

# Summary of Court-Related Legislation



JUDICIAL COUNCIL  
OF CALIFORNIA

JUDICIAL COUNCIL OF CALIFORNIA • GOVERNMENTAL AFFAIRS

NOVEMBER 2017

During the first year of the 2017–2018 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 effective date of legislation is stated with each measure. Legislation that requires more detail is available as an appendix after the brief descriptions. Also included is a table summarizing new laws that create new crimes or expand existing crimes, as well as an index listing all the bills and the page numbers on which their descriptions can be found.

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	Appellate
3	Budget
4	Civil
11	Court Facilities
12	Court Operations
12	Court Reporters
12	Criminal Law And Procedure
18	Domestic Violence
19	Employment
21	Family Law
21	Judicial Officers
22	Juvenile Delinquency
23	Juvenile Dependency
24	Probate And Mental Health
26	Protective Orders
26	State Bar/Practice of Law
27	Traffic
30	Appendix A: Civil Legislation
33	Appendix B: Criminal Law And Procedure Legislation
35	Appendix C: Judicial Officer Legislation
36	Appendix D: Juvenile Delinquency Legislation
37	Appendix E: 2017 New And Expanded Crimes
46	Index

# APPELLATE

## **AB 102 (COMMITTEE ON BUDGET), CH. 16** **EFFECTIVE/OPERATIVE DATE: JUNE 27, 2017**

### **THE TAXPAYER TRANSPARENCY AND FAIRNESS ACT OF 2017: CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION: OFFICE OF TAX APPEALS: STATE BOARD OF EQUALIZATION**

Enacts the Taxpayer Transparency and Fairness Act of 2017. Creates a new crime by prohibiting the director, chief deputy director, and chief counsel of the California Department of Tax and Fee Administration (successor to the State Board of Equalization) from divulging information concerning the business affairs of companies reporting to the department. Makes violation of this prohibition a misdemeanor offense punishable by a fine not to exceed \$1,000, or by imprisonment not to exceed six months, or both, at the discretion of the court. Retains the State Board of Equalization's appeal procedure, which allows appeals of decisions of the tax appeals panel to the superior court, which must apply the review de novo standard to said cases. (GOV 12803.2, 15570–15570.100, 15600, 15601, 15605.5, 15609.5, 15618.5, 15623, 15670–15680; R&T 20)

## **AB 131 (COMMITTEE ON BUDGET), CH. 252** **EFFECTIVE/OPERATIVE DATE: SEPTEMBER 16, 2017**

### **TAXATION**

Makes various technical and clarifying changes to the Taxpayer Transparency and Fairness Act of 2017 (see AB 102). Among other things, specifies that the tax appeals panels of the Office of Tax Appeals and the appeals hearings conducted by tax appeals panels are not to be construed to be a tax court, or conducted by one, and clarifies that if a person disagrees with the decision of the tax appeals panel, that individual may bring an action in superior court in accordance with the law imposing the tax or fee for a trial de novo. (GOV 15677)

## **AB 246 (SANTIAGO), CH. 522** **EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

### **ENVIRONMENTAL QUALITY: JOBS AND ECONOMIC IMPROVEMENT THROUGH ENVIRONMENTAL LEADERSHIP ACT OF 2011**

Among other things, extends for two years the expedited California Environmental Quality Act (CEQA) judicial review procedures established by Assembly Bill 900 (Stats. 2011, ch. 354). Requires trial courts and the Courts of Appeal to resolve CEQA lawsuits on AB 900 projects within 270 days, to the extent feasible, from the date the certified record of proceedings is filed with the trial court. (PRC 21181, 21185)

## **AB 369 (WALDRON), CH. 41** **EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

### **APPEALS: CHILD CUSTODY ORDERS OR JUDGMENTS**

Authorizes an appeal to be taken from a final order or judgment in a bifurcated proceeding regarding child custody or visitation rights. (CCP 904.1)

## **SB 94 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 27** **EFFECTIVE/OPERATIVE DATE: JUNE 27, 2017**

### **CANNABIS: MEDICINAL AND ADULT USE**

Among other things, merges the Medical Cannabis Regulation and Safety Act and the Adult Use of Marijuana Act into a single regulatory system for commercial cannabis activity in California. Creates new crimes and establishes court procedures regarding commercial cannabis licensing. Subjects applicants for a commercial license for growing, selling, using, and other specified uses to the penalty of perjury for any false claims in their application. Limits trial courts' ability to review, affirm, reverse, correct, or annul any order, rule, or decision of a licensing authority or to take other specified actions regarding a licensing decision. Specifies that the filing deadline for an application for writ of review to the Supreme Court or Courts of Appeal is 30 days from the filing of the final order of the licensing authority panel. Prohibits a reviewing court from holding a trial de novo, taking evidence, or making independent judgments on issues beyond whether the licensing authority has proceeded outside of its jurisdiction, the licensing authority has proceeded in the manner required by law, the decision of the licensing authority is supported by the findings, the findings



in the licensing authority's decision are supported by substantial evidence in light of the whole record, or there is relevant evidence that, in the exercise of reasonable diligence, could not have been produced or that was improperly excluded at the hearing before the licensing authority. (Various Codes)

## BUDGET

### **AB 102 (COMMITTEE ON BUDGET), CH. 16** **EFFECTIVE/OPERATIVE DATE: JUNE 27, 2017**

#### **THE TAXPAYER TRANSPARENCY AND FAIRNESS ACT OF 2017: CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION: OFFICE OF TAX APPEALS: STATE BOARD OF EQUALIZATION**

Enacts the Taxpayer Transparency and Fairness Act of 2017. Creates a new crime by prohibiting the director, chief deputy director, and chief counsel of the California Department of Tax and Fee Administration (successor to the State Board of Equalization) from divulging information concerning the business affairs of companies reporting to the department. Makes violation of this prohibition a misdemeanor offense punishable by a fine not to exceed \$1,000, or by imprisonment not to exceed six months, or both, at the discretion of the court. Retains the State Board of Equalization's appeal procedure, which allows appeals of decisions of the tax appeals panel to the superior court, which must apply the review de novo standard to said cases. (GOV 12803.2, 15570–15570.100, 15600, 15601, 15605.5, 15609.5, 15618.5, 15623, 15670–15680; R&T 20)

### **AB 103 (COMMITTEE ON BUDGET), CH. 17** **EFFECTIVE/OPERATIVE DATE: JUNE 27, 2017**

#### **PUBLIC SAFETY: OMNIBUS**

- *Driver's license suspension for failure to pay:* Eliminates the authority of a court to initiate a driver's license suspension or hold if the defendant fails to pay. Deletes the authority of the Department of Motor Vehicles to suspend a driver's license if the department receives a notice of a failure to pay. Requires the Judicial Council to report annually on revenue collected from criminal fines and fees related to infractions and misdemeanors for each court and county beginning October 1, 2018. (VEH 40509.5)

- *Equal Access Fund/class action cy près:* Requires that at least 25 percent of the unpaid cash residue or unclaimed or abandoned class member funds generally attributable to California residents, plus any accrued interest that has not otherwise been distributed, be deposited in the Trial Court Improvement and Modernization Fund, subject to appropriation by the Legislature for the Judicial Council to fund grants to trial courts for new or expanded collaborative courts or for Sargent Shriver Civil Counsel. Requires that at least 25 percent of the residual funds be transmitted to the Equal Access Fund and that the remaining 50 percent be handled under current law. (CCP 384)
- *Judgeships:* Reallocates two vacant judgeships from the Superior Court of Santa Clara County to the Superior Court of Riverside County and from the Superior Court of Alameda County to the Superior Court of San Bernardino County. Requires the Judicial Council to determine which specific vacancies would be transferred between counties under this provision and to take all necessary steps to effectuate each transfer. Provides that the term of judgeships would begin on January 2, 2018, and that a court in which a vacant judgeship is reallocated will not have its funding allocation reduced, shifted, or transferred as a result of the reallocation. (GOV 69614.4)
- *Statewide electronic filing:* Requires that electronic filing and service of documents be accessible to individuals with disabilities, and requires the contract with the entity providing electronic filing services to include a requirement that the selected entity test and verify system accessibility by June 30, 2019. (CCP 1010.6)
- *Appointment of chief probation officer:* Revises and recasts the role and responsibilities of the county chief probation officer, and requires the presiding judge in a county with two judges, or a majority of the judges in a county with more than two judges—rather than the judge of the juvenile court—to appoint the chief probation officer upon nomination of the juvenile justice commission. (GOV 27770)
- *Transfer of San Diego Courthouse property:* Authorizes the transfer of San Diego court facility property to the County of San Diego. Authorizes the use of existing environmental reports for



the demolition of the old courthouse and further development of the property, and restricts the use of the property by the Board of Supervisors of the County of San Diego for development or leasing purposes. (GOV 70500–70508)

- *Incompetent to Stand Trial*: Shifts the authority from the judicial officer to the Department of State Hospitals to place a defendant into jail-based competency treatment programs if the defendant is found to be incompetent to stand trial. (PEN 1370)

**AB 119 (COMMITTEE ON BUDGET), CH. 21**  
**EFFECTIVE/OPERATIVE DATE: JUNE 27, 2017**  
**STATE GOVERNMENT**

Includes statutory changes to the Trial Court Employment Protection and Governance Act and the Trial Court Interpreter Employment and Labor Relations Act. Requires employers to provide the exclusive representative of employees with mandatory access to its new employee orientation with 10 days advance notice. Defines new employee orientation as the onboarding process. Requires new public employees to be advised of their employment status, rights, benefits, duties, and responsibilities, or any other employment-related matters. Includes amendments to define the mechanisms in which an exclusive representative has access to the employee, and requires the costs of arbitration to be shared except in specified cases. (GOV 3555–3559)

**AB 131 (COMMITTEE ON BUDGET), CH. 252**  
**EFFECTIVE/OPERATIVE DATE: SEPTEMBER 16, 2017**  
**TAXATION**

Makes various technical and clarifying changes to the Taxpayer Transparency and Fairness Act of 2017 (see AB 102, above). Among other things, specifies that the tax appeals panels of the Office of Tax Appeals and the appeals hearings conducted by tax appeals panels are not to be construed to be a tax court, or conducted by one, and clarifies that if a person disagrees with the decision of the tax appeals panel, that individual may bring an action in superior court in accordance with the law imposing the tax or fee for a trial de novo. (GOV 15677)

**SB 89 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 24**  
**EFFECTIVE/OPERATIVE DATE: JUNE 27, 2017**  
**HUMAN SERVICES**

Among other things, includes statutory changes to clarify how second opinions on requests to authorize the use of specified psychotropic medications in children subject to court jurisdiction are paid for. (W&I 369.6)

**SB 96 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 28**  
**EFFECTIVE/OPERATIVE DATE: JUNE 27, 2017**  
**STATE GOVERNMENT**

Among other things, includes statutory changes to the judicial salary calculations outlined in Government Code section 68203 so that judicial officers receive the proportional equivalent of the salary increases that have been provided retroactively as of July 1 to state workers. (GOV 68203)

**CIVIL**

**AB 90 (WEBER), CH. 695**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**CRIMINAL GANGS**

Enacts the Fair and Accurate Gang Database Act of 2017, and makes technical and clarifying changes to existing provisions of law related to requests for information from law enforcement and the procedures for obtaining judicial review of a person's designation as a gang member or associate. (GOV 70615; PEN 186.34, 186.35)

**AB 246 (SANTIAGO), CH. 522**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**ENVIRONMENTAL QUALITY: JOBS AND ECONOMIC IMPROVEMENT THROUGH ENVIRONMENTAL LEADERSHIP ACT OF 2011**

Among other things, extends for two years the expedited California Environmental Quality Act (CEQA) judicial review procedures established by Assembly Bill 900 (Stats. 2011, ch. 354). Requires trial courts and the Courts of Appeal to resolve CEQA lawsuits on AB 900



projects within 270 days, to the extent feasible, from the date the certified record of proceedings is filed with the trial court. (PRC 21181, 21185)

**AB 291 (CHIU), CH. 489**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**HOUSING: IMMIGRATION**

Among other things, prohibits a landlord from threatening to disclose information regarding or relating to the immigration or citizenship status of a tenant, occupant, or other person known to the landlord to be associated with a tenant or occupant, for the purpose of influencing a tenant to vacate a dwelling, harassing a tenant, or retaliating or discriminating against a tenant based on the tenant's actual or perceived immigration or citizenship status. Enables any person to file suit to enforce violations of the above, and requires the court, if it finds such a violation, to order specified injunctive relief and damages. (B&P 6103.7; CIV 1940.05, 1940.2, 1940.3, 1940.35, 1942.5, 3339.10; CCP 1161.4)

**AB 383 (CHAU), CH. 189**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**CIVIL ACTIONS: DISCOVERY STATUS CONFERENCE**

Creates a process by which parties—after the meet and confer process—may request an informal discovery conference with the court to assist them in mediating and working through a discovery dispute. Provides that if an informal resolution is not reached by the parties, the court may conduct an informal discovery conference on request of a party or on the court's own motion to discuss discovery matters in dispute between the parties. Provides that if a party requests an informal discovery conference, the party shall file a meet and confer declaration with the court. Allows a party to file a response to this declaration. Specifies that if the court is in session and does not grant, deny, or schedule the party's request within 10 calendar days after the initial request, the request shall be deemed denied. States that if a court grants or orders an informal discovery conference, the court may schedule and hold the conference no later than 30 calendar days after the court granted the request or issued its order, and before the discovery cutoff date. Allows the court to

toll the deadline for filing a discovery motion or other appropriate discovery order. Provides that if an informal discovery conference is not held within 30 calendar days from the date the court granted the request, the request for an informal discovery conference shall be deemed denied, and any tolling period previously ordered by the court shall continue to apply to that action. Prohibits the outcome of an informal discovery conference from barring a party from filing a discovery motion or prejudicing the disposition of a discovery motion. Specifies that the bill does not prevent the parties from stipulating to the timing of discovery proceedings as provided. Sunsets the bill's provisions on January 1, 2023. (CCP 2016.080)

**AB 450 (CHIU), CH. 492**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**EMPLOYMENT REGULATION: IMMIGRATION WORKSITE ENFORCEMENT ACTIONS**

Among other things, prohibits an employer from providing a federal government immigration enforcement agent access to any nonpublic areas of a place of labor if the agent does not have a warrant. Prescribes penalties of between \$2,000 and \$5,000 against employers for failure to satisfy specified requirements and prohibitions for initial violations, and between \$5,000 and \$10,000 for each subsequent violation. Provides the Labor Commissioner with discretion to lower or waive the fines, as specified. (LAB 90.2, 1019.2)

**AB 485 (O'DONNELL), CH. 740**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019**

**PET STORE OPERATORS: DOGS, CATS, AND RABBITS**

Effective January 1, 2019, subjects a pet store owner to a civil penalty of \$500 for selling in a pet store a live dog, cat, or rabbit that was not obtained from a public animal control agency, shelter group, or rescue group that is in cooperative agreement with at least one private or public shelter. (F&A 31753; H&S 122357, 122354.5)



**AB 556 (LIMÓN), CH. 405**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**COUNTY ORDINANCES: VIOLATIONS: FINES**

Increases the maximum administrative penalties for violations of local event permit requirements (which, under current law, may be prosecuted by county authorities in the name of the people of the State of California or redressed in a civil action). (GOV 25132, 53069.4)

**AB 562 (MURATSUCHI), CH. 406**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**CALIFORNIA STATE AUDITOR: INTERFERENCE**

Subjects any officer, employee, or person who commits obstruction of the California State Auditor, in the performance of the duties related to an audit, to a fine of up to \$5,000. (GOV 8545.2, 8545.6)

**AB 644 (BERMAN), CH. 273**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**CIVIL PROCEDURE: PLEADINGS**

Requires a party that intends to file a motion to strike or a motion for judgment on the pleadings to first meet and confer with the party who filed the relevant pleading in person or by phone, according to specified timelines and procedures. Allows courts to order conferences of the parties after successful motions to strike or motions for judgment on the pleadings, if amended pleadings or subsequent motions in response to those pleadings are filed. Places certain limitations on amended pleadings or subsequent motions. Sunsets the bill's provisions on January 1, 2021. (CCP 435.5, 439, 472)

**AB 688 (CALDERON), CH. 529**

**EFFECTIVE/OPERATIVE DATE: SEPTEMBER 1, 2018**

**ENFORCEMENT OF MONEY JUDGMENTS: EXEMPTIONS**

Provides, effective September 1, 2018, that moneys in, contributions to, and any distribution for qualified disability expenses from an ABLE (Achieving a Better Life Experience) Act account, not to exceed \$100,000, shall not count toward determining eligibility for a state or local means-tested program, and shall be exempt from a money judgment without making a claim. Specifies that a money judgment in favor of the Department of Health Care Services is not subject to the exemption. (W&I 4880)

**AB 768 (AGUIAR-CURRY), CH. 83**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**CERTIFIED FARMERS' MARKETS: ENFORCEMENT: CIVIL PENALTIES**

Repeals the sunset date for enforcement of laws governing certified farmers' markets, making permanent the provisions that allow the California Department of Food and Agriculture and county agricultural commissioners to level civil penalties against a person for violations of specified direct marketing laws and regulations. (F&A 47026)

**AB 828 (OBERNOLTE), CH. 583**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**CIVIL ACTIONS: FEE RECOVERY**

Authorizes a prevailing party to recover fees for the costs associated with the electronic presentation of exhibits, including costs of rental equipment and electronic formatting. (CCP 1033.5)

**AB 905 (MAIENSCHIN), CH. 168**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**MONEY JUDGMENTS OF OTHER JURISDICTIONS**

Implements various changes to the Tribal Court Civil Money Judgment Act (TCCMJA) and the Uniform Foreign-Country Money Judgments Recognition Act recommended in a recent California Law Revision Commission report mandated by the Legislature. Among other things, removes the sunset on the TCCMJA, making its provisions permanent. Makes specified adjustments to the discretionary grounds for nonrecognition of a foreign-country or tribal court's judgment. (CCP 1714, 1716, 1717, 1725, 1730, 1731, 1732, 1733, 1737, 1741)

**AB 976 (BERMAN), CH. 319**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**ELECTRONIC FILING AND SERVICE**

Codifies and clarifies provisions governing permissive and mandatory electronic filing and service in civil cases, and expands permissive electronic filing and service to other case types. (Various Codes)

*See Appendix A for a full description of the bill.*



**AB 984 (CALDERON), CH. 169**

**EFFECTIVE/OPERATIVE DATE: AUGUST 7, 2017**

**COURTS: FRIVOLOUS ACTIONS OR TACTICS**

Clarifies the standards, conditions, and procedures that a trial court must follow when it orders sanctions under section 128.5 of the Code of Civil Procedure against a party, a party's attorney, or both, as the result of an action or tactic made in bad faith. Applies to actions or tactics that were part of a civil case filed on or after January 1, 2015. Among other things, provides that in determining what sanctions, if any, should be ordered, the court shall consider whether a party seeking sanctions has exercised due diligence. Specifies that the sanctions motion shall be separate from other motions or requests and shall describe the specific alleged action or tactic made in bad faith that is frivolous or solely intended to cause unnecessary delay. Provides that, if the alleged action or tactic is the making or opposing of a written motion or the filing and service of a complaint, cross-complaint, answer, or other responsive pleading that can be withdrawn or appropriately corrected, a notice of motion shall be served but not filed with or presented to the court unless, 21 days after service of the motion or any other period as the court may prescribe, the challenged action or tactic is not withdrawn or appropriately corrected. Allows the court, if warranted, to award to the party prevailing on the motion the reasonable expenses and attorney's fees incurred in presenting or opposing the motion. Limits an order for sanctions to what is sufficient to deter repetition of the action or tactic or comparable action or tactic by others similarly situated. Provides that a motion for sanctions brought by a party or a party's attorney primarily for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation, shall itself be subject to a motion for sanctions. (CCP 128.5)

**AB 1034 (CHAU), CH. 322**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**GOVERNMENT INTERRUPTION OF COMMUNICATIONS**

Implements recommendations by the California Law Revision Commission to repeal the Public Utilities Code provisions regarding government interruption of a com-

munication service under certain emergency circumstances and place them in the Penal Code with some modifications. Among other things, provides that a person whose communication service has been interrupted under the bill's provisions may petition the superior court to contest the grounds for the interruption and restore the interrupted service. Provides that this remedy is not exclusive and that other laws may provide a remedy for a person who is aggrieved by an interruption of a communication service. Specifies the procedures for the application for the judicial order, the procedures for the issuance of the judicial order, and the requirements of the content of the judicial order. (PEN 11470–11482)

**AB 1093 (CHEN), CH. 129**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**SERVICE OF PROCESS**

Provides guidelines for effecting service on a person when the only address reasonably known is a private mailbox obtained through a commercial mail receiving agency (CMRA). Specifies that when a person to be served has a private mailbox through a CMRA and there is no other "reasonably known" address, service of process can be effectuated on the first delivery attempt to the CMRA in the manner laid out in the Business and Professions Code. (CCP 415.20)

**AB 1583 (CHAU), CH. 510**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**PROPOSITION 65: ENFORCEMENT: CERTIFICATE OF MERIT: FACTUAL BASIS**

Makes various changes to Proposition 65 enforcement actions. Among other things, provides that if, after reviewing the factual information sufficient to establish the basis for the certificate of merit and after meeting and conferring with the noticing party regarding that basis, the Attorney General believes there is no merit to the action, the Attorney General shall serve a letter to the noticing party and the alleged violator stating so. Specifies that if the Attorney General does not serve a letter under the above provision, this shall not be construed as an endorsement by the Attorney General of the merit of the action. Provides that if the court finds that there was no credible factual basis for the certifier's belief that an exposure to a listed chemical had occurred or was threat-



ened, then the action shall be deemed frivolous within the meaning of section 128.5 of the Code of Civil Procedure. Precludes the court from finding a credible factual basis based on a legal theory of liability that is frivolous within the meaning of section 128.5. Provides further that the basis for the certificate of merit is discoverable only to the extent that the information is relevant to the subject matter of the action and not subject to the attorney-client privilege, the attorney work-product privilege, or any other legal privilege. (H&S 25249.7, 25249.14)

**AB 1615 (GARCIA, EDUARDO), CH. 156**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**GENDER DISCRIMINATION: CIVIL ACTIONS**

Requires an attorney to attach specified forms when sending a demand letter or serving a complaint that alleges gender discrimination in the pricing of services under the Gender Tax Repeal Act of 1995, which prohibits gender discrimination in the pricing of services. Among other things, requires the Judicial Council, on or before January 1, 2019, to adopt a specified written advisory notice, which shall be available in certain languages and provide information about the defendant's legal rights and obligations under the Gender Tax Repeal Act. (CIV 55.61–55.63)

**AB 1690 (COMMITTEE ON JUDICIARY), CH. 160**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**PERSONAL RIGHTS: COMPENSATORY RELIEF**

Extends protections in existing law that prohibit inquiry into a litigant's immigration status in civil actions to enforce state labor, employment, civil rights, and housing laws to actions enforcing the state's consumer protection laws. Clarifies that for purposes of enforcing state consumer protection laws, a person's immigration status is irrelevant to the issue of liability. Provides further that in proceedings or discovery undertaken to enforce those state laws, no inquiry shall be permitted into a person's immigration status, except where the person seeking to make this inquiry has shown by clear and convincing evidence that the inquiry is necessary in order to comply with federal immigration law. (CIV 3339; GOV 7285; H&S 24000; LAB 1171.5)

**AB 1693 (COMMITTEE ON JUDICIARY), CH. 131**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**CIVIL ACTIONS: INTERVENTION**

Clarifies the law governing intervention in civil cases. Allows a party seeking to intervene in an ongoing legal action the option of filing an answer in intervention rather than a complaint in intervention. (CCP 387, 1032, 1038)

**AB 1701 (THURMOND), CH. 804**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**LABOR-RELATED LIABILITIES: ORIGINAL CONTRACTOR**

Holds general contractors and subcontractors jointly liable for unpaid wages, including fringe benefits. Among other things, authorizes a third party owed fringe or other benefits or a joint labor-management cooperation committee to bring a civil action to enforce the liability against a general contractor under the bill's provisions. Authorizes the Labor Commissioner to bring an action to enforce the liability against a general contractor through either a civil action or the administrative process for disputing unpaid wages. Exempts from the bill's provisions work performed by an employee of the state or any political subdivision of the state. (LAB 218.7)

**SB 33 (DODD), CH. 480**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**ARBITRATION AGREEMENTS**

Adds an additional determination to the statutory list of exclusions from compelled arbitration. Provides that arbitration is not compelled when the court determines that the petitioner is a state or federally chartered depository institution that, on or after January 1, 2018, is seeking to apply a written agreement to arbitrate, contained in a contract consented to by a respondent consumer, to a purported contractual relationship with that respondent consumer that was created by the petitioner fraudulently without the respondent consumer's consent and by unlawfully using the respondent consumer's personal identifying information. (CCP 1281.2)

**SB 94 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 27**  
**EFFECTIVE/OPERATIVE DATE: JUNE 27, 2017**  
**CANNABIS: MEDICINAL AND ADULT USE**

Among other things, merges the Medical Cannabis Regulation and Safety Act and the Adult Use of Marijuana





Act into a single regulatory system for commercial cannabis activity in California. Creates new crimes and establishes court procedures regarding commercial cannabis licensing. Subjects applicants for a commercial license for growing, selling, using, and other specified uses to the penalty of perjury for any false claims in their application. Limits trial courts' ability to review, affirm, reverse, correct, or annul any order, rule, or decision of a licensing authority or take other specified actions in regard to a licensing decision. Specifies that the filing deadline for an application for writ of review to the Supreme Court or Courts of Appeal is 30 days from the filing of the final order of the licensing authority panel. Prohibits a reviewing court from holding a trial de novo, taking evidence, or making independent judgments on issues beyond whether the licensing authority has proceeded outside of its jurisdiction, the licensing authority has proceeded in the manner required by law, the decision of the licensing authority is supported by the findings, the findings in the licensing authority's decision are supported by substantial evidence in the light of the whole record, or there is relevant evidence that, in the exercise of reasonable diligence, could not have been produced or that was improperly excluded at the hearing before the licensing authority. (Various Codes)

### **SB 157 (WIECKOWSKI), CH. 233**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### **INVASION OF PRIVACY: DISTRIBUTION OF SEXUALLY EXPLICIT MATERIALS: PROTECTION OF PLAINTIFF'S IDENTITY**

Strengthens provisions that protect the confidentiality of a person who brings a civil action alleging "revenge porn" by expanding the definition of "identifying characteristics" and extending redaction requirements to discovery documents. Among other things, requires the parties and their agents and attorneys to use the pseudonym used by the plaintiff in all pleadings, discovery documents, and other documents filed or served in the action, and requires the use of the pseudonym at all court proceedings open to the public. Requires all parties to exclude or redact any identifying characteristics, as defined, in discovery documents and pleadings. Requires a party excluding or redacting any identifying characteristic under the provisions of this bill to file with the court and serve on all other parties an information form that includes the plaintiff's name and other identifying characteristics that were excluded or redacted, and requires the court to keep this information confidential. Amends

the definition of "identifying characteristics" to include telephone number, e-mail address, social media profiles, online identifiers, contact information, or any other information, including images of the plaintiff, from which the plaintiff's identity can be discerned. Defines "online identifiers" as any personally identifying information or signifiers that would tie an individual to a particular electronic service, device, Internet application, website, or platform account, including, but not limited to, access names, access codes, account names, aliases, avatars, credentials, gamer tags, display names, handles, login names, member names, online identities, pseudonyms, screen names, user accounts, user identifications, usernames, URLs (Uniform Resource Locators), domain names, IP (Internet Protocol) addresses, and MAC (media access control) addresses. Authorizes the clerk of the court, on request of the plaintiff, to allow access to the court files in such actions to a party to the action or a party's attorney, a person by order of the court on a showing of good cause, and any other person 60 days after entry of judgment, unless a plaintiff has successfully moved to seal the records under the California Rules of Court. Requires the Judicial Council, on or before January 1, 2019, to adopt or revise, as appropriate, implementing rules and forms. (CIV 1708.85; GOV 6276.12)

### **SB 179 (ATKINS), CH. 853**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### **GENDER IDENTITY: FEMALE, MALE, OR NONBINARY**

Establishes the Gender Recognition Act, which provides for a new nonbinary gender option on the state driver's license, identification card, and birth certificate; restructures the process for individuals to change their names to conform to their gender identities; and creates a new procedure for an individual to secure a court-ordered change of gender. Among other things, authorizes an individual to file a petition with the superior court in any county to change the individual's gender to female, male, or nonbinary. Provides that if an objection is timely filed on a court order to recognize a change in gender, the court may set a hearing if the objection shows good cause. Provides that the court shall grant the petition for gender change at the hearing if it determines that the petition is not made for any fraudulent purpose. Provides that if a petition is filed seeking to conform the petitioner's name to the petitioner's gender identity and no objection is timely filed, the court shall grant the petition without a hearing. Authorizes a minor to petition for a change



in gender with the written consent of one parent, a legal guardian, or if both parents are deceased and there is no legal guardian, a near relative or friend. Allows the court to deny the petition if neither living parent signs the petition or if one nonconsenting parent objects and the court finds that the gender change is not in the best interest of the petitioner. Delays the operative date of the court-related provisions in the bill to September 1, 2018. (CCP 1277, 1277.5, 1278; H&S 103425–103445; VEH 12800, 13005)

### **SB 310 (ATKINS), CH. 856**

**EFFECTIVE/OPERATIVE DATE: SEPTEMBER 1, 2018**

#### **NAME AND GENDER CHANGE: PRISONS AND COUNTY JAILS**

Among other things, specifies that a person under the jurisdiction of the California Department of Corrections and Rehabilitation (CDCR) or sentenced to county jail has the right to petition the court to obtain a name change or gender change provided under existing law. Requires a person under the jurisdiction of CDCR or sentenced to county jail to provide a copy of the petition for a name change to the respective department, in a manner prescribed by the department, at the time the petition is filed. Requires that in all documentation of a person under the jurisdiction of CDCR or a county jail, the new name of a person who obtains a name change shall be used, and prior names shall be listed as aliases. Delays the operative date of the bill's provisions to September 1, 2018. (CCP 1279.5)

### **SB 340 (HERTZBERG), CH. 267**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### **CORPORATIONS: DISSOLUTION: BANKRUPTCY**

Authorizes a trustee, liquidating agent, or other court-appointed representative to execute and file, under penalty of perjury, a certificate of dissolution for a corporation in bankruptcy. (CORP 1401, 1401.5)

### **SB 387 (JACKSON), CH. 121**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### **THE FALSE CLAIMS ACT**

Amends the California False Claims Act to index state penalties to the Federal Civil Penalties Inflation Adjustment Act of 1990 so that when the penalties under the Federal False Claims Act increase, the penalties under the state law will also increase. (GOV 12651)

### **SB 479 (MORRELL), CH. 217**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### **MORTGAGES: DEFAULT PROCEDURES: TRUSTEE'S OR ATTORNEY'S FEES**

Raises, from \$425 to \$475, the maximum amount that a trustee may demand and receive for trustee's or attorney's fees arising out of a foreclosure sale. Recasts the existing provisions that state the formula for calculating maximum fees associated with a trustee's sale, thus making them easier to read and understand. (CIV 2924c, 2924d)

### **SB 543 (MORRELL), CH. 64**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### **CIVIL ACTIONS: SERVICE OF DOCUMENTS**

Clarifies various instances when a party may serve a document by personal service. Provides that the notice, application, and proposed order of settlement in an action with multiple parties may be served by certified mail, return receipt requested, or by personal service. Specifies that the method of discovery or service of a motion provided in the Civil Discovery Act, including service by mail, now includes service by personal service. Provides that an exchange of information concerning expert witnesses may be served by mail but also by personal service on or before the date of the exchange. Makes other technical and clarifying changes. (CCP 877.6, 2016.050, 2034.260)

### **SB 550 (PAN), CH. 812**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### **PUBLIC SCHOOL EMPLOYMENT: MEETING AND NEGOTIATING: LEGAL ACTIONS: SETTLEMENT OFFER: ATTORNEY'S FEES**

Requires a public school employer to pay the reasonable postoffer attorney's fees and expenses of the employee organization if an offer made by the employee organization is not accepted and the employer fails to obtain a more favorable judgment or award from the action or proceeding. Provides that the postoffer fee-shifting provision would not apply if the adjudicator finds that the employer raised substantial and credible issues involving complex or significant questions of law or fact relative to the employee's claim or claims. Provides that the provisions of this bill, except for the provision establishing standing to sue, would not apply to unfair practice or arbitration proceedings. (GOV 3543.8)



**SB 658 (WIENER), CH. 337****EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018****JURY SELECTION**

Makes various changes to the civil voir dire statute. Requires the scope of the examination conducted by counsel to be within reasonable limits prescribed by the trial judge in the judge's sound discretion. Requires a judge, in the exercise of his or her sound discretion over the scope of voir dire, to give due consideration to all of the following: (a) the amount of time requested by trial counsel; (b) any unique or complex elements, legal or factual, in the case; (c) length of the trial; (d) number of parties; (e) number of witnesses; and (f) whether the case is designated as complex or long cause. Requires a judge, as voir dire proceeds, to permit supplemental time for questioning based on any of the following: (a) individual responses or conduct of jurors that may evince attitudes inconsistent with suitability to serve as fair and impartial jurors in the particular case; (b) composition of the jury panel; or (c) an unusual number of for-cause challenges. Requires the judge to consider the form and subject matter of voir dire questions at the final status conference or at the first practical opportunity before voir dire, whichever comes first. Requires a trial judge, during any examination conducted by counsel, to permit liberal and probing examination calculated to discover bias or prejudice with regard to the circumstances of the particular case. Specifies that the fact that a topic has been included in the trial judge's examination shall not preclude appropriate follow-up questioning in the same area by counsel. Specifies further that if a questionnaire is used, the parties must be given reasonable time to evaluate the responses to the questionnaires before oral questioning commences. Requires a judge to provide the parties with two lists of the prospective jurors—one in alphabetical order and one in the order in which they will be called. Prohibits a judge from precluding appropriate questioning by counsel for a topic that has been included in the judge's examination. Clarifies that a judge shall not impose specific, unreasonable, or arbitrary time limits, or establish an inflexible time limit policy for voir dire. Clarifies further that before voir dire by the trial judge, the parties may submit questions to the trial judge and the trial judge may include additional questions requested by the parties as the trial judge deems proper. Specifies that a trial judge should allow a brief opening statement by counsel for each party before the commencement of the oral questioning phase of the voir dire process on the request of a party. Makes other technical and clarifying changes. (CCP 222.5)

**SB 755 (BEALL), CH. 133****EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018****CIVIL DISCOVERY: MENTAL EXAMINATION**

Limits a mental examination of a child, in any civil action where there is credible evidence that the child has been sexually abused, to psychological testing of no more than three hours, including any breaks. Allows the examination to extend beyond three hours if the court decides to grant an extension for good cause. Requires the examiner to have expertise in child abuse and trauma. (CCP 2032.020, 2032.340)

## COURT FACILITIES

**AB 103 (COMMITTEE ON BUDGET), CH. 17****EFFECTIVE/OPERATIVE DATE: JUNE 27, 2017****PUBLIC SAFETY: OMNIBUS**

Authorizes the transfer of San Diego court facility property to the County of San Diego. Authorizes the use of existing environmental reports for the demolition of the old courthouse and further development of the property, and restricts the use of the property by the Board of Supervisors of the County of San Diego for development or leasing purposes. (GOV 70500–70508)

*See Budget for summary of other bill provisions.*

**AB 1127 (CALDERON), CH. 755****EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018****BABY DIAPER CHANGING STATIONS**

Requires state and local agencies to install and maintain at least one baby diaper changing station if the building or facility is open to the public. (GOV 15805, 50535)

**SB 403 (CANNELLA), CH. 358****EFFECTIVE/OPERATIVE DATE: SEPTEMBER 28, 2017****SALE OF COUNTY COURTHOUSES**

Allows the Judicial Council to sell seven courthouses—Chico, Corning, Clovis, Firebaugh, Reedley, Avenal, and Corcoran—at fair market value, after meeting other specified terms and conditions. Provides that the net proceeds from the sale of the properties will be deposited into the trial court Immediate and Critical Needs Account. (GOV 70396)



# COURT OPERATIONS

**AB 1443 (LEVINE), CH. 172**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

## **COURT RECORDS**

Eliminates the requirement that courts semiannually provide to the Judicial Council a list of the court records destroyed within the jurisdiction of the superior court. Establishes a record retention period for court records associated with gun violence restraining orders equal to the period that records must be retained for civil harassment, domestic violence, elder and dependent adult abuse, private postsecondary school violence, and workplace violence cases. Deletes an obsolete requirement relating to the future adoption of rules of court. (GOV 68150, 68152, 68153)

**SB 54 (DE LEÓN), CH. 495**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

## **LAW ENFORCEMENT: SHARING DATA**

Prohibits state and local law enforcement agencies and school police and security departments from using resources, subject to exceptions, to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes. Among other things, requires the Attorney General, by October 1, 2018, to publish model policies limiting assistance with immigration enforcement in public schools, public libraries, health facilities operated by the state or a political subdivision of the state, courthouses, Division of Labor Standards Enforcement facilities, and shelters. Requires all public schools, health facilities operated by the state or a political subdivision of the state, and courthouses to implement the model policy, or an equivalent policy. (Various Codes)

# COURT REPORTERS

**AB 1450 (OBERNOLTE), CH. 532**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

## **COURT REPORTERS: ELECTRONIC TRANSCRIPTS**

Requires court reporters to provide transcripts to appellate courts, parties, or any other person entitled to a transcript in an electronic format that complies with the California Rules of Court, unless a paper copy is

requested. Provides a five-year grace period for courts and reporters to modernize their equipment and overall technical abilities. (CCP 271)

# CRIMINAL LAW AND PROCEDURE

**AB 90 (WEBER), CH. 695**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

## **CRIMINAL GANGS**

Enacts the Fair and Accurate Gang Database Act of 2017, and makes technical and clarifying changes to existing provisions of law related to requests for information from law enforcement and the procedures for obtaining judicial review of a person's designation as a gang member or associate. (GOV 70615; PEN 186.34, 186.35)

**AB 103 (COMMITTEE ON BUDGET), CH. 17**

**EFFECTIVE/OPERATIVE DATE: JUNE 27, 2017**

## **PUBLIC SAFETY: OMNIBUS**

Shifts the authority from the judicial officer to the Department of State Hospitals to place a defendant into a jail-based competency treatment program if the defendant is found to be incompetent to stand trial. (PEN 1370)

*See Budget for summary of other bill provisions.*

**AB 208 (EGGMAN), CH. 778**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

## **DEFERRED ENTRY OF JUDGMENT: PRETRIAL DIVERSION**

Converts the existing deferred entry of judgment (DEJ) program for specified drug offenses into a pretrial drug diversion program. Among other things, (1) establishes eligibility requirements for the pretrial drug diversion program; (2) retains provisions in current DEJ law that are consistent with pretrial diversion; (3) provides that a defendant's participation in pretrial diversion does not constitute a conviction or an admission of guilt for any purpose; (4) sets the length of the pretrial diversion program at 12 to 18 months, and allows the court to extend that time for good cause; (5) provides that the prosecutor, court, or probation department may move to terminate diversion if the defendant is performing unsatisfactorily or has been convicted of a felony or an offense reflecting a



propensity for violence; (6) provides that if pretrial diversion is terminated, either due to unsatisfactory performance or because of specified convictions, the court must schedule the matter for further proceedings; and (7) provides for dismissal of charges if the defendant completes pretrial diversion, and deems the arrest for the charges never to have occurred. (PEN 1000, 1000.1, 1000.2, 1000.3, 1000.4, 1000.5, 1000.6, 1000.65)

#### **AB 255 (GALLAGHER), CH. 39**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### **SEXUALLY VIOLENT PREDATORS: OUT-OF-COUNTY PLACEMENT**

For a sexually violent predator who is conditionally released, requires the court to consider additional factors when determining the county of placement that is not the county of domicile, including if and how long the person has previously resided or been employed in the county and if the person has next of kin in the county. (W&I 6608.5)

#### **AB 264 (LOW), CH. 270**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### **PROTECTIVE ORDERS**

Requires courts to consider issuing a protective order for a witness to a crime involving the violation of criminal gang laws, if it can be established by clear and convincing evidence that the witness has been harassed, as defined. Makes the violation of such a court order a misdemeanor. Expands the court's authority to issue a postconviction, no-contact protective order lasting up to 10 years for a victim of gang activity. (PEN 136.2)

#### **AB 368 (MURATSUCHI), CH. 379**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### **CRIMINAL PROCEDURE: JURISDICTION OF PUBLIC OFFENSES**

Allows the consolidation of offenses of sexual intercourse, sodomy, oral copulation, or sexual penetration with a child 10 years of age or younger occurring in different counties into a single trial if all district attorneys in the counties with jurisdiction agree. (PEN 784.7)

#### **AB 400 (COOPER), CH. 224**

**EFFECTIVE/OPERATIVE DATE: SEPTEMBER 11, 2017**

#### **CRIMES: ALCOHOLIC BEVERAGES: STATE CAPITOL**

Changes the definition of a crime by providing an exception from the current prohibition against the sale or exposure for sale of any alcoholic beverage within the State Capitol or within the limits of the grounds adjacent and belonging thereto, for an event that is held on those grounds, if all of the specified conditions are met. (PEN 172)

#### **AB 411 (BLOOM), CH. 290**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### **WITNESS TESTIMONY: THERAPY AND FACILITY DOGS**

Authorizes certain prosecution witnesses, as well as certain child witnesses, to be accompanied, while testifying, by dogs trained in providing emotional support. Provides that the court may remove or exclude the dog if the court finds that use of the dog would unduly prejudice the defendant or would be unduly disruptive to the court proceeding. Requires the court to take appropriate measures to minimize the distraction created by the presence of the dog in the courtroom, including requiring the dog to be accompanied by a handler at all times. Requires the court, if the therapy or facility dog is used during a criminal jury trial, to issue, on request, an appropriate jury instruction designed to prevent prejudice for or against any party. (PEN 868.4)

#### **AB 493 (JONES-SAWYER), CH. 194**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### **CRIME: VICTIMS AND WITNESSES: IMMIGRATION VIOLATIONS**

Provides that whenever a victim of or witness to a crime, or an individual who otherwise can give evidence in a criminal investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or turn the individual over to federal immigration authorities absent a judicial warrant. (PEN 679.015)



**AB 539 (ACOSTA), CH. 342**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**SEARCH WARRANTS**

Expands the grounds for issuance of a search warrant to include evidence of a misdemeanor violation of disorderly conduct. (PEN 1524)

**AB 720 (EGGMAN), CH. 347**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**INMATES: PSYCHIATRIC MEDICATION:**  
**INFORMED CONSENT**

Authorizes the involuntary administration of psychotropic medication to county jail inmates who are awaiting arraignment, trial, or sentencing. Imposes additional criteria that must be satisfied before a county department of mental health or other designated county department may administer involuntary medication, including that the jail first make a documented attempt to locate an available bed for the inmate in a community-based treatment facility, under certain conditions, in lieu of seeking involuntary administration of psychiatric medication, and if the inmate is awaiting resolution of a criminal case, that a hearing to administer involuntary medication on a nonemergency basis be held before, and any requests for ex parte orders be submitted to, the court where the criminal case is pending. Requires the court to determine by clear and convincing evidence that the inmate has a mental illness or disorder; as a result of that illness, the inmate is gravely disabled; the inmate lacks the capacity to consent to or refuse treatment with psychiatric medications or is a danger to self or others if not medicated; no alternative to involuntary medication is less intrusive; and taking the medication is in the inmate's best medical interest. Provides that a court may review, modify, or terminate an involuntary medication order for an inmate awaiting trial if there is a showing that the involuntary medication is interfering with the inmate's due process rights in the criminal proceeding. Requires the court to review the involuntary medication order at intervals of not more than 60 days to determine whether the grounds for the order remain. Authorizes the court, at each review, to continue the order, vacate the order, or make any other appropriate order. Provides that if a court determines that an inmate awaiting arraignment, preliminary hearing, trial, sentencing, or a postconviction proceeding to revoke or modify supervision may receive involuntary medication, on ex parte request of the defendant or counsel, this provision does not prohibit the court from suspend-

ing all proceedings in the criminal prosecution until the court determines that the defendant's medication will not interfere with his or her ability to meaningfully participate in the criminal proceedings. Sunsets these provisions on January 1, 2022. (PEN 2603).

**AB 789 (RUBIO), CH. 554**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**CRIMINAL PROCEDURE: RELEASE ON OWN**  
**RECOGNIZANCE**

Provides courts with discretion to approve own-recognition release for individuals who are arrested for certain offenses and have three prior failures to appear, without holding a hearing in open court, if the person is released under a court-operated pretrial program or one approved by the court. (PEN 1319.5)

**AB 976 (BERMAN), CH. 319**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**ELECTRONIC FILING AND SERVICE**

Among other things, provides authority for, but does not mandate, electronic filing and service in criminal actions on consent of the parties. (Various Codes)

*See Appendix A for a full description of the bill.*

**AB 993 (BAKER), CH. 320**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**EXAMINATION OF VICTIMS OF SEX CRIMES**

Authorizes the prosecution to apply for an order that a victim's testimony at the preliminary hearing be video recorded and preserved when the defendant has been charged with aggravated sexual assault of a child under 14 years of age or charged with sexual intercourse, sodomy, sexual penetration, or oral copulation with a child under 10 years of age. (PEN 1346)

**AB 1024 (KILEY), CH. 204**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**GRAND JURIES: PEACE OFFICERS:**  
**PROCEEDINGS**

Requires a court to disclose all or part of a grand jury indictment proceeding transcript, excluding the grand jury's private deliberations and voting, if the grand jury decides not to return an indictment in a grand jury inquiry into an offense that involves a shooting or use of excessive force by a peace officer, as defined, that led to the death of



a person being detained or arrested by the peace officer, except on specified findings of the court. (PEN 924.6)

**AB 1115 (JONES-SAWYER), CH. 207**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**CONVICTIONS: EXPUNGEMENT**

Allows a defendant sentenced to state prison for a felony that, if committed after the 2011 Criminal Justice Realignment Act (AB 109; Stats. 2011, ch. 15), would have been eligible for sentencing to a county jail to petition the court to withdraw his or her plea of guilty or nolo contendere and enter a plea of not guilty, after the lapse of two years following the defendant's completion of the sentence, provided that the defendant is not under supervision and is not serving a sentence for, on probation for, or charged with the commission of any offense. Provides that an individual who petitions for a change of plea or the setting aside of a verdict may be required to reimburse the court for the actual costs of services rendered, whether or not the petition is granted and the records are sealed or expunged, at a rate not to exceed \$150, subject to the defendant's ability to pay. (PEN 1203.42)

**AB 1312 (GONZALEZ FLETCHER), CH. 692**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**SEXUAL ASSAULT VICTIMS: RIGHTS**

Requires law enforcement and medical professionals to provide victims of sexual assault with written notification of their rights. Provides additional rights to victims of sexual assault, including that the presence of a victim advocate shall not defeat any existing right otherwise guaranteed by law and that a victim's waiver of the right to a victim advocate is inadmissible in court unless a court determines that the waiver is at issue in the pending litigation. (PEN 264.2, 679.04, 680, 680.2, 13823.11, 13823.95)

**AB 1418 (O'DONNELL), CH. 299**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**CITY PROSECUTORS**

Makes technical changes in the Penal Code and Vehicle Code to clarify that city prosecutors have the same authority, privileges, and protections as city attorneys authorized to prosecute misdemeanors. (PEN 373a, 1424, 11105; VEH 1807.5, 1808.4, 1810.5)

**AB 1459 (QUIRK-SILVA), CH. 214**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**MURDER: PEACE OFFICERS**

States the findings and declarations of the Legislature that the unlawful killing of a peace officer, as defined, that is deliberate, willful, and premeditated is murder of the first degree for purposes of the gravity of the offense and the support of the survivors. Identifies these findings as declaratory of existing law. (PEN 189.1)

**AB 1541 (KALRA), CH. 302**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**EXAMINATION OF PROSPECTIVE JURORS**

Requires a trial judge in a criminal case to (1) permit counsel for each party to conduct a jury examination that is calculated to discover bias or prejudice with regard to the circumstances of a particular case or the parties before the court; (2) permit supplemental time for questioning based on individual responses or conduct of jurors that may evince attitudes inconsistent with suitability to serve as fair and impartial in the particular case; (3) in his or her sound discretion, consider the use of reasonable written questionnaires for jury examination when requested by counsel; and (4) at the earliest practical time, provide the parties with the list of prospective jurors in the order in which they will be called to help facilitate the jury selection process. Requires the scope of the examination conducted by counsel to be within reasonable limits prescribed by the trial judge in the judge's sound discretion. (CCP 223)

**AB 1542 (DABABNEH), CH. 668**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**VIOLENT FELONIES: VIDEO RECORDING**

Authorizes the court to consider the willful recording of the commission of a violent felony by the defendant convicted of that felony as a factor in aggravation in determining an appropriate sentence. (PEN 667.95)

**SB 180 (MITCHELL), CH. 677**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**CONTROLLED SUBSTANCES: SENTENCE ENHANCEMENTS: PRIOR CONVICTIONS**

Limits consecutive three-year sentence enhancements for a prior conviction related to the sale or possession for sale of a specified controlled substance to convictions for a controlled substance violation where a minor was used or employed in the commission of the crime. (H&S 11370.2)



**SB 230 (ATKINS), CH. 805****EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018****EVIDENCE: COMMERCIAL SEXUAL OFFENSES**

Expands the definition of “sexual offense” to include specified offenses related to human trafficking for purposes of the Evidence Code exception, which provides that evidence of another sexual offense is not inadmissible to prove conduct in a current sexual offense action. (EVID 1108)

**SB 238 (HERTZBERG), CH. 566****EFFECTIVE/OPERATIVE DATE: OCTOBER 7, 2017****CRIMINAL PROCEDURE: ARRESTS AND EVIDENCE**

Among other things, applies existing law relating to certified photographic records of exhibits to digital records of exhibits as follows: (1) allows any party to prepare a digital record of an exhibit before it is disposed of; (2) requires that the clerk of the court observe the taking of a digital record of the exhibit and certify the copy of the digital record as being a true, unaltered, and unretouched print of the photographic record taken in the presence of the clerk; and (3) requires a duplicate of the photographic or digital record to be delivered to the clerk for certification. (PEN 849, 851.6, 1417.7)

**SB 239 (WIENER), CH. 537****EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018****INFECTIOUS AND COMMUNICABLE DISEASES: HIV AND AIDS: CRIMINAL PENALTIES**

Among other things, revises a crime by making it a misdemeanor punishable by imprisonment of up to six months in a county jail to intentionally or willfully transmit an infectious or communicable disease, including human immunodeficiency virus (HIV), if specified conditions are met. Otherwise deletes the felony penalty for exposing another person to HIV through specified acts and omissions—including for donating blood, tissue, or in certain cases semen or breast milk—if the person knows that he or she has acquired immunodeficiency syndrome (AIDS) or has tested reactive to HIV. Makes it a misdemeanor for a person to violate a health officer’s instruction not to engage in certain activities that pose a substantial risk of transmission, when those instructions are given under specified circumstances. Authorizes a person serving a sentence for a prior prostitution conviction that was accompanied by a positive AIDS test to petition for a recall or dismissal of the sentence before the trial court

that made the judgment. Requires courts to vacate any conviction, dismiss any charge, and legally deem that an arrest due to a prior conviction of prostitution with a positive AIDS test never occurred. Imposes various requirements on courts regarding the disclosure of identifying characteristics, as defined, of the complaining witness and the defendant in an infectious disease case. (H&S 1603.3, 1621.5, 1644.5, 120290, 120291, 120292; PEN 647f, 1001, 1001.1, 1001.10, 1001.11, 1170.21, 1170.22, 1202.1, 1202.6, 1463.23)

**SB 339 (ROTH), CH. 595****EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018****VETERANS TREATMENT COURTS: JUDICIAL COUNCIL ASSESSMENT AND SURVEY**

Requires the Judicial Council to conduct a study of veterans and veterans treatment courts, including a statewide assessment of those courts, providing the number of participants and program outcomes. Requires the study to include a survey of counties that do not operate veterans treatment courts, identify barriers to program implementation, and assess the need for veterans treatment courts in those jurisdictions. Requires the council to report the results of the study to the Legislature on or before June 1, 2020, including recommendations regarding expansion of veterans treatment courts or services to counties without those courts and the feasibility of designing regional model veterans treatment courts. (GOV 68530)

**SB 355 (MITCHELL), CH. 62****EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018****REIMBURSEMENT FOR COURT-APPOINTED COUNSEL**

States that the fee for court-appointed counsel applies only in cases that result in a conviction of a felony or misdemeanor, and eliminates the fee in cases that do not. Authorizes, rather than requires, the court, in cases that result in a conviction, to order the defendant to appear before a county officer to make a determination of whether he or she must pay all or a portion of the fees associated with court-appointed counsel. (PEN 987.8, 987.81)





**SB 360 (SKINNER), CH. 390****EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018****PUBLIC SOCIAL SERVICES: PROSECUTION FOR OVERPAYMENT OR OVER ISSUANCE OF BENEFITS**

Exempts an individual from criminal prosecution for overpayment or over issuance of CalWORKs (California Work Opportunity and Responsibility to Kids) or Cal-Fresh benefits for any month in which the county human services agency was in receipt of Income and Eligibility Verification data match information indicating such overpayment or over issuance but did not provide timely and adequate notice to the individual. (W&I 10980)

**SB 384 (WIENER), CH. 541****EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018****SEX OFFENDERS: REGISTRATION: CRIMINAL OFFENDER RECORD INFORMATION SYSTEMS**

Among other things, commencing January 1, 2021, establishes new court procedures related to registration as a sex offender. Specifically, permits a tier one or tier two offender to file a petition at the expiration of his or her minimum registration period; provides that the district attorney may request a hearing on the petition on the basis that the petitioner has not fulfilled the requirements of successful tier completion; and permits a tier three offender who meets specified criteria to petition the court for placement into tier two. Requires the court to notify the Department of Justice when a petition for termination from the registry is granted or denied. Requires the court, if the petition is denied, to notify the Department of Justice California Sex Offender Registry of the time period after which the person can file a new petition for termination. (Various Codes)

**SB 393 (LARA), CH. 680****EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018****ARRESTS: SEALING**

Provides a process for an individual to petition the court to seal records of an arrest that did not result in a conviction. (Various Codes)

*See Appendix B for a full description of the bill.*

**SB 394 (LARA), CH. 684****EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018****PAROLE: YOUTH OFFENDER PAROLE HEARINGS**

Makes an individual who was convicted of a controlling offense that was committed before the person had attained 18 years of age and for which a life sentence without the possibility of parole was imposed eligible for release on parole by the Board of Parole Hearings at a youth offender parole hearing during his or her 25th year of incarceration. Requires the board to complete, by July 1, 2020, all hearings for individuals who are or will be entitled to have their parole suitability considered at a youth offender parole hearing by these provisions. (PEN 3051, 4801)

**SB 395 (LARA), CH. 681****EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018****CUSTODIAL INTERROGATION: JUVENILES**

Provides that before a custodial interrogation and before the waiver of any Miranda rights, a youth under 15 years of age shall consult with legal counsel in person, by telephone, or by video conference. Provides that the consultation may not be waived. Requires the court, in adjudicating the admissibility of statements of youth under 15 years of age made during or after custodial interrogations, to consider the effect of failure to comply with the requirement for consultation with legal counsel. Specifies that the provisions of this bill do not apply to the admissibility of statements of a youth under 15 years of age if both of the following criteria are met: the officer who questioned the suspect reasonably believed the information he or she sought was necessary to protect life or property from a substantial threat, and the officer's questions were limited to those questions that were reasonably necessary to obtain this information. (W&I 625.6)

**SB 597 (LEYVA), CH. 570****EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018****HUMAN TRAFFICKING: VICTIM CONFIDENTIALITY**

Makes human trafficking victims and specified household members of victims of domestic violence, sexual assault, stalking, or human trafficking eligible for enrollment in the Safe at Home (SAH) program. Makes it a misdemeanor for any person to falsely claim to be a victim of human trafficking or other specified offense, or to falsify any information in applying to the SAH program. (GOV 6205, 6205.5, 6206, 6206.7, 6208.5, 6209.5, 6209.7)



**SB 610 (NGUYEN), CH. 74**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**WRONGFUL CONCEALMENT: STATUTE OF LIMITATIONS**

Provides that for the offense of actively concealing or attempting to conceal an accidental death, a criminal complaint may be filed within one year after the person is initially identified by law enforcement as a suspect in the commission of the offense, but no more than four years after the commission of the offense. (PEN 803)

**SB 620 (BRADFORD), CH. 682**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**FIREARMS: CRIMES: ENHANCEMENTS**

Allows a court, in the interest of justice, to strike or dismiss a firearm enhancement that otherwise adds a state prison term of 3, 4, or 10 years or 5, 6, or 10 years, depending on the firearm, or a state prison term of 10 years, 20 years, or 25 years to life, depending on the underlying offense involving the firearm and the manner of its use. (PEN 12022.5, 12022.53)

**SB 670 (JACKSON), CH. 287**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**SENTENCING: COUNTY OF INCARCERATION AND SUPERVISION**

Promotes uniformity and clarifies judicial sentencing authority when imposing concurrent or consecutive judgments implicating multiple counties. Requires the court rendering the second or other subsequent judgment to determine the county or counties of incarceration and supervision of the defendant, and requires the Judicial Council to adopt rules providing criteria for courts to determine the appropriate county or counties of incarceration and supervision in such cases. (PEN 1170, 1170.3)

**SB 725 (JACKSON), CH. 179**

**EFFECTIVE/OPERATIVE DATE: AUGUST 7, 2017**

**VETERANS: PRETRIAL DIVERSION: DRIVING PRIVILEGES**

Authorizes a trial court to grant military pretrial diversion on a misdemeanor charge of driving under the influence of alcohol and/or drugs. (PEN 1001.80)

**SB 756 (STERN), CH. 101**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**RESTITUTION: NONECONOMIC LOSSES: CHILD SEXUAL ABUSE**

Adds the crimes of continuous sexual abuse of a child and sexual acts with a child 10 years of age or younger to the statute authorizing noneconomic restitution for lewd and lascivious acts against a child under the age of 14 for purposes of restitution orders. (PEN 1202.4)

**SB 811 (COMMITTEE ON PUBLIC SAFETY), CH. 269**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**PUBLIC SAFETY: OMNIBUS**

Among other things, makes the following technical and corrective changes to various code sections relating generally to criminal justice laws: (1) expands the scope of specified procedures for a minor's testimony in cases where a defendant is charged with a violation of human trafficking by removing the word "sexual" and broadening the procedures' application to all manner of human trafficking violations; (2) clarifies the definition of "human trafficking victim" for the purposes of expert testimony in human trafficking cases; (3) adds the Department of Justice to the enumerated list of persons or entities allowed to inspect juvenile case files to carry out specified duties related to sex offender registration; (4) clarifies that the application of the felony penalties in the End of Life Option Act does not preclude the application of any other criminal penalties for conduct inconsistent with the act; and (5) clarifies that a government entity is not required to provide notice of obtaining electronic communication under circumstances in which the government entity has accessed electronic information under the emergency 911 authority. (EVID 1107.5; GOV 12838.6; H&S 443.17, 11350, 11377; PEN 290.004, 1347.1, 1546.2, 6044; W&I 827)

## DOMESTIC VIOLENCE

**AB 413 (EGGMAN), CH. 191**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**CONFIDENTIAL COMMUNICATIONS: DOMESTIC VIOLENCE**

Expands the exemption to the prohibition on the use of recordings of confidential communications to allow the use of such a recording for the purpose of a domestic violence prosecution. (PEN 633.5, 633.6)



**SB 204 (DODD), CH. 98****EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018****DOMESTIC VIOLENCE: PROTECTIVE ORDERS**

Enacts the Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act, authorizing the enforcement of a valid Canadian domestic violence protection order. Specifies the criteria for enforcement, and authorizes the registration of such a protection order in the California Restraining and Protective Order System. (FAM 6450–6460)

**SB 331 (JACKSON), CH. 178****EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018****EVIDENTIARY PRIVILEGES: DOMESTIC VIOLENCE COUNSELOR-VICTIM PRIVILEGE**

Expands the definition of “domestic violence victim service organization” from a nongovernmental organization or entity that provides shelter, programs, or services to victims of domestic violence and their children, as specified, to include a public or private institution of higher education, as specified, thereby expanding the scope of the privilege. (EVID 1037.1)

**SB 597 (LEYVA), CH. 570****EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018****HUMAN TRAFFICKING: VICTIM CONFIDENTIALITY**

Makes human trafficking victims and specified household members of victims of domestic violence, sexual assault, stalking, or human trafficking eligible for enrollment in the Safe at Home (SAH) program. Makes it a misdemeanor for any person to falsely claim to be a victim of human trafficking or other specified offense, or to falsify any information in applying to the SAH program. (GOV 6205, 6205.5, 6206, 6206.7, 6208.5, 6209.5, 6209.7)

## EMPLOYMENT

**AB 46 (COOPER), CH. 776****EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018****EMPLOYERS: WAGE DISCRIMINATION**

Applies the Equal Pay Act within the Labor Code to public sector employers, who are generally governed by the Government Code, and thus defines “employer” to include both public and private employers. Specifies that a misdemeanor for violations of the Equal Pay Act, as specified, does not apply to a public employer. (LAB 1197.5)

**AB 83 (SANTIAGO), CH. 835****EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018****COLLECTIVE BARGAINING: JUDICIAL COUNCIL**

Establishes the Judicial Council Employer-Employee Relations Act, which grants collective bargaining rights to certain employees of the Judicial Council, thereby governing the employer-employee relationship, and confers certain rights to those employees related to joining or forming an employee organization, rights to the employee organization representing these employees, and rights to the employer. Grants the Judicial Council the sole authority and discretion to designate its employee positions as excluded positions, provided that managerial, confidential, supervisory, and excluded positions that are not included in a bargaining unit not exceed one-third of the total authorized positions of the Judicial Council, as stated in the Department of Finance Salaries and Wages Supplement. Specifies that designation of the excluded positions, under the act, are not subject to review by the Public Employment Relations Board. (GOV 3524.50–3524.81)

**AB 119 (COMMITTEE ON BUDGET), CH. 21****EFFECTIVE/OPERATIVE DATE: JUNE 27, 2017****STATE GOVERNMENT**

Includes statutory changes to the Trial Court Employment Protection and Governance Act and the Trial Court Interpreter Employment and Labor Relations Act. Requires employers to provide the exclusive representative of employees with mandatory access to its new employee orientation with 10 days advance notice. Defines new employee orientation as the onboarding process. Requires new public employees to be advised of their employment status, rights, benefits, duties, and responsibilities, or any other employment-related matters. Includes amendments to define the mechanisms in which an exclusive representative has access to the employee, and requires the costs of arbitration to be shared except in specified cases. (GOV 3555–3559)

**AB 168 (EGGMAN), CH. 688****EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018****EMPLOYERS: SALARY INFORMATION**

Prohibits all employers—including the Legislature, the state, and local governments—from seeking salary history information about an applicant for employment,



and requires an employer to provide the pay scale for a position to an applicant upon reasonable request, among other things. (LAB 432.3)

**AB 450 (CHIU), CH. 492**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**EMPLOYMENT REGULATION: IMMIGRATION**  
**WORKSITE ENFORCEMENT ACTIONS**

Among other things, prohibits an employer from providing a federal government immigration enforcement agent access to any nonpublic areas of a place of labor if the agent does not have a warrant. Prescribes penalties of between \$2,000 and \$5,000 against employers for failure to satisfy specified requirements and prohibitions for initial violations and between \$5,000 and \$10,000 for each subsequent violation. Provides the Labor Commissioner with discretion to lower or waive the fines, as specified. (LAB 90.2, 1019.2)

**AB 1008 (MCCARTY), CH. 789**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**EMPLOYMENT DISCRIMINATION:**  
**CONVICTION HISTORY**

Prohibits an employer, with certain exceptions, from inquiring about or considering a job applicant's conviction history before a conditional offer of employment, and sets requirements regarding the consideration of conviction histories in employment decisions. (GOV 12952)

**AB 1309 (COOLEY), CH. 261**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**EMPLOYMENT WITHOUT REINSTATEMENT:**  
**FAILURE TO ENROLL OR REPORT: FEE**

Allows the California Public Employees' Retirement System to assess employers a \$200 fee per retired member each month for failure to report the hiring and payroll information of members working in retirement. (GOV 21220)

**AB 1487 (RODRIGUEZ), CH. 229**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**PUBLIC EMPLOYEES' RETIREMENT SYSTEM:**  
**LIMITED TERM APPOINTMENTS**

Establishes a 960-hour limit per fiscal year on out-of-class appointments in which employers temporarily place current employees in vacant positions of a higher classification, or temporarily upgrade their position. (GOV 20480)

**AB 1710 (COMMITTEE ON VETERANS AFFAIRS), CH. 591**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**PROHIBITED DISCRIMINATION AGAINST**  
**SERVICE MEMBERS**

Conforms state law to the federal Uniformed Services Employment and Reemployment Rights Act by protecting service members from hostile work environments in their civilian jobs, a violation of which may result in criminal penalties or specified civil remedies. (M&V 394)

**AB 1711 (COMMITTEE ON VETERANS AFFAIRS), CH. 92**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**STATE MILITARY RESERVE PERSONNEL:**  
**LEAVE BENEFITS**

Grants to members of the State Military Reserve the right to be granted military leave, rights and benefits accrued during that service, and reinstatement after that service by their appointing power on the same basis as members of the California National Guard or other military reserve personnel. (GOV 19771.5)

**SB 285 (ATKINS), CH. 567**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**PUBLIC EMPLOYERS: UNION ORGANIZING**

Prohibits public employers from deterring or discouraging membership by public employees in an employee organization. Delegates to the Public Employment Relations Board (PERB) jurisdiction over acts in violation of these provisions. Provides that the PERB's powers and duties shall apply, and defines "employee organization," "public employee," and "public employer" by reference to existing statutory definitions governing public employer-employee labor relations. (GOV 3550-3552)

**SB 396 (LARA), CH. 858**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**EMPLOYMENT: GENDER IDENTITY, GENDER**  
**EXPRESSION, AND SEXUAL ORIENTATION**

Requires that employers with 50 or more employees include, as part of the existing sexual harassment training, training on harassment based on gender identity, and adds "transgender" and "gender nonconforming" to the list of individuals facing employment barriers for the purposes of workforce investment in training. (GOV 12950, 12950.1; UIC 14005, 14012)



## FAMILY LAW

### AB 369 (WALDRON), CH. 41

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### **APPEALS: CHILD CUSTODY ORDERS OR JUDGMENTS**

Authorizes an appeal to be taken from a final order or judgment in a bifurcated proceeding regarding child custody or visitation rights. (CCP 904.1)

### AB 712 (BLOOM), CH. 316

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### **CIVIL ACTIONS: CHANGE OF VENUE**

Requires a court transferring jurisdiction of a family law action to retain jurisdiction over the action and to make emergency orders to protect the children involved until the receiving court has perfected jurisdiction. Requires the Judicial Council to establish time frames for courts to transfer and assume jurisdiction over a family law action or proceeding. (CCP 399)

### AB 1396 (BURKE), CH. 326

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### **SURROGACY**

Requires a court to issue a judgment or order determining parentage “forthwith” based on a valid surrogacy agreement entered into by the intended parents and surrogate. (FAM 7962)

### AB 1692 (COMMITTEE ON JUDICIARY), CH. 330

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### **JUDICIARY OMNIBUS**

Among other things, allows a party to an existing case, before filing a petition to obtain or modify a temporary or permanent custody or visitation order, to request that the court set the custody or visitation issue for mediation, and provides that the court may set that issue for mediation. (FAM 3170)

### SB 217 (WIECKOWSKI), CH. 60

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### **EVIDENCE: ADMISSIBILITY**

Provides that required disclosures in a nullity, dissolution, or separation proceeding are admissible as evidence, even if they were prepared for the purpose of, or pursuant to, mediation. (EVID 1120)

## JUDICIAL OFFICERS

### AB 103 (COMMITTEE ON BUDGET), CH. 17

**EFFECTIVE/OPERATIVE DATE: JUNE 27, 2017**

#### **PUBLIC SAFETY: OMNIBUS**

Reallocates two vacant judgeships from the Superior Court of Santa Clara County to the Superior Court of Riverside County and from the Superior Court of Alameda County to the Superior Court of San Bernardino County. Requires the Judicial Council to determine which specific vacancies would be transferred between counties under this provision and to take all necessary steps to effectuate each transfer. Provides that the term of the judgeships would begin on January 2, 2018, and that the courts in which the vacant judgeships are reallocated shall not have their funding allocation reduced, shifted, or transferred as a result of the reallocation. (GOV 69614.4)

*See Budget for summary of other bill provisions.*



**AB 430 (IRWIN), CH. 42**  
**EFFECTIVE/OPERATIVE DATE: JULY 10, 2017**  
**MARRIAGE: SOLEMNIZATION**

To the extent not prohibited by law, authorizes specified officials, including retired judges and retired commissioners, to accept compensation for solemnizing a marriage, provided that the compensation is reasonable. (FAM 400)

**AB 740 (REYES), CH. 82**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**OATHS AND AFFIRMATIONS**

Reorganizes the existing statutory provisions regarding the certification of former judges and justices to administer oaths and affirmations. Removes the requirement that all applications include a medical certification, but also authorizes the Commission on Judicial Performance to require one under certain circumstances. Removes the five-year cap on certifications, making certifications valid indefinitely, except under specified circumstances. (CCP 2093)

**SB 235 (ALLEN), CH. 512**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**ELECTIONS: BALLOT DESIGNATION REQUIREMENTS**

Enacts new requirements for judicial candidate ballot designations. (ELEC 13107)

*See Appendix C for a full description of the bill.*

**SB 568 (LARA), CH. 335**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2019**  
**PRIMARY ELECTIONS: ELECTION DATE**

Beginning in 2019, changes the date of the statewide direct primary and the presidential primary to the first Tuesday after the first Monday in March and continues the requirement that those elections be consolidated. Will affect filing deadlines related to judicial elections. (ELEC 316, 340, 1000, 1001, 1201, 1202)

# JUVENILE DELINQUENCY

**AB 529 (STONE), CH. 685**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**JUVENILES: SEALING OF RECORDS**

Among other things, requires a court to seal the record of a dismissed or unsustained petition against a ward. Allows a prosecutor to petition the court to access, inspect, or use the sealed record for the limited purpose of refileing the dismissed petition based on new circumstances within six months. (W&I 786, 786.5)

**AB 878 (GIPSON), CH. 660**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**JUVENILES: RESTRAINTS**

Among other things, allows the use of mechanical restraints during a juvenile court proceeding only when the court determines that the juvenile's behavior in custody or in court establishes a manifest need to use mechanical restraints to prevent physical harm to the juvenile or another person or that a substantial risk of flight exists. (W&I 210.6)

**AB 976 (BERMAN), CH. 319**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**ELECTRONIC FILING AND SERVICE**

Among other things, authorizes electronic filing and service in juvenile delinquency and dependency proceedings, subject to specified conditions and limitations. (Various Codes)

*See Appendix A for a full description of the bill.*

**AB 1371 (STONE), CH. 666**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**JUVENILES: WARD, DEPENDENT, AND NONMINOR DEPENDENT PARENTS**

Prohibits the program of supervision over the child of a nonminor dependent or ward from being undertaken until the nonminor dependent or ward has consulted with an attorney on the matter. (W&I 301, 361.8)



**SB 190 (MITCHELL), CH. 678**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**JUVENILES**

Limits the payment of administrative fees for individuals on probation only to those probationers who are over 21 years of age. (Various Codes)

*See Appendix D for a full description of the bill.*

**SB 312 (SKINNER), CH. 679**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**JUVENILES: SEALING OF RECORDS**

Among other things, requires a court to seal the record or dismiss a petition if the finding on a serious or violent offense was reduced to a misdemeanor. (W&I 781, 786)

## JUVENILE DEPENDENCY

**AB 404 (STONE), CH. 732**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**FOSTER CARE**

Among other things, grants a placement preference for a dependent child to any relative, instead of only to specified relatives. Allows increased child participation in placement hearings with resource families. (Various Codes)

**AB 604 (GIPSON), CH. 707**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**NONMINOR DEPENDENTS: EXTENDED FOSTER CARE BENEFITS**

Among other things, expands the transition jurisdiction of the court over minors and nonminor dependents to include those individuals who have had underlying petitions dismissed because they were victims of human trafficking, and allows the court to resume dependency jurisdiction over such individuals. (W&I 303, 388, 450, 451, and 11401)

**AB 976 (BERMAN), CH. 319**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**ELECTRONIC FILING AND SERVICE**

Among other things, authorizes electronic filing and service in juvenile delinquency and dependency proceedings, subject to specified conditions and limitations. (Various Codes)

*See Appendix A for a full description of the bill.*

**AB 1332 (BLOOM), CH. 665**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**JUVENILES: DEPENDENTS: REMOVAL**

Prohibits the removal of a child from the physical custody of his or her parent with whom the child did not reside at the time a dependency petition was initiated, unless the juvenile court finds clear and convincing evidence that there would be a substantial danger to the physical health, safety, protection, or physical or emotional well-being of the child not to do so. (W&I 361)

**AB 1371 (STONE), CH. 666**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**JUVENILES: WARD, DEPENDENT, AND NONMINOR DEPENDENT PARENTS**

Prohibits the program of supervision over the child of a nonminor dependent or ward from being undertaken until the nonminor dependent or ward has consulted with an attorney on the matter. (W&I 301, 361.8)

**AB 1401 (MAIENSCHIN), CH. 262**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**JUVENILES: PROTECTIVE CUSTODY WARRANT**

Among other things, if there is probable cause to believe that a minor comes within the jurisdiction of the juvenile court as a dependent, as specified, authorizes a court to issue a protective custody warrant without filing a petition in the juvenile court alleging so. (W&I 340)

**SB 89 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 24**

**EFFECTIVE/OPERATIVE DATE: JUNE 27, 2017**

**HUMAN SERVICES**

Among other things, includes statutory changes to clarify how second opinions on requests to authorize the use of specified psychotropic medications in children subject to court jurisdiction are paid for. (W&I 369.6)

**SB 438 (ROTH), CH. 307**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**JUVENILES: LEGAL GUARDIANSHIP: SUCCESSOR GUARDIAN**

Allows the naming of a proposed successor guardian during the assessment process for a legal guardian, and allows the assessment and appointment of such a named successor guardian in the event of the death or incapacity of an appointed guardian. (W&I 366.26)



**SB 462 (ATKINS), CH. 462**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**JUVENILES: CASE FILES: ACCESS**

Expands the list of who can be allowed to access an otherwise sealed juvenile case file to include law enforcement agencies, probation departments, or other specified agencies for the purposes of data collection and research, provided that the court is satisfied that identifying information is protected. (W&I 827.12)

## PROBATE AND MENTAL HEALTH

**AB 191 (WOOD), CH. 184**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**MENTAL HEALTH: INVOLUNTARY TREATMENT**

Adds licensed marriage and family therapists and licensed professional clinical counselors to the list of those health care providers who are authorized to be a second signatory on a notice of certification when a patient is certified as needing intensive treatment under specified 14-day and 30-day involuntary mental health treatment provisions of the Lanterman-Petris-Short Act. (W&I 5251, 5261, 5270.20)

**AB 307 (MAIENSCHIN), CH. 577**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**ALLOCATION OF PRINCIPAL OR INCOME**

Revises how receipts are allocated between income and principal for purposes of trust allocation under the Uniform Principal and Income Act. Among other things, provides that a trustee shall allocate to income money received from an entity and to principal specified receipts from an entity. Provides that a trustee may determine that money is received as a return of capital if and to the extent that the money received exceeds the total amount of income tax that the beneficiaries and trust must pay. Provides that if a trustee is in doubt about the portion of a distribution that is a return of capital, the trustee must resolve the doubt by allocating to income the amount, if any, the trustee determines is not a return of capital and by allocating the balance of the distribution to principal. Provides that a trustee must consider and may rely on, without independent investigation, the financial statements of an entity and any other information provided by an entity about the character of a distribution or the

source of funds from which the distribution is made if the information is provided at or near the time of distribution by the entity's board of directors or other authoritative group. Provides that the trustee is not bound by any statement made or implied by the entity about the extent to which a distribution is or is not a return of capital. Requires a trustee, if he or she receives additional information about a distribution before making a distribution, to consider the additional information received and consider making an adjustment to the initial determination. Specifies that if the trustee receives additional information after a distribution has been made, the trustee is not required to change his or her decision. Requires a trustee, in exercising discretion under this bill, to comply with specified general fiduciary duties. (PROB 16350)

**AB 308 (MAIENSCHIN), CH. 32**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**PROCEDURES FOR LITIGATION**

Among other things, expands the notice provided to interested individuals in probate actions by requiring the notice to include a description of the subject property and a description of the relief sought. Clarifies the application of the Code of Civil Procedure's discovery rules to the Probate Code by adding to the Probate Code when a petitioner may commence discovery. (PROB 851, 851.1, 1000, 17201.1)

**AB 309 (MAIENSCHIN), CH. 33**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**TESTAMENTARY ADDITIONS TO TRUSTS**

Provides that a written instrument executed within 60 days after the execution of the testator's will may be used to devise the testator's property as long as the trust is identified in the testator's will and its terms are stated in the written instrument. (PROB 6300)

**AB 611 (DABABNEH), CH. 408**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**MANDATED REPORTERS OF SUSPECTED FINANCIAL ABUSE OF AN ELDER OR DEPENDENT ADULT: POWERS OF ATTORNEY**

Authorizes a mandated reporter of elder financial abuse (an officer or employee of a financial institution) to refuse to honor a power of attorney as to an attorney-in-fact if the mandated reporter has made a report that the principal may be subject to elder financial abuse by the person exercising the power of attorney. (W&I 15630.1)





**AB 976 (BERMAN), CH. 319**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**ELECTRONIC FILING AND SERVICE**

Among other things, authorizes the delivery of notices and other papers in uncontested and not-yet-contested proceedings under the Probate Code to persons by electronic means if the persons to receive notice have consented to electronic notice in the proceeding before the court and have provided electronic addresses for this purpose. (Various Codes)

*See Appendix A for a full description of the bill.*

**SB 153 (ANDERSON), CH. 56**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**ESTATES AND TRUSTS: DONATIVE TRANSFERS**

Updates the provisions regarding presumptive disqualification of donative transfers to certain individuals where fraud or undue influence is likely. Clarifies that the presumptive disqualification due to fraud or undue influence of a donative transfer to a person in a fiduciary relationship with the donor who transcribes the donative instrument applies if the fiduciary relationship exists at the time the instrument was transcribed. Replaces the term “gift” with the term “donative transfer” with respect to presumptive disqualification of a donative transfer due to fraud or undue influence. Adds to legislative intent that the presumptive disqualification of certain donative gifts is intended to supplement the common law on fraud, along with undue influence, without superseding or interfering in the operation of that law. (PROB 21380, 21384, 21386, 21392)

**SB 333 (ANDERSON), CH. 61**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**TRUSTS: MODIFICATION OR TERMINATION**

Clarifies and expands how an irrevocable trust may be modified or terminated. Clarifies that if all beneficiaries of an irrevocable trust consent, they may petition the court for modification or termination of the trust. Provides that if a trust is subject to a valid restraint on the transfer of a beneficiary’s interest, as provided, the trust may not be terminated with the consent of all beneficiaries unless the court determines there is good cause to do so. Allows a court, if a trust provides for disposition of principal to “heirs” or “next of kin,” to limit the class of beneficiaries whose consent is necessary to modify or

terminate the trust to the beneficiaries who are reasonably likely to take under the circumstances. Provides that an irrevocable trust may be modified or terminated by the written consent of the settlor and all beneficiaries without court approval. Clarifies that if any beneficiary does not consent to the modification or termination of an irrevocable trust, with the consent of the settlor the court may modify or partially terminate the trust if the interests of the beneficiaries who do not consent are not substantially impaired. (PROB 15403, 15404)

**SB 413 (MORRELL), CH. 122**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**DEMENTIA: MAJOR NEUROCOGNITIVE DISORDER**

Replaces the term “dementia” with the term “major neurocognitive disorder” in the Health and Safety Code and the Probate Code. Makes other technical, nonsubstantive changes. (H&S 1569.698, 1569.699, 1569.7; PROB 1981, 2356.5)

**SB 565 (PORTANTINO), CH. 218**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**MENTAL HEALTH: INVOLUNTARY COMMITMENT**

Requires a mental health facility, at least 36 hours before a certification review hearing to extend intensive mental health treatment services to 30 days, to make reasonable attempts to notify family members or any other person designated by the patient. Requires the notice to include the time and place of the certification review hearing, unless the patient requests that this information not be provided, and requires the facility to advise the patient that he or she has the right to request that this information not be provided. (W&I 5260, 5270.15)

**SB 684 (BATES), CH. 246**  
**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**  
**INCOMPETENCE TO STAND TRIAL: CONSERVATORSHIP: TREATMENT**

Authorizes a prosecutor—in felony cases involving alleged death, great bodily harm, or a serious threat to the physical well-being of another person—to request a probable cause hearing at any time before or after a defendant is determined to be incompetent to stand trial (IST) in order to establish probable cause that the defendant committed the crime for purposes of establishing a “Murphy” conservatorship. Clarifies that certain IST persons may



be subject to either a Murphy conservatorship or a Lanterman-Petris-Short Act conservatorship. (PEN 1368.1, 1370; W&I 5008)

## PROTECTIVE ORDERS

### AB 264 (LOW), CH. 270

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### PROTECTIVE ORDERS

Requires courts to consider issuing a protective order for a witness to a crime involving the violation of criminal gang laws, if it can be established by clear and convincing evidence that the witness has been harassed, as defined. Makes the violation of such a court order a misdemeanor. Expands the court's authority to issue a postconviction, no-contact protective order lasting up to 10 years for a victim of gang activity. (PEN 136.2)

### AB 953 (BAKER), CH. 384

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### PROTECTIVE ORDERS: PERSONAL INFORMATION OF MINORS

Authorizes a minor or a minor's guardian to petition the court to keep all information regarding the minor obtained when issuing a protective order—including, but not limited to, the minor's name and address and the circumstances surrounding the protective order with respect to that minor—in a confidential case file. (CCP 527.6; FAM 6301.5)

### SB 204 (DODD), CH. 98

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### DOMESTIC VIOLENCE: PROTECTIVE ORDERS

Enacts the Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act, authorizing the enforcement of a valid Canadian domestic violence protection order. Specifies the criteria for enforcement, and authorizes the registration of such a protection order in the California Restraining and Protective Order System. (FAM 6450–6460)

## STATE BAR/ PRACTICE OF LAW

### AB 291 (CHIU), CH. 489

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### HOUSING: IMMIGRATION

Among other things, prohibits a landlord from threatening to disclose information regarding or relating to the immigration or citizenship status of a tenant, occupant, or other person known to the landlord to be associated with a tenant or occupant, for the purpose of influencing a tenant to vacate a dwelling, harassing a tenant, or retaliating or discriminating against a tenant based on the tenant's actual or perceived immigration or citizenship status. Provides that an attorney who reports or threatens to report to a federal, state, or local agency the suspected immigration status of a witness or party to a civil or administrative action or his or her family member because that person exercised a right related to renting residential property is subject to suspension, disbarment, or other professional discipline. (B&P 6103.7; CIV 1940.05, 1940.2, 1940.3, 1940.35, 1942.5, 3339.10; CCP 1161.4)

### AB 360 (MURATSUCHI), CH. 401

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### THE STATE BAR: PRO BONO LEGAL ASSISTANCE: VETERANS

Requires the State Bar to administer a program to coordinate pro bono civil legal assistance to veterans and their families who otherwise cannot afford legal services. Requires the State Bar to engage with local bar associations, legal aid organizations, veterans' service providers, and volunteer attorneys to encourage those groups to provide legal services throughout the state. Requires the State Bar to provide resources and educational materials to attorneys and the public to support the purposes of this new pro bono civil legal assistance program. (B&P 6074)



**AB 1159 (CHIU), CH. 530**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**CANNABIS: LEGAL SERVICES**

Among other things, provides that, despite the provision in current law (Evid. Code, § 956) that makes attorney-client privilege inapplicable when the services of a lawyer are sought or obtained to enable or aid the commission of a crime or fraud, the attorney-client privilege does apply to legal services rendered in compliance with state and local laws on medicinal cannabis and adult-use cannabis. Provides that confidential communication for the purpose of rendering those services is “confidential communication between client and lawyer” (as defined in Evidence Code section 952), provided that the lawyer also advises the client on conflicts with respect to federal law. (CIV 1550.5; EVID 956)

**SB 36 (JACKSON), CH. 422**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**ATTORNEYS: STATE BAR: SECTIONS OF THE STATE BAR**

Reauthorizes the State Bar to collect up to \$390 for active membership dues for 2018. Separates the Sections of the State Bar into a separate nonprofit corporation. Makes other reforms to the State Bar’s governance structure. (B&P various sections)

**SB 690 (JACKSON), CH. 433**

**EFFECTIVE/OPERATIVE DATE: OCTOBER 2, 2017**

**STATE BAR OF CALIFORNIA: DISCLOSURES**

Among other things, provides that, subject to existing state and federal law protecting education records, the State Bar is not prohibited from disclosing any of the following: (a) the names of applicants who have passed any examination administered, given, or prescribed by the Committee of Bar Examiners; (b) information that is provided at the request of an applicant to another jurisdiction where the applicant is seeking admission to the practice of law; (c) information provided to a law school that is necessary for the law school’s compliance with accreditation or regulatory requirements, including—beginning with the release of results from the July 2018 bar examination—the bar examination results of the law school’s graduates and the scores of any graduate who did not pass the bar examination and who consents to the release of his or her scores to the law school, as provided;

and (d) information provided to the National Conference of Bar Examiners or a successor nonprofit organization in connection to the State Bar’s administration of any examination. Provides that nothing in this legislation is intended to affect any litigation pending on the effective date of this bill. (B&P 6060.25)

## TRAFFIC

**AB 103 (COMMITTEE ON BUDGET), CH. 17**

**EFFECTIVE/OPERATIVE DATE: JUNE 27, 2017**

**PUBLIC SAFETY: OMNIBUS**

Eliminates the authority of a court to initiate a driver’s license suspension or hold if the defendant fails to pay. Deletes the authority of the Department of Motor Vehicles to suspend a driver’s license if the department receives a notice of a failure to pay. Requires the Judicial Council to report annually on revenue collected from criminal fines and fees related to infractions and misdemeanors for each court and county beginning October 1, 2018. (VEH 40509.5)

**AB 544 (BLOOM), CH. 630**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**VEHICLES: HIGH-OCCUPANCY VEHICLE LANES**

Creates a new program (on expiration of the existing program) to grant, until September 30, 2025, federal inherently low emission vehicles and transitional zero emission vehicles access to high-occupancy vehicle lanes for approximately a four-year period, regardless of vehicle occupancy level, thereby extending the operation of an existing crime. (VEH 5205.5, 21655.9)

**AB 695 (BOCANEGRA), CH. 110**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**AVOIDANCE OF ON-TRACK EQUIPMENT**

Adds on-track equipment, such as trains or cars, to the list of equipment for vehicles and pedestrians to avoid in order to safely cross a railroad, rail transit grade crossing, or railroad grade crossing, thereby expanding the scope of a crime. Defines on-track equipment as any locomotive or any other car, rolling stock, equipment, or other device that, alone or coupled to others, is operated on stationary rails. (VEH 22451, 22452)



**AB 1069 (LOW), CH. 753**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**LOCAL GOVERNMENT: TAXICAB  
TRANSPORTATION SERVICES**

Makes various changes to the regulation of taxicab transportation services, including the requirement that the prospective employer of a driver who drives a specified vehicle obtain a report showing the driver's current public record as recorded by the Department of Motor Vehicles, thereby expanding the scope of existing crimes. (GOV 53075.5, 53075.51, 53075.52, 53075.53; VEH 1801.1)

**AB 1094 (CHOI), CH. 555**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**VEHICLES: AUTOMATED TRAFFIC  
ENFORCEMENT SYSTEMS**

Requires a stop to be made at an official traffic control signal erected and maintained at a freeway or highway on ramp, thereby creating a new infraction. (VEH 21455)

**AB 1222 (QUIRK), CH. 297**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**VEHICLES: ELECTRONIC WIRELESS  
COMMUNICATIONS DEVICES**

Removes "specialized mobile radio device" and "two-way messaging device" as examples of an "electronic wireless communications device" that is prohibited from being used while driving. (VEH 23123.5)

**AB 1303 (MCCARTY), CH. 210**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**VEHICLES: WINDOW TINTING**

Authorizes a clear, colorless, and transparent material to be installed, affixed, or applied to the windshield, side, or rear windows of a motor vehicle if the material meets certain requirements and the driver of the motor vehicle has in his or her possession a certificate signed by a licensed dermatologist certifying that the person should not be exposed to UV rays because of a medical condition. (VEH 26708)

**AB 1410 (WOOD), CH. 718**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**PENALTY ASSESSMENTS: EMERGENCY  
SERVICES AND CHILDREN'S HEALTH CARE  
COVERAGE FUNDING**

Renames the Emergency Medical Air Transportation Act Fund the Emergency Medical Air Transportation and Children's Coverage Fund, and authorizes the California Department of Health Care Services to use money from the fund, on appropriation by the Legislature, to fund children's health care coverage in addition to funding emergency medical air transportation. Extends the penalty dates in the Emergency Medical Air Transportation Act so that the assessment of penalties will terminate as of January 1, 2020, and any moneys unexpended and unencumbered in the Emergency Medical Air Transportation and Children's Coverage Fund on June 30, 2021, will be transferred to the General Fund. Extends the effective date of the Emergency Medical Air Transportation Act until January 1, 2022. (GOV 76000.10)

**AB 1452 (MURATSUCHI), CH. 635**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**PARKING: EXCLUSIVE ELECTRIC CHARGING  
AND PARKING ON PUBLIC STREETS**

Authorizes local authorities to designate on-street public parking exclusively for electric vehicle charging and to remove any vehicle, under specified conditions, from a designated space if the vehicle is not parked and connected for the purpose of electric vehicle charging, thereby expanding the scope of an infraction. (VEH 22511)

**AB 1625 (RUBIO), CH. 352**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**INOPERABLE PARKING METERS**

Authorizes, subject to restrictions, parking without time limit at a parking space that is regulated by an inoperable parking meter or inoperable parking payment center when the parking space does not have a posted time limit. Authorizes a local authority to limit parking to 4 hours at a parking space regulated by an inoperable parking meter or inoperable parking payment center when the parking space does not have a posted time limit, if the local authority posts specified signs. Prohibits a local authority from issuing a citation for nonpayment of fees for parking in a



parking space regulated by a parking meter or parking payment center that cannot physically accept payment, notwithstanding the fact that other nonphysical methods of payment may be accepted. Prohibits a local authority from enacting an ordinance or resolution prohibiting or restricting the parking of a vehicle in a parking space that is regulated by an inoperable parking meter or inoperable parking payment center, as defined. (VEH 22508.5)

**SB 20 (HILL), CH. 593**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**VEHICLES: BUSES: SEATBELTS**

Among other things, requires bus drivers and passengers 16 years of age or older to wear seat belts in buses equipped with them, and requires bus drivers to notify passengers of this requirement and the fine for not wearing a seat belt either before departure or with conspicuously posted signs and placards inside the bus. Imposes a fine of up to \$20 for the first violation of either provision and up to \$50 for subsequent violations of either provision. Changes the definition of a crime by requiring charter-party carriers transporting passengers via charter bus to include in already mandated written or video instructions to passengers a notification of the requirement to wear a safety belt, if available, and a notification that not wearing a seat belt is punishable by a fine. (VEH 12810.2, 27318, 27319, 34505.8)

**SB 65 (HILL), CH. 232**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**VEHICLES: ALCOHOL AND MARIJUANA: PENALTIES**

Makes drinking an alcoholic beverage or smoking or ingesting marijuana or any marijuana product while driving or riding as a passenger in a motor vehicle being driven on a highway or on specified lands punishable as an infraction, thereby expanding the definition of a crime. (VEH 23220, 23221)

**SB 406 (LEYVA), CH. 392**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**VEHICLES: HIGH-OCCUPANCY VEHICLE LANES: EXCEPTIONS**

Allows blood transport vehicles, as defined, to use high-occupancy vehicle (HOV) lanes, regardless of occupancy. (VEH 21655.9)

**SB 611 (HILL), CH. 485**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**VEHICLES**

Reforms the Department of Motor Vehicles' disabled person parking placard and license plate program, and makes technical cleanup changes relating to the ignition interlock device program. (Various VEH)

**SB 810 (COMMITTEE ON TRANSPORTATION AND HOUSING), CH. 397**

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

**TRANSPORTATION: OMNIBUS BILL**

Makes noncontroversial changes to sections of law relating to transportation, including, among others, replacing outdated code and fee references, correcting references in laws pertaining to seat belt infractions, and other technical changes. (VEH 5204, 12524, 12804.2, 12810.2, 14611, 14900.1, 27316, 27316.5, 40802)



## CIVIL LEGISLATION

### AB 976 (BERMAN), CH. 319

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### ELECTRONIC FILING AND SERVICE

Clarifies electronic filing and service requirements relating to timing, notice, transmission, and electronic signatures, and expands permissive electronic filing and service to specified case types, as detailed below.

#### CIVIL

Specifically, among other things:

1. Maintains current law, for cases filed on or before December 31, 2018, which provides that if a document may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of the document is not authorized unless a party or other person has agreed to accept electronic service in that specific action or the court has ordered electronic service on a represented party or other represented person.
2. Provides, for cases filed on or after January 1, 2019, that:
  - Electronic service of a document is not authorized unless a party or other person has expressly consented to receive electronic service in that specific action or the court has ordered electronic service on a represented party; and
  - Express consent to electronic service may be accomplished either by serving a notice on all the parties and filing the notice with the court, or manifesting affirmative consent through electronic means with the court or the court's electronic filing service provider and concurrently providing the party's electronic address with that consent for the purpose of receiving electronic service.
3. Specifies that the act of electronic filing alone does not amount to express consent.
4. Precludes the use of electronic service for a document or notice that is required to be served by certified or registered mail.
5. Clarifies that electronic service of a document that may be served by mail, express mail, overnight delivery, or facsimile transmission is deemed complete at the time of the electronic transmission of the document or at the time that the electronic notification of service of the document is sent.
6. Extends the filing deadline by providing that any document that is received electronically by the court between midnight and 11:59:59 p.m. on a court day shall be deemed filed on that court day. Specifies that any document that is received electronically on a noncourt day shall be deemed filed on the next court day.
7. Provides that a party or other person who has provided express consent to accept service electronically may withdraw consent at any time by completing and filing with the court the appropriate Judicial Council form, which the council is required to adopt by January 1, 2019.
8. Specifies that consent or the withdrawal of consent to receive electronic service may be completed only by a party or other person entitled to service, or by that person's attorney.
9. Provides that confidential or sealed records shall be electronically served through encrypted methods to ensure that these documents are not improperly disclosed.
10. Specifies that when a document to be filed requires the signature to be under penalty of perjury, the document shall be deemed to have been signed if either:
  - The person has signed a printed form of the document before or on the same day as the date of filing, or the attorney or other person filing the document represents, by the act of filing, that the declarant has complied with this section; or

- The person has signed a document using a computer or other technology under the procedures stated in a rule of court to be adopted by the Judicial Council by January 1, 2019.
11. Requires the attorney or other person filing the above document to maintain the printed form of the document bearing the original signature until final disposition of the case and to make it available for review and copying on the request of the court or any party to the action or proceeding in which it is filed.
  12. Clarifies that if a trial court, by local rule, requires electronic filing and service in civil actions, certain conditions apply, including that unrepresented persons are exempt from mandatory electronic filing and service.
  13. Clarifies that the court shall have a procedure for the filing of nonelectronic documents to prevent the program from causing undue hardship or significant prejudice to any party in an action, including, but not limited to, unrepresented parties.
  14. Requires the Judicial Council to make a form available to allow a party to seek exemption from mandatory electronic filing and service on the above grounds.
  15. Exempts, until January 1, 2019, a local child support agency, as defined, from a trial court's mandatory electronic filing and service requirements, unless the Department of Child Support Services and the local child support agency determine that it has the capacity and functionality to comply with the trial court's mandatory electronic filing and service requirements.
  16. Clarifies that, if service is made by electronic service, it shall be made under section 1010.6 of the Code of Civil Procedure and applicable rules on electric service in the California Rules of Court.
  17. Specifies that proof of electronic service may be made by any of the following methods:
    - An affidavit stating the exact title of the document served and filed in the cause, showing the name and residence or business address of the person making the service, showing that he or she is a resident of or employed in the county where the filing occurs, and showing that he or she is over the age of 18 years.
    - A certificate stating the exact title of the document served and filed in the cause, showing the name and business address of the person making the service, and showing that he or she is an active member of the State Bar of California.
    - An affidavit stating the exact title of the document served and filed in the cause, showing the name and residence or business address of the person making the service, that he or she is a resident of or employed in the county where the filing occurs, that he or she is over the age of 18 years and readily familiar with the business's practice for filing electronically, and that the document would be electronically filed that same day in the ordinary course of business following ordinary business practices.
    - In case of service by the clerk of a court of record, a certificate by that clerk stating the exact title of the document served and filed in the cause, showing the name of the clerk and the name of the court of which he or she is the clerk.
  18. Provides that proof of electronic service shall include the electronic service address and residence or business address of the person making the electronic service, the date of electronic service, the name and electronic service address of the person served, and a statement that the document was served electronically.
  19. Provides that proof of electronic service shall be signed, as specified, and may be in electronic form and filed electronically with the court.

## CRIMINAL

Among other things:

1. Authorizes permissive electronic filing and service of documents in criminal actions, except as otherwise provided in section 959.1 (which authorizes the commencement of a criminal prosecution by the electronic filing of an accusatory pleading with the court) or any other provision of the Penal Code.
2. Requires the Judicial Council to adopt uniform implementing rules of court.



## JUVENILE

Among other things:

1. Specifies, unless otherwise provided by law, that a document in a juvenile court matter may be filed and served electronically (as prescribed by section 1010.6 of the Code of Civil Procedure) under the following conditions:
  - Electronic service is authorized only if the county and the court permit electronic service.
  - On or before December 31, 2018, electronic service on a party or other person is permitted only if the party or other person has consented to accept electronic service in that specific action. A party or other person may subsequently withdraw its consent to electronic service.
  - On or after January 1, 2019, electronic service on a party or other person is permitted only if the party or other person has expressly consented, as provided in section 1010.6 of the Code of Civil Procedure. A party or other person may subsequently withdraw its consent to electronic service by completing the appropriate Judicial Council form.
  - Consent, or the withdrawal of consent, to receive electronic service may be completed by a party or other person entitled to service, or that person's attorney.
  - Electronic service is not permitted on any party or person who is under 10 years of age.
  - Electronic service is not permitted on any party or person who is between 10 and 15 years of age without the express consent of the minor and the minor's attorney.
  - Electronic service shall be permitted on any party or person who is 16 to 18 years of age only if the minor, after consultation with his or her attorney, consents. By January 1, 2019, the Judicial Council shall develop a rule of court on the duties of the minor's attorney during the required consultation.
  - Electronic service of psychological or medical documentation related to a minor shall not be permitted, other than the summary required under section 16010 of the Welfare

and Institutions Code when included as part of a required report to the court.

2. Specifies, in the following matters, that the party or other person shall be served by both electronic means and by other means specified by law if the document to be served is one of the following:
  - A notice of hearing or an appellate advisement issued under section 366.26(1)(3)(A) of the Welfare and Institutions Code for a hearing at which a social worker is recommending the termination of parental rights;
  - A citation issued under section 661 of the Welfare and Institutions Code; or
  - A notice of hearing under section 777(d) of the Welfare and Institutions Code.
3. Provides that if the minor is an Indian child or the court has reason to know that an Indian child is involved, service shall be made under section 224.2 of the Welfare and Institutions Code.
4. Requires electronic service and electronic filing to be conducted in a manner that preserves and ensures the confidentiality of records by encryption.
5. Provides that the above requirements shall be consistent with section 1010.6 of the Code of Civil Procedure and rules of court adopted by the Judicial Council under that section.

## PROBATE

Among other things:

1. Authorizes electronic delivery of specified notices and other papers in uncontested and not-yet-contested probate proceedings where the person to receive notice has expressly consented on the appropriate Judicial Council form to receive electronic delivery in the proceeding before the court and has provided an electronic address for that express purpose.
2. Provides that electronic delivery is complete when the notice or other paper is sent.
3. Specifies that the period of notice is not extended by electronic delivery.
4. Precludes electronic delivery for a notice or other paper that requires delivery by certified or registered mail.





## CRIMINAL LAW AND PROCEDURE LEGISLATION

### SB 393 (LARA), CH. 680

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### ARRESTS: SEALING

Among other things:

1. Allows a person who has suffered an arrest that did not result in a conviction to petition the court to have his or her arrest and related records sealed.
2. Provides that, for purposes of sealing, an arrest did not result in a conviction under any of the following circumstances:
  - a. The statute of limitations has run on every offense on which the arrest was based and the prosecuting attorney of the city or county that would have had jurisdiction over the offense or offenses on which the arrest was based has not filed an accusatory pleading based on the arrest; or
  - b. The prosecuting attorney filed an accusatory pleading based on the arrest, but with respect to all charges, one or more of the following has occurred:
    - i. No conviction occurred, the charge has been dismissed, and the charge may not be refiled;
    - ii. No conviction occurred and the arrestee has been acquitted of the charges; or
    - iii. A conviction occurred but has been vacated or reversed on appeal, all appellate remedies have been exhausted, and the charge may not be refiled.
3. Provides that a person is ineligible to have his or her records sealed under any of the following circumstances:
  - a. He or she may still be charged with any of the offenses on which the arrest was based;
  - b. Any of the arrest charges or any of the charges in the accusatory pleading based on the arrest is a charge of murder or any other offense for which there is no statute of limitations, except when the person has been acquitted or found factually innocent of the charges; or
- c. The petitioner intentionally evaded law enforcement efforts to prosecute the arrest, including by absconding from the jurisdiction in which the arrest took place or by engaging in identity fraud for which he or she was subsequently charged. The existence of bench warrants or failures to appear that were adjudicated before the case was closed with no conviction does not establish intentional evasion.
4. States what a petition to seal an arrest must contain, and provides that the court may deny a petition for failing to meet those requirements.
5. Provides that the Judicial Council shall furnish forms to be used by a person to have his or her arrest sealed, and states the contents of the form and the languages in which the form shall be made available.
6. Provides that the petitioner, prosecuting attorney, and arresting agency may submit evidence to the court at a hearing on the petition and that the petitioner would have the initial burden of proof to establish eligibility.
7. Entitles a petitioner to have such an arrest sealed as a matter of right with specified exceptions. A petitioner must establish that sealing the arrest would serve the interests of justice when the offense on which the arrest is based or any of the resulting charges is one of the following:
  - a. Domestic violence, if the petitioner's record demonstrates a pattern of domestic violence arrests, convictions, or both;
  - b. Child abuse, if the petitioner's record demonstrates a pattern of child abuse arrests, convictions, or both; or



- c. Elder abuse, if the petitioner's record demonstrates a pattern of elder abuse arrests, convictions, or both.
8. Provides that a court could consider any relevant factors in determining whether the interests of justice would be served by sealing an arrest, including hardship to the petitioner, evidence of the petitioner's good character, evidence regarding the arrest, and the petitioner's record of convictions.
9. Specifies the actions the court shall take if it grants a petition to seal an arrest that did not result in a conviction.
10. Creates a uniform process to be followed when arrest records are sealed under any of several specified statutes.
11. Specifies that a criminal justice agency may continue to access and use, in the regular course of its duties, a sealed arrest record and information relating to a sealed arrest.
12. Provides that, unless specifically authorized, a person or entity, other than a criminal justice agency or the person whose arrest was sealed, who disseminates information relating to a sealed arrest is subject to a civil penalty of not less than \$500 and not more than \$2,500 per violation. States that the civil penalty may be enforced by a city attorney, a deputy district attorney, or the Attorney General. Does not limit any private right of action that exists under the current law.
13. Deletes the two-year wait period for a petitioner to file a petition to seal arrest records after completing a pretrial diversion program.
14. Prohibits the Department of Justice from disclosing, as part of state summary criminal history information furnished to specified entities, information concerning an arrest that did not result in a conviction and was sealed under this provision.



## JUDICIAL OFFICER LEGISLATION

### SB 235 (ALLEN), CH. 512

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### **ELECTIONS: BALLOT DESIGNATION REQUIREMENTS**

Permits a candidate for judicial office to use only one of the following ballot designations, as specified:

1. Words designating the city, county, district, state, or federal office held by the candidate at the time of filing of the nomination papers;
2. The word “incumbent,” if the candidate is a candidate for the same office that he or she holds at the time of filing of the nomination papers; or
3. No more than three words designating either the current principal professions, vocations, or occupations of the candidate or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents.

Requires the ballot designation for a candidate for judicial office who is an active member of the State Bar employed by a city, county, district, state, or the United States to appear as either of the following:

1. Words designating the actual job title, as defined by current law, charter, or other governing instrument; or
2. One of the following ballot designations: “Attorney,” “Attorney at Law,” “Lawyer,” or “Counselor at Law.” Permits the word “Attorney” or “Lawyer” to be used in combination with one other current principal profession, vocation, or occupation of the candidate or the principal profession, vocation, or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents.

Requires a ballot designation that uses words designating the office or job title to contain the following relevant qualifiers:

1. The name of the city, if the candidate is an official or employee of a city, preceded by the words “City of.”

2. The name of the county, if the candidate is an official or employee of a county, preceded by the words “County of.”
3. The full name of the agency, if the candidate performs quasi-judicial functions for a governmental agency.

Requires a candidate for superior court judge who is an active member of the State Bar and practices law as one of his or her principal professions to use one of the following ballot designations: “Attorney,” “Attorney at Law,” “Lawyer,” or “Counselor at Law,” as his or her ballot designation. Allows the word “Attorney” or “Lawyer” to be used in combination with one other current principal profession, vocation, or occupation of the candidate or the principal profession, vocation, or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents.

Clarifies that the provisions of this bill apply to all judicial elections occurring on or after January 1, 2018.



## JUVENILE DELINQUENCY LEGISLATION

### SB 190 (MITCHELL), CH. 678

**EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2018**

#### JUVENILES

Provides that the authority of a county financial evaluation officer to make financial evaluations, including evaluations of parental liability, for specified costs and to reduce, cancel, or remit those costs does not apply to minors who are placed on prepetition informal supervision, who are the subject of a delinquency petition, or who are placed on probation. The authority to make financial evaluations remains for dual status children for purposes of dependency jurisdiction only.

Limits the recovery of administrative fees to be paid by home-detention participants to persons over 21 years of age and under the jurisdiction of the criminal court.

Limits the recovery of fees to be paid by probationers for drug testing to persons over 21 years of age and under the jurisdiction of the criminal court, regardless of whether the program is publicly or privately operated.

Eliminates liability of a minor or his or her parents or guardians for the following costs associated with the filing of a juvenile delinquency petition in the juvenile court:

- Costs incurred for transporting, feeding, and sheltering a minor held in temporary custody in a law enforcement facility.
- Costs associated with any service program the minor may be required to participate in.
- Costs of support for a minor detained in a juvenile facility.
- Costs of probation supervision, home supervision, or electronic supervision.
- Costs of food, shelter, and care of a minor who remains in the custody of probation or detained in a juvenile facility after the parent or guardian receives notice of release.

- Costs of support of minors placed in out-of-home placements other than county institutions.
- Costs of care, support, and maintenance when a minor is voluntarily placed in out-of-home care and the minor receives specified aid.

Provides that a minor who is ordered to pay restitution for damaging or discarding an electronic monitor is entitled to an ability-to-pay hearing without requesting one.

Provides that the expense for the support and maintenance of a juvenile delinquency ward shall be paid entirely from the county treasury.

Repeals the registration fee of up to \$50 for appointment of legal counsel for minors.

Limits the recovery of fees associated with services provided during diversion to those services provided directly to the minor's family, but not the services rendered to the minor.

Limits the recovery of fees for appointed legal representation to those services provided directly to the parents of a minor involved in a juvenile dependency proceeding. Attorney's fees for legal services for the minor are not recoverable.

Provides that when a minor is designated as a dual status child, specified fees apply for purposes of the dependency jurisdiction only, but not for purposes of the delinquency jurisdiction.

Repeals a provision of law relating to distribution of funds that will no longer be collected.



# APPENDIX E

## 2017 NEW AND EXPANDED CRIMES

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
<b>AB 7 (Gipson), CH. 734</b> <i>Effective/Operative Date:</i> <i>January 1, 2018</i> <b>Firearms: open carry</b>	PEN 26400	Creates a new crime by making it a misdemeanor to openly carry a long gun in a public place where discharge of a firearm is prohibited in an unincorporated area of a county.
<b>AB 78 (Cooper), CH. 103</b> <i>Effective/Operative Date:</i> <i>January 1, 2018</i> <b>Vessels: operation and equipment: blue lights</b>	H&N 625.5	Expands the scope of a crime by adding to the definition of vessels that are eligible to use distinctive blue lights vessels from a fire department of a fire protection district while engaged in public safety activities. Makes violation of any regulation adopted by the Department of Boating and Waterways to enforce this section a misdemeanor offense punishable by a fine not to exceed \$1,000 or by imprisonment not to exceed six months.
<b>AB 102 (Committee on Budget), CH. 16</b> <i>Effective/Operative Date:</i> <i>June 27, 2017</i> <b>The Taxpayer Transparency and Fairness Act of 2017: California Department of Tax and Fee Administration: Office of Tax Appeals: State Board of Equalization</b>	Various Codes	Creates a new crime by prohibiting the director, chief deputy director, and chief counsel of the newly established California Department of Tax and Fee Administration of the Government Operations Agency (successor to the State Board of Equalization) from divulging information concerning the business affairs of companies reporting to the department. Makes violation of this prohibition a misdemeanor offense punishable by a fine not to exceed \$1,000 or by imprisonment not to exceed six months, or both, at the discretion of the court.



BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
<p><b>AB 153 (Chávez), CH. 576</b></p> <p><i>Effective/Operative Date:</i> <i>January 1, 2018</i></p> <p><b>Military fraud</b></p>	<p>GOV 3003; PEN 532b</p>	<p>Modifies an existing crime and creates new crimes by amending the California Stolen Valor Act to better reflect the federal Stolen Valor Act of 2013. Requires an elected officer to forfeit his or her office on the conviction of a crime that involves a fraudulent claim that the person is a veteran or a member of the Armed Forces of the United States, when the claim is made with the intent to obtain money, property, or other tangible benefit. Also creates misdemeanor offenses for forging documentation reflecting the awarding of a military decoration that was not received to obtain money, property, or another tangible benefit; knowingly, with the intent to impersonate and to deceive, misrepresenting oneself as a member or veteran of the Armed Forces of the United States by wearing the uniform or military decoration authorized for use by the members or veterans to obtain money, property, or another tangible benefit; knowingly using falsified military identification to obtain money, property, or another tangible benefit; knowingly and with the intent to impersonate for the purposes of promoting a business, charity, or endeavor, or gaining advantage for employment purposes, misrepresenting oneself as a member or veteran of the Armed Forces of the United States by wearing the uniform or military decoration authorized for use by members or veterans. Adds the California National Guard, State Military Reserve, and Naval Militia to the list of applicable institutions whose awards, uniforms, and military decorations cannot be worn or falsified.</p>
<p><b>AB 187 (Gloria), CH. 183</b></p> <p><i>Effective/Operative Date:</i> <i>January 1, 2018</i></p> <p><b>Political Reform Act of 1974: local ballot measure contribution and expenditure reporting</b></p>	<p>GOV 84204.5</p>	<p>Requires a committee to file a report each time it makes contributions or independent expenditures amounting to \$5,000 or more to support or oppose the qualification of a single local initiative or referendum ballot measure. Expands the scope of a crime under the Political Reform Act of 1974, subjecting violators to administrative, civil, and criminal penalties.</p>
<p><b>AB 249 (Mullin), CH. 546</b></p> <p><i>Effective/Operative Date:</i> <i>October 7, 2017</i></p> <p><b>Political Reform Act of 1974: campaign disclosures</b></p>	<p>Various Codes</p>	<p>Revises the scope of violations subject to a fine or misdemeanor under the Political Reform Act of 1974 by specifying that the violations apply only to certain disclosure requirements and intentional violations. Expands the scope of a crime under the Political Reform Act of 1974, subjecting violators to administrative, civil, and criminal penalties.</p>

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
<p><b>AB 390 (Santiago), CH. 402</b>  <i>Effective/Operative Date:</i>  <i>January 1, 2018</i>  <b>Pedestrian crossing signals</b></p>	VEH 21456	Changes the definition of a crime by authorizing pedestrians to enter a crosswalk when the countdown symbol is displayed, provided the crossing is completed before the countdown ends and the steady "DON'T WALK," "WAIT," or otherwise approved upraised hand symbol is displayed.
<p><b>AB 424 (McCarty), CH. 779</b>  <i>Effective/Operative Date:</i>  <i>January 1, 2018</i>  <b>Possession of a firearm in a school zone</b></p>	PEN 626.9, 26370, 26405	Expands the scope of a crime by removing the authority of a school district superintendent, his or her designee, or other equivalent authority to provide written permission for a person to carry a firearm in a school zone. Creates exemptions for certain school-sanctioned program activities, like shooting sports.
<p><b>AB 484 (Cunningham), CH. 526</b>  <i>Effective/Operative Date:</i>  <i>January 1, 2018</i>  <b>Sex offenses: registration</b></p>	PEN 290	Adds rape by fraud and rape by authority of a public official to the list of offenses that require lifetime registration as a sex offender, thereby expanding the scope of a crime because willful failure to register under this provision constitutes a misdemeanor or a felony depending on the severity of the sexual offense.
<p><b>AB 525 (Aguilar-Curry), CH. 272</b>  <i>Effective/Operative Date:</i>  <i>January 1, 2018</i>  <b>State Board of Equalization: California Department of Tax and Fee Administration: offer in compromise: extension</b></p>	R&T 7093.6, 9278, 30459.15, 32471.5, 41171.5, 46628, 50156.18, 55332.5, 60637	Expands the scope of a crime by extending the repeal date regarding an offer in compromise for a qualified final tax liability to January 1, 2023.
<p><b>AB 551 (Levine), CH. 196</b>  <i>Effective/Operative Date:</i>  <i>January 1, 2018</i>  <b>Political Reform Act of 1974: postemployment restrictions</b></p>	GOV 87406.3	Expands the scope of a crime by specifying that a local elected official, chief administrative officer of a county, city manager, or general manager or chief administrator of a special district, for a year after leaving that position, may not appear before or communicate with his or her former agency, for compensation, as an independent contractor for another government agency. Specifies that a violation of this provision is a misdemeanor under the Political Reform Act of 1974.
<p><b>AB 575 (Jones-Sawyer), CH. 407</b>  <i>Effective/Operative Date:</i>  <i>January 1, 2018</i>  <b>Elder and dependent adult abuse: mandated reporters: substance use disorder counselors</b></p>	W&I 15610.37	Expands the scope of a crime by adding substance use disorder counselors to the list of health care professionals who are mandated reporters of elder abuse. Defines "substance use disorder counselor" as a person providing counseling services in an alcoholism or drug abuse recovery and treatment program, as specified.



BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
<p><b>AB 660 (Rubio), CH. 381</b></p> <p><i>Effective/Operative Date:</i> <i>January 1, 2018</i></p> <p><b>Public agencies: unlawful interference</b></p>	PEN 602.1	<p>Makes it an infraction, punishable by a fine of up to \$400, to intentionally interfere with any lawful business carried on by the employees of a public agency open to the public by knowingly making a material misrepresentation of the law to those attempting to transact business with the agency and refusing to leave, as specified.</p>
<p><b>AB 785 (Jones-Sawyer), CH. 784</b></p> <p><i>Effective/Operative Date:</i> <i>January 1, 2018</i></p> <p><b>Firearms: possession of firearms by convicted persons</b></p>	PEN 29805	<p>Expands the scope of a crime by making it a misdemeanor to interfere with the exercise of civil rights, either by force or threat of force or by knowingly defacing, damaging, or destroying another person's property for the purpose of intimidation and interference, subject to a 10-year prohibition on possessing a firearm. Specifies that a violation of the prohibition is a crime, punishable by imprisonment in a county jail or state prison not to exceed one year, by a fine not to exceed \$1,000, or both.</p>
<p><b>AB 1102 (Rodriguez), CH. 275</b></p> <p><i>Effective/Operative Date:</i> <i>January 1, 2018</i></p> <p><b>Health facilities: whistleblower protections</b></p>	H&S 1278.5	<p>Increases the maximum criminal fine, from \$20,000 to \$75,000, for violations of whistleblower protection laws that apply to hospital patients, employees, and other health care workers.</p>
<p><b>AB 1104 (Chau), CH. 715</b></p> <p><i>Effective/Operative Date:</i> <i>January 1, 2018</i></p> <p><b>The California Political Cyberfraud Abatement Act</b></p>	ELEC 18320	<p>Expands the scope of the crime of political cyberfraud by modifying the definition of "political Web site" to include Internet websites that urge or appear to urge the support or opposition of candidates for public office. Defines "political cyberfraud" as "a knowing and willful act concerning a political Web site that is committed with the intent to deny a person access to a political Web site, deny a person the opportunity to register a domain name for a political Web site, or cause a person reasonably to believe that a political Web site has been posted by a person other than the person who posted the Internet Web site, and would cause a reasonable person, after reading the Internet Web site, to believe the site actually represents the views of the proponent or opponent of a ballot measure or of a candidate for public office."</p>



BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
<p><b>AB 1367 (Berman), CH. 848</b></p> <p><i>Effective/Operative Date: January 1, 2018</i></p> <p><b>Improper signature-gathering tactics</b></p>	ELEC 18660	<p>Makes it a misdemeanor for any person, company, organization, company official, or other organizational officer who knowingly directs a person who is circulating an initiative, referendum, or recall petition to make a false affidavit, or who knew or should have known that the person made a false affidavit, subject to punishment by a fine of up to \$5,000, imprisonment in a county jail not to exceed one year, or both.</p>
<p><b>AB 1706 (Committee on Business and Professions), CH. 454</b></p> <p><i>Effective/Operative Date: January 1, 2018</i></p> <p><b>Healing arts: chiropractic practice: speech-language pathology and audiology and hearing aid dispensing: occupational therapy: physical therapy</b></p>	B&P 146	<p>Among other things, provides that the practice of occupational therapy without a license is an infraction under this provision, thereby expanding the scope of a crime.</p>
<p><b>SB 45 (Mendoza), CH. 827</b></p> <p><i>Effective/Operative Date: January 1, 2018</i></p> <p><b>Political Reform Act of 1974: mass mailing prohibition</b></p>	GOV 89002, 89003	<p>Expands the scope of an existing crime by prohibiting mass mailings at public expense from being sent within the 60 days preceding an election, by or on behalf of a state or local candidate whose name will appear on the ballot, except as specified. Codifies a Fair Political Practices Commission regulation regarding acceptable and unacceptable mass mailings sent at public expense.</p>
<p><b>SB 65 (Hill), CH. 232</b></p> <p><i>Effective/Operative Date: January 1, 2018</i></p> <p><b>Vehicles: alcohol and marijuana: penalties</b></p>	VEH 23220, 23221	<p>Makes drinking an alcoholic beverage or smoking or ingesting marijuana or any marijuana product while driving or riding as a passenger in a motor vehicle being driven on a highway or on specified lands punishable as an infraction, thereby expanding the definition of a crime.</p>



BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
<p><b>SB 94 (Committee on Budget and Fiscal Review), CH. 27</b></p> <p><i>Effective/Operative Date: June 27, 2017</i></p> <p><b>Cannabis: medicinal and adult use</b></p>	Various Codes	<p>Among other things, merges the Medical Cannabis Regulation and Safety Act and the Adult Use of Marijuana Act into a single regulatory system for commercial cannabis activity in California. Creates new crimes and establishes court procedures relating to commercial cannabis licensing. Subjects applicants for a commercial license for growing, selling, using, and other specified uses to the penalty of perjury for any false claims in their application. Limits trial courts' ability to review, affirm, reverse, correct, or annul any order, rule, or decision of a licensing authority or to take other specified actions regarding a licensing decision. Specifies that the filing deadline for an application for writ of review to the Supreme Court or Courts of Appeal is 30 days from the filing of the final order of the licensing authority panel. Prohibits a reviewing court from holding a trial de novo, taking evidence, or making independent judgments on issues beyond whether the licensing authority has proceeded outside of its jurisdiction, the licensing authority has proceeded in the manner required by law, the decision of the licensing authority is supported by the findings, the findings in the licensing authority's decision are supported by substantial evidence in light of the whole record, or there is relevant evidence that, in the exercise of reasonable diligence, could not have been produced or that was improperly excluded at the hearing before the licensing authority.</p>

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
<p><b>SB 239 (Wiener), CH. 537</b></p> <p><i>Effective/Operative Date:</i> <i>January 1, 2018</i></p> <p><b>Infectious and communicable diseases: HIV and AIDS: criminal penalties</b></p>	B&P 4076, 4076.6, 4199	<p>Among other things, revises a crime by making it a misdemeanor punishable by imprisonment of up to six months in a county jail to intentionally or willfully transmit an infectious or communicable disease, including human immunodeficiency virus (HIV), if specified conditions are met. Otherwise deletes the felony penalty for exposing another person to HIV through specified acts and omissions—and for donating blood, tissue, or in certain cases semen or breast milk—if the person knows that he or she has acquired immunodeficiency syndrome (AIDS) or has tested reactive to HIV. Makes it a misdemeanor for a person to violate a health officer’s instruction not to engage in certain activities that pose a substantial risk of transmission, when those instructions are given under specified circumstances. Authorizes a person serving a sentence for a prior prostitution conviction that was accompanied by a positive AIDS test to petition for a recall or dismissal of the sentence before the trial court that made the judgment. Requires courts to vacate any conviction, dismiss any charge, and legally deem that an arrest due to a prior conviction of prostitution with a positive AIDS test never occurred. Imposes various requirements on courts regarding the disclosure of identifying characteristics, as defined, of the complaining witness and the defendant in an infectious disease case.</p>
<p><b>SB 241 (Monning), CH. 513</b></p> <p><i>Effective/Operative Date:</i> <i>January 1, 2018</i></p> <p><b>Medical records: access</b></p>	H&S 123105, 123110; W&I 5328	<p>Revises and recasts provisions of law governing the right of patients to access a copy of their medical records by conforming these requirements to the federal Health Information Portability and Accountability Act of 1996 (HIPAA). Expands the scope of an existing crime by changing provisions of law relating to any health care provider.</p>
<p><b>SB 294 (Hernandez), CH. 515</b></p> <p><i>Effective/Operative Date:</i> <i>January 1, 2018</i></p> <p><b>Hospice: services to seriously ill patients</b></p>	H&S 1747.3	<p>Expands the scope of a crime by amending the California Hospice Licensure Act of 1990 to authorize, until January 1, 2022, a licensee under the act to provide any of the authorized interdisciplinary hospice services, including palliative care, to a patient who has a serious illness.</p>

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
<b>SB 449 (Monning), CH. 282</b> <i>Effective/Operative Date:</i> <i>January 1, 2018</i> <b>Skilled nursing and intermediate care facilities: training programs</b>	H&S 1337.1	Expands the scope of a crime by requiring at least 2 of the 60 hours of classroom training that is required as part of the training program for certified nurse assistants to address the special needs of persons with Alzheimer’s disease and related dementias, a violation of which is a crime.
<b>SB 497 (Portantino), CH. 809</b> <i>Effective/Operative Date:</i> <i>January 1, 2018</i> <b>Firearms</b>	PEN 25140	Changes the definition of a crime by allowing a peace officer to leave a handgun locked in the center console of an unattended vehicle if the vehicle does not have a trunk. Defines “trunk” as the fully enclosed and locked main storage or luggage compartment of a vehicle, not accessible from the passenger compartment. Specifies that “trunk” does not include the rear of a hatchback, station wagon, or sport utility vehicle; any compartment that has a window; or a toolbox or utility box attached to the bed of a pickup truck. Also defines “plain view” for the purposes of this provision.
<b>SB 500 (Leyva), CH. 518</b> <i>Effective/Operative Date:</i> <i>January 1, 2018</i> <b>Extortion</b>	PEN 518, 520, 523, 524, 526	Redefines “extortion” to include obtaining specified sexual conduct or an image of an intimate body part, as defined, induced by wrongful use of force or fear, or under color of official right.
<b>SB 547 (Hill), CH. 429</b> <i>Effective/Operative Date:</i> <i>January 1, 2018</i> <b>Professions and vocations: weights and measures</b>	Various Codes	Expands the scope of a crime by amending the Barbering and Cosmetology Act to define the term “under the supervision of a licensee” to mean a person supervised at all times by a licensee while performing services in a licensed establishment and prohibiting an apprentice who is not being supervised by a licensee from practicing under the act without a license, the violation of which is a crime.
<b>SB 597 (Leyva), CH. 570</b> <i>Effective/Operative Date:</i> <i>January 1, 2018</i> <b>Human trafficking: victim confidentiality</b>	GOV 6205, 6205.5, 6206, 6206.7, 6208.5, 6209.5, 6209.7	Makes human trafficking victims and specified household members of victims of domestic violence, sexual assault, stalking, or human trafficking eligible for enrollment in the Safe at Home (SAH) program. Makes it a misdemeanor for any person to falsely claim to be a victim of human trafficking or other specified offense, or to falsify any information in applying to the SAH program.
<b>SB 664 (Dodd), CH. 486</b> <i>Effective/Operative Date:</i> <i>January 1, 2018</i> <b>Alcoholic beverages: tied-house restrictions: advertising</b>	B&P 25503.6	Changes the definition of a crime by amending the Alcoholic Beverage Control Act to allow beer manufacturers, wine-growers, distilled spirits rectifiers, distilled spirits manufacturers, or distilled spirits manufacturers’ agents to purchase advertising space and time, in connection with described events, from or on behalf of on-sale retail licensees at specified facilities located in the City and County of San Francisco.



BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
<p><b>SB 798 (Hill), CH. 775</b></p> <p><i>Effective/Operative Date:</i> <i>January 1, 2018</i></p> <p><b>Healing arts: boards</b></p>	Various Codes	<p>Extends the sunsets for the Medical Board of California and the Medical Practice Act from January 1, 2018, to January 1, 2022; extends the date on which the Osteopathic Medical Board of California and the Osteopathic Act shall be considered repealed for purposes of review by the appropriate policy committees of the Legislature from January 1, 2018, to January 1, 2022. Makes numerous technical changes to clarify or streamline existing law for these programs, and enacts new public protection policies and modifies current laws aimed at providing state oversight of physicians and surgeons, thereby expanding the scope of a crime.</p>

# INDEX

NO.	AUTHOR	SUBJECT	CHAPTER	PAGE
<b>ASSEMBLY BILLS</b>				
AB 7*	Gipson	Firearms: open carry	734	37
AB 46	Cooper	Employers: wage discrimination	776	19
AB 78*	Cooper	Vessels: operation and equipment: blue lights	103	37
AB 83	Santiago	Collective bargaining: Judicial Council	835	19
AB 90	Weber	Criminal gangs	695	4, 12
AB 102*	Committee on Budget	The Taxpayer Transparency and Fairness Act of 2017: California Department of Tax and Fee Administration: Office of Tax Appeals: State Board of Equalization	16	2, 3, 37
AB 103	Committee on Budget	Public safety: omnibus	17	3, 11, 12, 21, 27
AB 119	Committee on Budget	State government	21	4, 19
AB 131	Committee on Budget	Taxation	252	2, 4
AB 153*	Chávez	Military fraud	576	38
AB 168	Eggman	Employers: salary information	688	19
AB 187*	Gloria	Political Reform Act of 1974: local ballot measure contribution and expenditure reporting	183	38
AB 191	Wood	Mental health: involuntary treatment	184	24
AB 208	Eggman	Deferred entry of judgment: pretrial diversion	778	12
AB 246	Santiago	Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2011	522	2, 4
AB 249*	Mullin	Political Reform Act of 1974: campaign disclosures	546	38
AB 255	Gallagher	Sexually violent predators: out-of-county placement	39	13
AB 264	Low	Protective orders	270	13, 26
AB 291	Chiu	Housing: immigration	489	5, 26
AB 307	Maienschein	Allocation of principal or income	577	24
AB 308	Maienschein	Procedures for litigation	32	24
AB 309	Maienschein	Testamentary additions to trusts	33	24
AB 360	Muratsuchi	The State Bar: pro bono legal assistance: veterans	401	26
AB 368	Muratsuchi	Criminal procedure: jurisdiction of public offenses	379	13
AB 369	Waldron	Appeals: child custody orders or judgments	41	2, 21
AB 383	Chau	Civil actions: discovery status conference	189	5
AB 390*	Santiago	Pedestrian crossing signals	402	39
AB 400	Cooper	Crimes: alcoholic beverages: State Capitol	224	13
AB 404	Stone	Foster care	732	23

\* Indicates a bill that appears on the 2017 New and Expanded Crimes Table (Appendix E).



NO.	AUTHOR	SUBJECT	CHAPTER	PAGE
AB 411	Bloom	Witness testimony: therapy and facility dogs	290	13
AB 413	Eggman	Confidential communications: domestic violence	191	18
AB 424*	McCarty	Possession of a firearm in a school zone	779	39
AB 430	Irwin	Marriage: solemnization	42	22
AB 450	Chiu	Employment regulation: immigration worksite enforcement actions	492	5, 20
AB 484*	Cunningham	Sex offenses: registration	526	39
AB 485	O'Donnell	Pet store operators: dogs, cats, and rabbits	740	5
AB 493	Jones-Sawyer	Crime: victims and witnesses: immigration violations	194	13
AB 525*	Aguiar-Curry	State Board of Equalization: California Department of Tax and Fee Administration: offer in compromise: extension	272	39
AB 529	Stone	Juveniles: sealing of records	685	22
AB 539	Acosta	Search warrants	342	14
AB 544	Bloom	Vehicles: high-occupancy vehicle lanes	630	27
AB 551*	Levine	Political Reform Act of 1974: postemployment restrictions	196	39
AB 556	Limón	County ordinances: violations: fines	405	6
AB 562	Muratsuchi	California State Auditor: interference	406	6
AB 575*	Jones-Sawyer	Elder and dependent adult abuse: mandated reporters: substance use disorder counselors	407	39
AB 604	Gipson	Nonminor dependents: extended foster care benefits	707	23
AB 611	Dababneh	Mandated reporters of suspected financial abuse of an elder or dependent adult: powers of attorney	408	24
AB 644	Berman	Civil procedure: pleadings	273	6
AB 660*	Rubio	Public agencies: unlawful interference	381	40
AB 688	Calderon	Enforcement of money judgments: exemptions	529	6
AB 695	Bocanegra	Avoidance of on-track equipment	110	27
AB 712	Bloom	Civil actions: change of venue	316	21
AB 720	Eggman	Inmates: psychiatric medication: informed consent	347	14
AB 740	Reyes	Oaths and affirmations	82	22
AB 768	Aguiar-Curry	Certified farmers' markets: enforcement: civil penalties	83	6
AB 785*	Jones-Sawyer	Firearms: possession of firearms by convicted persons	784	40
AB 789	Rubio	Criminal procedure: release on own recognizance	554	14
AB 828	Oberholte	Civil actions: fee recovery	583	6
AB 878	Gipson	Juveniles: restraints	660	22
AB 905	Maienschein	Money judgments of other jurisdictions	168	6
AB 953	Baker	Protective orders: personal information of minors	384	26
AB 984	Calderon	Courts: frivolous actions or tactics	169	7
AB 993	Baker	Examination of victims of sex crimes	320	14
AB 1008	McCarty	Employment discrimination: conviction history	789	20

\* Indicates a bill that appears on the 2017 New and Expanded Crimes Table (Appendix E).

NO.	AUTHOR	SUBJECT	CHAPTER	PAGE
AB 1024	Kiley	Grand juries: peace officers: proceedings	204	14
AB 1034	Chau	Government interruption of communications	322	7
AB 1069	Low	Local government: taxicab transportation services	753	28
AB 1093	Chen	Service of process	129	7
AB 1094	Choi	Vehicles: automated traffic enforcement systems	555	28
AB 1102*	Rodriguez	Health facilities: whistleblower protections	275	40
AB 1104*	Chau	The California Political Cyberfraud Abatement Act	715	40
AB 1115	Jones-Sawyer	Convictions: expungement	207	15
AB 1127	Calderon	Baby diaper changing stations	755	11
AB 1159	Chiu	Cannabis: legal services	530	27
AB 1222	Quirk	Vehicles: electronic wireless communications devices	297	28
AB 1303	McCarty	Vehicles: window tinting	210	28
AB 1309	Cooley	Employment without reinstatement: failure to enroll or report: fee	261	20
AB 1312	Gonzalez Fletcher	Sexual assault victims: rights	692	15
AB 1332	Bloom	Juveniles: dependents: removal	665	23
AB 1367*	Berman	Improper signature-gathering tactics	848	41
AB 1371	Stone	Juveniles: ward, dependent, and nonminor dependent parents	666	22, 23
AB 1396	Burke	Surrogacy	326	21
AB 1401	Maienschein	Juveniles: protective custody warrant	262	23
AB 1410	Wood	Penalty assessments: emergency services and children's health care coverage funding	718	28
AB 1418	O'Donnell	City prosecutors	299	15
AB 1443	Levine	Court records	172	12
AB 1450	Oberholte	Court reporters: electronic transcripts	532	12
AB 1452	Muratsuchi	Parking: exclusive electric charging and parking on public streets	635	28
AB 1459	Quirk-Silva	Murder: peace officers	214	15
AB 1487	Rodriguez	Public Employees' Retirement System: limited term appointments	229	20
AB 1541	Kalra	Examination of prospective jurors	302	15
AB 1542	Dababneh	Violent felonies: video recording	668	15
AB 1583	Chau	Proposition 65: enforcement: certificate of merit: factual basis	510	7
AB 1615	Garcia, Eduardo	Gender discrimination: civil actions	156	8
AB 1625	Rubio	Inoperable parking meters	352	28
AB 1690	Committee on Judiciary	Personal rights: compensatory relief	160	8
AB 1692	Committee on Judiciary	Judiciary omnibus	330	21
AB 1693	Committee on Judiciary	Civil actions: intervention	131	8
AB 1701	Thurmond	Labor-related liabilities: original contractor	804	8

\* Indicates a bill that appears on the 2017 New and Expanded Crimes Table (Appendix E).



NO.	AUTHOR	SUBJECT	CHAPTER	PAGE
AB 1706*	Committee on Business and Professions	Healing arts: chiropractic practice: speech-language pathology and audiology and hearing aid dispensing: occupational therapy: physical therapy	454	41
AB 1710	Committee on Veterans Affairs	Prohibited discrimination against service members	591	20
AB 1711	Committee on Veterans Affairs	State military reserve personnel: leave benefits	92	20

## SENATE BILLS

SB 20	Hill	Vehicles: buses: seatbelts	593	29
SB 33	Dodd	Arbitration agreements	480	8
SB 36	Jackson	Attorneys: State Bar: Sections of the State Bar	422	27
SB 45*	Mendoza	Political Reform Act of 1974: mass mailing prohibition	827	41
SB 54	De León	Law enforcement: sharing data	495	12
SB 65*	Hill	Vehicles: alcohol and marijuana: penalties	232	29, 41
SB 89	Committee on Budget and Fiscal Review	Human services	24	4, 23
SB 94*	Committee of Budget and Fiscal Review	Cannabis: medicinal and adult use	27	2, 8, 42
SB 96	Committee on Budget and Fiscal Review	State Government	28	4
SB 153	Anderson	Estates and trusts: donative transfers	56	25
SB 157	Wieckowski	Invasion of privacy: distribution of sexually explicit materials: protection of plaintiff's identity	233	9
SB 179	Atkins	Gender identity: female, man, or nonbinary	853	9
SB 180	Mitchell	Controlled substances: sentence enhancements: prior convictions	677	15
SB 204	Dodd	Domestic violence: protective orders	98	19, 26
SB 217	Wieckowski	Evidence: admissibility	60	21
SB 230	Atkins	Evidence: commercial sexual offenses	805	16
SB 238	Hertzberg	Criminal procedure: arrests and evidence	566	16
SB 239*	Wiener	Infectious and communicable diseases: HIV and AIDS: criminal penalties	537	16, 43
SB 241*	Monning	Medical records: access	513	43
SB 285	Atkins	Public employers: union organizing	567	20
SB 294*	Hernandez	Hospice: services to seriously ill patients	515	43
SB 310	Atkins	Name and gender change: prisons and county jails	856	10
SB 312	Skinner	Juveniles: sealing of records	679	23
SB 331	Jackson	Evidentiary privileges: domestic violence counselor-victim privilege	178	19
SB 333	Anderson	Trusts: modification or termination	61	25

\* Indicates a bill that appears on the 2017 New and Expanded Crimes Table (Appendix E).



NO.	AUTHOR	SUBJECT	CHAPTER	PAGE
SB 339	Roth	Veterans treatment courts: Judicial Council assessment and survey	595	16
SB 340	Hertzberg	Corporations: dissolution: bankruptcy	267	10
SB 355	Mitchell	Reimbursement for court-appointed counsel	62	16
SB 360	Skinner	Public social services: prosecution for overpayment or over issuance of benefits	390	17
SB 384	Wiener	Sex offenders: registration: criminal offender record information systems	541	17
SB 387	Jackson	The False Claims Act	121	10
SB 394	Lara	Parole: youth offender parole hearings	684	17
SB 395	Lara	Custodial interrogation: juveniles	681	17
SB 396	Lara	Employment: gender identity, gender expression, and sexual orientation	858	20
SB 403	Cannella	Sale of county courthouses	358	11
SB 406	Leyva	Vehicles: high-occupancy vehicle lanes: exceptions	392	29
SB 413	Morrell	Dementia: major neurocognitive disorder	122	25
SB 438	Roth	Juveniles: legal guardianship: successor guardian	307	23
SB 449*	Monning	Skilled nursing and intermediate care facilities: training programs	282	44
SB 462	Atkins	Juveniles: case files: access	462	24
SB 479	Morrell	Mortgages: default procedures: trustee's or attorney's fees	217	10
SB 497*	Portantino	Firearms	809	44
SB 500*	Leyva	Extortion	518	44
SB 543	Morrell	Civil actions: service of documents	64	10
SB 547	Hill	Professions and vocations: weights and measures	429	44
SB 550	Pan	Public school employment: meeting and negotiating: legal actions: settlement offer: attorney's fees	812	10
SB 565	Portantino	Mental health: involuntary commitment	218	25
SB 568	Lara	Primary elections: election date	335	22
SB 597*	Leyva	Human trafficking: victim confidentiality	570	17, 19, 44
SB 610	Nguyen	Wrongful concealment: statute of limitations	74	18
SB 611	Hill	Vehicles	485	29
SB 620	Bradford	Firearms: crimes: enhancements	682	18
SB 658	Wiener	Jury selection	337	11
SB 664*	Dodd	Alcoholic beverages: tied-house restrictions: advertising	486	44
SB 670	Jackson	Sentencing: county of incarceration and supervision	287	18
SB 684	Bates	Incompetence to stand trial: conservatorship: treatment	246	25
SB 690	Jackson	State Bar of California: disclosures	433	27
SB 725	Jackson	Veterans: pretrial diversion: driving privileges	179	18
SB 755	Beall	Civil discovery: mental examination	133	11
SB 756	Stern	Restitution: noneconomic losses: child sexual abuse	101	18

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NO.	AUTHOR	SUBJECT	CHAPTER	PAGE
SB 798*	Hill	Healing arts: boards	775	45
SB 810	Committee on Transportation and Housing	Transportation: omnibus bill	397	29
SB 811	Committee on Public Safety	Public safety: omnibus	269	18

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NO.	AUTHOR	SUBJECT	CHAPTER; APPENDIX	PAGE
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**ASSMBLY AND SENATE BILLS WITH A RELATED APPENDIX**

AB 976	Berman	Electronic filing and service	319; A	6, 14, 22, 23, 25, 30
SB 190	Mitchell	Juveniles	678; D	23, 36
SB 235	Allen	Elections: ballot designation requirements	512; C	22, 35
SB 393	Lara	Arrests: sealing	680; B	17, 33

*Summary of*  
**Court-Related Legislation**

JUDICIAL COUNCIL OF CALIFORNIA • GOVERNMENTAL AFFAIRS

**NOVEMBER 2017**

*Summary of  
Court-Related Legislation*  
is published annually  
by the Judicial Council of California,  
Governmental Affairs.

520 Capitol Mall, Suite 600  
Sacramento, CA 95814  
916-323-3121

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Judicial Council of California

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TRIAL COURT LEADERSHIP**

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JUDICIAL COUNCIL  
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