JUDICIAL COUNCIL OF CALIFORNIA

Summary of Court-Related Legislation

JUDICIAL COUNCIL OF CALIFORNIA • GOVERNMENTAL AFFAIRS

NOVEMBER 2019

During the first year of the 2019–2020 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. 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.

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

This *Summary* is intended to serve only as a guide to identify bills of interest; the bill descriptions are not a complete statement of statutory changes. Code section references are to the sections most directly affected by the bill; not all sections are necessarily cited.

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

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ACCESS TO JUSTICE

AB 242 (KAMLAGER-DOVE), CH. 418
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
IMPLICIT BIAS TRAINING: COURTS AND ATTORNEYS

Clarifies that the Judicial Council may develop training on implicit bias. Specifically, the bill:

- Allows the Judicial Council to develop training on implicit bias;
- Requires any training developed to include the components listed in the bill; and
- Requires court staff who interact with the public on matters before the court to complete two hours of implicit bias training every two years as of January 1, 2022 (included in the existing requirements found in rule 10.474).

Note: Implicit bias training has been a component of the Judicial Council's Qualifying Ethics (QE) core course for judicial officers beginning with QE5, January 1, 2013, and continuing through QE7, which launched on January 1, 2019. (B&P 6070.5; GOV 68088)

AB 330 (GABRIEL), CH. 217
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
APPOINTED LEGAL COUNSEL IN CIVIL CASES

Increases funding for the Sargent Shriver Civil Counsel Act program (Shriver Program) by raising fees and permitting the Judicial Council to accept donations from public and private entities. Broadens the use of Shriver Program funds in child custody cases by eliminating consideration that the other party is represented by counsel. Increases, from $25 to $40, fees for the following:

- Issuing writs of attachment, mandate, execution, sale, possession, prohibition, or any other writ for the enforcement of any order or judgment;
- Issuing abstracts of judgment, certificates of satisfaction or judgment under Code of Civil Procedure section 724.100, certifying a copy of any paper, record, or proceeding on file in the office of the clerk of any court; taking an affidavit (except in criminal or adoption proceedings);
- The acknowledgment of any deed or other instrument including the certificate;
- Recording or registering a license or certificate in connection with a license required by law for which a charge is not otherwise prescribed; and
- Issuing a certificate for which the fee is not otherwise fixed. (GOV 68651, 70626)

AB 668 (GONZALEZ), CH. 787
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
COURTHOUSES: PRIVILEGE FROM CIVIL ARREST

Provides that no person shall be subject to civil arrest in a courthouse while attending a court proceeding or having legal business in the courthouse, except that the prohibition does not apply to arrests made pursuant to a valid judicial warrant. Also clarifies the power of judicial officers to prohibit activities that threaten access to courthouses, including protecting the privilege from civil arrest at a courthouse. (CIV 43.54; CCP 177)

AB 917 (REYES), CH. 576
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
VICTIMS OF CRIME: NONIMMIGRANT STATUS

Reduces the amount of time in which a certifying entity (which includes a court) shall process victim certification for purposes of obtaining a U-visa or T-visa to within 30 days of the request rather than 90, unless the noncitizen is in removal proceedings, in which case the certification must be processed in seven days, rather than the current 14 days. Requires the local law enforcement agency with whom the U-visa or T-visa applicant has filed a police report to provide a copy of the report to the victim, the victim's immigration attorney, or a representative fully accredited by the U.S. Department of Justice within seven days of the first business day following the day of the request. Allows a victim's immigration attorney to request the necessary certification of victim helpfulness for purposes of obtaining a U-visa or a T-visa. Defines "a representative fully accredited by the U.S. Department of Justice" as a person who is approved by the U.S. Department of Justice to represent individuals before the Board of Immigration Appeals, the immigration courts, or the Department of Homeland Security. Requires the representative to be a person who works for a specific nonprofit, religious, charitable, social service, or similar organization that has been recognized by the U.S. Department of Justice to represent those individuals, and whose accreditation is in good standing. (PEN 679.10, 679.11)

SB 164 (MCGUIRE), CH. 138
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
INFRACTIONS: COMMUNITY SERVICE

Authorizes a person who has been convicted of an infraction and is eligible to elect to perform community service in lieu of the total fine, to elect to perform that community service in the county in which the infraction violation occurred, the county of the person's residence, or any other county to which the person has substantial ties. Requires the court to retain jurisdiction until the community service has been verified as complete. (PEN 1209.5)

BUDGET: JUDICIAL BRANCH IMPACT

AB 74 (TING), CH. 23
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
BUDGET ACT OF 2019

Among other things, allocates $75 million to the Judicial Council to launch and evaluate two-year pretrial projects in local trial courts with the following goals: (1) increasing the safe and efficient release of arrestees before trial; (2) using the least restrictive monitoring practices possible while protecting public safety and ensuring court appearances; (3) validating and expanding the use of risk assessment tools; and (4) assessing any bias.

Adds 25 new judgeships statewide. Requires the Judicial Council to allocate the judgeships in a manner consistent with the goal of improving equal access to the trial courts and provides funding for associated support resources.

SB 94 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 25
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
PUBLIC SAFETY: OMNIBUS

Among a variety of other provisions, establishes, within the Law Revision Commission, the Committee on Revision of the Penal Code, consisting of seven members appointed by the Legislature and the Governor. Requires the committee to study and make recommendations on revisions of the Penal Code to achieve certain objectives, including simplifying and rationalizing the substance of criminal law and establishing alternatives to incarceration.

Additionally, extends the operation of the organized retail theft crime and supporting grant program from January 1, 2021, to July 1, 2021. Establishes, commencing July 1, 2020, the Department of Youth and Community Restoration in the California Health and Human Services Agency and abolishes the Division of Juvenile Justice (DJJ) in the Department of Corrections and Rehabilitation. Vests the Department of Youth and Community Restoration with all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the DJJ, and makes conforming changes. Requires the DJJ, commencing July 1, 2019, and in coordination with the California Health and Human Services Agency and the Department of Corrections and Rehabilitation, to initiate the transfer process, and requires the transfer to be completed by July 1, 2020. (GOV 8280, 12838, 12838.1; PEN 490.4, 830.5, 2816; W&I 1703, 1710, 1711, 1712, 1731.5, 1731.7)

SB 95 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 36
EFFECTIVE/OPERATIVE DATE: JUNE 27, 2019
COURTS

Among other provisions, authorizes a trial court to carry over unexpended funds of up to three percent of the court's operating budget from the prior year, excluding the same specified revenue from the calculation of that percentage as previously authorized.

Clarifies that the 25 trial court judges added in the Budget Act of 2019 account for 25 of the 48 judgeships currently authorized in AB 159 (Stats. 2007, ch. 722); this reduces the number of judges to be allocated by AB 159 to 23. (GOV 69614.3, 77203)

SUPPLEMENTAL REPORT OF THE 2019–20 BUDGET ACT

Requires trial courts to provide data to the Legislature and the Department of State Hospitals on cases filed pursuant to mental health diversion programs set forth in Penal Code section 1001.36. If the data is available, courts must report (1) the number of petitions that were granted, (2) number of petitions denied because the defendant did not meet the statutory requirements for eligibility, (3) number of individuals who successfully completed the diversion program, and (4) number of individuals that were terminated from the program. Requires the Judicial Council to make this data available to the Legislature and the Department of State Hospitals on an annual basis starting July 1, 2020.

CHILD WELFARE

AB 175 (GIPSON), CH. 416
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
FOSTER CARE: RIGHTS OF YOUTH

Requires the California Department of Social Services (CDSS) to ensure that a facility licensed and a home certified or approved, by a foster family agency to provide foster care accords children and nonminor dependents in foster care their personal rights. Requires CDSS to adopt regulations to implement and enforce these rights. Provides that all children placed in foster care, either voluntarily or after being adjudged a ward or dependent of the juvenile court, shall have the rights set forth in the Foster Youth Bill of Rights. Provides that these rights also apply to nonminor dependents except when they conflict with nonminor dependents' retention of all their legal decisionmaking authority as an adult. Adds 14 additional rights to the Foster Youth Bill of Rights relating to foster youth placement, trauma-informed care, application of the Indian Child Welfare Act, provision of health services, and application of the child and family team, among others. Includes the right to choose, at 12 years of age or older, whenever feasible and in accordance with applicable law, their own health care provider for medical, dental, vision, mental health, and substance use disorder treatment, and sexual and reproductive healthcare. (H&S 1530.91; W&I 16001.9, 16164)

AB 686 (WALDRON), CH. 434
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
INDIAN CHILDREN

Provides that tribal home approvals, conducted in compliance with the Indian Child Welfare Act (ICWA) for Indian children, are not subject to resource family approval (RFA) requirements. Provides that when a tribe is not exercising its right to approve a home, the foster family agency shall apply the prevailing social and cultural standards of the Indian community to the RFA for that child, as required by ICWA. Requires the California Department of Social Services (CDSS) to engage in the tribal consultation process and develop regulations to implement provisions of the bill, and permits CDSS to provide guidance to counties and foster family agencies regarding consistent implementation of provisions of the bill through the issuance of written directives that have the same force and effect as regulations, until regulations are adopted. Requires the Judicial Council, by July 1, 2021, to adopt rules of court to allow for telephonic or other remote appearance options by an Indian child's tribe in proceedings where ICWA applies, and prohibits the courts from charging fees for the use of telephonic or other remote appearance technology in these circumstances. (H&S 1517; W&I 224.2, 10553.12, 16519.5)

AB 718 (EGGMAN), CH. 438
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
DEPENDENT CHILDREN: DOCUMENTS

Makes changes to current law regarding information, documents, and services to be provided to foster youth at various points throughout their involvement with the child welfare system. Specifically, requires, at the first regularly scheduled review hearing after a dependent youth has turned 16 years of age, the county welfare department to submit a report verifying that certain documents, information, and services have been provided to the youth, including, among other things: the youth's social security card (temporarily and only for specified purposes); a copy of the youth's birth certificate; the youth's driver's license or identification card; and assistance as applicable with obtaining employment, financial aid, access to education and training, and financial literacy resources. (W&I 391)

AB 748 (GIPSON), CH. 682
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
NONMINOR DEPENDENTS

Requires the court to hold a dispositional proceeding for a youth 18 years of age if (1) the youth, prior to attaining 18 years of age, was determined to be within the jurisdiction of the court at a jurisdictional hearing and was continuously detained by the court; and (2) the youth has provided informed consent to the dispositional proceeding. Requires the court, in the event that the youth does not provide informed consent, or the court does not make certain findings, to vacate the temporary detention order, and prohibits dependency or general jurisdiction from being retained. Requires the Judicial Council, on or before July 1, 2020, to amend or adopt rules of court and develop or amend appropriate forms as necessary to implement the provisions of the bill. (W&I 358)

AB 1235 (CHU), CH. 341
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
YOUTH HOMELESSNESS PREVENTION CENTERS

Renames the community care facilities known as "runaway and homeless youth shelters" as "youth homelessness prevention centers." Expands eligibility for receiving shelter and services at these facilities to include youth who are at risk of homelessness and youth who are exhibiting status offender behavior. Extends the maximum length of time these facilities can offer 24-hour nonmedical care, supervision, and personal services to youth who voluntarily enter one of these facilities from 21 to 90 consecutive days. Defines "youth at risk of homelessness" to mean a youth 12 to 17 years of age, inclusive, or 18 years of age if the youth is completing high school or its equivalent, and one or more specified circumstances apply. Defines "youth exhibiting status offender behavior" as a youth 12 to 17 years of age, inclusive, or 18 years of age if the youth is completing high school or its equivalent, who persistently or habitually refuses to obey the reasonable and proper orders or directions of their parents, guardian, or custodian, or who is beyond the control of that person, or who violates an ordinance of a city or county establishing a curfew based solely on age. (H&S 1502, 1502.35, 1507.6, 1522.44, 1530.8, 1536, 1538.7, 1538.8, 1538.9, 1548, 1562; W&I 319, 361.2, 450, 727, 11400)

AB 1735 (BAUER-KAHAN), CH. 197
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
EVIDENCE: PRIVILEGES: HUMAN TRAFFICKING CASEWORKER-VICTIM PRIVILEGE

Expands the scope of caseworker privilege to maintain confidential information about a human trafficking victim by allowing a human trafficking victim's current caseworker to claim the privilege even if that caseworker was not the victim's caseworker at the time the confidential communication was made. (EVID 1038, 1038.1, 1038.2, 1038.3)

SB 377 (MCGUIRE), CH. 547
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
JUVENILES: PSYCHOTROPIC MEDICATIONS: MEDICAL INFORMATION

Requires, by September 1, 2020, that the forms developed by the Judicial Council to effectuate the process for court oversight and approval of the administration of psychotropic medication to a ward or dependent child removed from their parents, be updated to include a request for authorization by the child or the child's attorney to release the child's medical information to the Medical Board of California (MBC) to ascertain whether there is excessive prescribing of psychotropic medication that is inconsistent with the standard of care, as provided. Limits the authorization to medical information relevant to the investigation of the prescription of psychotropic medication, and the use of information to only be used for the MBC's review. Requires the Judicial Council, in updating the forms, to consult with specified stakeholders to help ensure that the child and the child's attorney are provided with sufficient information to understand the request for authorization to obtain the child's medical information and the reasons for the request. Allows the Judicial Council to include in the form a requirement that the person completing the form affirm that the child or the child's attorney has been asked about the authorization. Requires the MBC or its representative to request that any medical information obtained be sealed if the medical information is admitted as an exhibit in an administrative hearing. (W&I 369.5, 739.5)

SB 394 (SKINNER), CH. 593
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CRIMINAL PROCEDURE: DIVERSION FOR PRIMARY CAREGIVERS OF MINOR CHILDREN

Authorizes the presiding judge of the superior court, in consultation with the presiding juvenile court judge and criminal court judges, and together with the prosecuting entity and the public defender, to agree in writing to establish and conduct a pretrial diversion program for primary caregivers wherein criminal proceedings are suspended without a plea of guilty for a period of between six months and 24 months. Specifies that the program may include, but not be limited to, education, counseling, treatment, and training programs. Authorizes referral of the defendant to supportive services and classes in already existing diversion programs and county outpatient services, as provided. Provides that the court may, after considering the positions of the defense and prosecution, grant pretrial diversion to a defendant if the defendant meets all requirements, as specified. Requires the provider of the pretrial diversion services to provide regular progress reports, and if it appears that the defendant is performing unsatisfactorily in the assigned program or if the defendant is subsequently convicted of a felony or any offense that reflects a propensity for violence, the prosecuting attorney or the probation department

may make a motion to reinstate criminal proceedings; the court may also reinstate criminal proceedings on its own motion. Requires the court, after notice to the defendant, to hold a hearing to determine whether to reinstate criminal proceedings after which the court may end the diversion program and order the resumption of criminal proceedings. Requires the court to dismiss the defendant's criminal charges. Provides that upon successful completion of diversion, if the court dismisses the charges, the arrest upon which the diversion was based shall be deemed to never have occurred and the court shall order access to the arrest record restricted, as specified. (PEN 1001.83)

CIVIL

AB 218 (GONZALEZ), CH. 861
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
DAMAGES: CHILDHOOD SEXUAL ASSAULT: STATUTE OF LIMITATIONS

Reclassifies "childhood sexual abuse" as "childhood sexual assault." Extends the time for commencing a civil action based on injuries resulting from childhood sexual assault to 22 years after the plaintiff reaches majority (i.e., until 40 years of age) or within five years of the date the plaintiff discovers or reasonably should have discovered that the psychological injury or illness occurring after the age of majority was caused by the abuse, whichever occurs later. Prohibits suits against third parties after the plaintiff's 40th birthday unless the person or entity knew or had reason to know, or was otherwise on notice, of any misconduct that created a risk of childhood sexual assault by an employee, volunteer, representative, or agent, or unless the entity failed to take reasonable steps, or to implement reasonable safeguards, to avoid acts of childhood sexual assault. Revives, for three years beginning on January 1, 2020, any actions for childhood sexual assault that have not been litigated to finality and that would otherwise be barred as of January 1, 2020, because of applicable statute of limitations, claims presentation deadline, or any other time limit. Allows a person to recover up to treble damages if the sexual assault is the result of a cover-up by the defendant of a sexual assault of a minor, with exceptions. Defines "cover-up" for these purposes. (CCP 340.1, 1002; GOV 905)

AB 304 (JONES-SAWYER), CH. 607
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
WIRETAPPING: AUTHORIZATION

Expands the scope of a crime by extending, until January 1, 2025, the laws establishing a procedure for a prosecutor to apply for, and the court to issue, an order authorizing law enforcement to intercept a wire or electronic communication, a violation of which is a crime. (PEN 629.98)

AB 602 (BERMAN), CH. 491
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
DEPICTION OF INDIVIDUAL USING DIGITAL OR ELECTRONIC TECHNOLOGY: SEXUALLY EXPLICIT MATERIAL

Provides a cause of action for the nonconsensual disclosure of sexually explicit material depicting individuals in realistic digitized performances. Specifically, permits revocation of consent to use sexually explicit material including related audiovisual material, as defined. Creates a cause of action against a person who does either of the following: (1) creates and intentionally discloses sexually explicit material if the person knows or reasonably should have known that the depicted individual in that material did not consent to its creation or disclosure; or (2) intentionally discloses sexually explicit material that the person did not create, and the person knows the depicted individual in that material did not consent to the creation of the sexually explicit material. Defines "depicted individual" for these purposes to mean "an individual who appears, as a result of digitization, to be giving a performance they did not actually perform or to be performing in an altered depiction." Authorizes prevailing plaintiffs in the above actions to recover damages as defined, including punitive damages, reasonable attorney's fees and costs, and any other available relief, including injunctive relief. Establishes a statute of limitations of three years from the date the plaintiff discovered, or should have discovered, the unauthorized creation, development, or disclosure. (CIV 1708.86)

AB 668 (GONZALEZ), CH. 787
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
COURTHOUSES: PRIVILEGE FROM CIVIL ARREST

Provides that no person shall be subject to civil arrest in a courthouse while attending a court proceeding or having legal business in the courthouse, except that the

prohibition does not apply to arrests made pursuant to a valid judicial warrant. Also clarifies the power of judicial officers to prohibit activities that threaten access to courthouses, including protecting the privilege from civil arrest at a courthouse. (CIV 43.54; CCP 177)

AB 669 (HOLDEN), CH. 97
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
ATTORNEY GENERAL: ASSURANCE OF VOLUNTARY COMPLIANCE

Specifies that the Attorney General is authorized to accept an assurance of voluntary compliance in lieu of a stipulated judgment, to resolve an action brought in the name of the people of the state. Requires an assurance of voluntary compliance accepted by the Attorney General to be filed with and subject to approval by the court, and requires an assurance of voluntary compliance filed with and approved by the court to be enforceable in the same manner, with the same remedies, and to the same extent, as a stipulated judgment or a permanent injunction. (GOV 12533)

AB 730 (BERMAN), CH. 493
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
ELECTIONS: DECEPTIVE AUDIO OR VISUAL MEDIA

Until January 1, 2023, prohibits a person, committee, or other entity, within 60 days of an election at which a candidate for elective office will appear on the ballot, from distributing with actual malice materially deceptive audio or visual media of the candidate with the intent to injure the candidate's reputation or to deceive a voter into voting for or against the candidate, unless the media includes a disclosure stating that the media has been manipulated. Also, until January 1, 2023, allows a candidate for elective office whose voice or likeness appears in audio or visual media in that manner to seek injunctive or other equitable relief prohibiting the distribution of the deceptive audio or visual media. Requires the court to place such petitions on the calendar in the order of their date of filing and to give them precedence. Authorizes a candidate whose voice or likeness appears in the deceptive audio or visual media to bring an action for general or special damages against the person, committee, or other entity that distributed the media. Authorizes the court to award a prevailing party reasonable attorney's fees and costs. (CIV 35; ELEC 20010)

AB 800 (CHU), CH. 439
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CIVIL ACTIONS: CONFIDENTIALITY

Provides participants in the Safe at Home Program, which permits victims of domestic violence, stalking, sexual assault, human trafficking, and elder or dependent adult abuse to utilize confidential mailing addresses, the ability to proceed in all civil legal actions using a pseudonym. Provides that a person who is a participant in the Safe at Home Program and who is a party to a civil proceeding may proceed using a pseudonym for the true name of the party and may exclude or redact from all pleadings and documents filed in the action other identifying characteristics of the party. Provides that in a case in which a party is proceeding utilizing a pseudonym, all parties are subject to sanction if they fail to use the pseudonym in all pleadings, discovery documents, and other documents filed or served in the action, and at hearings, trial, and other court proceedings that are open to the public. Additionally, requires all parties to exclude or redact any identifying characteristics of the plaintiff. Provides that following the final disposition of the proceedings a party in possession of any pleading, discovery document, or other document containing confidential information of the protected person obtained in the course of the action shall treat the documents as a nonpublic consumer record. Authorizes the court, on its own motion or on motion of the plaintiff, to order a record to be filed under seal in accordance with rule 2.551 of the California Rules of Court. Requires the Judicial Council to coordinate with the Secretary of State to adopt or revise as appropriate rules and forms to implement the provisions of the bill, on or before January 1, 2021. (CCP 367.3)

AB 840 (DAHLE), CH. 355
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
ALCOHOLIC BEVERAGES: LICENSES: IMPORTS

Expands the definition of a crime by authorizing the Department of Alcoholic Beverage Control (ABC) to create and issue a special on-sale general license to a person who owns or operates a facility that is partially located in the County of Placer, California, and partially located in the County of Washoe, Nevada. Specifically, this bill allows the Cal Neva Resort, which is located on the California-Nevada state line north of Lake Tahoe, to obtain one alcohol license from the State of Nevada and ABC (rather than one from Nevada and one from

California), and still be considered a licensee subject to ABC's jurisdiction for purposes of enforcement of the provisions of this bill only. (B&P 23399.52, 23661)

AB 1254 (KAMLAGER-DOVE), CH. 766
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
BOBCATS: TAKE PROHIBITION: HUNTING SEASON: MANAGEMENT PLAN

Expands the scope of a crime by making it unlawful to hunt, trap, or otherwise take a bobcat, except under specified circumstances, including under a depredation permit. Upon appropriation of funds by the Legislature, commencing January 1, 2025, authorizes the Fish and Game Commission to open a bobcat hunting season in any area determined by the commission to require a hunt, as specified. (F&G 4152, 4153, 4154, 4156, 4157, 4158, 4181)

AB 1292 (BAUER-KAHAN), CH. 110
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
FIREARMS

Among other things, changes the definition of a crime by exempting a person, if the person gives prior notice to a law enforcement agency, from the prohibition of openly carrying a firearm in the following circumstances: (1) the person finds a handgun and is transporting the handgun in order to comply with the relevant California Civil Code "lost or unclaimed property" provisions; (2) the person finds a handgun and is transporting it to a law enforcement agency for disposition according to law; and (3) the person took the firearm from another person who was committing a crime against the person and is transporting it to a law enforcement agency for disposition according to law. (PEN 16960, 16990, 25570, 26392, 26406, 26582, 26589, 27920, 27922, 31700)

AB 1294 (SALAS), CH. 268
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CRIMINAL PROFITEERING

Expands the definition of criminal forfeiture by amending the California Control of Profits of Organized Crime Act to include specified crimes within the definition of gambling including crimes connected to operating a lottery or any slot or card machine, contrivance, appliance, or mechanical device, for the purposes of these provisions. (PEN 186.2)

AB 1349 (OBERNOLTE), CH. 190
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CIVIL ACTIONS: DISCOVERY

Requires a party propounding interrogatories or requests for admission, upon request by the responding party, to provide the interrogatories and requests for admission in an electronic format to the responding party within three court days of the request, unless they were not created in an electronic format. Requires a party responding to interrogatories or requests for admission, upon request by the propounding party, to provide the responses to interrogatories and requests for admission in an electronic format to the propounding party within three court days of the request, unless they were not created in an electronic format. Permits the parties to provide the propounded discovery requests or responses requested in electronic format in any format agreed upon by the parties. (If the parties are unable to agree on a format, the requests and responses are to be provided in plain text format; however, the parties may transmit them by any method agreed upon by the parties. If the parties are unable to agree on a method of transmission, requests and responses shall be transmitted by electronic mail to an email address provided by the requesting party.) Requires a responding party who has requested and received interrogatories or requests for admission in an electronic format to quote each discovery request in full immediately preceding the statement of any answer or objection thereto. (CCP 2030.210, 2033.210)

AB 1355 (CHAU), CH. 757
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
PERSONAL INFORMATION

Addresses various drafting errors and makes other clarifying changes in the California Consumer Privacy Act of 2018 (CCPA). Among other things, this bill includes various provisions to clarify the scope and application of the CCPA's Fair Credit Reporting Act exemption; clarify obligations of businesses around collecting and retaining personal information it would not otherwise collect or retain in the ordinary course of business; and address the application of the CCPA to business-to-business communications and transactions, as specified. Notably, until January 1, 2021, the bill exempts from various provisions of the CCPA personal information reflecting communications or transactions between a business and a consumer, where the latter is acting in their capacity as

an employee, owner, director, officer, or contractor of that business. Amends the private right of action provided in the CCPA to apply only to personal information that is nonencrypted and nonredacted. Authorizes the Attorney General to adopt additional regulations to establish rules and procedures on dealing with consumer requests for information relating to a household. (CIV 1798.100, 1798.110, 1798.115, 1798.120, 1798.125, 1798.130, 1798.140, 1798.145, 1798.150, 1798.185)

AB 1510 (REYES), CH. 462
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
SEXUAL ASSAULT AND OTHER SEXUAL MISCONDUCT: STATUTES OF LIMITATIONS ON CIVIL ACTIONS

Revives any claim seeking to recover more than $250,000 in damages arising out of a sexual assault or other inappropriate contact, communication, or activity of a sexual nature by a physician occurring at a student health center between January 1, 1988, and January 1, 2017, that would otherwise be barred prior to January 1, 2020, solely because the applicable statute of limitations has or had expired. Provides that a cause of action may proceed if already pending in court or, if not filed, may be commenced between January 1, 2020, and December 31, 2020. Requires an attorney representing a claimant seeking to recover pursuant to this revival to file a declaration under penalty of perjury stating that the attorney has reviewed the facts of the case and consulted with a mental health practitioner, and that the attorney has concluded on the basis of this review and consultation that it is the attorney's good faith belief that the claim value is more than $250,000, as specified.

Exempts from revival the following claims: (1) a claim that has been litigated to finality in a court of competent jurisdiction before January 1, 2020; (2) a claim that has been compromised by a written settlement agreement between the parties entered into before January 1, 2020; or (3) a claim brought against a public entity. (CCP 340.16)

AB 1818 (COMMITTEE ON JUDICIARY), CH. 637
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
REPORTS REGARDING THE COLLECTION OF COURT-ORDERED DEBT

Among other things, combines into one comprehensive report two existing reports regarding the collection of court-ordered fines and fees, and establishes an annual report due date to the Legislature of December 31. (GOV 50474.3, 50474.21, 50474.22, 68514; H&S 104113, 115800; PEN 1463.010)

SB 17 (UMBERG), CH. 836
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CIVIL DISCOVERY: SANCTIONS

Provides that within 45 days of an order of the court following stipulation by all parties to the action, other than unlawful detainer actions or those in the small claims division of the court, the parties shall, without awaiting a discovery request, provide to the other parties an initial disclosure including specified information. Requires a party to make the initial disclosures based on the information then reasonably available to it and to verify such disclosures under penalty of perjury. Does not excuse a party from making its initial disclosures because it has not fully investigated the case, because it challenges the sufficiency of another party's disclosures, or because another party has not made its disclosures. Requires a party that has made its initial disclosures or responded to a discovery request, to supplement or correct a disclosure or response in a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect and the additional or corrective information has not otherwise been made known to the other parties during the disclosure or discovery process, or as ordered by the court.

Authorizes these obligations to be enforced by a court on its own motion or the motion of a party to compel disclosure. Requires a court to impose a $250 sanction, payable to the requesting party, person, or attorney if the court finds that certain specified conduct occurred. Allows a court to excuse the imposition of the sanction required by this bill if the court makes written findings that the subject of the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust. Authorizes a court to require an attorney who is sanctioned pursuant to these provisions to report

the sanction, in writing, to the State Bar within 30 days. Requires notice to the party, person, or attorney against whom the sanction is proposed to be imposed and opportunity for them to be heard before sanctions can be imposed. Establishes a rebuttable presumption, overcome by clear and convincing evidence, that a natural person acted in good faith if that person was not represented by an attorney in the action at the time the conduct that is sanctionable occurred. (CCP 2016.090, 2023.050)

SB 310 (SKINNER), CH. 591
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
JURY SERVICE

Permits a person with a felony conviction, who is not incarcerated in prison or jail, to serve on a jury. (CCP 203)

SB 393 (STONE), CH. 644
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
VESSELS: IMPOUNDMENT

Provides that the interest of any registered owner of a vessel that has been used in the crime of boating under the influence for which the owner was convicted and where the conduct resulted in the unlawful killing of a person is subject to impoundment. Allows the court to impound the vessel at the registered owner's expense for up to 30 days. Allows the court to consider, in the interests of justice, factors such as whether impoundment of the vehicle would result in a loss of employment of the offender or the offender's family, or the loss of the vessel because of inability to pay impoundment fees, or would unfairly infringe upon community property rights or any other facts the court finds relevant, when making a determination on impoundment. Defines "vessel" for purposes of this bill, clarifies that a marina owner in possession of an impounded vessel is not liable for damage to the vessel while the vessel is being impounded, except for damage caused by the marina owner's acts or omissions constituting gross negligence or willful or wanton misconduct. (H&N 668.5)

SB 616 (WIECKOWSKI), CH. 552
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
ENFORCEMENT OF MONEY JUDGMENTS: EXEMPTIONS

Gives an account holder subject to levy the following deadlines to file a claim of exemption: 15 days from personal service of the notice of levy or 20 days from the date the notice of levy was deposited in the mail, if service of the notice is accomplished by mail. Gives a judgment creditor 15 days in which to file an objection to a claim of exemption. Declares that a claim of exemption is filed on the date mailed if it is assigned a tracking number; otherwise, the claim of exemption is filed on the date received by the levying officer. Establishes an automatic exemption for all funds in an account under the minimum basic standard of adequate care for a family of four, established by section 11452 of the Welfare and Institutions Code (currently $1,724). States that an account holder would not receive this automatic exemption when the judgment is based on wages, or spousal or child support owed. Clarifies that, when a banking institution is required to apply other state or federal exemptions to the account, those other exemptions count toward the automatic exemption amount. Provides that if the other state or federal exemptions exceed the automatic exemption amount, then only the state or federal exemptions apply. Limits the automatic exemption to one bank account per debtor, as specified. Permits the judgment debtor to seek an order specifying to which account the exemption will apply. Does not create a cause of action against the judgment creditor for execution of the levy, or against the financial institution that carries out a levy in compliance with a court order. Delays operative date of these provisions until September 1, 2020. Exempts from levy all funds in a bank account provided to the account holder by the Federal Emergency Management Agency. (CCP 699.520, 699.540, 703.520, 703.550, 704.070, 704.220, 704.225, 704.230)

SB 645 (MONNING), CH. 212
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CIVIL DISCOVERY: DEPOSITIONS

Provides, notwithstanding Code of Civil Procedure section 2025.290, in any civil action for injury or illness that results in mesothelioma or silicosis, a deposition examination of the plaintiff by all counsel, other than the plaintiff's counsel of record, shall be limited to seven hours of total testimony if a licensed physician attests in a declaration served on the parties that the deponent suffers from mesothelioma or silicosis, raising substantial medical doubt of the survival of the deponent beyond six months. Permits a defendant to request and a court to grant, in its discretion, additional time as follows: up to an additional three hours of deposition testimony for no more than 10 hours of total deposition conducted by the

defendants if there are more than 10 defendants appearing at the deposition; or, up to an additional seven hours of deposition testimony for no more than 14 hours of total deposition conducted by the defendants if there are more than 20 defendants appearing at the deposition. Provides that the court may grant the additional time provided above if it finds that it is in the interest of fairness, which includes consideration of the number of defendants appearing at the deposition, and determines that the health of the deponent does not appear to be endangered by the grant of additional time. (CCP 2025.295)

COURT OPERATIONS

AB 253 (STONE, MARK), CH. 419
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
REMOTE COURT REPORTING

Authorizes, until January 1, 2022, the Superior Court of Santa Clara County to conduct a pilot project to study the potential use of remote court reporting, as defined, to make the verbatim record of certain court proceedings, and prohibits the use of remote court reporting or the expenditure of any funds to purchase equipment or software to facilitate the use of remote court reporting outside of the pilot program. Provides that the pilot project must comply with all requirements, as specified. (GOV 69959, 69959.5)

AB 668 (GONZALEZ), CH. 787
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
COURTHOUSES: PRIVILEGE FROM CIVIL ARREST

Provides that no person shall be subject to civil arrest in a courthouse while attending a court proceeding or having legal business in the courthouse, except that the prohibition does not apply to arrests made pursuant to a valid judicial warrant. Also clarifies the power of judicial officers to prohibit activities that threaten access to courthouses, including protecting the privilege from civil arrest at a courthouse. (CIV 43.54; CCP 177)

SB 471 (STERN), CH. 851
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
SUBPOENAS: SERVICE

Authorizes delivery of a subpoena in a criminal action by electronic mail or facsimile transmission. Provides that delivery of a subpoena in this manner does not apply to the delivery of a subpoena to a peace officer for events or transactions perceived or investigated in the course of the officer's duties, which is governed by other provisions of law. Expands the scope of a crime by applying the punishment of contempt to the failure to comply with a subpoena issued by electronic mail or facsimile transmission. Repeals the procedures that apply to the issuance of a telegraphic copy of a subpoena for a witness in a criminal proceeding by telegraph or teletype. (PEN 1328a, 1328b, 1328c, 1328d)

CRIMINAL LAW AND PROCEDURE

AB 46 (CARRILLO), CH. 9
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
INDIVIDUALS WITH MENTAL ILLNESS: CHANGE OF TERM

States the intent of the Legislature to enact legislation to replace derogatory terms with more culturally sensitive terms when referring to individuals with mental illness and makes those changes throughout various provisions of law. (H&N 4005; PEN 1026, 1367, 2625, 2960, 2962, 2966, 2968, 2970, 2972, 2974, 2978, 4011.6, 4497, 4497.10, 6102; PROB 6100.5; R&T 253; W&I 4242, 5213, 5300)

AB 189 (KAMLAGER-DOVE), CH. 674
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CHILD ABUSE OR NEGLECT: AUTISM SERVICE PERSONNEL AS MANDATED REPORTERS

Expands the scope of a crime by requiring a qualified autism service provider, a qualified autism service professional, or a qualified autism service paraprofessional provider to report known or suspected child abuse and neglect for the purposes of the Child Abuse and Neglect Reporting Act. (PEN 11165.7)

AB 392 (WEBER), CH. 170
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
PEACE OFFICERS: USE OF DEADLY FORCE

Redefines the circumstances under which a homicide by a peace officer is deemed justifiable to include when the officer reasonably believes, based on the totality of the circumstances, that deadly force is necessary to defend

against an imminent threat of death or serious bodily injury to the officer or to another person, or to apprehend a fleeing person for a felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless the person is immediately apprehended. (PEN 196, 835a)

AB 397 (CHAU), CH. 610
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
VEHICLES: DRIVING UNDER THE INFLUENCE

Commencing January 1, 2022, requires the disposition report made by a court to the Department of Justice for a conviction for driving under the influence of cannabis to state that the conviction was due to cannabis. (VEH 23222, 23155)

AB 433 (RAMOS), CH. 573
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
PROBATION: NOTICE TO VICTIM

Provides that before an order terminating probation early may be made, a hearing shall be held in open court before the judge. Requires the prosecuting attorney to be given a two-day written notice and an opportunity to be heard on the matter. Requires the prosecuting attorney to provide notice to the victim if the victim has requested to be notified about the progress of the case. Requires the prosecuting attorney to request a continuance of the hearing if the victim advises the prosecuting attorney that there is an outstanding restitution order or restitution fine. (PEN 1203.3)

AB 484 (JONES-SAWYER), CH. 574
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CRIMES: PROBATION

Authorizes instead of requires courts to impose the 180-day confinement condition that is currently required when a court grants a defendant probation after being convicted of furnishing or tranporting specified controlled substances. (PEN 1203.076)

AB 597 (LEVINE), CH. 44
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
PROBATION AND MANDATORY SUPERVISION: FLASH INCARCERATION

Extends until January 1, 2023, the law that allows a court to authorize the use of flash incarceration to detain a person in county jail for not more than 10 days for a violation of the conditions of that person's probation or mandatory supervision. (PEN 1203, 1203.35, 4019)

AB 1076 (TING), CH. 578
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CRIMINAL RECORDS: AUTOMATIC RELIEF

Among other things, commencing January 1, 2021, requires the Department of Justice (DOJ), on a monthly basis, to review the state summary criminal history repository to find individuals with felony, misdemeanor, and infraction convictions that may be eligible, except in limited circumstances, to have their case records withheld from public disclosure. Requires the DOJ to notify courts of eligible cases on a monthly basis. Allows prosecuting attorneys to file a motion to prohibit the DOJ from requesting that the court withhold the case from public release no later than 90 calendar days before the date of a person's eligibility for relief. If the court grants that motion, the case remains available to the public, but the person continues to be eligible to petition to have their case withheld through existing statutes. Requires a court, at the time of sentencing, to advise each defendant of their right to conviction relief. Makes the operation of some, but not all, provisions subject to an appropriation in the annual Budget Act. (B&P 480, 480.2, 11345.2; LAB 432.7; PEN 851.93, 1203.425, 11105; VEH 13555)

AB 1215 (TING), CH. 579
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
LAW ENFORCEMENT: FACIAL RECOGNITION AND OTHER BIOMETRIC SURVEILLANCE

Until January 1, 2023, prohibits a law enforcement agency or law enforcement officer from installing, activating, or using any biometric surveillance system in connection with an officer camera or data collected by an officer camera, and authorizes a person to bring an action for equitable or declaratory relief against a law enforcement agency or officer who violates that prohibition. Provides definitions for the purposes of these provisions, including definitions for "biometric data," "biometric surveillance system,"

"facial recognition or other biometric surveillance," and "law enforcement agency," among others. (PEN 832.19)

AB 1331 (BONTA), CH. 581
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CRIMINAL JUSTICE DATA

Among other things, requires courts to include Criminal Investigation and Identification numbers and court document numbers in the criminal case disposition information courts are required to report to the Department of Justice. (PEN 13150, 13151, 13202)

AB 1421 (BAUER-KAHAN), CH. 111
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
SUPERVISED RELEASE: REVOCATION

Prohibits the revocation of supervision for failure of a person to pay fines, fees, or assessments, unless the court determines that the defendant has willfully failed to pay and has the ability to pay. (PEN 1203.2)

AB 1423 (WICKS), CH. 583
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
TRANSFERS TO JUVENILE COURT

Provides that in any case in which a person is transferred from juvenile court to criminal court, upon conviction or entry of a plea, the person may request the criminal court to return the case to the juvenile court for disposition in the following circumstances:

- If the person is convicted at trial in criminal court solely of a misdemeanor or misdemeanors; or
- If any of the allegations in the juvenile court petition that were the basis for transfer involved specified serious and/or violent felony offenses (W&I 707(b) offenses), and the person pleads guilty to or is convicted at trial in criminal court only of non-W&I 707(b) offenses, the court has the discretion to return the case to juvenile court for further proceedings.

In determining whether the case should be returned to juvenile court, or whether to approve the agreement that the person should be returned to juvenile court, requires the court to make a finding by a preponderance of the evidence and noted in the minute order, that a juvenile disposition is in the interests of justice and the welfare of the person. Requires the court, upon determining that the case will be returned to the juvenile court, to return the entire case to the juvenile court and to calendar the case within two court days. Requires the juvenile court to order the probation department to prepare a study on the questions of the proper disposition, and mandates that the case proceed to disposition as set forth in existing law. Requires that a conviction or guilty plea that is returned to juvenile court be considered an adjudication or admission before the juvenile court for all purposes. Imposes specified requirements on the clerks of both the criminal and juvenile court. (W&I 707.5)

AB 1600 (KALRA), CH. 585
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
DISCOVERY: PERSONNEL RECORDS: PEACE OFFICERS AND CUSTODIAL OFFICERS

Requires a written motion for discovery of peace officer personnel records or information from those records, to be served and filed at least 10 court days before the hearing, by the party seeking the discovery in a criminal matter. Requires all papers opposing the motion to be filed with the court at least five court days, and all reply papers at least two court days, before the hearing. Requires proof of service of the notice to the agency in possession of the records, to be filed no later than five court days before the hearing. Creates an exception to the prohibition on release of records of officers who were not present during an arrest, had no contact with the party seeking disclosure, or were not present at the time of contact by permitting the disclosure of records of a supervisorial officer if the supervisorial officer issued command directives or had command influence over the circumstances at issue and had direct oversight of a peace officer or a custodial officer who was present during the arrest, had contact with the party seeking disclosure from the time of the arrest until the time of booking, or was present at the time the conduct at issue is alleged to have occurred within a jail facility. (CCP 1005; EVID 1043, 1047)

AB 1618 (JONES-SAWYER), CH. 586
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
PLEA BARGAINING: BENEFITS OF LATER ENACTMENTS

Makes any provision of a plea bargain that requires a defendant to generally waive future benefits of legislative enactments, initiatives, appellate decisions, or other changes in the law that may retroactively apply after the date of the plea, void as against public policy. (PEN 1016.8)

AB 1638 (OBERNOLTE), CH. 196
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
SEARCH WARRANTS: VEHICLE RECORDING DEVICES

Authorizes a search warrant to be issued on the grounds that the property or things to be seized are data, from a recording device installed by the manufacturer of a motor vehicle, that constitutes evidence that tends to show the commission of a felony or misdemeanor offense involving a motor vehicle, resulting in death or serious bodily injury, as defined, to any person. (PEN 1524)

AB 1735 (BAUER-KAHAN), CH. 197
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
EVIDENCE: PRIVILEGES: HUMAN TRAFFICKING CASEWORKER-VICTIM PRIVILEGE

Expands the scope of caseworker privilege to maintain confidential information about a human trafficking victim by allowing a human trafficking victim's current caseworker to claim the privilege even if that caseworker was not the victim's caseworker at the time the confidential communication was made. (EVID 1038, 1038.1, 1038.2, 1038.3)

AB 1801 (COMMITTEE ON AGRICULTURE), CH. 324
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CATTLE: INSPECTIONS

Changes the definition of a crime by (1) amending the California Meat and Poultry Supplemental Inspection Act, a violation of which is a crime, to provide that the act does not apply to a mobile slaughter operator who provides services to an owner of cattle if the slaughter occurs on the premises of a person who raised the cattle and who is not the owner of the cattle; (2) requiring the person who raised the cattle and the mobile slaughter operator to maintain certain records for a period of one year; and (3) requiring those records to be made available upon request to a department inspector, investigator, or peace officer. (F&A 10511, 19020, 21283, 21283.5, 21285, 21288, 21288.5, 21563, 21563.5, 65071)

SB 8 (GLAZER), CH. 761
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
STATE PARKS: STATE BEACHES: SMOKING BAN

Makes it an infraction punishable by a fine of up to $25 for a person to smoke on a state beach, as defined, or in a unit of the state park system, as defined, except as provided, or to dispose of used cigar or cigarette waste on a state beach or in a unit of the state park system unless the disposal is made in an appropriate waste receptacle. (PRC 5008.10)

SB 36 (HERTZBERG), CH. 589
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
PRETRIAL RELEASE: RISK ASSESSMENT TOOLS

Requires each pretrial services agency that uses a pretrial risk assessment tool to validate the tool by January 1, 2021, and on a regular basis thereafter, but no less frequently than once every three years, and to make specified information regarding the tool, including validation studies, publicly available. (PEN 1320.35)

See Appendix A for a full description of the bill.

SB 136 (WIENER), CH. 590
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
SENTENCING

Narrows the one-year sentence enhancement for each prior prison or county jail felony term that applies to a defendant sentenced on a new felony by only imposing the one-year sentence enhancement on a defendant who has a prior conviction for a sexually violent offense. (PEN 667.5)

SB 192 (HERTZBERG), CH. 204
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
POSSE COMITATUS

Repeals the law that makes an able-bodied person 18 years of age or older who neglects or refuses to join the posse comitatus or power of the county, by neglecting or refusing to aid and assist in making an arrest, retaking into custody a person who has escaped from arrest or imprisonment, or preventing a breach of the peace or the commission of any criminal offense, after being lawfully required by a uniformed peace officer or a judge, guilty of a misdemeanor. (PEN 150, 1550)

SB 233 (WIENER), CH. 141
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
IMMUNITY FROM ARREST

Prohibits the arrest of a person for a misdemeanor violation of the California Uniform Controlled Substances Act or specified sex work crimes, if that person is reporting that they are a victim of, or a witness to, specified sex work

crimes. Provides that possession of condoms in any amount does not provide a basis for probable cause for arrest for specified sex work crimes. Provides that possession of a condom is not admissible as evidence in the prosecution of specified sex crimes. (EVID 782.1, 1162; PEN 647.3)

SB 273 (RUBIO), CH. 546
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
DOMESTIC VIOLENCE

Provides, for crimes committed on or after January 1, 2020, and for crimes for which the statute of limitations has not run as of January 1, 2020, that prosecution for a violation of felony domestic violence may be commenced within five years of the crime. Additionally, creates specific requirements and authorizations for mandated training for law enforcement officers in the handling of domestic violence complaints and guidelines for officer response to domestic violence including, among other things:

- That the training that peace officers receive include a brief, current, and historical context on communities of color impacted by incarceration and violence;
- That the domestic violence experts included in trainings may include victims of domestic violence and people who have committed domestic violence, and have been or are in the process of being rehabilitated;
- That the training include the types of techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and promote the safety of the victim, and must include, but are not limited to, the following: (1) methods for ensuring victim interviews occur in a venue separate from the alleged perpetrator, and with appropriate sound barriers to prevent the conversation from being overheard; and (2) specified questions and information for the victim;
- That officers are trained to recognize criminal conduct including but not limited to "coercion," as described, false imprisonment, extortion, and the use of fear, identity theft, impersonation through an internet website or by other electronic means, false personation, mail theft, stalking, and nonconsensual pornography.
- That one representative of an organization working to advance criminal justice reform and one representative of an organization working to advance racial justice be added to the groups and individuals with whom the Commission on Peace Officer Standards and Training must consult in developing domestic violence training for law enforcement officers. (PEN 803.7, 13519)

SB 304 (HILL), CH. 206
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CRIMINAL PROCEDURE: PROSECUTORIAL JURISDICTION IN MULTIJURISDICTIONAL ELDER ABUSE CASES

Allows specified elder and dependent adult abuse offenses that occur in different jurisdictions to be consolidated in a single trial if all district attorneys in the counties with jurisdiction agree. Specifically provides that when more than one violation of felonious theft, embezzlement, forgery, fraud, or identity theft occurs against an elder or dependent adult in more than one jurisdictional territory, jurisdiction for any of those offenses and any other properly joinable offenses may be in any jurisdiction where at least one of the offenses occurred if all district attorneys in the counties with jurisdiction over any of the offenses agree. (PEN 784.8)

SB 310 (SKINNER), CH. 591
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
JURY SERVICE

Permits a person with a felony conviction, who is not incarcerated in prison or jail, to serve on a jury. (CCP 203)

SB 389 (HERTZBERG), CH. 209
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
MENTAL HEALTH SERVICES ACT

Amends the Mental Health Services Act (MHSA) to authorize counties to use MHSA funds to provide services to persons who are participating in a presentencing or postsentencing diversion program or who are on parole, probation, postrelease community supervision, or mandatory supervision. (W&I 5813.5)

SB 394 (SKINNER), CH. 593
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CRIMINAL PROCEDURE: DIVERSION FOR PRIMARY CAREGIVERS OF MINOR CHILDREN

Authorizes the presiding judge of the superior court, in consultation with the presiding juvenile court judge and criminal court judges, and together with the prosecuting

entity and the public defender, to agree in writing to establish and conduct a pretrial diversion program for primary caregivers wherein criminal proceedings are suspended without a plea of guilty for a period of between six months and 24 months. Specifies that the program may include, but not be limited to, education, counseling, treatment, and training programs. Authorizes referral of the defendant to supportive services and classes in already existing diversion programs and county outpatient services, as provided. Provides that the court may, after considering the positions of the defense and prosecution, grant pretrial diversion to a defendant if the defendant meets all requirements, as specified. Requires the provider of the pretrial diversion services to provide regular progress reports, and if it appears that the defendant is performing unsatisfactorily in the assigned program or if the defendant is subsequently convicted of a felony or any offense that reflects a propensity for violence, the prosecuting attorney or the probation department may make a motion to reinstate criminal proceedings. The court may also reinstate criminal proceedings on its own motion. Requires the court, after notice to the defendant, to hold a hearing to determine whether to reinstate criminal proceedings after which the court may end the diversion program and order the resumption of criminal proceedings. Requires the court to dismiss the defendant's criminal charges. Provides that upon successful completion of diversion, if the court dismisses the charges, the arrest upon which the diversion was based shall be deemed to never have occurred and the court shall order access to the arrest record restricted, as specified. (PEN 1001.83)

SB 459 (GALGIANI), CH. 646
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CRIMES: RAPE: GREAT BODILY INJURY

Makes the five-year sentence enhancement for the infliction of great bodily injury applicable to rape committed against a victim who is the perpetrator's spouse and was prevented from resisting by any intoxicating or anesthetic substance, or a controlled substance. (PEN 12022.8)

SB 471 (STERN), CH. 851
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
SUBPOENAS: SERVICE

Authorizes delivery of a subpoena in a criminal action by electronic mail or facsimile transmission. Provides that delivery of a subpoena in this manner does not apply to the delivery of a subpoena to a peace officer for events or transactions perceived or investigated in the course of the officer's duties, which is governed by other provisions of law. Expands the scope of a crime by applying the punishment of contempt to the failure to comply with a subpoena issued by electronic mail or facsimile transmission. Repeals the procedures that apply to the issuance of a telegraphic copy of a subpoena for a witness in a criminal proceeding by telegraph or teletype. (PEN 1328a, 1328b, 1328c, 1328d)

SB 485 (BEALL), CH. 505
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
DRIVING PRIVILEGE: SUSPENSION OR DELAY

Repeals the ability of the court and the Department of Motor Vehicles (DMV) to delay, suspend, or revoke a person's driving privilege as a result of a conviction for various offenses. Specifically, provides that notwithstanding any other law, and to the extent permitted by federal law, the court and DMV shall not suspend or delay a person's driving privilege based on that person's conviction of a criminal offense not involving a violation of the Vehicle Code, unless the offense involved the use, or attempted use, of a vehicle, and the suspension and delay is otherwise authorized by law. Clarifies that this provision is not intended to affect any order or determination made by the court or the DMV before January 1, 2020, to suspend, delay, or otherwise restrict the driving privilege of a person. (B&P 25658, 25658.4, 25658.5, 25661, 25662; PEN 529.5, 647; VEH 1808, 13201.5, 13202, 13202.4, 13202.5, 13202.6, 23224)

SB 557 (JONES), CH. 251
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CRIMINAL PROCEEDINGS: MENTAL COMPETENCE: EXPERT REPORTS

Makes presumptively confidential, except as otherwise provided by law, a document submitted to a court related to a defendant's competence proceedings and requires the court to retain such documents in the confidential portion of the court's file. Provides that the defendant, counsel for the defendant, and the prosecution may inspect, copy, or utilize the documents, and any information contained in the documents, without an order from the court for purposes related to the defense, prosecution, treatment, and safety of the defendant, and for the safety

of the public. Provides that the court may consider a motion, application, or petition to access the documents in accordance with subdivision (h) of rule 2.551 of the California Rules of Court. (PEN 1369.5)

SB 620 (PORTANTINO), CH. 650
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CRIMINAL OFFENDER RECORD INFORMATION: REFERRAL OF PERSONS ON SUPERVISED RELEASE

Authorizes local law enforcement agencies to furnish, after notification and consent of the affected person, limited information about persons on supervised release within their jurisdiction to a county, city, city and county, or nonprofit organization that provides transitional services to persons on supervised release. Requires the law enforcement agency, prior to releasing any information, to contact the supervising agency, as specified, to verify whether the person has opted-in, and, in the case of persons on probation, to subsequently notify the probation department of any referral given to a service provider. (PEN 13350, 13351, 13352)

SB 651 (GLAZER), CH. 483
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
DISCOVERY: POSTCONVICTION

Clarifies that the right to postconviction discovery applies to any case in which a person was convicted of a serious or violent felony resulting in a sentence of 15 years or more without regard to when that conviction occurred, and further clarifies that a provision of law requiring attorneys to keep their files for the term of the client's incarceration is meant to apply prospectively. (PEN 1054.9)

SB 781 (COMMITTEE ON PUBLIC SAFETY), CH. 256
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
PUBLIC SAFETY OMNIBUS

Among other things, authorizes the Department of Justice to receive copies of juvenile case files to carry out its duties as a repository for sex offender registration and notification in California and makes technical and conforming changes to various provisions of law relating to public safety. (B&P 4830.5; CCP 1208.5; F&A 30652; GOV 1031.1; H&S 25988; PEN 136.2, 285.6, 597f, 993, 1000.7, 1170.05, 2604, 29805; W&I 827)

FAMILY LAW

AB 330 (GABRIEL), CH. 217
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
APPOINTED LEGAL COUNSEL IN CIVIL CASES

Increases funding for the Sargent Shriver Civil Counsel Act program (Shriver Program) by raising fees and permitting the Judicial Council to accept donations from public and private entities. Broadens the use of Shriver Program funds in child custody cases by eliminating consideration that the other party is represented by counsel. Increases, from $25 to $40, fees for the following:

- Issuing writs of attachment, mandate, execution, sale, possession, prohibition, or any other writ for the enforcement of any order or judgment;
- Issuing abstracts of judgment, certificates of satisfaction of judgment under Code of Civil Procedure section 724.100, or certifying a copy of any paper, record, or proceeding on file in the office of the clerk of any court;
- Taking an affidavit (except in criminal or adoption proceedings);
- The acknowledgment of any deed or other instrument including the certificate;
- Recording or registering a license or certificate in connection with a license required by law for which a charge is not otherwise prescribed; and
- Issuing a certificate for which the fee is not otherwise fixed. (GOV 68651, 70626)

AB 630 (ARAMBULA), CH. 229
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
BOARD OF BEHAVIORAL SCIENCES

Excludes from application of the Licensed Marriage and Family Therapist (LMFT) Act, the Licensed Clinical Social Worker (LCSW) Practice Act, and the Licensed Professional Clinical Counselor (LPCC) Act an unlicensed or unregistered employee or volunteer working in a governmental entity, a school, a college, a university, or an institution that is both nonprofit and charitable if both the work of the employee or volunteer is performed solely under the supervision of the entity, and, on and after July 1, 2020, the employee or volunteer provides a client, prior to initiating psychotherapy

services, as specified disclaimer. Requires an LMFT or MFT registrant, a licensed educational psychologist, an LCSW or clinical social worker registrant, or an LPCC or professional clinical counselor registrant, on and after July 1, 2020, to provide a client with a specified notice. Deletes the exemption for persons working in a recognized training program from specified application of the LCSW Practice Act. Prohibits a graduate student from performing clinical social work in a private practice. (B&P 4980.01, 4996.14, 4996.15, 4999.22)

AB 677 (CHOI), CH. 805
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
INTERCOUNTRY ADOPTION FINALIZED IN A FOREIGN COUNTRY

Revises the process by which certain intercountry adoptions are recognized in California. Specifically provides, among other things, the following:

- That a foreign adoption be set for readoption in California within a set period of time in order to establish a record to prove the facts of a foreign adoption.
- Each state resident who has finalized an intercountry adoption in a foreign country, within the earlier of 60 days of the adoptee's entry into the United States or the adoptee's 16th birthday, must file a petition to readopt the child, as specified.
- That the adoption agency that facilitated the adoption must file a petition within 90 days of the child's entry into the United States. If a parent, who adopted a child through an intercountry adoption finalized in the foreign country, fails to file a petition to readopt within the required time period or fails to provide a copy of that petition to the adoption agency, provides that the adoptive parent is liable to the adoption agency for all costs and fees incurred as a result of good faith actions taken by the agency to fulfill these requirements.
- That the Department of Social Services (DSS) may, if the adoption agency fails to file the required petition, take appropriate disciplinary action against the adoption agency if the agency is licensed in California, as specified.
- The court shall, if it finds that the child may be subject to human trafficking or may be at risk of abuse or neglect, notify appropriate authorities.
- That the court clerk shall, within 10 business days of the order granting a petition to readopt, submit the order to the State Registrar, who shall then issue a delayed registration of birth, listing the adoptive parent as the child's legal parent.
- That a licensed adoption agency shall, in an intercountry adoption finalized in a foreign country, provide any postadoption services that have been contracted and paid for pursuant to a written agreement.
- That an intercountry adoption agency shall, within 14 days, report to DSS the arrival of an adoptee whose adoption was finalized in another country and, if the adoption agency fails to do so, allow DSS to take appropriate discipline action against the adoption agency if it is licensed in California. (FAM 8904, 8919, 8919.5)

AB 800 (CHU), CH. 439
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CIVIL ACTIONS: CONFIDENTIALITY

Provides participants in the Safe at Home Program, which permits victims of domestic violence, stalking, sexual assault, human trafficking, and elder or dependent adult abuse to utilize confidential mailing addresses, the ability proceed in all civil legal actions using a pseudonym. Provides that a person who is a participant in the Safe at Home Program and who is a party to a civil proceeding may proceed using a pseudonym for the true name of the party and may exclude or redact from all pleadings and documents filed in the action other identifying characteristics of the party. Provides that in a case in which a party is proceeding utilizing a pseudonym, all parties are subject to sanction if they fail to use the pseudonym in all pleadings, discovery documents, and other documents filed or served in the action, and at hearings, trial, and other court proceedings that are open to the public. Additionally, requires all parties to exclude or redact any identifying characteristics of the plaintiff. Provides that following the final disposition of the proceedings a party in possession of any pleading, discovery document, or other document containing confidential information of the protected person obtained in the course of the action shall treat the documents as a nonpublic consumer record. Authorizes the court, on its own motion or on motion of the plaintiff, to order a record to be filed under seal in accordance with rule 2.551 of the California Rules of

Court. Requires the Judicial Council to coordinate with the Secretary of State to adopt or revise as appropriate rules and forms to implement the provisions of the bill, on or before January 1, 2021. (CCP 367.3)

AB 1165 (BAUER-KAHAN), CH. 823
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CHILD CUSTODY: SUPERVISED VISITATION

Revises requirements for professional providers of supervised visitation services in child custody matters. Requires that professional supervised visitation providers, beginning January 1, 2021, be registered as TrustLine providers under the Health and Safety Code, which requires successful completion of a criminal background check. Prohibits persons from being professional supervised visitation providers if either they are denied TrustLine registration by the Department of Social Services or their TrustLine registration is revoked. Revises the required training for professional supervised visitation providers to require the training be completed prior to providing supervised visitation services, at least 12 of the 24 required hours of instruction be provided as classroom instruction, and, at least three hours of training be on the screening, monitoring, and termination of visitation; at least three hours be on the developmental needs of children; at least three hours be on issues relating to substance abuse, child abuse, sexual abuse, and domestic violence; and, at least one hour be on basic knowledge of family law. Requires completion, on and after January 1, 2021, of an online training course required for mandated reporters, as provided. (FAM 3200.5; H&S 1596.60, 1596.657)

AB 1179 (RUBIO, BLANCA), CH. 127
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CHILD CUSTODY: ALLEGATIONS OF ABUSE: REPORT

Requires the Judicial Council, on or before January 1, 2021, to adopt a form that must be used for all evaluations, investigations, or assessments made pursuant to Family Code section 3118. Requires the form to provide a standardized template for all information necessary to provide a full and complete analysis of the allegations raised in the proceeding. Provides that the evaluator report must address the safety of the child, and requires, on and after January 1, 2021, that the evaluation be prepared on the form developed by Judicial Council. (FAM 3118)

AB 1380 (OBERNOLTE), CH. 193
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
PREMARITAL AGREEMENTS: ENFORCEMENT

Clarifies that the version of a premarital agreement requiring that a party be given seven days to sign must be the final agreement, excluding nonsubstantive amendments to the agreement. Finds and declares that this provision is declaratory of exiting law. Requires, for premarital agreements executed between January 1, 2002, and January 1, 2020, that the final agreement be presented to the party against whom enforcement is sought at least seven days before the agreement is signed, regardless of whether the party is represented by independent legal counsel. Finds and declares that these changes are intended to supersede the holding of *In re Marriage of Cadwell-Faso & Faso* (2011) 191 Cal.App.4th 945, 960 (in which the court held that the seven-day period applies only to unrepresented parties) on a prospective basis. (FAM 1615)

SB 495 (DURAZO), CH. 551
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CHILD CUSTODY

Prohibits a court from considering sex, gender identity, gender expression, or the sexual orientation of a parent, legal guardian, or relative in making a best interest determination for purposes of awarding child custody or visitation rights. (FAM 3011, 3020, 3040)

JUVENILE JUSTICE

AB 1390 (STONE, MARK), CH. 129
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
DEFERRED ENTRY OF JUDGMENT PILOT PROGRAM

Expands eligibility for the youth-deferred entry of judgment pilot program (authorized to operate until January 1, 2022, in Alameda, Butte, Napa, Nevada, Santa Clara, and Ventura Counties) to defendants who are older than 21 years of age but under 25 years of age at the time of the offense with approval of the multidisciplinary team established by the county. (PEN 1000.7)

AB 1394 (DALY), CH. 582
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
JUVENILES: SEALING OF RECORDS

Prohibits a superior court or probation department from charging an applicant a fee for filing a petition to seal records. (W&I 781.1)

AB 1423 (WICKS), CH. 583
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
TRANSFERS TO JUVENILE COURT

Provides that in any case in which a person is transferred from juvenile court to criminal court, upon conviction or entry of a plea, the person may request the criminal court to return the case to the juvenile court for disposition in the following circumstances:

- If the person is convicted at trial in criminal court solely of a misdemeanor or misdemeanors; or
- If any of the allegations in the juvenile court petition that were the basis for transfer involved a specified serious and/violent felony offenses (W&I 707(b) offenses), and the person is pleads guilty to or is convicted at trial in criminal court only of non-W&I 707(b), the court has the discretion to return the case to juvenile court for further proceedings.

In determining whether the case should be returned to juvenile court, or whether to approve the agreement that the person should be returned to juvenile court, requires the court to make a finding by a preponderance of the evidence and noted in the minute order, that a juvenile disposition is in the interests of justice and the welfare of the person. Requires the court, upon determining that the case will be returned to the juvenile court, to return the entire case to the juvenile court and to calendar the case within two court days. Requires the juvenile court to order the probation department to prepare a study on the questions of the proper disposition, and mandates that the case proceed to disposition as set forth in existing law. Requires that a conviction or guilty plea that is returned to juvenile court be considered an adjudication or admission before the juvenile court for all purposes. Imposes specified requirements on the clerks of both the criminal and juvenile court. (W&I 707.5)

AB 1537 (CUNNINGHAM), CH. 50
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
JUVENILE RECORDS: INSPECTION

Allows a prosecutor to access, inspect, or use the sealed criminal records, as specified, of minors in the following circumstances:

- A minor who was arrested for a misdemeanor and subsequently no charges were brought against the minor;
- The sealed records of a minor who performed satisfactorily in a deferred entry of judgment program in which the proceedings were dismissed; or
- The minor was acquitted of the charge, in order to meet a statutory or constitutional obligation to disclose favorable or exculpatory evidence to a defendant in a criminal case in which the prosecuting attorney has reason to believe that access to the record may be necessary to meet the disclosure obligation.

Requires that a prosecutor's request to access information in the sealed juvenile record to include the prosecutor's rationale for believing that access to the information in the record may be necessary to meet the disclosure obligation, and the date by which the records are needed. Requires the juvenile court to approve the prosecutor's request to the extent that the court has, upon review of the relevant records, determined that access to a specific sealed record or portion of a sealed record is necessary to enable the prosecuting attorney to comply with the disclosure obligation. Provides that a ruling to allow the prosecuting attorney to access, inspect, or utilize a sealed juvenile record in order to meet its disclosure obligation does not affect whether the information is admissible in a criminal or juvenile proceeding, and clarifies that the provisions related to a prosecuting attorney's disclosure obligation do not impose any discovery obligations on a prosecuting attorney that do not already exist. (PEN 851.7; W&I 781, 786, 793)

SB 94 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 25
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
PUBLIC SAFETY: OMNIBUS

Among other things, establishes, commencing July 1, 2020, the Department of Youth and Community Restoration in the California Health and Human

Services Agency and abolishes the Division of Juvenile Justice (DJJ) in the Department of Corrections and Rehabilitation. Vests the Department of Youth and Community Restoration with all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the DJJ, and makes conforming changes. Requires the DJJ, commencing July 1, 2019, and in coordination with the California Health and Human Services Agency and the Department of Corrections and Rehabilitation, to initiate the transfer process, and requires the transfer to be completed by July 1, 2020. (GOV 8280, 12838, 12838.1; PEN 490.4, 830.5, 2816; W&I 1703, 1710, 1711, 1712, 1714, 1731.5, 1731.7)

SB 394 (SKINNER), CH. 593
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
CRIMINAL PROCEDURE: DIVERSION FOR PRIMARY CAREGIVERS OF MINOR CHILDREN

Authorizes the presiding judge of the superior court, in consultation with the presiding juvenile court judge and criminal court judges, and together with the prosecuting entity and the public defender, to agree in writing to establish and conduct a pretrial diversion program for primary caregivers wherein criminal proceedings are suspended without a plea of guilty for a period of between six months and 24 months. Specifies that the program may include, but not be limited to, education, counseling, treatment, and training programs. Authorizes referral of the defendant to supportive services and classes in already existing diversion programs and county outpatient services, as provided. Provides that the court may, after considering the positions of the defense and prosecution, grant pretrial diversion to a defendant if the defendant meets all requirements, as specified. Requires the provider of the pretrial diversion services to provide regular progress reports, and, if it appears that the defendant is performing unsatisfactorily in the assigned program or if the defendant is subsequently convicted of a felony or any offense that reflects a propensity for violence, the prosecuting attorney or the probation department may make a motion to reinstate criminal proceedings. The court may also reinstate criminal proceedings on its own motion. Requires the court, after notice to the defendant, to hold a hearing to determine whether to reinstate criminal proceedings after which the court may end the diversion program and order the resumption of criminal proceedings. Requires the court to dismiss the defendant's criminal charges. Provides that upon successful completion of diversion, if the court dismisses the charges, the arrest upon which the diversion was based shall be deemed to never have occurred and the court shall order access to the arrest record restricted, as specified. (PEN 1001.83)

SB 419 (SKINNER), CH. 279
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
PUPIL DISCIPLINE: SUSPENSIONS: WILLFUL DEFIANCE

Prohibits, until July 1, 2025, a pupil enrolled in a charter school in sixth through eighth grade from being suspended on the basis of having disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. Encourages, rather than only authorizes, a superintendent of the school district or principal to provide alternatives to suspension or expulsion, using a research-based framework with strategies that improve behavioral and academic outcomes, are age appropriate, and designed to address and correct the pupil's specific misbehavior. Retains the authority for teachers to suspend pupils from class for the day and the following day who disrupt school activities or otherwise willfully defy valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. States that it is the intent of the Legislature that the Multi-Tiered System of Supports, which includes restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support, may be used to help pupils gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community. (ED 48900, 48901.1)

SB 781 (COMMITTEE ON PUBLIC SAFETY), CH. 256
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
PUBLIC SAFETY OMNIBUS

Among other things, authorizes the Department of Justice to receive copies of juvenile case files to carry out its duties as a repository for sex offender registration and notification in California and makes technical and conforming changes to various provisions of law relating to public safety. (PEN 1000.7, 1170.05; W&I 827)

LABOR AND EMPLOYMENT

AB 5 (GONZALEZ), CH. 296
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
WORKER STATUS: EMPLOYEES AND INDEPENDENT CONTRACTORS

Among other things, states the intent of the Legislature to codify *Dynamex Operations West, Inc. v. Superior Court* (2018) 4 Cal.5th 903. Provides that the "ABC" test be applied to determine the status of a worker as an employee or independent contractor unless another definition or specification of "employee" is provided. Exempts specified professions from these provisions and instead substitutes the test adopted in *S.G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341 to determine the employment relationship. (LAB 3351, 2750.3; UIC 606.5, 621)

SB 229 (HERTZBERG), CH. 721
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
DISCRIMINATION: COMPLAINTS: ADMINISTRATIVE REVIEW

Expands the appeal and enforcement mechanisms currently available when the Labor Commissioner issues a citation to an employer for violations of the Labor Code's antiretaliation provisions. Among other things, establishes procedures and deadlines for the Labor Commissioner, the court, and affected employers to follow when adjudicating and contesting a citation. Requires the Commissioner, in an action to judicially enforce an administrative citation for workplace retaliation, to file a certified copy of the citation with the clerk of the superior court, as specified. Provides that judgment in favor of the state and against the person being assessed shall be entered immediately by the court clerk for the total monetary amount shown on the citation. Authorizes the Commissioner to file a petition in superior court for an order to show cause why any injunctive and other nonmonetary relief should not be ordered and requires the court to schedule a hearing on the matter. Specifies that, absent a showing of an abuse of discretion, the court shall enter judgment for the state against the respondent for the injunctive and other nonmonetary relief. (LAB 98.74)

PROBATE AND MENTAL HEALTH

AB 46 (CARRILLO), CH. 9
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
INDIVIDUALS WITH MENTAL ILLNESS: CHANGE OF TERM

States the intent of the Legislature to enact legislation to replace derogatory terms with more culturally sensitive terms when referring to individuals with mental illness and makes those changes throughout various provisions of law. (H&N 4005; PEN 1026, 1367, 2625, 2960, 2962, 2966, 2968, 2970, 2972, 2974, 2978, 4011.6, 4497, 4497.10, 6102; PROB 6100.5; R&T 253; W&I 4242, 5213, 5300)

AB 303 (CERVANTES), CH. 606
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
MENTAL HEALTH: SEXUALLY VIOLENT PREDATORS: TRIAL: CONTINUANCES

Establishes procedures for requesting and granting continuances in trials relating to the civil commitment of an individual as a sexually violent predator as specified. (W&I 6603)

See Appendix B for a full description of the bill.

AB 473 (MAIENSCHEIN), CH. 122
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
DISPOSITION OF ESTATE WITHOUT ADMINISTRATION

Among other things, increases the threshold value of small estates and portions of estates that may be administered outside of probate, and decreases (from 10 percent to 7 percent) the interest applicable if a recipient of property under these provisions must provide restitution to the rightful recipient of the property. Reduces the interest that a surviving spouse must pay to anyone with a superior right by testate succession for the deceased spouse's half of the community property and quasi-community property that the surviving spouse disposed of from the rate payable on a money judgment. Allows a court, if it finds that the surviving spouse acted reasonably and in good faith under the circumstances known to the surviving spouse, to waive the interest payment, in whole or in part. Requires the Judicial Council, beginning April 1,

2022, and every three years thereafter, to determine the amount of adjustment, based on the change in the U.S. city average of the "Consumer Price Index for All Urban Consumers" for the previous 40 months, for the various maximum amounts for small estate administration under the Probate Code, rounded to the nearest $25, and to publish a list of the current dollar amounts of the various figures set forth herein. Provides that the adjustments do not apply if the decedent dies before the date of adjustment. (PROB 6602, 6609, 13050, 13100, 13101, 13111, 13112, 13117, 13151, 13152, 13154, 13200, 13206, 13207, 13211, 13562, 13563, 13565, 13600, 13601, 13602)

AB 1396 (OBERNOLTE), CH. 628
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
PROTECTIVE ORDERS: ELDER AND DEPENDENT ADULTS

Allows a court, when issuing a protective order for elder abuse involving physical abuse, neglect, abandonment, isolation, abduction, other treatment with resulting physical harm, pain, or mental suffering, or deprivation of goods or services that are necessary to avoid physical harm or mental suffering, to, after notice and a hearing, also issue an order requiring the restrained party to attend mandatory clinical counseling or anger management courses provided by a counselor, psychologist, psychiatrist, therapist, clinical social worker, or other mental or behavioral health professional licensed in the state to provide those services, when appropriate. Requires the Judicial Council to revise or promulgate forms as necessary to effectuate the provisions herein, by January 1, 2021. (W&I 15657.03)

SB 40 (WIENER), CH. 467
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
CONSERVATORSHIP: SERIOUS MENTAL ILLNESS AND SUBSTANCE USE DISORDERS

Amends and expands the process for establishing a housing conservatorship for a person suffering from a serious mental illness and a substance use disorder in the pilot programs authorized for Los Angeles, San Diego, and San Francisco Counties as follows:

- Stipulates that a person only qualifies for a housing conservatorship if the court determines by clear and convincing evidence, based on clinical evaluations conducted throughout a temporary conservatorship, that the person is incapable of caring for their own health and well-being due to a serious mental illness and substance use disorder, and that conservatorship is the least restrictive alternative needed for the protection of the person;
- Provides that the establishment of a housing conservatorship is subject to a finding by the court that either the county health director or director's designee previously attempted to obtain a court order authorizing assisted outpatient treatment (AOT) and the petition was denied or AOT was insufficient to treat the person's mental illness, or the director or designee recommends, and the court finds by clear and convincing evidence, that the person does not meet the criteria described for AOT or that AOT would be insufficient to treat the person;
- Shortens the maximum length of a conservatorship from one year to six months;
- Provides that if a person has been detained eight or more times in a 12-month period for evaluation and treatment pursuant to a 72-hour "5150 hold" under the Lanterman-Petris-Short Act, the court may establish a temporary conservatorship up to 28 days based on the report of the officer providing conservatorship investigation or on the basis of an affidavit of the professional person who recommended conservatorship stating the reasons for that recommendation; and
- Expands the evaluation of the housing conservatorship pilot program. (W&I 5451, 5452, 5453, 5456, 5462, 5463, 5465.5, 5555)

SB 303 (WIECKOWSKI), CH. 847
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
GUARDIANS AND CONSERVATORS: COMPENSATION: RESIDENCE OF CONSERVATEE

Specifically provides that, in any hearing to determine if removal of a conservatee from their personal residence is appropriate, the presumption that the residence is the least restrictive appropriate residence may only be overcome by clear and convincing evidence. Authorizes the sale of a conservatee's present or former personal residence only if the court finds that the conservator demonstrated a compelling need to sell the residence for the benefit of the conservatee by clear and convincing evidence. Prevents a conservator from committing any significant resources to the proposed sale of a conservatee's present or former

residence before the conservator notifies the court that the residence of the conservatee is proposed to be sold, unless the conservator can establish that either the conservatee has the capacity to consent, and unequivocally consents to the sale, or there are exigent circumstances that require the conservator to commit resources to the sale prior to court approval. Adds to the requirement that a conservator, when seeking an order to sell a conservatee's personal residence, demonstrate to the court that the terms of the sale are in the best interest of the conservatee, the estimated capital gains income and tax consequences, and the impact on access to government benefits. Prohibits compensation to a guardian, conservator, or attorney from any government benefits program funds unless deemed by the court as necessary to sustain the support and maintenance of the ward or conservatee, as specified. (PROB 2352.5, 2540, 2541.5, 2591, 2591.5, 2640, 2641)

PROTECTIVE ORDERS

AB 12 (IRWIN), CH. 724
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
FIREARMS: GUN VIOLENCE RESTRAINING ORDERS

Authorizes a law enforcement officer to file a petition for a gun violence restraining order (GVRO) in the name of the law enforcement agency in which the officer is employed. Changes the duration of the GVRO and the renewal of the GVRO from one year to between one and five years, subject to earlier termination or renewal by the court. Requires a court, in determining the duration of the gun violence restraining order, to consider the length of time that the threat of personal injury is likely to continue, and to issue the order based on that determination. Authorizes a person subject to a GVRO to submit one written request per year for a hearing to terminate the restraining order. (PEN 18109, 18120, 18160, 18170, 18175, 18180, 18185, 18190, 18197)

AB 61 (TING), CH. 725
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
GUN VIOLENCE RESTRAINING ORDERS

Commencing September 1, 2020, authorizes the following individuals to file a petition for an ex parte, one-year, or renewed gun violence restraining order: (1) an employer, a coworker who has substantial and regular interactions with a person and with approval of their employer; or (2) an employee or teacher of a secondary or postsecondary school, with approval of a school administrator or a school administration staff member with a supervisorial role, if the subject of the petition has attended the school in the last 6 months. (PEN 18150, 18170, 18190)

AB 339 (IRWIN), CH. 727
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
GUN VIOLENCE RESTRAINING ORDERS: LAW ENFORCEMENT PROCEDURES

Requires law enforcement agencies to develop and adopt written policies and standards regarding the use of gun violence restraining orders. (PEN 18108)

AB 925 (GLORIA), CH. 294
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
PROTECTIVE ORDERS: CONFIDENTIAL INFORMATION REGARDING MINORS

Expands the circumstances in which it is permissible to disclose a minor's confidential information contained in certain protective orders. Specifically, permits a court, if it is in the minor's best interests, to authorize disclosure of any portion of the confidential information regarding a minor that the court has otherwise deemed confidential to any other person upon that person's petition. Requires the court to afford the party who originally requested confidentiality an opportunity to contest this disclosure. Clarifies that information regarding a minor protected by a confidentiality order shall be included in the notice sent to the restrained party to the extent necessary for enforcement of the confidentiality order, and that the restrained party must comply with and respond to the protective order. Alters the requirements of that notice to specifically identify the confidential information. Applies to the disclosure of a minor's confidential information in family, child welfare, and juvenile justice cases in which protective orders, as specified, are issued. (CCP 527.6; FAM 6301.5)

AB 1493 (TING), CH. 733
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
GUN VIOLENCE RESTRAINING ORDER: PETITION

Commencing September 1, 2020, authorizes the subject of a petition for a gun violence restraining order (GVRO) to file a form with the court relinquishing the subject's firearm rights and stating that the subject is not contesting the petition. If the subject files that form, requires the

court to issue the GVRO and to provide notice of the order to all parties. (PEN 18115, 18175)

REDISTRICTING

AB 849 (BONTA), CH. 557
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
ELECTIONS: CITY AND COUNTY REDISTRICTING

Revises and standardizes the criteria and process to be used by counties and cities when they adjust the boundaries of the electoral districts that are used to elect members of the jurisdictions' governing bodies. Requires the chief legal officer of a local government agency, if an entity fails to adopt district boundaries by the deadline, to petition the court for an order adopting district boundaries. Permits a resident to petition the court if the legal officer fails to do so within five days after the deadline. Requires the court to adopt boundaries using specified criteria. Permits the court to order the adjustment of deadlines as necessary to implement the new boundaries. Authorizes the court to appoint a special master to assist the court with adopting the boundaries and requires the county to pay the cost for the special master and associated costs. Requires the court or the special master to hold one or more public hearings before adopting the district boundaries. Subject to the approval of the court, authorizes the special master to employ redistricting experts or other consultants or counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist them in their work. Authorizes the special master to seek the full cooperation of the city or county in producing and using whatever data, computer models and programs, and technical assistance that was made available to them, and personnel who are knowledgeable in the mechanics of drafting redistricting legislation. Authorizes the court to assist the special master in securing the necessary personnel and the physical facilities required for their work, and to prepare for the prompt submission to the local agency of a request for county funding for the necessary expenses of the special master and the special master's staff. (Various codes)

STATE BAR/PRACTICE OF LAW

AB 242 (KAMLAGER-DOVE), CH. 418
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
IMPLICIT BIAS TRAINING: COURTS AND ATTORNEYS

Clarifies that the Judicial Council may develop training on implicit bias. Specifically, the bill:

- Allows the Judicial Council to develop training on implicit bias;
- Requires any training developed to include the components listed in the bill; and
- Requires court staff who interact with the public on matters before the court to complete two hours of implicit bias training every two years as of January 1, 2022 (included in the existing requirements found in rule 10.474).

Note: Implicit bias training has been a component of the Judicial Council's Qualifying Ethics (QE) core course for judicial officers beginning with QE5, January 1, 2013, and continuing through QE7, which launched on January 1, 2019. (B&P 6070.5; GOV 68088)

TRAFFIC

AB 47 (DALY), CH. 603
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
DRIVER RECORDS: POINTS: DISTRACTED DRIVING

Requires the Department of Motor Vehicles to assess a point on a person's driving record for any conviction of operating a handheld wireless communications device that occurs within 36 months of a prior conviction of the same offense after July 1, 2021. (VEH 12810.3)

AB 317 (DIEP), CH. 608
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
DEPARTMENT OF MOTOR VEHICLES: UNLAWFUL SALE OF APPOINTMENTS

Prohibits a person (defined under existing law as a natural person, firm, limited liability company, or corporation) from selling, or offering to sell, an appointment with the

Department of Motor Vehicles. Defines "appointment" to mean an arrangement to receive a government service at a specific time. Provides that a violation of this section is an infraction. (VEH 1680)

AB 391 (VOEPEL), CH. 609
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
LEASED AND RENTED VEHICLES: EMBEZZLEMENT AND THEFT

Decreases from five days to 72 hours following the expiration of an auto-rental agreement or lease for the presumption of embezzlement to apply. Sunsets these provisions on January 1, 2024. (VEH 10500, 10855)

AB 1266 (RIVAS, ROBERT), CH. 221
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
TRAFFIC CONTROL DEVICES: BICYCLES

Allows a person operating a bicycle to travel straight through a right- or left-hand turn lane when an official traffic control device indicates that the movement is permitted. Requires the California Department of Transportation to develop standards for lane striping, pavement markings, and signage to implement this provision. (VEH 22101)

SB 164 (MCGUIRE), CH. 138
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
INFRACTIONS: COMMUNITY SERVICE

Authorizes a person who has been convicted of an infraction and is eligible to elect to perform community service in lieu of the total fine, to elect to perform that community service in the county in which the infraction violation occurred, the county of the person's residence, or any other county to which the person has substantial ties. Requires the court to retain jurisdiction until the community service has been verified as complete. (PEN 1209.5)

SB 485 (BEALL), CH. 505
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
DRIVING PRIVILEGE: SUSPENSION OR DELAY

Repeals the ability of the court and the Department of Motor Vehicles (DMV) to delay, suspend, or revoke a person's driving privilege as a result of a conviction for various offenses. Specifically, provides that notwithstanding any other law, and to the extent permitted by federal law, the court and DMV shall not suspend or delay a person's driving privilege based on that person's conviction of a criminal offense not involving a violation of the Vehicle Code, unless the offense involved the use, or attempted use, of a vehicle, and the suspension and delay is otherwise authorized by law. Clarifies that this provision is not intended to affect any order or determination made by the court or the DMV before January 1, 2020, to suspend, delay, or otherwise restrict the driving privilege of a person. (B&P 25658, 25658.4, 25658.5, 25661, 25662; PEN 529.5, 647; VEH 1808, 13201.5, 13202, 13202.4, 13202.5, 13202.6, 23224)

APPENDIX A

Criminal Law and Procedure Legislation

SB 36 (HERTZBERG), CH. 589
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
PRETRIAL RELEASE: RISK ASSESSMENT TOOLS

Requires each pretrial services agency that uses a pretrial risk assessment tool to validate the tool by January 1, 2021, and on a regular basis thereafter, but no less frequently than once every three years, and to make specified information regarding the tool, including validation studies, publicly available.

Requires the Judicial Council to maintain a list of pretrial services agencies that have satisfied those validation requirements and complied with those transparency requirements. Additionally, requires the Judicial Council, beginning on December 31, 2020, and on or before December 31 of each year thereafter, to publish a report on its website with data related to outcomes and potential biases in pretrial release. Requires pretrial services agencies, the Department of Justice, courts, and local governments that elect to use risk assessment tools to work with the Judicial Council to provide the data necessary for this report. Ensures the privacy of individuals whose information is found in the data by restricting the Judicial Council from sharing any individual-level data unless the council has entered into a contract for research purposes in which privacy protections, as specified, are established.

To ensure that there is sufficient funding for the data collection, analysis, and reporting requirements, those provisions solely apply to agencies receiving funding, as follows:

- Pretrial services agencies that have a contractual agreement with one of the Pretrial Pilot Program courts (funded with the Budget Act of 2019 appropriation of $75 million for the pilots);
- Agencies otherwise funded by the state to perform risk assessments (e.g., if SB 10 (Hertzberg; Stats. 2018, ch. 244) goes into effect or the state chooses to expand or continue the pilot projects. Referendum 1856 (18-0009), *Referendum to Overturn a 2018 Law That Replaced Money Bail System with a System Based on Public Safety Risk*, qualified for the November 2020 ballot after being certified by the Secretary of State on January 16, 2019. Qualification of the referendum has the effect of staying SB 10); and
- Other agencies that perform risk assessments, but only if sufficient funding is provided to the Judicial Council, the courts, and pretrial services agencies to ensure their ability to meet the data reporting requirements and standards as set forth by the Judicial Council.

Requires the Judicial Council, on or before July 1, 2022, to provide a report to the courts and the Legislature containing recommendations to mitigate bias and disparate effects in pretrial decisionmaking. (PEN 1320.35)

APPENDIX B

Civil Legislation

AB 303 (CERVANTES), CH. 606
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2020
MENTAL HEALTH: SEXUALLY VIOLENT PREDATORS: TRIAL: CONTINUANCES

Establishes procedures for requesting and granting continuances in trials relating to the civil commitment of an individual as a sexually violent predator. Specifically, this bill:

- Requires that all moving and supporting papers be served and filed at least 10 court days before the hearing, except that if the written notice is served by mail, extends the 10-day period of notice before the hearing as follows: (a) five calendar days if the place of mailing and the place of address are within the State of California; (b) 10 calendar days if either the place of mailing or the place of address is outside the State of California, but within the United States; (c) 20 calendar days if either the place of mailing or the place of address is outside the United States; and (d) two calendar days if the notice is served by facsimile transmission, express mail, or another method of delivery providing for overnight delivery.
- Requires all papers opposing a continuance motion to be filed with the court and a copy to be served on each party at least four court days before the hearing. Requires all reply papers to be served on each party at least two court days before the hearing.
- Permits a party to waive the right to have documents served in a timely manner after receiving actual notice of the request for continuance.
- If a party makes a motion for a continuance that does not comply with these requirements, requires the court to hold a hearing on whether there is good cause for the failure to comply with those requirements. Requires the court to make a finding whether good cause has been shown and, if it finds that there is good cause, state on the record the facts proved that justify its finding. If the moving party is unable to show good cause for the failure to give notice, the motion for continuance shall not be granted.
- Provides that continuances shall be granted only upon a showing of good cause and that a court shall not find good cause solely based on the convenience of the parties or a stipulation of the parties. Requires the court to make a finding whether good cause has been shown and, if it finds that there is good cause, state on the record the facts proved that justify its finding.
- Requires the court, when determining good cause, to consider the general convenience and prior commitments of all witnesses and the general convenience and prior commitments of each witness in selecting a continuance date if the motion is granted.
- Except as specified, a continuance shall be granted only for the time shown to be necessary by the evidence considered at the hearing on the motion. If a continuance is granted, requires the court to state on the record the facts proved that justify the length of the continuance.
- Provides "good cause" includes, but is not limited to, those cases in which the attorney assigned to the case has another trial or probable cause hearing in progress and that a continuance granted under those circumstances cannot exceed 10 court days after the conclusion of that trial or hearing. (W&I 6603)

APPENDIX C

2019-20 Legislation Affecting California Appellate Procedure

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	STATUS as of October 16, 2019	SUMMARY DESCRIPTION OF NEW LAW
AB 685 (Reyes) ***2-year bill*** **Juveniles: Indian tribes: counsel**	Senate Judiciary Committee	Requires the State Bar of California to administer grants to qualified legal services projects and support centers for the purpose of providing legal services to Indian tribes in child welfare matters under the Indian Child Welfare Act (ICWA). Requires adoption of training requirements that include instruction on ICWA. Requires the Court of Appeal to appoint separate counsel for a child's tribe, at the request of the tribe, in any appellate proceeding involving an Indian child. [As introduced.]
AB 1820 (Committee on Judiciary), CH. 834 ***Effective/Operative Date: January 1, 2020*** **Personal rights: civil liability and enforcement**	Signed into law	The California Fair Employment and Housing Act protects and safeguards the right and opportunity of all persons to seek, obtain, and hold employment without discrimination, abridgment, or harassment on account of various personal characteristics. Under existing law, the Department of Fair Employment and Housing is responsible for receiving, investigating, conciliating, mediating, and prosecuting complaints alleging violations of specified civil rights, including sexual harassment claims. Additionally, clarifies that the department may bring civil actions for violations of title VII of the Civil Rights Act, the federal Americans with Disabilities Act, and the federal Fair Housing Act.
SB 25 (Caballero) ***2-year bill*** **California Environmental Quality Act: expedited review: projects funded by qualified opportunity zone funds or other public funds**	Assembly Natural Resources Committee	Until January 1, 2025, requires, to the extent feasible, a 270-day expedited judicial review, including any potential appeals, of the environmental review and approvals granted for an undefined number of projects that are at least partially funded by a qualified opportunity zone fund. [As amended April 30, 2019.]
SB 621 (Glazer) ***2-year bill*** **California Environmental Quality Act: expedited judicial review: affordable housing projects**	Assembly Natural Resources Committee	Until January 1, 2025, requires the Judicial Council, on or before July 1, 2020, to adopt a rule of court applicable to actions or proceedings brought pursuant to the California Environmental Quality Act seeking judicial review of environmental review documents and approvals granted for certain affordable housing projects. Requires these actions or proceedings, including any appeals therefrom, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court. [As amended June 17, 2019.]

NOTE: This cumulative table is current through October 16, 2019. For additional information such as bill analyses, legislative deadlines, hearing dates, or Judicial Council positions on legislation, please contact the Judicial Council's Governmental Affairs office at 916-323-3121. Bills are available on the California Legislative Information website at *http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml*.

APPENDIX D

2019-20 Legislation Responding to California Appellate and Supreme Court Decisions

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	STATUS as of October 16, 2019	SUMMARY DESCRIPTION OF NEW LAW
AB 5 (Gonzalez), CH. 296 ***Effective/Operative Date: January 1, 2020*** **Worker status: employees and independent contractors**	Signed into law	Among other things, states the intent of the Legislature to codify *Dynamex Operations West, Inc. v. Superior Court* (2018) 4 Cal.5th 903. Provides that the "ABC" test be applied to determine the status of a worker as an employee or independent contractor unless another definition or specification of "employee" is provided. Exempts specified professions from these provisions and instead substitutes the test adopted in *S.G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341 to determine the employment relationship.
AB 71 (Melendez) ***2-year bill*** **Employment standards: independent contractors and employees**	Assembly Labor and Employment Committee	Among other things, seeks to abrogate the California Supreme Court's holding in *Dynamex Operations West, Inc. v. Superior Court* (2018) 4 Cal.5th 903 by requiring, instead, a determination of whether a person is an employee or an independent contractor to be based on a specific multifactor test, including whether the person to whom service is rendered has the right to control the manner and means of accomplishing the result desired, and other identified factors. [As amended February 25, 2019.]
AB 227 (Jones-Sawyer) ***2-year bill*** **Crimes: assessments: restitution: ability to pay**	Assembly Appropriations Committee—suspense file	Makes a defendant's inability to pay a fine a compelling and extraordinary reason for a court to not impose a restitution fine upon a conviction for a misdemeanor or felony. Requires the court to impose the court facility and court operation assessments unless the court determines that the defendant does not have the ability to pay. Codifies the decision of *People v. Dueñas* (2019) 30 Cal.App.5th 1157. [As introduced.]
AB 233 (Cooley) ***2-year bill*** **Insurance: independent contractors**	Senate Insurance Committee	Clarifies the application of *Dynamex Operations West, Inc. v. Superior Court* (2018) 4 Cal.5th 903 to persons licensed by the Department of Insurance to transact insurance in specified capacities by providing that those persons are not employees when they have entered into a written agreement with an insurer or organizational licensee that includes specified provisions, including that the worker is classified as an independent contractor, that each party has the right to terminate the agreement upon notice to the other party, and that the worker is responsible for the payment of necessary expenditures and applicable taxes. Allows the parties to the agreement to classify the worker as either an employee or an independent contractor, but prohibits a worker from being classified as an independent contractor unless the agreement contains specified provisions. [As amended April 11, 2019.]

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	STATUS as of October 16, 2019	SUMMARY DESCRIPTION OF NEW LAW
AB 303 (Cervantes), CH. 606 ***Effective/Operative Date: January 1, 2020*** **Mental health: sexually violent predators: trial: continuances**	Signed into law	Establishes procedures and timelines for requesting, responding to, and granting continuances in sexually violent predator (SVP) civil trial proceedings. This legislation is in response to *People v. Superior Court (Vasquez)* (2018) 27 Cal.App.5th 36, in which an SVP petition against George Vasquez was dismissed for due process violations based on the lengthy delay in bringing the case to trial. Mr. Vasquez was detained in state hospitals for over 17 years awaiting trial on the petition, as a series of six appointed attorneys slowly moved his case toward trial. The court applied a due process balancing test established by the U.S. Supreme Court and concluded that under the balancing test Mr. Vasquez had suffered prejudice due to the excessive delay and that the delay was caused by the state. In reaching that holding, the appellate court stated, "[t]he ultimate responsibility for bringing a person to trial on an SVP petition at a 'meaningful time' rests with the government." (*Id.* at p. 58.)
AB 1380 (Obernolte), CH. 193 ***Effective/Operative Date: January 1, 2020*** **Premarital agreements: enforcement**	Signed into law	Requires that the party against whom enforcement of a premarital agreement is sought be advised to seek independent legal counsel, and that advisement shall be made at least seven days before the final agreement is signed. States that this provision is declaratory of existing law. Provides that, with respect to premarital agreements executed on or after January 1, 2020, the agreement may not be deemed voluntary unless the party against whom enforcement is sought had at least seven days between being first presented with the final agreement and signing the agreement, regardless of whether the party is represented by legal counsel. States that subparagraph (B) of paragraph (2) of subdivision (c) of section 1615 of the Family Code is intended to supersede, on a prospective basis, the holding in *In re Marriage of Cadwell-Faso & Faso* (2011) 191 Cal.App.4th 945.
AB 1618 (Jones-Sawyer), CH. 586 ***Effective/Operative Date: January 1, 2020*** **Plea bargaining: benefits of later enactments**	Signed into law	States that a provision of a plea bargain that requires a defendant to generally waive future benefits of legislative enactments, initiatives, appellate decisions, or other changes in the law that may retroactively apply after the date of the plea is void as against public policy. Appears to be in response to *People v. Wright* (2019) 31 Cal.App.5th 749, which ruled that "[i]f parties to a plea agreement want to insulate the agreement from future changes in the law they should specify that the consequences of the plea will remain fixed despite amendments to the relevant law," and *People v. Barton* (2019) 32 Cal.App.5th 1088, which held that when a defendant negotiates a plea for a stipulated sentence and waives the right to appeal the sentence, the defendant cannot seek to change their sentence after a favorable sentencing law is later enacted.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	STATUS as of October 16, 2019	SUMMARY DESCRIPTION OF NEW LAW
AB 1798 (Levine) ***2-year bill*** **California Racial Justice Act: death penalty**	Assembly Appropriations Committee—suspense file	Prohibits a person from being executed pursuant to a judgment that was either sought or obtained on the basis of race if the court makes a finding that race was a significant factor in seeking or imposing the death penalty. Provides that a finding that race was a significant factor would include statistical evidence or other evidence that death sentences were sought or imposed significantly more frequently upon persons of one race than upon persons of another race or that race was a significant factor in decisions to exercise peremptory challenges during jury selection. Codifies the holding in *People v. Wheeler* (1978) 22 Cal.3d 258, which held that the practice of excusing jurors from the jury pool on the basis of race was unconstitutional. [As amended March 21, 2019.]
SB 145 (Wiener) ***2-year bill*** **Sex offenders: relief from registration**	Assembly Appropriations Committee—suspense file	Exempts a person convicted of certain offenses involving minors from the duty to register as a sex offender if the person is not more than 10 years older than the minor. Seeks to abrogate the decision of the California Supreme Court in *Johnson v. California Department of Justice* (2015) 60 Cal.4th 871. [As amended July 11, 2019.]
SB 238 (Grove) ***2-year bill*** **Worker status: factors for determination of employee status**	Senate Labor, Public Employees and Retirement Committee	Among other things, seeks to abrogate the California Supreme Court's holding in *Dynamex Operations West, Inc. v. Superior Court* (2018) 4 Cal.5th 903. Requires, for purposes of claims for wages and benefits arising under wage orders, an analysis as to whether the worker is economically dependent on the hiring entity to determine whether that worker is an employee based on the economic reality of the relationship with the hiring entity. Requires this analysis to be based solely on enumerated factors that are similar to those used as a part of the economic realities test in the federal Fair Labor Standards Act of 1938. In addition, provides legislative findings and declarations in support of these provisions, and states in the findings and declarations that it is the intent of the Legislature that the test under these provisions be applied retroactively to claims filed on and after April 30, 2018. [As amended March 28, 2019.]

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	STATUS as of October 16, 2019	SUMMARY DESCRIPTION OF NEW LAW
SB 707 (Wieckowski), CH. 870 ***Effective/Operative Date: January 1, 2020*** **Arbitration agreements: enforcement**	Signed into law	Among other things, specifies that in an employment or consumer arbitration that requires, either expressly or through application of state or federal law or the rules of the arbitration administrator, the drafting party to pay certain fees and costs before the arbitration can proceed, if the fees or costs to initiate an arbitration proceeding are not paid within 30 days of their due date, the drafting party is in material breach of the arbitration agreement, is in default of the arbitration, and waives its right to compel arbitration under Code of Civil Procedure section 1281.2. States the intent of the Legislature in enacting this measure to affirm the decisions in *Armendariz v. Foundation Health Psychcare Services, Inc.* (2000) 24 Cal.4th 83, *Brown v. Dillard's, Inc.* (2005) 430 F.3d 1004, and *Sink v. Aden Enterprises, Inc.* (2010) 352 F.3d 1197, that a company's failure to pay arbitration fees pursuant to a mandatory arbitration provision constitutes a breach of the arbitration agreement and allows the nonbreaching party to bring a claim in court. Specifies that sanctions shall be monetary sanctions on the drafting party that impartially breaches an arbitration agreement and would authorize the court to impose other sanctions as specified in an employment or consumer arbitration, regardless of whether the drafting party, as defined, is required to pay certain fees and costs before the arbitration can proceed, or during the pendency of the arbitration proceeding.

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APPENDIX E

2019 New and Expanded Crimes

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 128 (Gloria), CH. 765 ***Effective/Operative Date: January 1, 2020*** **Equines: protection**	CIV 1834.8; F&G 24106	Requires a written bill of sale or written instrument to be provided when any person purchases, consigns, sells, or accepts the donation of an animal at a public or private auction. Expands the crime of perjury by requiring a person who purchases an animal in these circumstances to sign a sworn statement, under penalty of perjury, acknowledging and agreeing to comply with the Prohibition of Horse Slaughter and Sale of Horsemeat for Human Consumption Act of 1998.
AB 164 (Cervantes), CH. 726 ***Effective/Operative Date: January 1, 2020*** **Firearms: prohibited persons**	PEN 29825	Expands the scope of an existing crime by prohibiting any person subject to a valid restraining order, injunction, or protective order issued out-of-state from possessing, receiving or purchasing, or attempting to possess, receive, or purchase a firearm in this state if the out-of-state order is equivalent in the prohibition against possessing, receiving, or purchasing a firearm.
AB 169 (Lackey), CH. 604 ***Effective/Operative Date: January 1, 2020*** **Guide, signal, and service dogs: injury or death**	PEN 600.2, 600.5	Changes the definition of a crime by deleting the requirement that the guide, signal, or service dog be in discharge of its duties when the injury or death occurs from certain crimes against guide, signal, or service dogs. Requires a defendant convicted of these crimes to also make restitution to the person for medical or medical-related expenses, or for loss of wages or income.
AB 189 (Kamlager-Dove), CH. 674 ***Effective/Operative Date: January 1, 2020*** **Child abuse or neglect: mandated reporters: autism service personnel**	PEN 11165.7	Expands the scope of a crime by providing that a qualified autism service provider, a qualified autism service professional, or a qualified autism service paraprofessional provider is a mandated reporter of known or suspected child abuse and neglect for the purposes of the Child Abuse and Neglect Reporting Act.
AB 267 (Chu), CH. 283 ***Effective/Operative Date: January 1, 2020*** **Employment of infants: entertainment industry**	LAB 1286, 1308.8	Expands the scope of a crime by requiring the certification requirements for infants to cover any employment in the entertainment industry.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 273 (Gonzalez), CH. 216 ***Effective/Operative Date: January 1, 2020*** **Fur-bearing and nongame mammals: recreational and commercial fur trapping: prohibition**	F&G 3003.1, 3039, 4001, 4004, 4005, 4007, 4008, 4009.5, 4150, 12002	Creates a new crime by prohibiting the trapping of any fur-bearing mammal or nongame mammal for purposes of recreation or commerce in fur and the sale of the raw fur of any fur-bearing mammal or nongame mammal otherwise lawfully taken.
AB 304 (Jones-Sawyer), CH. 607 ***Effective/Operative Date: January 1, 2020*** **Wiretapping: authorization**	PEN 629.98	Extends until January 1, 2025, the laws establishing a procedure for a prosecutor to apply for, and the court to issue, an order authorizing law enforcement to intercept a wire or electronic communication. A violation of these provisions is punishable as a misdemeanor or as a felony.
AB 391 (Voepel), CH. 609 ***Effective/Operative Date: January 1, 2020*** **Leased and rented vehicles: embezzlement and theft**	VEH 10500, 10855	Decreases the five-day period following the expiration of an auto-rental agreement or lease for the presumption of embezzlement to apply to 72 hours. Expands the scope of a crime by, among other things, requiring the owner of an embezzled vehicle to attempt to contact the other party to the lease or rental agreement who has failed to return the vehicle using the contact method specified in the lease or rental agreement. Sunsets these provisions on January 1, 2024.
AB 454 (Kalra), CH. 349 ***Effective/Operative Date: January 1, 2020*** **Migratory birds: California Migratory Bird Protection Act**	F&G 3513	Expands the scope of a crime by making it unlawful to take or possess any migratory nongame bird, or any part of a migratory nongame bird, as designated in the federal Migratory Bird Treaty Act (MBTA) before January 1, 2017, or that may be designated under the federal MBTA after January 1, 2017.
AB 611 (Nazarian), CH. 613 ***Effective/Operative Date: January 1, 2020*** **Sexual abuse of animals**	PEN 286.5, 597.9	Expands the scope of a crime by prohibiting sexual contact, as defined, with any animal. Authorizes the seizure of an animal used in the violation of this provision. Makes it a misdemeanor for persons convicted of animal sexual contact to own, possess, maintain, care for, reside with, or have custody of an animal for a specified period of time after conviction.
AB 814 (Chau), CH. 16 ***Effective/Operative Date: January 1, 2020*** **Vehicles: unlawful access to computer systems**	PEN 502	Changes the definition of a crime by clarifying that, for purposes of the prohibition against unlawfully accessing a computer system, a computer system includes devices or systems that are located within, connected to, or integrated with, a motor vehicle.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 840 (Dahle), CH. 355 ***Effective/Operative Date: January 1, 2020*** **Alcoholic beverages: licenses: imports**	B&P 23399.52, 23661	Authorizes the Department of Alcoholic Beverage Control to create and issue a special on-sale general license to a person who owns or operates a facility that is partially located in the County of Placer, California, and partially located in the County of Washoe, Nevada, thereby expanding the definition of a crime because the violation of a provision of a license is punishable as a misdemeanor.
AB 879 (Gipson), CH. 730 ***Effective/Operative Date: January 1, 2020*** **Firearms**	PEN 16170, 16531, 16532, 18010, 27585, 30400–30495, 30800	Requires, among other things, commencing July 1, 2024, that the sale of firearms precursor parts be conducted through a licensed firearms precursor part vendor. Provides that a person prohibited from owning or possessing a firearm shall not own or possess, or have under their custody or control a firearm precursor part and prohibits the selling or giving of a firearm precursor part to a person under 21 years of age. Makes violations of these provisions a crime.
AB 880 (Obernolte), CH. 618 ***Effective/Operative Date: January 1, 2020*** **Transportation network companies: participating drivers: criminal background checks**	PUC 5445.2	Expands the scope of a crime by prohibiting a transportation network company from contracting with, employing, or retaining a driver if the driver has been convicted of human trafficking offenses.
AB 949 (Medina), CH. 266 ***Effective/Operative Date: January 1, 2020*** **Unsafe used tires: installation**	B&P 9889.30	Expands the scope of a crime by prohibiting an automotive repair dealer from installing an unsafe used tire, as defined, on a motor vehicle for use on a highway.
AB 973 (Irwin), CH. 184 ***Effective/Operative Date: January 1, 2020*** **Pharmacies: compounding**	B&P 4126.8	Expands the scope of a crime by requiring the compounding of drug preparations by a pharmacy for furnishing, distribution, or use to be consistent with standards established in the pharmacy compounding chapters of the current version of the United States Pharmacopeia–National Formulary, including relevant testing and quality assurance.
AB 1032 (Quirk), CH. 105 ***Effective/Operative Date: January 1, 2020*** **Ticket sellers: equitable ticket-buying process: use or sale of services**	B&P 22505.5	Changes the definition of a crime by making it unlawful for a person to intentionally use or sell services to circumvent a security control or measure that is used to ensure an equitable ticket-buying process for event attendees.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 1165 (Bauer-Kahan), CH. 823 ***Effective/Operative Date: January 1, 2020*** **Child custody: supervised visitation**	FAM 3200.5; H&S 1596.60	Revises requirements for professional providers of supervised visitation services in child custody matters. Specifically, requires that professional supervised visitation providers, beginning January 1, 2021, be registered as TrustLine providers, which requires successful completion of a criminal background check, thereby expanding the scope of a crime for failure to register. Revises the required training for professional supervised visitation providers to require the following: • The training be completed prior to providing supervised visitation services, at least 12 of the 24 required hours of instruction be provided as classroom instruction, and, at least three hours of training be on the screening, monitoring, and termination of visitation; • At least three hours be on the developmental needs of children; • At least three hours be on issues relating to substance abuse, child abuse, sexual abuse, and domestic violence; • At least one hour be on basic knowledge of family law.
AB 1254 (Kamlager-Dove), CH. 766 ***Effective/Operative Date: January 1, 2020*** **Bobcats: take prohibition: hunting season: management plan**	F&G 4152, 4153, 4154, 4156, 4157, 4158, 4181	Expands the scope of a crime by making it unlawful to hunt, trap, or otherwise take a bobcat, except under specified circumstances, including under a depredation permit.
AB 1292 (Bauer-Kahan), CH. 110 ***Effective/Operative Date: January 1, 2020*** **Firearms**	PEN 16960, 16990, 25570, 26392, 26406, 26582, 26589, 27920, 27922, 31700	Among other things, changes the definition of a crime by exempting a person, if the person gives prior notice to a law enforcement agency, from the prohibition of openly carrying a firearm in the following circumstances: (1) the person finds a handgun and is transporting the handgun in order to comply with the relevant California Civil Code "lost or unclaimed property" provisions; (2) the person finds a handgun and is transporting it to a law enforcement agency for disposition according to law; or (3) the person took the firearm from another person who was committing a crime against the person and is transporting it to a law enforcement agency for disposition according to law.
AB 1294 (Salas), CH. 268 ***Effective/Operative Date: January 1, 2020*** **Criminal profiteering**	PEN 186.2	Expands the definition of criminal forfeiture by amending the California Control of Profits of Organized Crime Act to include specified crimes within the definition of gambling.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 1328 (Holden), CH. 772 ***Effective/Operative Date: January 1, 2020*** **Oil and gas: notice of intention to abandon well: study of fugitive emissions from idle, idle-deserted, and abandoned wells**	PRC 3206.2, 3229	Requires oil and gas operators with wells selected for purposes of specified sampling to do the following: (1) make reasonable efforts to permit access to the wells to the division and the independent experts contracted to undertake the study if adequate notice is provided to the operator to ensure appropriate safety precautions are taken at the well site; and (2) submit to the division a certification stating that no action was taken to reduce emissions from the sampling site within 72 hours of the sampling taking place so as to reduce the value of measurements taken. A violation of these requirements is a crime.
AB 1482 (Chiu), CH. 597 ***Effective/Operative Date: January 1, 2020*** **Tenant Protection Act of 2019: tenancy: rent caps**	CIV 52.6, 1947.13	Expands the scope of the crime of perjury by requiring an owner of an assisted housing development to demonstrate compliance with specified provisions.
AB 1563 (Santiago), CH. 831 ***Effective/Operative Date: January 1, 2020*** **Census: interference with the census: California Census Bill of Rights and Responsibilities**	GOV 12172.8; PEN 529.6	Makes it a misdemeanor for any person to falsely represent themselves as a census taker or to falsely assume some or all of the activities of a census taker with the intent to interfere with the operation of the census or with the intent to obtain information or consent to an otherwise unlawful search or seizure.
AB 1669 (Bonta), CH. 736 ***Effective/Operative Date: January 1, 2020*** **Firearms: gun shows and events**	PEN 27205, 27210, 27220, 27225, 27235, 27240, 27305, 27310, 27315, 27320, 27340, 27345, 28225, 28233, 28235, 28240	Among other things, expands the scope of a crime by requiring ammunition vendors who participate in gun shows to follow the same regulations that are currently required of firearms dealers who participate in gun shows.
AB 1801 (Committee on Agriculture), CH. 324 ***Effective/Operative Date: January 1, 2020*** **Cattle: inspections**	F&A 10511, 19020, 21283, 21283.5, 21285, 21288, 21288.5, 21563, 21563.5, 65071	Changes the definition of a crime by amending the California Meat and Poultry Supplemental Inspection Act, a violation of which is a crime, to provide that the act does not apply to a mobile slaughter operator who provides services to an owner of cattle if the slaughter occurs on the premises of a person who raised the cattle and who is not the owner of the cattle. Requires the person who raised the cattle and the mobile slaughter operator to maintain specified records and requires those records to be made available upon request to a department inspector, investigator, or peace officer.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 8 (Glazer), CH. 761 ***Effective/Operative Date: January 1, 2020*** **State parks: state beaches: smoking ban**	PRC 5008.10	Makes it an infraction punishable by a fine of up to $25 for a person to smoke on a state beach, as defined, or in a unit of the state park system, as defined, except as provided, or to dispose of used cigar or cigarette waste on a state beach or in a unit of the state park system unless the disposal is made in an appropriate waste receptacle.
SB 61 (Portantino), CH. 737 ***Effective/Operative Date: January 1, 2020*** **Firearms: transfers**	PEN 26835, 27510, 27535, 27540, 27590	Expands the scope of a crime by (1) prohibiting the sale of a semiautomatic centerfire rifle to any person under 21 years of age; and (2) beginning July 1, 2021, prohibiting a person from making an application to purchase more than one semiautomatic centerfire rifle in any 30-day period.
SB 62 (Dodd), CH. 137 ***Effective/Operative Date: January 1, 2020*** **Endangered species: accidental take associated with routine and ongoing agricultural activities: state safe harbor agreements**	F&G 2087, 2089.26	Extends the duration of a crime by extending the sunset date on the authority for accidental take of listed species in the course of otherwise lawful and routine agricultural activities until January 1, 2024. Requires the reporting of known instances of accidental take to the Department of Fish and Wildlife, and extends the California State Safe Harbor Agreement Program Act indefinitely. A violation of either of these requirements is a crime.
SB 71 (Leyva), CH. 564 ***Effective/Operative Date: January 1, 2020*** **Political Reform Act of 1974: campaign expenditures: limitations**	GOV 85304, 85304.5, 89513	Amends the Political Reform Act of 1974, a violation of which is a crime, to (1) prohibit the expenditure of funds in a legal defense fund campaign account to pay or reimburse a candidate or elected officer for a penalty, judgment, or settlement related to a claim of sexual assault, sexual abuse, or sexual harassment filed against the candidate or elective officer in any civil, criminal, or administrative proceeding; and (2) prohibit the expenditure of campaign funds to pay or reimburse a candidate or elected officer for a penalty, judgment, or settlement related to a claim of sexual assault, sexual abuse, or sexual harassment in any civil, criminal, or administrative proceeding.
SB 94 (Committee on Budget and Fiscal Review), CH. 25 ***Effective/Operative Date: Effective Immediately*** **Public safety: omnibus**	Various codes	Among other things, extends the operation of the crime of organized retail theft and the supporting grant program to reduce recidivism of high-risk misdemeanor probationers from January 1, 2021, to July 1, 2021.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 159 (Wiener), Senate Enrolled ***Effective/Operative Date: January 1, 2020*** **HIV: preexposure and postexposure prophylaxis**	Various codes	Amends the Pharmacy Law, a violation of which is a crime, to authorize a pharmacist to furnish preexposure prophylaxis and postexposure prophylaxis in specified amounts and requires a pharmacist to furnish those drugs if certain conditions are met. Requires a pharmacist, before furnishing preexposure prophylaxis or postexposure prophylaxis, to complete a training program approved by the board. Amends the Knox-Keene Health Care Service Plan Act of 1975, a violation of which is a crime, to prohibit health care plans and insurers from subjecting antiretroviral drugs, including preexposure prophylaxis or postexposure prophylaxis, to prior authorization or step therapy. Prohibits plans and insurers from prohibiting, or allowing a pharmacy benefit manager to prohibit, a pharmacy provider from providing preexposure prophylaxis or postexposure prophylaxis and from covering preexposure prophylaxis that has been furnished by a pharmacist in excess of specified amounts.
SB 172 (Portantino), CH. 840 ***Effective/Operative Date: January 1, 2020*** **Firearms**	Various codes	Expands the scope of and creates new crimes by, among other things: (1) making the crime of criminal storage applicable to the storage of an unloaded firearm and making it a crime for a person who has been convicted of this crime to own a firearm for a period of 10 years; (2) making the crime to keep a handgun within a premises with knowledge that a child or person prohibited from possessing a firearm is likely to gain access applicable to any firearm; and (3) requiring the Department of Social Services to promulgate regulations prescribing the procedures for a firearm and ammunition to be centrally stored in a locked gun safe within community care facilities for adults, residential care facilities for persons with chronic life-threatening illness, and residential care facilities for the elderly if the facility permits licensees, residents, or clients to possess firearms on its premises. Makes a violation of these requirements by a facility a crime.
SB 224 (Grove), CH. 119 ***Effective/Operative Date: January 1, 2020*** **Grand theft: agricultural equipment**	PEN 487k, 489	Among other things, changes the definition of the crime of grand theft by including a person who steals, takes, or carries away tractors, all-terrain vehicles or other agricultural equipment, or any portion thereof, used in the acquisition or production of food for public consumption that are of a value exceeding $950.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 276 (Pan), CH. 278 ***Effective/Operative Date: January 1, 2020*** **Immunizations: medical exemptions**	H&S 120370, 120372, 120372.05, 120375, 120440	Among other things, requires the state Department of Public Health, by January 1, 2021, to develop and make available for use by licensed physicians and surgeons an electronic, standardized, statewide medical exemption request that would be transmitted using the California Immunization Registry (CAIR), and which, commencing January 1, 2021, would be the only documentation of a medical exemption that a governing authority may accept. Requires certain information to be included in the medical exemption form, including a certification under penalty of perjury that the statements and information contained in the form are true, accurate, and complete.
SB 496 (Moorlach), CH. 272 ***Effective/Operative Date: January 1, 2020*** **Financial abuse of elder or dependent adults**	W&I 15630.2, 15633, 15633.5, 15640, 15655.5	Among other things, expands the category of mandated reporters of suspected financial abuse of elders to include a broker, dealer, or investment advisor, as specified, and expands the scope of a crime by extending confidentiality requirements to a report of known or suspected financial abuse of an elder or dependent adult by a broker-dealer or investment adviser.
SB 552 (Archuleta), CH. 481 ***Effective/Operative Date: January 1, 2020*** **Hazardous waste: household hazardous waste: door-to-door collection programs: residential pickup services**	H&S 25160.8, 25218.1, 25218.5, 25404	Among other things, expands the scope of a crime by extending indefinitely the law that (1) authorizes a registered hazardous waste transporter operating a door-to-door household hazardous waste collection program or household hazardous waste residential pickup service to use a specified manifesting procedure for transporting household hazardous waste, as specified; and (2) requires a transporter that uses the specified manifesting procedure to submit quarterly reports to the Department of Toxic Substances.
SB 583 (Jackson), CH. 482 ***Effective/Operative Date: January 1, 2020*** **Clinical trials**	H&S 1370.6; INS 10145.4	Expands the scope of a crime by amending the Knox-Keene Health Care Service Plan Act of 1975, a violation of which is a crime, to conform California law relating to health plan and insurer coverage requirements for participants in clinical trials to incorporate federal requirements enacted as part of the Affordable Care Act, which includes expanding the type of clinical trials to include life-threatening diseases or conditions.
SB 677 (Allen), CH. 254 ***Effective/Operative Date: January 1, 2020*** **Retail food safety: nonlatex gloves**	H&S 113961, 113973	Expands the scope of a crime by revising standards enforced by local health agencies prohibiting the use of latex gloves in food facilities and retail food establishments and requiring food employees to use nonlatex utensils, including nonlatex gloves.
SB 698 (Leyva), CH. 508 ***Effective/Operative Date: January 1, 2020*** **Employee wages: payment**	LAB 204	Expands the scope of a crime relating to pay dates requiring Regents of the University of California to pay their employees on a regular payday. Requires those university employees who are paid on a monthly basis to be paid no later than five days after the close of the monthly payroll period, as specified.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 717 (Jones), CH. 671 ***Effective/Operative Date: January 1, 2020*** **Advertising**	B&P 25503.6	Expands the definition of a crime by amending the Alcoholic Beverage Control Act to authorize a craft distiller to purchase advertising space from, or on behalf of, an on-sale retail licensee subject to specified conditions including that the advertising is conducted pursuant to a written contract with the on-sale licensee.
SB 726 (Caballero), CH. 485 ***Effective/Operative Date: January 1, 2020*** **Hazardous waste: public agencies: materials exchange program**	H&S 25217, 25218.1, 25218.5, 25218.5.1, 25218.11.5, 25218.12	Expands the scope of crimes by amending certain hazardous waste control laws, a violation of which is a crime, to (1) define "materials exchange program" to mean a program conducted at a household hazardous waste collection facility that makes reusable household hazardous products or materials available to recipients; (2) authorize a public agency's contractor to conduct a materials exchange program, as specified; (3) revise the requirements for the preparation and implementation of a quality assurance plan to require, among other things, a quality assurance plan prepared by a public agency, or its contractor, be implemented at each household hazardous waste collection facility operated by the public agency, or its contractor, at which a materials exchange program is operated; (4) require a recipient of a reusable household hazardous product or material to use the product or material as directed; (5) impose additional requirements on certain recipients that are commercial entities, including, among other requirements, that those commercial entities sign a statement certifying the accuracy of certain information under penalty of perjury; (6) authorize a permanent household hazardous waste collection facility to transport hazardous waste; (7) prohibit an individual from transporting reusable household hazardous products or materials that exceed the above-mentioned maximum volume or weight; and (8) require transportation of a reusable household hazardous product or material by a public agency or its contractor, or by a recipient, to be in compliance with all applicable shipping requirements of the U.S. Department of Transportation.

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