offense, without the requirement of an application from the person; and (3) requires the court to notify the DOJ if (a) the underlying conviction or disposition serving as the basis for including the DNA profile has been reversed and the case dismissed, (b) the person has been found factually innocent of the underlying offense, or (c) the defendant has been found not guilty or acquitted of the underlying offense, in which case the court shall forward its order to the DOJ upon disposition of the case. (PEN 298, 299)

SB 176 (MITCHELL), CH. 155
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
EXAMINING CHILDREN AS WITNESSES

Authorizes a minor 13 years of age or younger who is a witness but not a victim to testify by contemporaneous examination and cross-examination under specified circumstances. (PEN 1347)

SB 178 (LENO), CH. 651
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
PRIVACY: ELECTRONIC COMMUNICATIONS: SEARCH WARRANT

Establishes the Electronic Communications Privacy Act to, among other things, prohibit a government entity from compelling the production of, or access to, electronic-communication information or electronic-device information without a search warrant or wiretap order, except under specified emergency situations. (PEN 1546 et seq.)

SB 382 (LARA), CH. 234
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
JUVENILES: JURISDICTION: SENTENCING

Provides further guidance to courts on the five criteria that courts must consider when determining whether a juvenile is a fit and proper subject to be dealt with under juvenile court law by requiring that when considering a list of criteria, courts include certain factors. (PEN 1170.17)

SB 411 (LARA), CH. 177
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
CRIMES

Provides that the fact that a person takes a photograph or makes an audio or video recording of a public officer, peace officer, or executive officer while the officer is in a public place or the person taking the photograph or making the recording is in a place he or she has a right to be in is not, in and of itself, a violation of specified offenses for obstruction of an officer, nor does it constitute reasonable suspicion to detain the person or probable cause to arrest the person. (PEN 69, 148)

SB 424 (PAN), CH. 159
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
LAW ENFORCEMENT: COMMUNICATIONS

Allows a university or college police officer to eavesdrop on any criminal investigation relating to sexual assault or other sexual offense and to wear body-worn cameras. (PEN 633.02)

SB 507 (PAVLEY), CH. 576
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
SEXUALLY VIOLENT PREDATORS

Among other things, (1) provides that in a sexually violent predator (SVP) proceeding, the prosecutor and the attorney for an alleged SVP shall have access to the records that were reviewed by the expert who performed replacement or updated evaluations; (2) specifies that the records shall be obtained through a court subpoena; (3) allows either party to object that the records are not relevant or are more prejudicial (unfairly harmful) than relevant; (4) specifies that records not disclosed under the motion retain confidentiality protections; and (5) states that the bill is not intended to affect the pending California Supreme Court decision whether a prosecution expert is entitled to review otherwise confidential SVP treatment records. (W&I 603)

SB 629 (MITCHELL), CH. 47
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
CRIMES: TAKING PERSON FROM LAWFUL CUSTODY OF PEACE OFFICER

Eliminates the characterization of taking of a person from the lawful custody of a peace officer as a "lynching." (PEN 405a, 405b)

SB 674 (DE LEÓN), CH. 721
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
VICTIMS OF CRIME: NONIMMIGRANT STATUS

Requires certifying agencies, entities, or officials, such as judges, on request of an immigrant victim of crime, to certify victim helpfulness on the applicable form so that the victim may apply for a U visa to temporarily live and work in the United States. Among other things, (1) provides that on request of the victim or victim's family member, a certifying official from a certifying entity shall certify victim helpfulness on the federal Form I-918 Supplement B certification when the victim was a victim of a qualifying criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection, investigation, or prosecution of that qualifying criminal activity; (2) in determining helpfulness, makes it a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection, investigation, or prosecution of that qualifying criminal activity if the victim has not refused or failed to provide information

and assistance reasonably requested by law enforcement; (3) requires a certifying official to fully complete and sign the Form I-918 Supplement B certification and, regarding victim helpfulness, include specific details about the nature of the crime investigated or prosecuted and a detailed description of the victim's helpfulness or likely helpfulness to the detection, investigation, or prosecution of the criminal activity; (4) requires a certifying entity to process an I-918 Supplement B certification within 90 days of the request, unless the noncitizen is in removal proceedings, in which case the certification must be processed within 14 days of the request; (5) specifies that a current investigation, the filing of charges, and a prosecution or conviction are not required for the victim to request and obtain the Form I-918 Supplement B certification from a certifying official; (6) provides that a certifying official may withdraw the certification only if the victim refuses to provide information and assistance when reasonably requested; (7) prohibits a certifying entity from disclosing the immigration status of a victim or person requesting the Form I-918 Supplement B certification, except to comply with federal law or legal process or if authorized by the victim or person requesting the Form I-918 Supplement B certification; and (8) requires a certifying entity that receives a request for a Form I-918 Supplemental B certification to report to the Legislature, on or before January 1, 2017, and annually thereafter, the number of victims that requested Form I-918 Supplement B certifications from the entity, the number of those certification forms that were signed, and the number that were denied. (PEN 679.10)

SB 676 (CANNELLA), CH. 291

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016

DISORDERLY CONDUCT: INVASION OF PRIVACY

Requires preconviction forfeiture of an image and postconviction forfeiture of equipment involved in the following offenses: distribution of a sexual image that the distributor and the person depicted have agreed or understood would remain private, surreptitious recording or viewing of a person in a place where the person has a reasonable expectation of privacy, and violating another person's privacy rights by secretly recording the body or undergarments of an identifiable person. (PEN 502.01, 647.8)

SB 795 (COMMITTEE ON PUBLIC SAFETY), CH. 499

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016

PUBLIC SAFETY OMNIBUS

Makes technical and corrective changes, as well as noncontroversial substantive changes, to various code sections relating to criminal justice, including exempting a person from the requirement that they be taken in front of a magistrate without unreasonable delay if the person is arrested for driving under the influence of alcohol or drugs and the person is delivered to a hospital for medical treatment that prohibits immediate delivery to a magistrate; deleting the January 1, 2016, repeal date on the provisions of the interstate compact, thereby extending the operation of the provisions indefinitely; and clarifying that a person who violates the rules and regulations relating to damage to state park property and state vehicle recreation areas and the trail system is guilty of an alternate misdemeanor/infraction. (Various Codes)

DOMESTIC VIOLENCE

AB 418 (CHIU), CH. 70

EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016

TENANCY: TERMINATION: VICTIMS OF VIOLENT CRIME

Extends indefinitely the authorization to use documentation from a qualified third party based on information received by that third party while acting in his or her professional capacity, as specified, to support a notice to terminate a tenancy when the tenant or a household member becomes the victim of domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or dependent adult. Reduces from 30 to 14 days the obligation of a tenant who becomes a victim, as specified, to pay rent after providing the landlord with notice to terminate the tenancy, and states that thereafter the tenant shall be released from any rent payment obligation under the lease or rental agreement without penalty. (CIV 1946.7)

AB 439 (BLOOM), CH. 72
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
PROTECTIVE ORDERS: BATTERER'S PROGRAM

Requires a restrained party ordered to participate in a batterer's program to register for the program by a specified deadline and to, at the time of enrollment, sign all necessary program consent forms for the program to release specified documents, including proof of enrollment, to the court and the protected party or his or her attorney. (FAM 6343)

AB 494 (MAIENSCHEIN), CH. 401
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
RESTRAINING ORDERS: PROTECTION OF ANIMALS

Allows a court to include granting to a protected party the exclusive care, possession, or control of an animal in a restraining or protective order, and allows a court to order a restrained party to stay away from and neither take nor harm an animal subject to the order. (CCP 527.6; W&I 213.5, 15657.03)

AB 536 (BLOOM), CH. 73
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
DOMESTIC VIOLENCE: PROTECTIVE ORDERS

Requires each party seeking protection under the Domestic Violence Protection Act to present written evidence of abuse or domestic violence on an application for relief using a mandatory Judicial Council restraining order application form, and specifies, for these purposes, that written evidence of abuse or domestic violence in a responsive pleading does not satisfy the party's obligation to present written evidence of abuse or domestic violence. (FAM 6305)

AB 545 (MELENDEZ), CH. 626
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
DOMESTIC VIOLENCE

Requires a person who has a previous conviction for willfully inflicting corporal injury resulting in a traumatic condition upon a spouse or former spouse, cohabitant or former cohabitant, fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, or the mother or father of the offender's child, to be imprisoned for not less than 48 hours if probation is granted for the subsequent offense. (PEN 243)

AB 960 (CHIU), CH. 566
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
PARENTAGE: ASSISTED REPRODUCTION

Among other things, creates a statutory form to clarify the intentions of all parties to genetic material donations for the purpose of assisted reproduction, and specifies the standard of proof needed to override such agreements. (FAM 7613, 7613.5)

SB 28 (WIECKOWSKI), CH. 137
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
SPOUSAL SUPPORT FACTORS: DOMESTIC VIOLENCE

Includes a plea of nolo contendere as evidence of a history of domestic violence for the purpose of a court's determining the amount and length of a spousal support order. (FAM 4320)

SB 307 (PAVLEY), CH. 60
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
RESTRAINING ORDERS

Extends the authority of a court to issue an order restraining contact by an offender with the victim of a crime for up to ten years regardless of whether the offender is subject to mandatory supervision. (PEN 136.2)

EMPLOYEE/EMPLOYER ISSUES

AB 304 (GONZALEZ), CH. 67
EFFECTIVE/OPERATIVE DATE: URGENCY, JULY 13, 2015
SICK LEAVE: ACCRUAL AND LIMITATIONS

Amends the Healthy Workplaces, Healthy Families Act of 2014 to provide clarification regarding which workers are covered, how the paid time off is accrued, and what protections are in place for employers that already provide paid sick leave.

See Appendix B for a full description of the bill.

FAMILY LAW

AB 365 (GARCIA, CRISTINA), CH. 69
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
CHILD CUSTODY PROCEEDINGS: TESTIMONY BY ELECTRONIC MEANS

Provides that if a party's participation in a child custody proceeding is affected by an Immigration and Customs Enforcement detention or deportation, the court shall allow the party to present evidence and testimony or participate in a child custody mediation by electronic means, if such means are available to the court and will not affect the due process rights of other parties. (FAM 3012)

AB 380 (WALDRON), CH. 196
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
MARRIAGE: PUTATIVE SPOUSES

Limits the division of quasimarital property as if it were community property at the request of the party declared to be a putative spouse. (FAM 2251)

AB 610 (JONES-SAWYER), CH. 629
EFFECTIVE/OPERATIVE DATE: URGENCY, OCTOBER 8, 2015
CHILD SUPPORT: SUSPENSION OF SUPPORT ORDER

Suspends a child support order by operation of law when an obligor is incarcerated or involuntarily institutionalized, unless the obligor has the means to pay support or was incarcerated or involuntarily institutionalized for either an offense constituting domestic violence or the failure to pay child support. (FAM 4007.5)

AB 1049 (PATTERSON), CH. 91
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
PARENT AND CHILD RELATIONSHIP

Specifies that a person's offer or refusal to sign a voluntary declaration of paternity may be considered as a factor, but shall not be determinative as to the issue of legal parentage in any proceedings regarding the establishment or termination of parental rights. (FAM 7612, 7960, 7961)

AB 1407 (ATKINS), CH. 415
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
FAMILY LAW: PROTECTIVE ORDERS: WIRELESS TELEPHONE NUMBERS

Allows a court, after a noticed hearing, to issue an order directing a wireless telephone service provider to transfer the billing responsibility and rights for a wireless telephone number or numbers to a requesting party. (FAM 6347)

SB 340 (ANDERSON), CH. 46
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
DISSOLUTION: DISCLOSURE

Declares that a preliminary declaration of disclosure is not required by a petitioner if the petitioner served the summons and petition by publication or posting pursuant to court order and the respondent has defaulted. (FAM 2103, 2104, 2107, 2110)

SB 594 (WIECKOWSKI), CH. 130
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
CHILD CUSTODY

Specifies that a child custody evaluation, investigation, or assessment, and any resulting report, may be considered by the court only if the evaluation, investigation, or assessment is conducted in accordance with the minimum requirements adopted by the Judicial Council, unless any variations from the requirements are based on errors that are nonsubstantive, inconsequential, or both. (FAM 3111)

SB 646 (JACKSON), CH. 493
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
UNIFORM INTERSTATE FAMILY SUPPORT ACT

Revises the Uniform Interstate Family Support Act and identifies the Department of Child Support Services as the agency designated by the U.S. Central Authority to comply with federal law and maintain state eligibility to receive federal funding for child support enforcement, under the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. (Various Codes)

JUDGES/JUDICIAL OFFICERS

AB 1028 (BONTA), CH. 308
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
JUDICIAL OFFICERS: OATHS AND AFFIRMATIONS

Permits a former judge or justice who is retired by the Supreme Court for disability to administer oaths and affirmations, if certified by the Commission on Judicial Performance. Requires all former judges and justices to submit a medical certification in conjunction with their application for certification to administer oaths and affirmations, and requires the commission to issue to the applicant a certification to administer oaths and affirmations, valid for five years from the date of issuance, if his or her medical certification indicates that he or she does not have a medical condition that would impair his or her ability to administer oaths and affirmations. (CCP 2093; GOV 1225)

JUDICIAL COUNCIL–SPONSORED LEGISLATION

AB 249 (OBERNOLTE), CH. 194
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
CRIMINAL COURTS: APPEALS: FEES

Requires a defendant to make a motion in the trial court before filing an appellate brief alleging only errors in the imposition or calculation of fines, fees, and assessments. (PEN 1237, 1237.1, 1237.2)

AB 1081 (QUIRK), CH. 411
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
PROTECTIVE ORDERS

Amends protective and restraining order statutes to allow either party or the court to request a continuance of a hearing, and automatically extends temporary orders to the date of the new hearing, rather than having the temporary order lapse and be reissued. (CCP 527.6, 527.8, 527.85; FAM 242, 243, 245; W&I 213.5, 15657.03)

AB 1519 (COMMITTEE ON JUDICIARY), CH. 416
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
JUDICIARY OMNIBUS: FAMILY SUPPORT

Among other things, ratifies the conversion of up to 10 additional subordinate judicial officer (SJO) positions to judgeships if the conversion will result in family or juvenile law cases being heard by a judge instead of an SJO. (FAM 2104, 17325, 17400; GOV 69619)

SB 470 (JACKSON), CH. 161
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
CIVIL ACTIONS: SUMMARY JUDGMENT AND SUMMARY ADJUDICATION

Provides that, in granting or denying a motion for summary judgment or summary adjudication, the court need rule only on objections made to evidence that the court deems material to the disposition of the motion, and specifies that objections to evidence not ruled on for purposes of the motion shall be preserved for appellate review. (CCP 437c)

SB 517 (MONNING), CH. 61
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
SUPERVISED PERSONS: RELEASE

Provides courts with discretion to order the release of supervised persons from custody, unless otherwise serving a period of flash incarceration, regardless of whether a petition has been filed or a parole hold has been issued. (Although courts are generally authorized to determine the custody status of supervised persons during court revocation proceedings, courts have no express statutory authority to order the release of persons supervised on postrelease community supervision or parole if detained by the supervising agency, particularly if detained on a parole hold.) (PEN 1203.2, 3000.08, 3056, 3455)

JURIES

AB 87 (STONE), CH. 115
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
JURORS: PEREMPTORY CHALLENGE

Prohibits a party from using a peremptory challenge to remove a prospective juror on the basis of ethnic group identification, age, genetic information, or disability. (CCP 231.5)

SB 227 (MITCHELL), CH. 175
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
GRAND JURIES: POWERS AND DUTIES

Prohibits a grand jury from inquiring into an offense or misconduct that involves a shooting or use of excessive force by a peace officer, as specified, that led to the death of a person being detained or arrested by the peace officer, unless the offense was declared to the grand jury by one of its members. (PEN 917, 919)

JUVENILE DELINQUENCY

AB 424 (GAINES), CH. 71
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
COURT APPOINTED CHILD ADVOCATES: WARDS

Expands the Court Appointed Special Advocate (CASA) program to allow appointment of CASAs for any minor dependent, nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court. (W&I 101, 102, 103, 109)

AB 666 (STONE), CH. 368
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
JUVENILES: SEALING OF RECORDS

When a juvenile record is sealed by the court, requires the court to order the Department of Justice, any law enforcement agencies, and the probation department to seal any records pertaining to the case and to notify the subject of the order and his or her attorney that the records have been sealed. Excepts from this section any Welfare and Institutions Code section 707(b) offenses committed after the minor turned 14 years old.

Further limits future access to the sealed records to:

a. Prosecutors or probation departments, for the purpose of determining eligibility for deferred entry of judgment or supervision.

b. The court, for the purpose of verifying prior jurisdictional status of a ward seeking to resume court jurisdiction under Welfare and Institutions Code section 388.

c. Probation departments, if a new petition has been filed against the minor for a felony, for the purpose of determining the minor's eligibility or suitability for treatment programs or services.

d. The person who is the subject of the sealed records.

e. When there is a subsequent adjudication against the minor, by probation, the prosecuting attorney, minor's counsel, or the court, for the purpose of aiding the court in finding an appropriate disposition for the minor. (W&I 786, 787)

AB 703 (BLOOM), CH. 369
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
JUVENILES: ATTORNEY QUALIFICATIONS

Among other things, requires counsel appointed in delinquency proceedings to have sufficient education or experience to satisfy minimum education requirements to be established by the Judicial Council. (W&I 634.3)

AB 989 (COOPER), CH. 375
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
JUVENILES: SEALING OF RECORDS

When a minor's records have been sealed and a new petition has been filed, limits access to the sealed records as follows: prosecutors or probation departments, for the purpose of determining eligibility for deferred entry of judgment or supervision; probation departments, for the purpose of determining the minor's eligibility or suitability for treatment programs or services; the court, for the purpose of verifying prior jurisdictional status of a ward seeking to resume court jurisdiction under Welfare and Institutions Code section 388; and probation departments, for the purpose of meeting federal title IV-E compliance. (W&I 786)

SB 504 (LARA), CH. 388
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
COURT RECORDS: SEALING

Limits the requirement to reimburse the court, county, or city for the cost of sealing records to those parties who request sealing and are 26 years of age or older. Does not relieve an individual from satisfying a restitution order simply because his or her record of the case that led to the order is sealed. Prohibits an outstanding restitution order or other court fines or fees from being considered in determining if a petitioner has been rehabilitated or from being used as a basis to not seal a record. (PEN 1203.45; W&I 781, 903.3)

SB 651 (LEYVA), CH. 131
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
JUVENILE CONDUCT: VICTIMS

Expands the definition of "victim" under the Welfare and Institutions Code to include a corporation, estate, or other legal or commercial entity, when that entity is a direct victim of a crime. Further expands the definition of victim under the Welfare and Institutions Code to include a person who has sustained economic loss as a result of a crime. (W&I 730.6)

JUVENILE DEPENDENCY

AB 217 (MAIENSCHEIN), CH. 36
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
JUVENILE LAW: HEARINGS

Requires a court to inform a minor of his or her right to address the court and participate in a hearing, if he or she so desires. (W&I 349)

AB 260 (LOPEZ), CH. 511
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
FOSTER CARE: PARENTING YOUTH

Among other things, requires that a minor parent's placement history shall not be the sole reason for declaring a child a dependent of the court. (W&I 361.8, 825.5, 16002.5)

AB 879 (BURKE), CH. 219
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
JUVENILES: COURT PROCEEDINGS: NOTICE

Allows service of notice of hearings in specified dependency matters to be done by electronic mail, provided that the county, court, and parties are all willing to accept service electronically. (W&I 290.1, 290.2, 291–295, 316.1)

AB 899 (LEVINE), CH. 267
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
JUVENILES: CONFIDENTIALITY OF RECORDS

Clarifies confidentiality rules for juvenile case files by declaring that no disclosure of case files shall be made to federal officials without a court order following the filing of a petition by an official requesting disclosure. (W&I 831)

AB 900 (LEVINE), CH. 694
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
JUVENILES: SPECIAL IMMIGRANT JUVENILE STATUS

Authorizes a probate court, with the consent of the proposed ward, to establish or extend the guardianship of the person for an unmarried individual who is at least 18 years of age, but not yet 21, in connection with a petition to make necessary findings regarding special immigrant juvenile status (SIJS) or complete the SIJS application process, as specified. Allows the petition for the establishment or extension of the guardianship to be filed by a relative, the proposed ward, or any other person. Provides that such guardianships may not extend beyond a ward's reaching 21 years of age. Specifies further that nothing in the above provisions abrogates any rights that a ward who is 18 or older may have as an adult under California law, including, but not limited to, decisions regarding the ward's medical treatment, education, or residence, without the ward's express consent. Requires the court to terminate a guardianship upon the petition of a ward who is 18 years of age or older. Defines, for the purposes of the bill, the terms "child," "minor," and "ward" to include an unmarried individual who is younger than 21 years of age and who consents to the appointment of a guardian or extension of a guardianship after he or she attains 18 years of age. Requires the Judicial Council to adopt implementing rules and forms by July 1, 2016. (PROB 1490, 1510.1, 1600, 1601)

SB 68 (LIU), CH. 284
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
MINOR OR NONMINOR DEPENDENT PARENTS: REUNIFICATION SERVICES

Requires a court to take into consideration the particular concerns of a minor or nonminor dependent parent in making placement decisions. Authorizes a court to order continued reunification services for six additional months in order to assist a minor or nonminor dependent parent in regaining custody if "significant and consistent progress in establishing a safe home for the child's return" is being made. (W&I 366.21, 366.22)

SB 238 (MITCHELL), CH. 534
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
FOSTER CARE: PSYCHOTROPIC MEDICATION

Together with SB 319 and SB 484, recasts and updates the psychotropic medications that are applied for, prescribed, and supervised in minors subject to the jurisdiction of the juvenile court. Among other things, changes the way the Department of Social Services, Department of Health Care Services, and others send information to the court and makes sure a minor and his or her advocate have a meaningful opportunity to participate in the process. (H&S 1522.41, 1529.2; W&I 304.7, 317, 369.5, 739.5, 16003, 16206, 16501.3, and 16501.4)

SB 319 (BEALL), CH. 535
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
CHILD WELFARE SERVICES: PUBLIC HEALTH NURSING

Together with SB 238 and SB 484, recasts and updates the psychotropic medications that are applied for, prescribed, and supervised in minors subject to the jurisdiction of the juvenile court. Among other things, requires that minors in foster care who are receiving psychotropic medications be monitored by a county public health nurse. (CIV 56.103; W&I 5328.04, 16501.3)

SB 484 (BEALL), CH. 540
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
JUVENILES

Together with SB 238 and SB 319, recasts and updates the psychotropic medications that are applied for, prescribed, and supervised in minors subject to the jurisdiction of the juvenile court. Among other things, changes the oversight and reporting of group homes by the Department of Social Services regarding the use of psychotropic medications. (H&S 1507.6, 1536, 1538.8, 1538.9; W&I 11469)

MISCELLANEOUS

SB 711 (WOLK), CH. 318
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
LAW LIBRARIES: CHARGES

Expands authority of county law libraries to impose charges for special services, such as electronic and other delivery services, educational programs, special events, and the provision of supplies or food services. Expands and clarifies the definition of "public library" to include any county law library established as specified. (B&P 6360; ED 19307)

PROBATE & MENTAL HEALTH

AB 139 (GATTO), CH. 293
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
NONPROBATE TRANSFERS: REVOCABLE TRANSFER UPON DEATH DEEDS

Seeks to establish, until January 1, 2021, a new, nonprobate method for conveying real property upon death through a revocable transfer upon death deed (RTDD). Among other things, allows an interest in certain residential real property to be transferred on death by recording an RTDD signed and acknowledged by the record owner of the property, with the capacity to contract, and designating a beneficiary or beneficiaries. Requires that to be valid an RTDD must be recorded within 60 days of execution. Provides that an RTDD neither affects ownership rights nor conveys any rights to the beneficiary or the beneficiary's creditors during the transferor's lifetime. Provides a statutory form RTDD and requires that an

RTDD must be in a substantially similar form. Provides a statutory form for revocation of an RTDD. Provides that an RTDD may have multiple beneficiaries who take in equal shares as tenants in common, but does not provide for alternate beneficiaries. Provides that an RTDD is revocable at any time by a transferor with capacity to contract. Specifies that if an RTDD and another revocable instrument have both been recorded and both purport to dispose of the same property, the instrument that has been executed later prevails. Provides that an RTDD must transfer all the transferor's interest in the property. Requires the beneficiary to effectuate transfer of the property by recording an affidavit of the transferor's death. Provides that, if property is held in joint tenancy or as community property with right of survivorship, when the transferor dies, the transfer is void and the property passes under the right of survivorship. Permits contest of the RTDD for, among other things, lack of capacity to transfer, transfer to disqualified person, fraud, duress, and undue influence. Requires the California Law Revision Commission to study the effects of the RTDD and make recommendations to the Legislature by January 1, 2020. (Various Codes)

AB 436 (JONES), CH. 197
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
GUARDIAN OR CONSERVATOR: POWERS AND DUTIES

Requires the court to specify whether an attorney representing a conservatee continues in that role after the court considers a petition seeking special dementia powers for the conservator. Provides that the court, upon granting or denying special dementia powers to a conservator, must either discharge the court-appointed attorney or order continued representation, as specified. (PROB 2356.5)

AB 548 (GARCIA, CRISTINA), CH. 54
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
ESTATES: ADMINISTRATORS

Removes the sunset, thereby continuing indefinitely the law that allows a foreign heir to nominate an administrator of a decedent's estate if specified conditions are met. (PROB 8465)

AB 1085 (GATTO), CH. 92
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
PERSONAL REPRESENTATIVES: CONSERVATORS AND ATTORNEYS-IN-FACT

Authorizes the court to issue an order that specifically grants a conservator the power to enforce the conservatee's rights to receive visitors, telephone calls, and personal mail, or that directs the conservator to allow those visitors, telephone calls, and personal mail. Requires a conservator to provide notice of a conservatee's death by mailing a copy of the notice to all persons entitled to notice, as specified, and by filing a proof of service with the court, unless otherwise ordered by the court. Requires an attorney-in-fact, who is named by a principal to handle the principal's health matters, upon the death of the principal, to inform those individuals whose names are provided by the principal to the attorney-in-fact of the principal's death. (PROB 2351, 2361, 4691)

SB 589 (BLOCK), CH. 736
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
VOTING: VOTER REGISTRATION: INDIVIDUALS WITH DISABILITIES AND CONSERVATEES

Makes legislative findings that federal disability nondiscrimination laws, including title II of the federal Americans with Disabilities Act of 1990 (Pub.L. No. 101-336), entitle people with disabilities to reasonable accommodations, as needed, to participate in public activities such as voting. Allows an individual with a disability who is otherwise qualified to vote to complete an affidavit of registration with reasonable accommodations as needed. Authorizes an individual with a disability who is under a conservatorship to be registered to vote if he or she has not been disqualified from voting. Establishes a legal presumption that a person is presumed competent to vote regardless of his or her conservatorship status. Allows the presumption of competence to be overcome only if the court finds by clear and convincing evidence that the person cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process, regardless of his or her ability to complete the affidavit of voter registration. Establishes a process for the review, at a regularly scheduled yearly or biennial review of the conservatorship, of any prior determination that a person was disqualified from voting by reason of being incapable of communicating, with or without reasonable accommodations, a desire to participate in the

voting process, or by reason of being incapable of completing an affidavit of voter registration, and provides for a hearing to determine if, by clear and convincing evidence, the person cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process. Requires the court to find, after a court review, unless the person is found to be incapable of communicating that desire, that the person's right to register to vote shall be restored, and the court shall so notify the county elections official. (ELEC 2102, 2150, 2208, 2209; PROB 1823, 1826, 1828, 1851, 1910)

SB 785 (MORRELL), CH. 48
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
ESTATES AND TRUSTS: CREDITOR'S CLAIM

Defines "probate estate" and "trust estate" for purposes of a trustee's petition to pay a creditor's claims and expenses from the assets of a revocable trust. Defines "probate estate" to mean the part of the decedent's estate that is subject to probate administration. Defines "trust estate" to mean a decedent's property, real or personal, that is titled in the name of the trustee of the deceased settlor's trust, or confirmed by order of the court to the trustee of the deceased settlor's trust. Makes conforming changes to specific sections of the Probate Code by inserting the word "probate" before the word "estate" where the term is clearly intended to refer to a probate estate. (PROB 19000, 19001, 19003, 19006, 19008, 19024, 19025, 19320, 19323, 19400)

PROTECTIVE ORDERS

SB 196 (HANCOCK), CH. 285
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
ELDER ABUSE: PROTECTIVE ORDERS

Among other things, authorizes a county adult protective services agency to file a petition for a protective order on behalf of an elder or dependent adult who has suffered abuse and has an impaired ability to appreciate and understand the circumstances that place him or her at risk of harm, or who has provided written authorization for the agency to act on his or her behalf. (W&I 15610.07, 15657.03)

STATE BAR/PRACTICE OF LAW

SB 387 (JACKSON), CH. 537
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
STATE BAR: ATTORNEYS: ANNUAL MEMBERSHIP FEES: MEETINGS: PUBLIC RECORDS

Reauthorizes the State Bar to collect up to $390 for active membership dues for the year 2016. Clarifies that information contained in the State Bar's Annual Discipline Report must include all matters affecting public protection, including specified discipline cases and both average and median case processing times. Requires the State Bar to develop and implement a workplace plan for its discipline system and conduct a public sector compensation and benefits study, including a recommendation for an appropriate backlog goal and an assessment of staffing needed to achieve that goal. Requires the State Bar to conduct a thorough analysis of its operating costs and develop a spending plan to determine a reasonable amount for its annual dues. Requires that the workforce plan and the spending plan be submitted to the Legislature by May 15, 2016, and be implemented by December 31, 2016. Requires the State Bar's Board of Trustees to contract with the California State Auditor to conduct a financial audit of the State Bar—including an audit of its financial statement, internal controls, and practices—and requires that the audit be submitted to the board, the Chief Justice of the California Supreme Court, and the Assembly and Senate Judiciary Committees by May 15, 2016. Requires the audit to examine revenues, expenditures, reserves, and fund transfers. Subjects the State Bar to the California Public Records Act, with specified exceptions. Provides that identifying information submitted by applicants to the State Bar for admission to practice law and State Bar admissions records, as specified, are confidential and may not be disclosed under any state law, including the Public Records Act. Subjects the State Bar, effective April 1, 2016, to the Bagley-Keene Open Meeting Act, as provided, with exemptions for the Commission on Judicial Nominees Evaluation and the Committee of Bar Examiners. (B&P 6001, 6026.5, 6026.7, 6026.11, 6060.2, 6060.25, 6086.1, 6086.15, 6090.6, 6140, 6140.16, 6145, 6168, 6200, 6232, 6234; GOV 6252, 6276.04, 11121, 11121.1)

TRAFFIC

AB 28 (CHU), CH. 549
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
BICYCLE SAFETY: REAR LIGHTS

Authorizes the use of a solid or flashing red light in place of a red reflector on the rear of a bicycle being operated during darkness. (VEH 21201)

AB 198 (FRAZIER), CH. 30
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
VEHICLES: TOW TRUCK ASSISTANCE

Requires the enforcement agency responsible for investigating traffic collisions on the roadway or summoned by the owner or operator of a vehicle involved in a collision or that is otherwise disabled on the roadway to use the center median or right shoulder of a roadway if an emergency occurring on a roadway requires the rapid removal of impediments to traffic or rendering of assistance to a disabled vehicle obstructing a roadway, if specified conditions are met. (VEH 21719)

AB 208 (BIGELOW), CH. 265
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
VEHICLES: HIGHWAY: LANE USE

Requires, on a two-lane highway where passing is unsafe because of certain reasons, any vehicle proceeding at a speed less than the normal speed of traffic moving in the same direction at that time, behind which five or more vehicles are formed in line, to turn off the roadway at the nearest place designated as a turnout or wherever sufficient area for a safe turnout exists. (VEH 21656)

AB 346 (WILK), CH. 82
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
VEHICLE INFRACTIONS AND MISDEMEANORS: ARRESTS

Allows the arrest of a person who fails to present both his or her driver's license or other satisfactory evidence of his or her identity and an unobstructed view of his or her full face for examination when a person is stopped for a Vehicle Code infraction or misdemeanor. Requires that the arrested person be taken immediately before a magistrate for that failure. (VEH 20302)

AB 604 (OLSEN), CH. 777
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
ELECTRICALLY MOTORIZED BOARDS

Defines "electrically motorized skateboard" and authorizes cities and counties to regulate their use. Prohibits persons under the age of 14 years from operating a motorized skateboard, and requires use of a helmet for any person under age 18 using a motorized skateboard. Makes it a crime to operate a motorized skateboard while under the influence of drugs or alcohol. (VEH 21113, 21290, 21295, 21960, 21967)

AB 863 (DODD), CH. 480
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
MODIFIED LIMOUSINES: PASSENGER SAFETY

Makes several changes to emergency exit requirements for modified limousines. (VEH 27375, 34500.4)

AB 902 (BLOOM), CH. 306
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
TRAFFIC VIOLATIONS: DIVERSION PROGRAMS

Removes the age limitation on the use of locally adopted diversion programs for Vehicle Code infractions not involving a motor vehicle, allowing such programs to be offered to adults. (VEH 42005.3)

AB 1096 (CHIU), CH. 568
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
VEHICLES: ELECTRIC BICYCLES

Establishes new categories of electric bicycles and places restrictions on their operation. Makes specified new requirements regarding electric bicycles a crime. (VEH 312.4, 406, 12904.9, 21113, 21207.5, 21213, 24016)

AB 1287 (CHIU), CH. 485
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
VEHICLES: PARKING VIOLATIONS

Deletes the sunset on the City and County of San Francisco's authority to do automated enforcement of parking violations in transit-only traffic lanes, otherwise known as the Transit-Only Lane Enforcement program. (VEH 40242, 40243)

SB 326 (BEALL), CH. 797
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
COURTS: PENALTIES: EMERGENCY SERVICES FUNDING

Extends the sunset date of the $4 penalty assessment for Vehicle Code violations, other than parking offenses and related funding provisions, from January 1, 2016, to January 1, 2018, to continue raising revenues to augment funding for emergency medical air transportation Medi-Cal providers. (GOV 76100.10; W&I 10752)

SB 405 (HERTZBERG), CH. 385
EFFECTIVE/OPERATIVE DATE: URGENCY, SEPTEMBER 30, 2015
FAILURE TO APPEAR IN COURT: FINES

Provides that a civil assessment for failure to appear at arraignment would not become effective until at least 20 calendar days after the court mails a warning notice to the defendant. Provides that payment of bail, fines, penalties, fees, or a civil assessment is not required in order for the court to vacate the assessment at the time the person makes an appearance, as specified. Provides that payment of a civil assessment under these circumstances is not required to schedule a court hearing on a pending underlying charge. Makes technical and clarifying changes to traffic amnesty laws and authorizes the Judicial Council to consider, adopt, or develop recommendations for an appropriate mechanism to allow reinstatement of the driving privileges of a person who meets the criteria for amnesty but has violations in more than one county. (PEN 1214.1; VEH 42008.8)

SB 541 (HILL), CH. 718
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
PUBLIC UTILITIES COMMISSION: FOR-HIRE TRANSPORTATION CARRIERS: ENFORCEMENT

Among other things, strengthens the California Public Utilities Commission's oversight of transportation-related activities of household goods and charter-party carriers. (Various Codes)

APPENDIX A

CIVIL LEGISLATION

AB 555 (ALEJO), CH. 330
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
CIVIL ACTIONS

Makes minor changes to the existing voluntary Expedited Jury Trial (EJT) scheme and adds new provisions mandating the use of EJTs in limited civil cases, as specified. **Voluntary EJTs:** Modifies existing procedures governing EJTs to provide that each party has up to five hours to complete voir dire and present its case. Requires the Judicial Council to update rules and forms relating to the voluntary EJT procedures by July 1, 2016. Deletes the January 1, 2016, repeal date, thereby extending the operation of the voluntary EJT provisions indefinitely. **Mandatory EJTs:** Among other things, provides generally that limited civil cases shall be conducted as expedited jury trials. Allows either party to opt out of the EJT procedures if any of the following criteria are met: (1) punitive damages are sought; (2) damages in excess of insurance policy limits are sought; (3) a party's insurer is providing a legal defense subject to a reservation of rights; (4) the case involves a claim reportable to a governmental entity; (5) the case involves a claim of moral turpitude that may affect an individual's professional licensing; (6) the case involves claims of intentional conduct; (7) the case has been reclassified as unlimited under Code of Civil Procedure section 403.020; (8) the complaint contains a demand for attorney's fees, unless those fees are sought under Civil Code section 1717; or (9) the judge finds that good cause exists for the action not to proceed under the mandatory EJT rules. Specifies that good cause includes, but is not limited to, a showing that a party needs more than five hours to present or defend the action and that the parties have been unable to stipulate to additional time. Provides that mandatory EJTs use the same basic procedures that apply in voluntary EJTs, except as specified. Adds one alternate to the jury and allows each side four (versus three) peremptory challenges. Provides that each party has up to five hours to complete voir dire and present its case. Exempts unlawful detainer cases from the mandatory EJT provisions. Specifies that a judgment in a limited civil case conducted as an EJT may be appealed to the appellate division of the superior court in which the case was tried. Requires the Judicial Council, on or before July 1, 2016, to adopt rules and forms to establish uniform procedures implementing the bill's mandatory EJT provisions, including, but not limited to, rules for the following: pretrial exchanges and submissions; pretrial conferences; opt-out procedures; presentation of evidence and testimony; and any other procedures necessary to implement the bill's mandatory EJT provisions. Delays the operation of the mandatory EJT provisions until July 1, 2016, and imposes a three-year sunset on these provisions. (Various Codes)

AB 1390 (ALEJO), CH. 672
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
GROUNDWATER: COMPREHENSIVE ADJUDICATION

Codifies new detailed procedures for conducting comprehensive groundwater adjudication cases. Among other things:

- Provides that the bill's provisions shall not alter groundwater rights or the law concerning groundwater rights, except as otherwise specified.
- Exempts specified groundwater rights actions that do not rise to the level of a comprehensive adjudication.
- Allows joinder of persons who claim rights to divert and use water from interconnected surface water bodies or subterranean streams flowing through known and definite channels if the court finds such joinder is necessary for the fair and effective determination of the groundwater rights in a basin.
- Allows a court to exempt parties extracting or diverting five acre-feet or less of water if those parties do not wish to participate in the adjudication and exempting them would not have a material effect on the groundwater rights of other parties.
- Provides that the court may determine all groundwater rights or a basin—whether based on appropriation, overlying right, or other basis of right—and use of storage in the basin.

➢ **Specifies** that the court's final judgment in a comprehensive adjudication for the groundwater rights of each party may declare the priority, amount, purposes of use, extraction location, place of use of the water, and use of storage space in the basin, together with appropriate injunctive relief, subject to terms adopted by the court to implement a physical solution in the comprehensive adjudication.

➢ **Contains** detailed provisions governing how notification and service of process of the comprehensive adjudication shall be conducted.

➢ **Requires,** within 15 days of the court order approving both the notice for the adjudication and a form answer that can be used in response to the notice, that the plaintiff in the adjudication request names and addresses of persons reporting groundwater extractions to the State Water Resources Control Board and any Groundwater Sustainability Agency in the basin.

➢ **Specifies** the entities allowed to intervene in the case.

➢ **Disqualifies** the judge of a superior court of a county that overlies the basin or any portion of the basin and requires the chair of the Judicial Council to assign a judge to preside in all proceedings for the comprehensive adjudication.

➢ **Provides** that a judge of the superior court in which an action is filed may, on the court's own motion or the motion of a party, determine if the action is a comprehensive adjudication, as specified. Specifies that a motion for a determination under this provision shall receive calendar preference within the action and shall be resolved before other procedural or dispositive motions.

➢ **Specifies** that a comprehensive adjudication is presumed to be a complex action under rule 3.400 of the California Rules of Court.

➢ **Provides** that Code of Civil Procedure sections 170.6 and 394 shall not apply in a comprehensive adjudication.

➢ **Specifies** that an action against a groundwater sustainability agency that is located in a basin that is being adjudicated under the bill's provisions shall be subject to transfer, coordination, and consolidation with the comprehensive adjudication, as appropriate, if the action concerns the adoption, substance, or implementation of a groundwater sustainability plan or the groundwater sustainability agency's compliance with the timelines in the Sustainable Groundwater Management Act.

➢ **Provides** that the judge assigned by the chair of the Judicial Council under the above shall determine if transfer, coordination, or consolidation is appropriate.

➢ **Provides** that service of pleadings and papers in a comprehensive adjudication, other than the complaint initiating a comprehensive adjudication, shall occur electronically to the greatest extent possible.

➢ **Specifies** that the Department of Water Resource's basin boundary changes are subject to judicial review.

➢ **Specifies** the initial disclosures that parties to an adjudication must share with one another to establish the scope and basis of their claims to groundwater, including any use of expert witnesses.

➢ **Authorizes** the Judicial Council to develop a form for initial disclosures to facilitate the consistent, independent, impartial, and accessible administration of comprehensive adjudications, and allows the council to coordinate with the department in developing the form.

➢ **Allows** the court to appoint a special master, and states detailed requirements for handling case management conferences, written testimony, stays and injunctions, and proposed stipulated and final judgments, as specified.

➢ **Provides** that the court shall have the authority and duty to impose a physical solution on the parties in a comprehensive adjudication where necessary and consistent with article X, section 2 of the California Constitution. Specifies that before adopting a physical solution, the court shall consider any existing groundwater sustainability plan or program.

➢ States the circumstances under which the court's judgment is binding on successors, and provides that the court has continuing jurisdiction to modify or amend a final judgment in a comprehensive adjudication in response to new information or changed circumstances, or in the interests of justice. Provides that, when feasible, the judge who heard the original action shall preside over actions or motions to modify or amend the judgment.

➢ **Makes** its provisions contingent on the enactment of SB 226 (Pavley).

(Various Codes)

AB 1521 (COMMITTEE ON JUDICIARY), CH. 755
EFFECTIVE/OPERATIVE DATE: URGENCY, OCTOBER 10, 2015
DISABILITY ACCESS: CONSTRUCTION-RELATED ACCESSIBILITY CLAIMS

Makes various changes to the law as it pertains to construction-related accessibility claims. Among other things:

➢ **Requires** that any complaint filed by a high-frequency litigant state the following: (a) that the complaint is filed by, or on behalf of, a high-frequency litigant; (b) the number of complaints alleging a construction-related accessibility claim that the high-frequency litigant has filed during the past 12 months, as specified; (c) the reason the individual was in the geographic area of the defendant's business, as specified; and (d) the reason why the individual desired to access the defendant's business, including the specific commercial, business, personal, social, leisure, recreational, or other purpose, as specified. (CCP 425.50(a)(4).)

➢ **Defines** a "high-frequency litigant" as (a) a plaintiff who has filed 10 or more complaints alleging a construction-related accessibility violation within the 12-month period immediately preceding the filing of the current complaint alleging a construction-related accessibility violation; or (b) an attorney who has represented 10 or more plaintiffs who were high-frequency litigants at the time when complaints alleging construction-related accessibility violations were filed on their behalf within the 12-month period immediately preceding the filing of the current complaint alleging a construction-related accessibility violation, excluding the following: (i) an action in which an early evaluation conference was held under section 55.54; (ii) an action in which judgment was entered in favor of the plaintiff; and (iii) an action in which the construction-related accessibility violations alleged in the complaint were remedied in whole or in part, or a favorable result was achieved, after the plaintiff filed a complaint or provided a demand letter, as defined by section 55.3 of the Civil Code. (CCP 425.55(b).)

➢ **Provides** that a complaint alleging a construction-related accessibility claim filed by, or on behalf of, a high-frequency litigant must state in the caption "ACTION SUBJECT TO THE SUPPLEMENTAL FEE IN GOVERNMENT CODE SECTION 70616.5." (CCP 425.50(b)(2).)

➢ **Requires** a high-frequency litigant to pay a $1,000 supplemental fee, in addition to the first paper filing fee, to be divided evenly between the Trial Court Trust Fund and the General Fund for use, as specified, by the California Commission on Disability Access. (GOV 68085.35, 70616.5.)

➢ **Provides** that the requirements imposed on high-frequency litigants specified above do not apply to an attorney employed or retained by a qualified legal services project or a qualified support center, as defined in section 6213 of the Business and Professions Code, when acting within the scope of employment to represent a client in asserting a construction-related accessibility claim, or the client in such a case. (CCP 425.55(b)(3).)

➢ **Requires** that any complaint alleging a construction-related accessibility violation be signed by the attorney of record, or party if the plaintiff is representing himself, and that by signing, he or she certifies all of the following:

- The complaint is not being presented primarily for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.
- The claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law.
- The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.
- The denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief. (CCP 425.50(c).)

➢ **Provides** that a court may, after notice and a reasonable opportunity to respond, determine whether the above conditions have been violated by the plaintiff and, if so, impose specified sanctions under Code of Civil Procedure section 128.7. (CCP 425.50(d).)

➢ **Specifies** that the determination whether an attorney is a high-frequency litigant shall be made solely on the basis of the verified complaint and any other publicly available documents. Provides further that, notwithstanding any other law, no party to the proceeding may conduct discovery with respect to whether an attorney is a high-frequency litigant. (CCP 425.50(f).)

➢ **Requires** the Judicial Council, on or before July 1, 2016, to update a statutory advisory form and develop a new verified answer form that includes specified information that a defendant may use to respond to a complaint alleging a construction-related accessibility violation. (CIV 55.3(b)(1)(B)–(C).)

➢ **Allows** a defendant business that has been served with a complaint by a high-frequency litigant to request a court stay and early evaluation conference. (CIV 55.54(b)(2)(D).)

➢ **Provides** that, upon a defendant's request, the court shall order the parties and their counsel, within a specified time period, to meet at the subject premises to jointly inspect the premises and review any issues that are claimed to constitute a violation of a construction-related accessibility standard. (CIV 55.54(d)(6).)

➢ **Authorizes** the court to excuse from participating in a site visit, as specified, a plaintiff who is unable, for good cause, to meet in person at the subject premises. (CIV 55.54(d)(6).)

SB 226 (PAVLEY), CH. 676
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
SUSTAINABLE GROUNDWATER MANAGEMENT ACT: GROUNDWATER ADJUDICATION

Establishes, as a companion measure to AB 1390 (summarized above), additional measures governing the groundwater adjudication process for groundwater basins that are subject to the Sustainable Groundwater Management Act (SGMA). Among other things:

➢ **Acknowledges** the state's ability to intervene in a comprehensive adjudication.

➢ **Expands** SGMA's findings to include that SGMA is to provide a more efficient and cost-effective groundwater adjudication process that protects water rights, ensures due process, prevents unnecessary delay, and furthers the act's objectives.

➢ Recognizes that water rights may be determined in an adjudication action under the provisions of AB 1390 (Alejo; described above).

➢ **Expands** the entities who may file a request with the Department of Water Resources (DWR) to revise groundwater basin boundaries to include an entity directed by the court in an adjudication action.

➢ **Requires** the court, in an adjudication of a basin required to have a plan under SGMA, to manage the proceeding in a manner that minimizes interference with the timely completion and implementation of a groundwater sustainability plan, avoids redundancy and unnecessary costs in the development of technical information and a physical solution, and is consistent with the attainment of sustainable groundwater management with the time frames established by SGMA.

➢ **Provides** that state enforcement under SGMA shall not apply to a court-approved groundwater adjudication judgment if the judgment is submitted to DWR and DWR determines it satisfies the objectives of SGMA for the basin. Allows the same court that is handling the adjudication to review DWR's determination, and treats such review as a coordinated legal action.

➢ **Allows** the court, after notice and, if necessary, an evidentiary hearing, to amend a judgment in response to DWR's assessment, including incorporating corrective actions DWR has identified to make the judgment consistent with SGMA.

➢ **Provides** that a court shall not approve an entry of judgment in an adjudication action of a basin required to have a groundwater sustainability plan unless the court first finds that the judgment will not substantially impair the ability of a groundwater sustainability agency, the State Water Resources Control Board, or DWR, to comply with SGMA and achieve sustainable groundwater management.

➢ **Makes** its provisions contingent on the enactment of AB 1390 (see above). (CCP 837.5; WAT 10720.1, 10720.5, 10722.2, 10737)

SB 383 (WIECKOWSKI), CH. 418
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2016
CIVIL ACTIONS: OBJECTIONS TO PLEADINGS

Establishes the following new requirements for filing, amending, and resolving demurrers:

1. Provides that before filing a demurrer, the demurring party shall meet and confer in person or by telephone with the party who filed the pleading that is subject to demurrer to determine whether an agreement can be reached that would resolve the objections raised in the demurrer. Specifies that if an amended complaint, cross-complaint, or answer is filed, the responding party shall meet and confer again with the party who filed the amended pleading before filing a demurrer to the amended pleading.
2. With respect to the meet-and-confer process, requires the demurring party to identify all of the specific causes of action that it believes are subject to demurrer and identify with legal support the basis of the deficiencies. Further requires the party who filed the complaint, cross-complaint, or answer to provide legal support for its position that the pleading is legally sufficient or, in the alternative, how the complaint, cross-complaint, or answer could be amended to cure any legal insufficiency.
3. Requires the parties to meet and confer at least five days before the date the responsive pleading is due. Provides that if the parties are unable to meet and confer at least five days before the date the responsive pleading is due, the demurring party may obtain a 30-day extension of time within which to file a responsive pleading, by filing and serving, on or before the date on which a demurrer would be due, a declaration stating under penalty of perjury that a good-faith attempt to meet and confer was made and explaining the reasons why the parties could not meet and confer. Specifies that any further extensions shall be obtained by court order on a showing of good cause.
4. Requires the demurring party to file and serve with the demurrer a declaration stating either of the following: (a) the means by which the demurring party met and conferred with the party who filed the pleading subject to demurrer, and that the parties did not reach an agreement resolving the objections raised in the demurrer; or (b) that the party who filed the pleading subject to the demurrer failed to respond to the meet-and-confer request of the demurring party or otherwise failed to meet and confer in good faith.
5. Provides that any determination by the court that the meet-and-confer process was insufficient shall not be grounds to overrule or sustain a demurrer.
6. Provides that a party demurring to a pleading that has been amended after a demurrer to an earlier version of the pleading was sustained shall not demur to any portion of the amended complaint, cross-complaint, or answer on grounds that could have been raised by demurrer to the earlier version of the complaint, cross-complaint, or answer.
7. Provides that if a court sustains a demurrer to one or more causes of action and grants leave to amend, the court may order a conference of the parties before an amended complaint or cross-complaint, or a demurrer to an amended complaint or cross-complaint may be filed. Further provides that if a conference is held, the court shall not preclude a party from filing a demurrer and the time to file a demurrer shall not begin until after the conference has concluded.
8. Specifies that nothing in the bill prohibits the court from ordering a conference on its own motion at any time or prevents a party from requesting that the court order a conference to be held.
9. Provides that the above procedural requirements do not apply to the following civil actions: (a) an action in which a party not represented by counsel is incarcerated in a local, state, or federal correctional institution; or (b) a proceeding in forcible entry, forcible detainer, or unlawful detainer.

10. Provides that in response to a demurrer and before the case being at issue, a complaint or cross-complaint may be amended no more than three times, absent an offer to the trial court of such additional facts to be pleaded that there is a reasonable possibility the defect can be cured to state a cause of action. Specifies that nothing in this provision is intended to alter existing law concerning the rights of any party to amend its pleading or respond to that amendment after the case has been at issue. Provides further that the three-amendment limitation shall not include an amendment made without leave of court under section 472, so long as it is made before the opposing side has demurred to the original complaint.
11. Provides that the bill's provisions are not intended to affect appellate review or the rights of a party under section 430.80.
12. Provides that if a demurrer is overruled as to a cause of action and that cause of action is not further amended, the demurring party preserves its right to appeal after final judgment without filing a further demurrer.
13. Sunsets the bill's provisions on January 1, 2021. (CCP 430.41, 472, 472a)

APPENDIX B

EMPLOYEE/EMPLOYER ISSUES

AB 304 (GONZALEZ), CH. 67
EFFECTIVE/OPERATIVE DATE:
URGENCY, JULY 13, 2015
SICK LEAVE: ACCRUAL AND LIMITATIONS

Amends the Healthy Workplaces, Healthy Families Act of 2014 to provide clarification regarding which workers are covered, how the paid time off is accrued, and what protections are in place for employers that already provide paid sick leave.

1. Provides that the definition of "employee" does not include specified retired annuitants.
2. Specifies that an "employee in the construction industry" means an employee performing work—deleting the reference to "onsite work" in the current provisions of the law.
3. Specifies that the law applies to an employee who works in California "for the same employer" for 30 or more days within a year.
4. Provides that an employer may use a different accrual method, other than providing one hour per every 30 hours worked, provided that the accrual is on a regular basis so that an employee has no less than 24 hours of accrued sick leave or paid time off by the 120th calendar day of employment or each calendar year, or in each 12-month period.
5. Provides that an employer may satisfy the accrual requirements of this section by providing not less than 24 hours or three days of paid sick leave that is available to the employee to use by the completion of his or her 120th calendar day of employment.
6. Amends the law to specify that an employer is not required to provide additional paid sick days if the employer has a paid-leave policy or paid-time-off policy and makes available (beginning July 1, 2015) an amount of leave that may be used for the same purposes and under the same conditions, and the policy either:
    a. Satisfies the accrual, carry over, and use requirements of the law;
    b. Provided paid sick leave or paid time off to a class of employees before January 1, 2015, under a sick leave policy that used an accrual method different than providing one hour per every 30 hours worked; provided that the accrual was on a regular basis so that an employee, including an employee hired into that class after January 1, 2015, had no less than one day or eight hours of accrued leave within three months; and provided that the employee was eligible to earn at least three days or 24 hours within nine months. (If an employer modifies the accrual method used in the policy it had in place before January 1, 2015, the employer shall comply with any accrual method stated in existing law or provide the full amount of leave at the beginning of the year. This bill shall not prohibit the employer from increasing the accrual amount or rate.); or
    c. Provides that specified sick leave or annual leave benefits provided to specified state employees or officers by statute or the provisions of a memorandum of understanding meet the requirements of the paid sick day's law.
7. Provides that an employer is not required to reinstate accrued paid time off to a rehired employee who was paid out at the time of termination, resignation, or separation of employment.
8. Provides that if an employer provides unlimited paid sick leave or unlimited paid time off, the employer may satisfy a specified written notice requirement of existing law by indicating on the notice or the employee's itemized wage statement that such leave is "unlimited."

9. Delays application of provisions related to the inclusion of the amount of paid sick leave available on itemized wage statements or separate writings until January 21, 2016, for employers in the broadcasting and motion picture industries.

10. Provides that an employer shall calculate paid sick leave using any of the following calculations:

    a. **Paid sick time for nonexempt employees:**

        i. Calculated in the same manner as the regular rate of pay for the workweek in which the employee uses paid sick time, whether or not the employee actually works overtime in that workweek;

        ii. Calculated by dividing the employee's total wages, not including overtime premium pay, by the employee's total hours worked in the full pay periods of the prior 90 days of employment.

    b. **Paid sick time for exempt employees:** Calculated in the same manner as the employer calculates wages for other forms of paid leave time.

11. Provides that an employer is not obligated to inquire into or record the purpose for which an employee uses paid leave or paid time off. (LAB 245.5, 246, 247.5)

APPENDIX C

2015 NEW AND EXPANDED CRIMES

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 32 (Waldron), CH. 614 ***Effective/Operative Date: January 1, 2016*** **Computer crimes**	PEN 502	Raises the maximum misdemeanor fines for computer access, use, and damage crimes from $5,000 to $10,000, and provides that the statute of limitations for any computer access, use, or damage crime runs from the date of discovery, if it is alleged that the defendant acquired, copied, or distributed an image of a sexual or intimate nature.
AB 53 (Garcia, Cristina), CH. 292 ***Effective/Operative Date: January 1, 2016*** **Vehicles: child safety seats**	VEH 27350	Sunsets existing child passenger restraint law for children younger than eight years of age as of January 1, 2017. Expands the existing crime by requiring, as of January 1, 2017, a driver to secure children under eight, while traveling in a motor vehicle, in a rear seat with an appropriate child passenger restraint system meeting federal standards; and a parent, legal guardian, or driver to secure children under the age of two, while traveling in a motor vehicle, in a rear-facing child passenger restraint system meeting federal standards, and the child to be secured in compliance with the passenger restraint manufacturer's specifications.
AB 96 (Atkins), CH. 475 ***Effective/Operative Date: January 1, 2016*** **Animal parts and products: importation or sale of ivory and rhinoceros horn**	F&G 2022	Makes the importation or sale of ivory or rhinoceros horn in California a misdemeanor subject to a specified fine or imprisonment in county jail or both.
AB 160 (Dababneh), CH. 427 ***Effective/Operative Date: January 1, 2016*** **Criminal profiteering: counterfeit labels: sales and use taxes**	PEN 186.2; R&T 6007, 6009.2	Adds offenses related to piracy and insurance fraud onto the list of criminal offenses for which prosecutors can seek asset forfeiture. Expands the definition of "organized crime" to include pimping and pandering, counterfeiting of a registered mark, piracy of recording or audiovisual work, embezzlement, securities fraud, insurance fraud, grand theft, money laundering, or forgery for profit.
AB 180 (Bonilla), CH. 395 ***Effective/Operative Date: January 1, 2016*** **Cemetery and Funeral Bureau**	B&P Various	Merges the Funeral Directors and Embalmers Law and the Cemetery Act into one Cemetery and Funeral Bureau Act, and merges the California Funeral Directors and Embalmers Fund and the Cemetery Fund into the combined Cemetery and Funeral Fund, thereby expanding the definition of an existing crime.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 195 (Chau), CH. 552 ***Effective/Operative Date: January 1, 2016*** **Unauthorized access to computer systems**	PEN 653f	Includes certain computer offenses in the list of target crimes in the offense of solicitation of another person to commit a crime. Defines offering to solicit assistance for a person to violate specified computer crimes as a form of criminal solicitation.
AB 216 (Garcia, Cristina), CH. 769 ***Effective/Operative Date: January 1, 2016*** **Product sales to minors: vapor products**	H&S 24600 et seq.	Creates a new crime by prohibiting the sale of any device intended to deliver a non-nicotine product in a vapor state, to be directly inhaled by the user, to a person under 18 years of age. Exempts from its prohibition the sale of a drug or medical device that has been approved by the federal Food and Drug Administration.
AB 234 (Gordon), CH. 616 ***Effective/Operative Date: January 1, 2016*** **Food: sale**	H&S 113789, 114376	Expands the definition of a crime by revising provisions of law governing community food producers and gleaners to allow community food producers to sell whole, uncut fruits or vegetables, or unrefrigerated shell eggs, directly to a permitted food facility, not just a restaurant, and by limiting the ability of a local environmental health officer to require community food producers or gleaners to register with local enforcement under specified conditions.
AB 243 (Wood), CH. 688 ***Effective/Operative Date: January 1, 2016*** **Medical marijuana**	B&P Various; F&G 12029; H&S 11362.769, 11362.777; WAT 13276	Establishes a regulatory program for the cultivation of medical cannabis, as part of the Medical Marijuana Regulation and Safety Act, thereby expanding the definition of a crime.
AB 256 (Jones-Sawyer), CH. 463 ***Effective/Operative Date: January 1, 2016*** **Falsifying evidence**	PEN 135, 141	Makes it a felony for a peace officer to knowingly, willfully, intentionally, and wrongfully tamper with a digital image or video recording with the specific intent that the physical matter, digital image, or video recording will be concealed, destroyed, or fraudulently represented as the original evidence in a trial, proceeding, or inquiry.
AB 276 (Committee on Environmental Safety and Toxic Materials), CH. 459 ***Effective/Operative Date: January 1, 2016*** **Department of Toxic Substances Control: response actions: cleanup ability information**	H&S Various	Makes various changes to the Hazardous Waste Control Law, thereby expanding the definition of a crime, including that any person who knowingly and willfully disseminates trade secret information protected by specified provisions and procedures established by the Department of Toxic Substances Control is subject to a fine, imprisonment in a county jail, or both.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 303 (Gonzalez), CH. 464 ***Effective/Operative Date: January 1, 2016*** **Searches: county jails**	PEN 4030, 4031	Expands the definition of a crime by requiring that all persons within sight of specified detainees and incarcerated juveniles during a strip search or visual or physical body cavity search be of the same sex as the person being searched, except for physicians or licensed medical personnel.
AB 370 (Brown), CH. 105 ***Effective/Operative Date: January 1, 2016*** **Election campaigns: candidate misrepresentation**	ELEC 18350	Expands the list of activities that constitute a crime of candidate misrepresentation.
AB 384 (Perea), CH. 477 ***Effective/Operative Date: January 1, 2016*** **Food safety**	H&S 110485	Expands an existing crime by deleting the January 1, 2016, repeal date for the food safety fee, of which a failure to pay is a crime, thus extending its duration indefinitely.
AB 684 (Alejo), CH. 405 ***Effective/Operative Date: January 1, 2016*** **State Board of Optometry: optometrists: nonresident contact lens sellers: registered dispensing opticians**	B&P Various	Requires specified consumer information to be displayed by each registered dispensing optician, thereby expanding the definition of a crime.
AB 730 (Quirk), CH. 77 ***Effective/Operative Date: January 1, 2016*** **Controlled substances: transport**	H&S 11360, 11379.5, 11391	For the purpose of law, defines "transport" to mean to transport for sale, making it an offense to transport, among other things, marijuana; phencyclidine, as specified; and mushrooms containing certain controlled substances, as provided.
AB 762 (Mullin), CH. 373 ***Effective/Operative Date: January 1, 2016*** **Day care centers: toddler programs**	H&S 1596.955, 1596.956	Changes the definition of an existing crime by requiring a day care center with a toddler program to extend the toddler program to serve children between 18 months and three years of age.
AB 794 (Linder), CH. 201 ***Effective/Operative Date: January 1, 2016*** **Criminal acts against law enforcement animals**	PEN 600	Expands criminal acts against law enforcement animals to include offenses against animals used by volunteers acting under the direct supervision of a peace officer.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 808 (Ridley-Thomas), CH. 591 ***Effective/Operative Date: January 1, 2016*** **Automotive fuels and products**	B&P Various	Expands the California Department of Food and Agriculture's regulatory authority regarding alternative fuels, requires the methods for sales of all motor vehicle fuels and lubricants to follow specified national standards, and requires the Secretary of the California Department of Food and Agriculture to establish interim standards for methods of sale, if national standards do not exist. Expands the definition of an existing crime relating to offering for sale or selling any motor vehicle fuel to the public.
AB 835 (Gipson), CH. 338 ***Effective/Operative Date: January 1, 2016*** **Vehicular manslaughter: statute of limitation**	PEN 803	Expands an existing crime by allowing for a longer statute of limitations, but no longer than six years, when a person flees the scene of an accident where vehicular manslaughter has occurred.
AB 892 (Achadjian), CH. 203 ***Effective/Operative Date: January 1, 2016*** **Unsafe handguns: peace officer's state-issued handguns: transfer to spouse**	PEN 32000	Exempts the purchase of a state-issued handgun by the spouse or domestic partner of a peace officer who died in the line of duty from the prohibition on unsafe handguns.
AB 1073 (Ting), CH. 784 ***Effective/Operative Date: January 1, 2016*** **Pharmacy: prescription drug labels**	B&P 4076, 4076.6, 4199	Expands an existing crime by (a) requiring a pharmacist to use professional judgment to provide a patient with directions for use of a prescription that enhance the patient's understanding of those directions, consistent with the prescriber's instructions; (b) requiring a dispenser, excluding a veterinarian, on request of a patient or patient's representative, to provide translated directions for use as prescribed; and (c) making a dispenser responsible for the accuracy of English-language directions for use provided to the patient.
AB 1178 (Achadjian), CH. 526 ***Effective/Operative Date: January 1, 2016*** **Vehicles: manufacturers and distributors**	VEH Various	Authorizes the New Motor Vehicle Board to hear protests by an association challenging the legality of an export policy of a manufacturer, sunsetting this authorization on January 1, 2019, and provides that an automobile manufacturer may take an adverse action against a dealer pursuant to export prohibitions only if the manufacturer has provided the dealer with the export policy in writing at least 48 hours before the vehicle is sold and the dealer knew or should have known of the customer's intent to export, thereby expanding the definition of a crime.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 1211 (Maienschein), CH. 483 ***Effective/Operative Date: Urgency, October 4, 2015*** **Health care facilities: congregate living health facility**	H&S 1250	Includes in the definition of "congregate living health facility" a residential home with a capacity of no more than 18 beds that provides inpatient and skilled nursing care, as specified, thereby changing the definition of a crime.
AB 1222 (Bloom), CH. 309 ***Effective/Operative Date: January 1, 2016*** **Tow trucks**	VEH 22513, 22513.1	Among other things, makes it a misdemeanor for a tow truck owner, operator, or company, unless summoned to an accident scene or requested to stop by the owner or operator of a disabled vehicle, to stop at an accident scene or near a disabled vehicle to solicit or provide towing services, move an unattended vehicle, or accrue charges for these services.
AB 1320 (Maienschein), CH. 527 ***Effective/Operative Date: Urgency, October 6, 2015*** **Alcoholic beverages: tied-house restrictions: advertising**	B&P 25503.36	Creates a new tied-house exception in the Alcoholic Beverage Control Act that authorizes certain alcoholic beverage licensees to sponsor a limited number of events promoted by or to purchase advertising space and time from, or on behalf of, a live entertainment marketing company that conducts live artistic, musical, sports, or cultural entertainment events solely at the San Diego County Fairgrounds in the City of Del Mar, under specified conditions. States that an authorized licensee who, through coercion or other illegal means, induces the holder of a wholesaler's license to fulfill contractual obligations entered into under these provisions is guilty of a misdemeanor.
AB 1374 (Levine), CH. 529 ***Effective/Operative Date: January 1, 2016*** **Psychologists: licensure**	B&P 2903, 2913, 2914; EVID 1010	Changes the definition of a crime by revising the submission process for Verification of Experience (VOE) forms and permits applicants for a psychology license to submit VOE forms directly to the California Board of Psychology; deletes the requirement that a licensed psychologist may only practice psychology for a fee; revises terms relative to the practice of psychology; and makes other technical and clarifying amendments.
AB 1422 (Cooper), CH. 791 ***Effective/Operative Date: January 1, 2016*** **Transportation network companies**	PUC 5444	Provides that a transportation network company is eligible and required to participate in the Department of Motor Vehicles' pull-notice system to regularly check the driving records of a participating driver regardless of whether the participating driver is an employee or an independent contractor of the transportation network company, thereby expanding the definition of a crime.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 1509 (Hernández), CH. 792 ***Effective/Operative Date: January 1, 2016*** **Employer liability**	LAB 98.6, 1102.4, 2810.3, 6310	Extends the law prohibiting an employer from discharging an employee or in any manner discriminating, retaliating, or taking any adverse action against any employee or applicant for employment because the employee or applicant has engaged in protected conduct, as specified, to an employee who is a family member of a person who engaged in, or was perceived to have engaged in, the protected conduct or make a complaint protected by these provisions. Extends to those family members the law making it a misdemeanor for an employer to willfully refuse to reinstate or otherwise restore an employee who is determined by a specified procedure to be eligible for reinstatement.
ABX2 15 (Eggman), CH. 1 ***Effective/Operative Date: Ninety days after adjournment of the Second Extraordinary Session*** **End of life**	H&S 443 et seq.	Permits a competent, qualified individual who is an adult with a terminal disease to receive a prescription for an aid-in-dying drug if certain conditions are met: (1) two oral requests are made a minimum of 15 days apart; (2) a written request signed by two witnesses is provided to his or her attending physician; (3) the attending physician refers the patient to a consulting physician to confirm diagnosis and capacity to make medical decisions; and (4) the attending physician refers the patient to a mental health specialist, if indicated. Makes it a felony to knowingly coerce or exert undue influence on an individual to request or ingest an aid-in-dying drug for the purpose of ending his or her life or to destroy a withdrawal or rescission of a request, or to administer an aid-in-dying drug to an individual without his or her knowledge or consent. Sunsets these provisions on January 1, 2026.
SB 21 (Hill), CH. 757 ***Effective/Operative Date: January 1, 2016*** **Political Reform Act of 1974: gifts of travel**	GOV 87207, 89506	Expands an existing crime by amending the Political Reform Act of 1974 to require a nonprofit organization that regularly organizes and hosts travel for elected officials, as specified, and that pays for these types of travel for an elected state officer or local elected officeholder to disclose the names of donors who, in the preceding year, both donated to the nonprofit organization and accompanied an elected officer or officeholder for any portion of the travel, as specified, and to require a person who receives a gift of a travel payment from any source to report the travel destination on his or her statement of economic interests.
SB 65 (Wolk), CH. 138 ***Effective/Operative Date: January 1, 2016*** **Food labeling: olive oil**	H&S 112895	Recasts, changes, and adds to requirements for labeling California olive oils, thereby changing the definition of a crime for violating those requirements.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 162 (Galgiani), CH. 351 ***Effective/Operative Date: January 1, 2016*** **Treated wood waste**	H&S 25150.7	Extends the operation of a crime by making provisions relating to management standards for treated wood waste operative until December 31, 2020.
SB 212 (Mendoza), CH. 141 ***Effective/Operative Date: January 1, 2016*** **Controlled substances: factors in aggravation**	H&S 11379.6	Authorizes the court to apply a specified factor in aggravation in cases when sentencing a defendant for manufacturing methamphetamine or concentrated cannabis based on the distance from the scene of the offense to an occupied residence or any structure in which persons are present at the time of the offense— 200 feet in methamphetamine cases and 300 feet in concentrated cannabis cases.
SB 285 (Block), CH. 245 ***Effective/Operative Date: January 1, 2016*** **Pawnbrokers: compensation: loans**	FIN 21200, 21200.1, 21200.5, 21200.6, 21201, 21201.2, 21205	Increases the maximum rates and fees that may be charged by California pawnbrokers and allows pawnbrokers to substitute electronic notices for mailed notices, as specified. Changes the definition of a crime because a knowing violation of these provisions by a pawnbroker is a crime.
SB 352 (Block), CH. 279 ***Effective/Operative Date: January 1, 2016*** **Elder abuse**	PEN 166, 368	Requires a sentencing court, upon a person's conviction for violating elder abuse provisions, to consider issuing an order restraining the defendant from any contact with the victim, whether the defendant is sentenced to state prison or county jail, or if imposition of sentence is suspended and the defendant is placed on probation, for up to 10 years, as determined by the court. Provides that the protective order may be issued by the court, whether the defendant is sentenced to state prison or county jail, or if imposition of sentence is suspended and the defendant is placed on probation. Declares the intent of the Legislature that, in determining the length of any restraining order, the court consider the seriousness of the facts before it, the probability of future violations, and the safety of the victim and his or her immediate family.
SB 408 (Morrell), CH. 280 ***Effective/Operative Date: January 1, 2016*** **Midwife assistants**	B&P 2516.5	Authorizes a midwife assistant to perform certain assistive activities under the supervision of a licensed midwife or certified nurse-midwife, including the administration of medicine, the withdrawing of blood, and midwife technical support services. Expands the definition of a crime by adding new requirements and prohibitions to the Licensed Midwifery Practice Act of 1993.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 413 (Wieckowski), CH. 765 ***Effective/Operative Date: January 1, 2016*** **Public transit: prohibited conduct**	PEN 640	Provides that local jurisdictions may pass ordinances that permit the issuance of infraction tickets for failing to yield a seat to an elderly or disabled person or for playing sound equipment in an unreasonably loud manner, and allows transit operators to levy administrative penalties against minors for specified transit violations.
SB 474 (Wieckowski), CH. 354 ***Effective/Operative Date: URGENCY, September 28, 2015*** **Auctions**	CCP 1812.610	Changes the definition of a crime by eliminating the creditor bid exemption to the existing prohibition on announcing or allowing an auction bid offered for the sole purpose of increasing a bid amount, and recasts the existing prohibition to apply only to increased bids offered by the auctioneer.
SB 489 (Monning), CH. 419 ***Effective/Operative Date: January 1, 2016*** **Hazardous waste: photovoltaic modules**	H&S 25259	Authorizes the Department of Toxic Substances Control to adopt regulations to designate end-of-life photovoltaic modules that are identified as hazardous waste as universal waste and subject those modules to universal waste management, thereby expanding the definition of a crime.
SB 530 (Pan), CH. 496 ***Effective/Operative Date: January 1, 2016*** **Pedicabs**	VEH 467.5, 21215–21215.5, 23299	Expands the definition of an existing crime by including in the term "pedicab" pedal-powered vehicles that can carry up to 15 passengers and by creating minimum operational and equipment requirements.
SB 561 (Monning), CH. 281 ***Effective/Operative Date: January 1, 2016*** **Contractors: home improvement salespersons**	B&P Various	Among other things, changes the definition of an existing crime by making it a crime for any person to engage in the occupation of home improvement salesperson for one or more home improvement contractors without having, at the time of the sales transaction, a current and valid registration, as required, and making it a crime for any person to engage in the occupation of salesperson of home improvement goods or services without having, at the time of the sales transaction, a current and valid registration, as required.
SB 655 (Mitchell), CH. 720 ***Effective/Operative Date: January 1, 2016*** **Housing standards: mold**	H&S 17920, 17920.3	Expands the definition of a crime by providing that visible mold growth, excepting mold that is minor and found on surfaces that can accumulate moisture as part of their proper and intended use, is a type of inadequate sanitation and therefore a substandard condition and by defining mold as microscopic organisms or fungi that can grow in damp conditions in the interior of a building.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 671 (Hill), CH. 545 ***Effective/Operative Date: January 1, 2016*** **Pharmacy: biological product**	B&P 4073.5	Authorizes a pharmacist to substitute an alternative biological product when filling a prescription for a prescribed biological product if the alternative biological product is designated as interchangeable with the reference product, among other conditions, and communication is provided to the patient and physician that a substitution was made. Makes a knowing violation of those requirements a misdemeanor.
SB 675 (Liu), CH. 494 ***Effective/Operative Date: January 1, 2016*** **Hospitals: family caregivers**	H&S 1262.5	Changes the definition of an existing crime by revising the requirements for hospitals to have a discharge planning process by requiring a hospital to provide an opportunity for a patient who has been admitted to the hospital as an inpatient to identify one family caregiver to assist in post-hospital care, to record that information in the patient's medical chart, and to provide an opportunity for the patient and his or her designated family caregiver to engage in the discharge planning process, as specified.
SB 703 (Leno), CH. 578 ***Effective/Operative Date: January 1, 2016*** **Public contracts: prohibitions: discrimination**	PCC 10295.35	Expands the definition of an existing crime by prohibiting a state agency from entering into contracts for the acquisition of goods or services of $100,000 or more with a contractor that discriminates between employees on the basis of gender identity in the provision of benefits, as specified.
SB 707 (Wolk), CH. 766 ***Effective/Operative Date: January 1, 2016*** **Firearms: gun-free school zone**	PEN 626.9, 30310	Changes the definition of an existing crime by (1) eliminating the exemption that allows a person holding a valid license to carry a concealed firearm to possess a firearm on the campus of a university or college; (2) permitting a person holding a valid license to carry a concealed firearm to carry a firearm in an area that is within 1,000 feet of, but not on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12; and (3) specifying further exceptions to the prohibition on carrying ammunition on school grounds.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 795 (Committee on Public Safety), CH. 499 ***Effective/Operative Date: January 1, 2016*** **Public Safety Omnibus**	Various Codes	Makes technical and corrective changes, as well as non-controversial substantive changes, to various code sections relating to criminal justice, including exempting a person from the requirement that he or she be taken in front of a magistrate without unreasonable delay if the person is arrested for driving under the influence of alcohol or drugs and is delivered to a hospital for medical treatment that prohibits immediate delivery to a magistrate; deleting the January 1, 2016, repeal date on the provisions of the interstate compact, thereby extending the operation of the provisions indefinitely; and clarifying that a person who violates the rules and regulations relating to damage to state park property and state vehicle recreation areas and the trail system is guilty of an alternate misdemeanor/infraction.

INDEX

NO.	AUTHOR	SUBJECT	CHAPTER	PAGE
AB 15	Holden	Limitation of actions: human rights abuses	474	2
AB 28	Chu	Bicycle safety: rear lights	549	20
AB 32*	Waldron	Computer crimes	614	30
AB 39	Medina	Search warrants: electronic submission	193	7
AB 53*	Garcia, Cristina	Vehicles: child safety seats	292	30
AB 87	Stone	Jurors: peremptory challenge	115	14
AB 96*	Atkins	Animal parts and products: importation or sale of ivory and rhinoceros horn	475	30
AB 139	Gatto	Nonprobate transfers: revocable transfer upon death deeds	293	17
AB 160*	Dababneh	Criminal profiteering: counterfeit labels: sales and use taxes	427	30
AB 180*	Bonilla	Cemetery and Funeral Bureau	395	30
AB 195*	Chau	Unauthorized access to computer systems	552	31
AB 198	Frazier	Vehicles: tow truck assistance	30	20
AB 208	Bigelow	Vehicles: highway: lane use	265	20
AB 216*	Garcia, Cristina	Product sales to minors: vapor products	769	31
AB 217	Maienschein	Juvenile law: hearings	36	16
AB 231	Eggman	Parole: placement at release	498	7
AB 234*	Gordon	Food: sale	616	31
AB 243*	Wood	Medical marijuana	688	31
AB 249	Obernolte	Criminal courts: appeals: fees	194	14
AB 256*	Jones-Sawyer	Falsifying evidence	463	31
AB 260	Lopez	Foster care: parenting youth	511	16
AB 276*	Committee on Environmental Safety and Toxic Materials	Department of Toxic Substances Control: response actions: cleanup ability information	459	31
AB 303*	Gonzalez	Searches: county jails	464	32
AB 346	Wilk	Vehicle infractions and misdemeanors: arrests	82	20
AB 365	Garcia, Cristina	Child custody proceedings: testimony by electronic means	69	13
AB 370*	Brown	Election campaigns: candidate misrepresentation	105	32
AB 380	Waldron	Marriage: putative spouses	196	13
AB 384*	Perea	Food safety	477	32
AB 418	Chiu	Tenancy: termination: victims of violent crime	70	11
AB 424	Gaines	Court appointed child advocates: wards	71	15
AB 432	Chang	Civil procedure: electronic signatures	32	2
AB 436	Jones	Guardian or conservator: powers and duties	197	18
AB 439	Bloom	Protective orders: batterer's program	72	12

* Indicates a bill that appears on the 2015 New and Expanded Crimes Table (Appendix C).

NO.	AUTHOR	SUBJECT	CHAPTER	PAGE
AB 494	Maienschein	Restraining orders: protection of animals	401	12
AB 536	Bloom	Domestic violence: protective orders	73	12
AB 538	Campos	Actions for damages: felony offenses: victim notification	465	3
AB 539	Levine	Search warrants	118	7
AB 545	Melendez	Domestic violence	626	12
AB 548	Garcia, Cristina	Estates: administrators	54	18
AB 560	Gomez	Civil actions: immigration status	151	3
AB 593	Levine	Hearsay: admissibility of statements	55	3
AB 604	Olsen	Electrically motorized boards	777	20
AB 610	Jones-Sawyer	Child support: suspension of support order	629	13
AB 666	Stone	Juveniles: sealing of records	368	15
AB 673	Santiago	Probation and mandatory supervision: jurisdiction	251	7
AB 684*	Alejo	State Board of Optometry: optometrists: nonresident contact lens sellers: registered dispensing opticians	405	32
AB 689	Dodd	Marketing of eggs: violations: administrative and civil penalties	302	3
AB 703	Bloom	Juveniles: attorney qualifications	369	15
AB 730*	Quirk	Controlled substances: transport	77	32
AB 762*	Mullin	Day care centers: toddler programs	373	32
AB 794*	Linder	Criminal acts against law enforcement animals	201	32
AB 808*	Ridley-Thomas	Automotive fuels and products	591	33
AB 830	Eggman	Civil actions: gender violence	202	4
AB 835*	Gipson	Vehicular manslaughter: statute of limitation	338	33
AB 863	Dodd	Modified limousines: passenger safety	480	20
AB 879	Burke	Juveniles: court proceedings: notice	219	16
AB 892*	Achadjian	Unsafe handguns: peace officer's state-issued handguns: transfer to spouse	203	33
AB 899	Levine	Juveniles: confidentiality of records	267	16
AB 900	Levine	Juveniles: special immigrant juvenile status	694	16
AB 902	Bloom	Traffic violations: diversion programs	306	20
AB 929	Chau	Pen registers: authorized use	204	7
AB 950	Melendez	Firearms: gun violence restraining orders	205	7
AB 960	Chiu	Parentage: assisted reproduction	566	12
AB 989	Cooper	Juveniles: sealing of records	375	15
AB 1002	Wilk	Civil actions: interpreter costs	90	7
AB 1028	Bonta	Judicial officers: oaths and affirmations	308	14
AB 1039	Committee on Agriculture	Fertilizing materials: violations: administrative penalty: filing of final judgment	227	4
AB 1049	Patterson	Parent and child relationship	91	13

* Indicates a bill that appears on the 2015 New and Expanded Crimes Table (Appendix C).

NO.	AUTHOR	SUBJECT	CHAPTER	PAGE
AB 1073*	Ting	Pharmacy: prescription drug labels	784	33
AB 1081	Quirk	Protective orders	411	14
AB 1085	Gatto	Personal representatives: conservators and attorneys-in-fact	92	18
AB 1096	Chiu	Vehicles: electric bicycles	568	20
AB 1104	Rodriguez	Search warrants	124	7
AB 1140	Bonta	Crime victims	569	8
AB 1141	Chau	Civil actions	345	4
AB 1156	Brown	Imprisonment in county jail	378	8
AB 1178*	Achadjian	Vehicles: manufacturers and distributors	526	33
AB 1211*	Maienschein	Health care facilities: congregate living health facility	483	34
AB 1222*	Bloom	Tow trucks	309	34
AB 1267	Bloom	Lawsuits, liens, and other encumbrances	208	4
AB 1287	Chiu	Vehicles: parking violations	485	20
AB 1310	Gatto	Disorderly conduct: unlawful distribution of image	643	8
AB 1320*	Maienschein	Alcoholic beverages: tied-house restrictions: advertising	527	34
AB 1328	Weber	Criminal procedure: withholding of evidence	467	8
AB 1343	Thurmond	Criminal procedure: defense counsel	705	9
AB 1352	Eggman	Deferred entry of judgment: withdrawal of plea	646	9
AB 1374*	Levine	Psychologists: licensure	529	34
AB 1375	Thurmond	Criminal penalties: nonpayment of fines	209	9
AB 1407	Atkins	Family law: protective orders: wireless telephone numbers	415	13
AB 1422*	Cooper	Transportation network companies	791	34
AB 1492	Gatto	Forensic testing: DNA samples	487	9
AB 1509*	Hernández	Employer liability	792	35
AB 1519	Committee on Judiciary	Judiciary omnibus: family support	416	14
ABX2 15*	Eggman	End of life	1	35

SENATE BILLS

SB 21*	Hill	Political Reform Act of 1974: gifts of travel	757	35
SB 28	Wieckowski	Spousal support factors: domestic violence	137	12
SB 65*	Wolk	Food labeling: olive oil	138	35
SB 68	Liu	Minor or nonminor dependent parents: reunification services	284	17
SB 85	Committee on Budget and Fiscal Review	Public safety	26	2
SB 162*	Galgiani	Treated wood waste	351	36
SB 176	Mitchell	Examining children as witnesses	155	9

* Indicates a bill that appears on the 2015 New and Expanded Crimes Table (Appendix C).

NO.	AUTHOR	SUBJECT	CHAPTER	PAGE
SB 178	Leno	Privacy: electronic communications: search warrant	651	10
SB 196	Hancock	Elder abuse: protective orders	285	19
SB 212*	Mendoza	Controlled substances: factors in aggravation	141	36
SB 227	Mitchell	Grand juries: powers and duties	175	15
SB 238	Mitchell	Foster care: psychotropic medication	534	17
SB 244	Vidak	Mobile homes: injunctions	176	5
SB 285*	Block	Pawnbrokers: compensation: loans	245	36
SB 307	Pavley	Restraining orders	60	12
SB 319	Beall	Child welfare services: public health nursing	535	17
SB 326	Beall	Courts: penalties: emergency services funding	797	21
SB 340	Anderson	Dissolution: disclosure	46	13
SB 352*	Block	Elder abuse	279	36
SB 363	Morrell	Attorney's fees: book accounts	80	5
SB 382	Lara	Juveniles: jurisdiction: sentencing	234	10
SB 387	Jackson	State Bar: attorneys: annual membership fees: meetings: public records	537	19
SB 405	Hertzberg	Failure to appear in court: fines	385	21
SB 408*	Morrell	Midwife assistants	280	36
SB 411	Lara	Crimes	177	10
SB 413*	Wieckowski	Public transit: prohibited conduct	765	37
SB 424	Pan	Law enforcement: communications	159	10
SB 470	Jackson	Civil actions: summary judgment and summary adjudication	161	14
SB 474*	Wieckowski	Auctions	354	37
SB 484	Beall	Juveniles	540	17
SB 489*	Monning	Hazardous waste: photovoltaic modules	419	37
SB 501	Wieckowski	Wage garnishment restrictions	800	6
SB 504	Lara	Court records: sealing	388	16
SB 507	Pavley	Sexually violent predators	576	10
SB 517	Monning	Supervised persons: release	61	14
SB 530*	Pan	Pedicabs	496	37
SB 541	Hill	Public Utilities Commission: for-hire transportation carriers: enforcement	718	21
SB 561*	Monning	Contractors: home improvement salespersons	281	37
SB 589	Block	Voting: voter registration: individuals with disabilities and conservatees	736	18
SB 594	Wieckowski	Child custody	130	13
SB 629	Mitchell	Crimes: taking person from lawful custody of peace officer	47	10
SB 641	Wieckowski	Debt buying: default judgment	804	6

* Indicates a bill that appears on the 2015 New and Expanded Crimes Table (Appendix C).

NO.	AUTHOR	SUBJECT	CHAPTER	PAGE
SB 646	Jackson	Uniform Interstate Family Support Act	493	13
SB 651	Leyva	Juvenile conduct: victims	131	16
SB 655*	Mitchell	Housing standards: mold	720	37
SB 671*	Hill	Pharmacy: biological product	545	38
SB 674	De León	Victims of crime: nonimmigrant status	721	10
SB 675*	Liu	Hospitals: family caregivers	494	38
SB 676	Cannella	Disorderly conduct: invasion of privacy	291	11
SB 703*	Leno	Public contracts: prohibitions: discrimination	578	38
SB 707*	Wolk	Firearms: gun-free school zone	766	38
SB 711	Wolk	Law libraries: charges	318	17
SB 785	Morrell	Estates and trusts: creditor's claim	48	19
SB 795*	Committee on Public Safety	Public Safety Omnibus	499	11, 39

* Indicates a bill that appears on the 2015 New and Expanded Crimes Table (Appendix C).

ASSEMBLY AND SENATE BILLS WITH A RELATED APPENDIX

AB 304	Gonzalez	Sick leave: accrual and limitations	67; Appendix B	12, 28
AB 555	Alejo	Civil actions	330; Appendix A	3, 22
AB 1390	Alejo	Groundwater: comprehensive adjudication	672; Appendix A	4, 22
AB 1521	Committee on Judiciary	Disability access: construction-related accessibility claims	755; Appendix A	5, 24
SB 226	Pavley	Sustainable Groundwater Management Act: groundwater adjudication	676; Appendix A	5, 25
SB 383	Wieckowski	Civil actions: objections to pleadings	418; Appendix A	5, 26

* Indicates a bill that appears on the 2015 New and Expanded Crimes Table (Appendix C).

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