JUDICIAL COUNCIL OF CALIFORNIA

Summary of Court-Related Legislation

JUDICIAL COUNCIL OF CALIFORNIA • GOVERNMENTAL AFFAIRS

NOVEMBER 2020

During the second 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 measures normally take effect upon enactment, and some other measures have early or delayed operative dates.

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

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

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ADMINISTRATIVE

AB 3364 (COMMITTEE ON JUDICIARY), CH. 36
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
JUDICIARY OMNIBUS

Makes various technical changes to existing codes, including clarifying existing law, deleting obsolete references, extending sunsets, and removing sunsets as part of the judiciary omnibus bill. (B&P amend 6075.5, 21701, 21703, 21705, amend, repeal, and add 21712; CIV amend 55.32, 1102.19, 1788.18, add 2924.8; CCP amend 430.41, 435.5, 439, 673, 681.020, 708.150, 1161.2, 1540, amend and repeal 472a, repeal and amend 472; FAM amend 510, 17212, amend and repeal 4055; GOV amend 12921, 12926, 12940, 14985.8; PEN amend 1320.24, 1320.26, 1320.30, 1320.32, 1320.33, 1320.34, 1320.35; PROB amend 15642; PCC amend 19209; W&I amend 100)

See Appendix A for additional detail.

SB 300 (UMBERG), CH. 26
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
ELECTIONS: BALLOT MEASURES

Waives the statutory deadlines for certain Assembly Constitutional Amendments (ACAs) to qualify for the November 3, 2020, statewide general election ballot if those ACAs are approved by the Legislature on or before July 1, 2020. (Uncodified)

APPELLATE PROCEDURE

AB 1512 (CARRILLO), CH. 343
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
SECURITY OFFICERS: REST PERIODS

Abrogates, for the security industry only, the court's decision in *Augustus v. ABM Security Services, Inc.* (2016) 2 Cal.5th 257 holding that rest periods must be free from duties and employer control by authorizing a private patrol operator to require its security officer employees, who are covered by a valid collective bargaining agreement, to remain on call during rest periods. (LAB amend, repeal, and add 226.7)

AB 2731 (GLORIA), CH. 291
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
CALIFORNIA ENVIRONMENTAL QUALITY ACT: CITY OF SAN DIEGO: OLD TOWN REDEVELOPMENT

Establishes expedited administrative and judicial review procedures under the California Environmental Quality Act (CEQA) for the "transit and transportation facilities" project, a regional transportation facility in San Diego, including a hub on the Old Town Center site and transportation linkages to the regional transportation system and the airport, requiring the courts to resolve lawsuits within 270 business days, to the extent feasible. (PRC add 21189.70 et seq., repeal 21189.70.2, 21189.70.3, 21189.70.4, 21189.70.5, 21189.70.6, 21189.70.7)

AB 3070 (WEBER), CH. 318
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2022
JURIES: PEREMPTORY CHALLENGES

Prohibits parties from using a peremptory challenge to remove a prospective juror on the basis of race, ethnicity, gender, gender identity, sexual orientation, national origin, or religious affiliation, or perceived membership in any of those groups. Allows a party to object to the use of a peremptory challenge and raise the issue of improper bias based on specified criteria; upon objection, requires the party exercising the challenge to state the reasons that the peremptory challenge has been exercised. Requires the court to evaluate the reasons given and, if the objection is granted, declare a mistrial (if the defendant agrees), seat the challenged juror, or provide another remedy that the court deems appropriate and that is acceptable to the objecting party. Subjects the denial of an objection to de novo review by an appellate court, except that the trial court's express factual finding shall be reviewed for substantial evidence as specified. Applies to all jury trials in which jury selection begins on or after January 1, 2022. Further provides that this section shall not apply to civil cases until January 1, 2026. (CCP add, repeal, and add 231.7)

See Appendix B for additional detail.

SB 1141 (RUBIO), CH. 248
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
DOMESTIC VIOLENCE: COERCIVE CONTROL

Codifies and expands case law and defines the term "disturbing the peace of the other party" as conduct that,

based on the totality of the circumstances, destroys the mental or emotional calm of the other party. Specifies that such conduct may be committed directly or indirectly, including through the use of a third party, and by any method or through any means, including, but not limited to, telephone, online accounts, text messages, internet-connected devices, or other electronic technologies. Defines coercive control as a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. States examples of coercive control. (FAM amend 6320)

BUDGET: JUDICIAL BRANCH IMPACT

AB 83 (COMMITTEE ON BUDGET), CH. 15
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
HOUSING

Among other things, allocates $31 million to Judicial Council for distribution through the State Bar to qualified legal services projects and support centers to provide eviction defense or other tenant defense assistance in landlord-tenant disputes, including pre-eviction and eviction legal services, counseling, advice and consultation, mediation, training, renter education, and representation. Provides an exemption from CEQA requirements for Project Room Key projects if certain requirements are satisfied. (GOV amend 12531, 14664, 65400, 65583.1; H&S amend 18865.4, 37001, 50216, 50217, 50218, 50219, 50220, 50221, 50470, 50515.03, 50661, 50675.1, add 50218.5, 50220.5, 50220.6, 50222, 50675.1.1, add and repeal 50675.1.2; R&T amend 12206, 17058, 23610.5; W&I amend 8256)

AB 89 (TING), CH. 7
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
BUDGET ACT OF 2020

Addresses a projected structural deficit of $54.3 billion resulting from the economic crisis caused by the COVID-19 pandemic. Includes substantial reductions throughout state government that went into effect July 1, 2020. Allows for up to $150 million to be restored to the judicial branch budget, which has seen a reduction of $200 million, should California receive an additional $14 billion of flexible federal funding by October 15, 2020. Provides $459.3 million in new funding to support court operations by way of increased modernization and additional General Fund revenue backfill. Extends the availability of funding for the Court Innovations Grant Program into fiscal year (FY) 2020–21. Allows unspent funds that were included in the 2019 Budget Act ($13.9 million General Fund), as a result of the enactment of AB 1793 (Stats. 2018, ch. 993), to be carried over into the FY 2020–21. (Item 0250-001-0001, provision 6; item 0250-101-0932, provisions 17, 21, and 22; item 0250-102-0159, provision 4; uncodified)

SB 74 (MITCHELL), CH. 6
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
BUDGET ACT OF 2020

Among other things, includes $273.8 million one-time General Fund to backfill the decline of fines and penalty revenues and allows the Department of Finance to increase the backfill amount in the event revenues decline below current projections. Requires the Judicial Council to submit quarterly reports to the Joint Legislative Budget Committee that include:

- The amount of backfill required in the prior quarter based on actual data;
- The total backfill required under this item through the quarter covered by the report;
- An updated estimate of the backfill required in the following quarter; and
- An updated estimate of the total backfill required in the fiscal year.

(Item 0250-113-0001, provision 3; uncodified)

SB 115 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 40
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
BUDGET ACT OF 2019: BUDGET ACT OF 2020

Makes technical and substantive changes to items in the Budget Act of 2020 and the Budget Act of 2019. Among other things, amends the provisions of the Budget Act of 2019, outlining a pretrial decisionmaking pilot with reporting requirements and a one-time $75 million General Fund appropriation. Due to COVID-19 impacts,

extends the expenditure period and specified reporting deadlines to the Legislature by one year. (Item 0250-101-0001, provision 8; uncodified)

SB 118 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 29

EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY

PUBLIC SAFETY

Among other things, makes the following statutory changes to implement the public safety–related provisions of the Budget Act of 2020:

- Staggers petition dates for sex offender registrants to petition for termination only on or after their next birthday following July 1, 2021. Allows courts to summarily deny petitions that are statutorily ineligible. (See also SB 384 (Stats. 2017, ch. 541), effective January 1, 2021.)
- Eliminates the Integrated Services for Mentally Ill Parolees (ISMIP) program.
- Requires the identification of a state-owned and operated prison for closure by January 10, 2021, and a second state-owned and operated prison for closure by January 10, 2022.
- Adjusts the timeline for implementation of automatic criminal records relief required by AB 1076 (Ting; Stats. 2019, ch. 578), and provides a technical clarification for the Teacher Credentialing Program.
- Prohibits a postsecondary education institution, with specified exceptions for professional degree or law enforcement basic training courses and programs, from inquiring about a prospective student's criminal history on an initial application form or at any time during the application process before the institution's final decision relative to the prospective student's application for admission.
- Adjusts the timeline for implementation of AB 879 (Gipson; Stats. 2019, ch. 730) regarding firearms precursor parts.
- Changes the life expectancy for inmates who are eligible for recall of sentence for compassionate release from 6 months to 12 months.
- Expands the definition of an assault weapon to include a semiautomatic firearm that is not a rifle, pistol, or shotgun, that does not have a fixed magazine but has any one of the attributes currently associated with assault weapons; or that has a fixed magazine with the capacity to accept more than 10 rounds or an overall length of less than 30 inches ("pifles"). Provides an exception if a person lawfully possessed the weapon before September 1, 2020, and registers the weapon by January 1, 2022. Prohibits the joint registration of an assault weapon that is not a rifle, pistol, or shotgun.
- Allows preliminary hearings and trials to be held by two-way electronic audio-video communication if a defendant within the jurisdiction of the California Department of Corrections and Rehabilitation (CDCR) agrees.
- Requires a person released from state prison on or after July 1, 2020, and subject to parole supervision by CDCR to serve a parole term, with specified exceptions for offenses that require registration as a sex offender, of two years for a determinate term and a parole term of three years for a life term. Requires the Division of Adult Parole Operations to review these individuals for earlier discharge as specified.

(B&P amend 4021.5, 4187.2, 4187.5; ED add 66024.5; GOV amend 15402, 15420, 15421, 15422, 15819.403, repeal 15403; PEN amend 290.5, 851.93, 977.2, 1170, 1203.425, 11105, 16532, 18010, 30400, 30405, 30406, 30412, 30414, 30442, 30445, 30447, 30448, 30450, 30452, 30454, 30456, 30470, 30485, 30515, 30900, 30955, add 3000.01, 5003.7, 30685, repeal 2985 et seq.; W&I amend 1731.7)

SB 823 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 337

EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY

JUVENILE JUSTICE REALIGNMENT: OFFICE OF YOUTH AND COMMUNITY RESTORATION

Among other things, continues to allow a court to commit any ward who is otherwise eligible to be committed to Department of Juvenile Justice (DJJ) and in whose case a motion to transfer the minor from juvenile court to a court of criminal jurisdiction was filed. Expresses legislative intent to establish a separate dispositional track for higher-need youth by March 1, 2021, to avoid increased transfers of youth to adult jurisdiction. Makes adjustments to the local age of jurisdiction so

that it mirrors the current age of jurisdiction for DJJ commitments. (GOV amend, repeal, and add 12803, repeal 12820 et seq., repeal and add 12838, 12838.1; PEN add 13015, repeal 830.5, repeal and add 830.5, 2816; W&I amend 207.1, 207.2, 209, 210.2, 707.1, 912, add 733.1, 736.5, 1955.2, amend and repeal 731, amend, repeal, and add 607, 730, add 1990 et seq., 2200 et seq., 2260 et seq., add and repeal 2250 et seq., repeal 207.6, 2201, 2202, repeal and add 208.5, 1703, 1710, 1711, 1712, 1714, 1731.5, 1752.2, 1762)

BUDGET: NO JUDICIAL BRANCH IMPACT

AB 79 (COMMITTEE ON BUDGET), CH. 11
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY

HUMAN SERVICES OMNIBUS

Among other things, makes statutory changes necessary to enact the human services–related provisions of the Budget Act of 2020. Increases the allowable number of certified enhanced behavioral support homes, and increases the maximum number of beds in facilities, as specified. Temporarily increases the maximum population of the secure treatment facility at Porterville Developmental Center from 211 to 231 until June 30, 2023. Revises provisions relating to the diversion process for defendants who have been evaluated by a regional center to have a developmental disability, expanding the offenses to which the diversion program would apply and aligning with current law for defendants with mental health disorders. (FAM amend, repeal, and add 17504; GOV amend 6253.2, add 14669.22; H&S amend 1267.75, 1506, 1506.3, 1517, 1531.15, 1569.682, add 1562.2, repeal 1567.70; LAB amend 246; PEN amend, repeal, and add 1001.20, 1001.21, 1001.22, 1001.23, 1001.29; W&I amend 4418.7, 4646.5, 4684.81, 4684.82, 4685.8, 4691.12, 7502.5, 11265, 11265.1, 11320.3, 11323.2, 11333, 11402.2, 11403.2, 11403.3, 11454.5, 11461.36, 11463, 11523, 11523.1, 12305.7, 12305.71, 15204.2, 16519.5, 16521.8, 16527, 16529, 16530, 18900.8, 18901, 18901.1, 18901.10, 18901.25, 18927, amend and repeal 11322.85, 11322.86, 11322.87, 12301.24, amend, repeal, and add 10831, 11265.2, 11265.45, 11320.15, 11322.8, 11325.21, 11325.24, 11454, 17021, add 10004, 11265.15, 11454.1 18910.2, 18918.1, add and repeal 11523.05, 18906.55, repeal 4684.87, 10832, 11454.2)

AB 1864 (LIMÓN), CH. 157
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021

FINANCIAL INSTITUTIONS: REGULATION: DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION

Among other things, reorganizes and renames the Department of Business Oversight to the Department of Financial Protection and Innovation. Makes a variety of substantive law changes to enact the California Consumer Financial Protection Law. Clarifies that the reorganized department has the authority to bring a civil action or other appropriate proceedings against an entity licensed, registered, or subject to oversight by the reorganized department to enforce the provisions of the Consumer Financial Protection Act of 2010 (12 U.S.C. § 5481 et seq.). (FIN amend 300, 320, 321, 326, 351, add 90000 et seq., repeal 371; GOV amend 11041)

AB 1867 (COMMITTEE ON BUDGET), CH. 45
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY

SMALL EMPLOYER FAMILY LEAVE MEDIATION: HANDWASHING: SUPPLEMENTAL PAID SICK LEAVE

Among other things, requires the Labor Commissioner to enforce the new COVID-19 food sector supplemental paid sick leave requirements. Authorizes the Labor Commissioner, when enforcing paid sick days laws, to issue citations, file a civil action, and use administrative proceedings stated in existing law. (GOV add and repeal 12945.21; H&S add 113963; LAB amend 248.5, add 248, 248.1)

AB 1869 (COMMITTEE ON BUDGET), CH. 92
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY

CRIMINAL FEES

Effective July 1, 2021, repeals a number of criminal administrative fees that fund city and county (or other local arresting agency) operations. Makes unpaid balances related to the eliminated fees uncollectible. Appropriates $50,000 in FY 2020–21 to the Department of Finance to begin implementation. Appropriates $65 million annually from FY 2021–22 to FY 2025–26 to backfill revenues lost from the repeal of those fees. Specifies that local agencies may apply for reimbursement of costs, and states the intent of the Legislature to pursue legislation with the Budget Act of 2021 to finalize the funding allocation

methodology for distribution to counties. (B&P amend, repeal, and add 7158, 7159.5, 7159.14, 7161; GOV amend and repeal 27712, 27753, 29550.1, 29550.2, 29550.3, amend, repeal, and add 27706, 27707, 27750, 27752, 29550, 29551, add 6111; PEN amend and repeal 987.4, 987.5, 987.8, 987.81, 1203.1b, 1203.1e, 1210.15, 3010.8, 6266, amend, repeal, and add 295, 987, 987.2, 1000.3, 1203, 1203.016, 1203.018, 1203.1bb, 1203.1d, 1203.9, 1208, 1208.2, 1208.3, 4024.2, add 1465.9)

See Appendix C for additional detail.

CHILD WELFARE

AB 1929 (BLANCA RUBIO), CH. 242
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
CHILD ABUSE AND NEGLECT REPORTING

Authorizes any county welfare agency to develop and implement a system for internet-based reporting of child abuse and neglect, as specified. (PEN amend 11166.02; W&I amend 10612.5)

AB 1963 (CHU), CH. 243
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
CHILD ABUSE OR NEGLECT: MANDATED REPORTERS

Makes a human resource employee of a business that employs minors a mandated reporter of child abuse or neglect, and a person whose duties require direct contact with and supervision of minors in the performance of the minors' duties in the workplace a mandated reporter of sexual abuse for the purpose of the Child Abuse and Neglect Reporting Act. Provides that any mandated reporter who fails to report as required by this section is guilty of a misdemeanor. (PEN amend 11165.7)

AB 2741 (BLANCA RUBIO), CH. 353
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
CHILDREN'S ADVOCACY CENTERS

Authorizes counties to create children's advocacy centers that include representatives from specified disciplines and provide dedicated child-focused settings for interviews and other services in order to implement a coordinated multidisciplinary approach to investigative reports of child abuse. (PEN add 11166.4)

AB 2805 (EGGMAN), CH. 356
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
JUVENILES: REUNIFICATION

Expands the scope of evidence that a court may consider when determining whether to order reunification services for a child who has been made a dependent of the juvenile court because the child, before reaching five years of age, was the victim of severe physical abuse by a parent or by any person known by the parent. (W&I amend 361.5)

AB 2944 (MARK STONE), CH. 104
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
FOSTER CARE

Adopts changes to further facilitate implementation of the Continuum of Care Reform, specifically as it relates to flexibility for resource families, reference checks for approval of resource family applicants, forfeiture of a group home license, and the California Department of Social Services rate setting authority, among other changes. Among other things, provides for circumstances in which there is a reason to believe a child involved in a proceeding is an Indian child, and sets requirements for further inquiries that must be made to determine whether the child is an Indian child. (FAM amend 7911.1, 8732; H&S amend 1517.2, 1517.5, 1520.1, 1524, 1524.01, 1530.5, 1551.3, 1558.1, 1568.093, 1569.59, 1596.8898, add 1522.45; W&I amend 224.2, 11402, 11460, 11461, 11462, 11463, 16519.5, 16519.501, 16519.55, 16519.58, 16519.6, 18358.30; Stats. 2019 amend ch. 27, 135)

SB 1126 (JONES), CH. 338
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
JUVENILE COURT RECORDS

Authorizes specified sealed juvenile records to be accessed, inspected, or used by the probation department, the prosecuting attorney, counsel for the minor, and the court to assess the minor's competency in a subsequent proceeding if the issue of competency has been raised, and adds to the list of circumstances under which a sealed juvenile record may be accessed, inspected, or used. Also, limits access, inspection, or use of the sealed records to any prior competency evaluations submitted to the court, whether ordered by the court or not, all reports concerning remediation efforts and success, all court findings and orders relating to the minor's competency, and any other evidence submitted to the court for consideration in

determining the minor's competency, including, but not limited to, school records and other test results. (W&I amend 786)

CIVIL

AB 70 (BERMAN), CH. 153
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2022
PRIVATE POSTSECONDARY EDUCATION: CALIFORNIA PRIVATE POSTSECONDARY EDUCATION ACT OF 2009

Prohibits the Bureau for Private Postsecondary Education from approving an exemption or handling complaints for a nonprofit institution that the Attorney General (AG) determines does not meet specified criteria of a nonprofit corporation. Commencing January 1, 2022, allows actions taken by the bureau and the AG to be appealed to the superior court. (ED amend 94801.5, add 94850.2, 94858.5, 94874.1)

AB 168 (AGUIAR-CURRY), CH. 166
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
PLANNING AND ZONING: ANNUAL REPORT: HOUSING DEVELOPMENT: STREAMLINED APPROVALS

Requires a consultation with a California Native American tribe that is affiliated with the geographic area of a development before the submission of an SB 35 (Stats. 2017, ch. 366) permit, which entitles a developer to a streamlined housing approval process, in order to identify and protect tribal cultural resources. (GOV amend 65400, 65913.4, 65941.1)

AB 376 (MARK STONE), CH. 154
EFFECTIVE/OPERATIVE DATE: JULY 1, 2021
STUDENT LOAN SERVICING

Imposes new requirements on student loan servicers doing business in this state, and places responsibility with the Department of Business Oversight for administering these requirements. Provides judicial enforcement mechanisms for violations of these requirements by student loan servicers. (CIV add 1788.100 et seq.; FIN amend 28104, 28112, 28130, 28140, repeal 28134, 28136)

AB 1185 (MCCARTY), CH. 342
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
COUNTY BOARD OF SUPERVISORS: SHERIFF OVERSIGHT

Authorizes counties to establish sheriff oversight boards with the power to issue a subpoena or subpoena duces tecum when necessary to investigate a matter within its jurisdiction. (GOV add 25303.7)

AB 1281 (CHAU), CH. 268
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
PRIVACY: CALIFORNIA CONSUMER PRIVACY ACT OF 2018

Contingent on the voters not approving a specified ballot proposition (Proposition 24, the Consumer Personal Information Law and Agency Initiative) at the November 3, 2020, statewide general election, extends the sunset dates by one year on two exemptions in the California Consumer Privacy Act for certain personal information collected by employers and collected in connection with business transactions and communications. (CIV amend 1798.145)

AB 2152 (GLORIA), CH. 96
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
PUBLIC HEALTH: PROHIBITION ON THE RETAIL SALE OF DOGS, CATS, AND RABBITS

Prohibits a pet store from selling dogs, cats, or rabbits, but allows a pet store to provide space to display animals for adoption if the animals are displayed by either a shelter or animal rescue group, and establishes a fee limit for animals adopted at a pet store. Authorizes an action for a violation to be brought by the district attorney or the city attorney. Authorizes the district attorney to apply to the court for a temporary or permanent injunction enjoining or restraining any person or entity from violating these provisions, which the court must grant. (H&S repeal and add 122354.5)

AB 2445 (REYES), CH. 51
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
CIVIL ACTIONS: WRONGFUL DEATH

Allows a decedent's legal guardian to bring a wrongful death action in the same manner as a legal parent. (CCP amend 377.60)

AB 2463 (WICKS) CH. 218
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
ENFORCEMENT OF MONEY JUDGMENTS: EXECUTION: HOMESTEAD

Prohibits a judgment creditor from forcing a judgment debtor to sell their principal place of residence to satisfy a consumer debt, unless the debt was secured by the residence, or under other limited circumstances as specified. (CCP amend 703.150, 704.760, add 699.730)

AB 2471 (MAIENSCHEIN), CH. 158
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
SENIOR CITIZENS: RESCISSION OF CONTRACTS

Extends, from three to five business days, the right to cancel certain consumer contracts for persons 65 years of age and older, and defines a senior citizen as an individual who is 65 years of age or older. Prescribes the form and content of notices of these rights to cancel. Specifically addresses home improvement contracts, service and repair contracts, home solicitation contracts, seminar sales solicitation contracts, and Property Assessed Clean Energy assessment contracts. (B&P amend 7150, 7159, 7159.10; CIV amend 1689.5, 1689.6, 1689.7, 1689.13, 1689.20, 1689.21, 1689.24; S&H amend 5898.16, 5898.17)

AB 2559 (BAUER-KAHAN), CH. 160
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
CALIFORNIA FINANCING LAW: ENFORCEMENT AND PENALTIES

Increases the enforcement authority of the Department of Business Oversight (DBO) under the California Financing Law. Adds specificity to the procedures that a court must follow when the commissioner of DBO applies to a court for a judgment in the amount of the administrative fine and an order compelling the cited person to comply with the commissioner's order, and places additional requirements on persons to whom a citation and fine are issued, who wish to challenge the issuance of a judgment and order by the court. Clarifies, however, that these procedures and requirements shall not be construed to limit judicial review of any order of the commissioner. Effective September 29, 2020, DBO's name was changed to the Department of Financial Protection and Innovation (DFPI) with the signing of AB 1864 (Stats. 2020, ch. 157). (FIN amend 22706, 22707.5, 22712)

AB 2717 (CHAU), CH. 352
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
MOTOR VEHICLES: UNATTENDED CHILDREN: LIABILITY

Exempts a person from civil and criminal liability for property damage or trespass to a motor vehicle if the property damage or trespass occurs while the person is rescuing a child who is six years of age or younger from a motor vehicle under circumstances that reasonably could cause suffering, disability, or death to the child, if certain steps are taken during the removal. Establishes procedures that apply to a peace officer, firefighter, or emergency responder under those circumstances, including, but not limited to, arranging for the treatment and transport of the child according to existing policies of the local emergency medical services agency. (CIV add 43.102; H&S add 1799.101)

AB 2723 (CHIU), CH. 290
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
CIVIL ACTIONS: ENTRY OF JUDGMENT: WRITTEN STIPULATION

Permits attorneys and other designated agents of an insurance company to sign agreements to settle litigation on behalf of clients. Provides that these provisions do not apply to settlements involving civil harassment actions, any action brought under the Family Code or the Probate Code, or a matter that is being adjudicated in a juvenile court or a dependency court, thereby requiring the party to sign the written stipulation. Specifies that in addition to any available civil remedies, an attorney who signs a writing on behalf of a party without the party's express authorization is, absent good cause, subject to professional discipline. (CCP amend 664.6)

AB 2782 (MARK STONE), CH. 35
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
MOBILE HOME PARKS: CHANGE OF USE: RENT CONTROL

Modifies the conditions that must be met when converting a mobile home park to another use. Specifically, (1) extends the length of notice that parks must give to residents in advance of appearing before local authorities to request permission for the change; (2) requires mobile home parks to compensate the displaced residents for the in-place market value of their mobile homes if residents cannot relocate to another mobile home park; and

(3) prohibits local authorities from approving the change in use unless they find that it will not result in a shortage of affordable housing within the local jurisdiction. Also, removes a provision in state law that exempts mobile home leases from any otherwise applicable local rent control ordinance if, among other specified conditions, the lease term is greater than one year. (CIV amend 798.56, amend and repeal 798.17; GOV amend 65863.7, 66427.4)

AB 2788 (GLORIA), CH. 188
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
PUBLIC UTILITIES: COOPERATION WITH IMMIGRATION AUTHORITIES

Prohibits a public utility from sharing, disclosing, or otherwise making accessible to any immigration authority a customer's electrical or gas consumption data without a court-ordered subpoena or judicial warrant. (CIV amend 1798.98; PUC amend 8380, 8381)

AB 3092 (WICKS), CH. 246
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
SEXUAL ASSAULT AND OTHER SEXUAL MISCONDUCT: STATUTES OF LIMITATIONS ON CIVIL ACTIONS

Revives otherwise time-barred claims arising out of sexual assaults at medical clinics owned or operated by the University of California, Los Angeles. Specifically, revives any claim seeking to recover damages arising out of a sexual assault or other inappropriate contact, communication, or activity of a sexual nature by a physician while employed by a medical clinic owned and operated by UCLA, or by a physician who held active privileges at a hospital owned and operated by UCLA, between January 1, 1983, and January 1, 2019, that would otherwise be barred before January 1, 2021, solely because the applicable statute of limitations has or had expired. (CCP amend 340.16)

AB 3228 (BONTA), CH. 190
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
PRIVATE DETENTION FACILITIES

Requires a private detention facility operator to comply with, and adhere to, the detention standards of care and confinement agreed on in the facility's contract for operations. Permits an individual injured by noncompliance with those standards to file a claim in civil court, and allows the court to award a prevailing plaintiff reasonable attorney's fees and costs. (GOV add 7320 et seq.)

AB 3254 (LIMÓN), CH. 161
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
CONTRACTS: TRANSLATIONS

Extends the existing requirement that, for certain consumer contracts negotiated in Spanish, Chinese, Tagalog, Vietnamese, or Korean, a version of the contract translated into the negotiating language must also be provided to any nonparty signatories to the contract. (CIV amend 1632)

AB 3366 (COMMITTEE ON JUDICIARY), CH. 76
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
JUDICIAL EMERGENCIES

Authorizes the Chief Justice to issue an order authorizing multiple courts to implement some or all of the relief provided for in Government Code section 68115 when the Chief determines that a circumstance warranting relief affects court locations in more than one county. (GOV amend 68115)

SB 288 (WIENER), CH. 200
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
CALIFORNIA ENVIRONMENTAL QUALITY ACT: EXEMPTIONS: TRANSPORTATION-RELATED PROJECTS

Exempts specified toll lane, transit, bicycle, and pedestrian projects from the California Environmental Quality Act until 2023. (PRC amend 21080.20, add and repeal 21080.25)

SB 342 (HERTZBERG), CH. 162
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
MISLEADING ADVERTISING: DOMAIN AND SUBDOMAIN NAMES

Makes it unlawful to register, traffic in, or use the name of a professional sports team or the names of professional sports leagues, among others, in a domain or subdomain name of a website to sell tickets in a fraudulent, deceptive, or misleading manner. Provides a private right of action to a person who suffers an economic injury as a result of such misconduct. Creates a presumption affecting the

burden of proof that the person who allegedly engages in the misconduct described above acted in bad faith. (B&P amend 17525, 17526)

SB 522 (HERTZBERG), CH. 361
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
BUSINESS ENTITIES: FILINGS

Creates uniform naming standards for when a corporation, limited partnership, or limited liability company (LLC) registers its name with the Secretary of State (SOS). Authorizes the enjoining of the use of a name by an LLC in violation of the naming requirements under the act, notwithstanding the filing of articles of organization by the SOS. (CORP amend 110, 201, 2601, 5008, 5122, 7122, 9122, 10010, 10013, 12214, 12302, 13409, 15901.08, 17701.08)

SB 898 (WIECKOWSKI), CH. 81
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
ENFORCEMENT OF JUDGMENTS: EXEMPTIONS

Increases the amounts of various types of property owned by a judgment debtor that are statutorily exempt from enforcement of a money judgment so that the amounts match the currently in-effect amounts implemented by the Judicial Council in 2019. Adds an exemption from enforcement of a judgment for money held in a college savings account owned by the debtor that was established under the Golden State Scholarshare Trust Act. (CCP amend 703.140, 704.010, 704.030, 704.040, 704.060, 704.080, 704.090, 704.100, add 704.105)

SB 908 (WIECKOWSKI), CH. 163
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
DEBT COLLECTORS: LICENSING AND REGULATION: DEBT COLLECTION LICENSING ACT

Creates a new licensing law applicable to debt collectors and debt buyers, administered by the Department of Business Oversight, effective January 1, 2022. Adds a comprehensive new division to the Financial Code, titled Debt Collection Licensing Act, effective January 1, 2022, which requires the licensure of persons who engage in the business of debt collection in this state and is administered by DBO. Defines a number of provisions and authorizes specified powers, fees, and exemptions. (CIV 1788.50 et seq.) (CIV amend 1788.11, 1788.52; FIN add 100000 et seq.)

SB 974 (HURTADO), CH. 234
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
CALIFORNIA ENVIRONMENTAL QUALITY ACT: SMALL DISADVANTAGED COMMUNITY WATER SYSTEM: STATE SMALL WATER SYSTEM: EXEMPTION

Exempts certain water infrastructure projects for small disadvantaged community water systems or state small water systems from the California Environmental Quality Act. (PRC add and repeal 21080.47)

SB 1044 (ALLEN), CH. 308
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2022
FIREFIGHTING EQUIPMENT AND FOAM: PFAS CHEMICALS

Prohibits the manufacture, sale, distribution, and use of class B firefighting foam containing per- and polyfluoroalkyl substances (PFAS chemicals) by January 1, 2022, with some exceptions, and requires notification of the presence of PFAS in the protective equipment of firefighters. Imposes a civil penalty of up to $5,000 for a first violation and no more than $10,000 for subsequent violations upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney. Specifies that an individual firefighter cannot be held personally liable for the payment of these civil penalties. (H&S add 13029, 13061, 13062)

SB 1146 (UMBERG), CH. 112
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
CIVIL PROCEDURE: ELECTRONIC FILING, TRIAL DELAYS, AND REMOTE DEPOSITIONS

Codifies specified portions of emergency rule 12 on the circumstances in which represented parties may serve, or be served with, documents via electronic service. Codifies specified portions of emergency rule 11 pertaining to the expansion of the circumstances in which remote depositions may be conducted. Provides that any party or attorney of record may, but is not required to, be physically present at the deposition at the location of the deponent. Provides that the provisions allowing the deposition officer or other participants to appear remotely do not waive any other requirements regarding the time, place, or manner in which a deposition shall be conducted. Also provides that a continuance or postponement of a trial date extends any deadlines applicable to discovery that

have not already passed as of March 19, 2020, including the exchange of expert witness information, mandatory settlement conferences, and summary judgment motions in the same matter for the same length of time as the continuance or postponement of the trial date. Provides that the continuance provisions remain in effect during the COVID-19 state of emergency proclaimed by the Governor on March 4, 2020, and 180 days thereafter. (CCP amend 1010.6, 2025.310, repeal 559)

SB 1148 (JONES), CH. 203
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
MORTGAGES AND DEEDS OF TRUST: FORECLOSURE

Alters the default geographic range in which a mortgage trustee may publish a notice of foreclosure sale in a nonjudicial foreclosure—which will, in some circumstances, expand the scope of permissible newspapers in which to publish—with the goal of increasing competition among newspapers and a reduction in publication costs. Prohibits courts from charging a filing fee for a declaration of nonmonetary status filed when a mortgage trustee is a party to an action solely by virtue of their status as trustee. (CIV amend 2924f, 2924l)

SB 1190 (DURAZO), CH. 205
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
TENANCY: TERMINATION

Among other things, provides that a tenant has the right to terminate a tenancy when the tenant or an immediate family is the victim of a violent crime. (CIV amend 1946.7)

COLLABORATIVE COURTS

AB 1976 (EGGMAN), CH. 140
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
MENTAL HEALTH SERVICES: ASSISTED OUTPATIENT TREATMENT

Requires a county or group of counties to offer mental health programs under Laura's Law (assisted outpatient treatment) unless a county opts out by a resolution passed by the governing body stating the reasons for opting out and any facts or circumstances relied on in making that decision. Authorizes a county to offer those mental health programs in combination with one or more counties. Prohibits a county implementing these provisions from reducing existing voluntary mental health programs serving adults, or children's mental health programs, as a result of the implementation. Authorizes a judge in a superior court to request that a petition for an order for assisted outpatient treatment be filed for a person who appears before the judge. Repeals the expiration of Laura's Law, thereby extending it indefinitely. (W&I amend, repeal, and add 5346, 5347, 5348, 5349, 5349.1, repeal 5349.5)

AB 2265 (QUIRK-SILVA), CH. 144
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
MENTAL HEALTH SERVICES ACT: USE OF FUNDS FOR SUBSTANCE USE DISORDER TREATMENT

Authorizes the services for adults, older adults, and children, as well as innovative programs and prevention and early intervention programs that are provided by counties as part of the Mental Health Services Act (MHSA), to include substance use disorder treatment for children, adults, and older adults with co-occurring mental health and substance use disorders who are eligible to receive mental health services under those programs. Authorizes the use of MHSA funds to assess whether a person has co-occurring mental health and substance use disorders and to treat a person who is preliminarily assessed to have co-occurring mental health and substance use disorders, even when the person is later determined not to be eligible for services provided with MHSA funds. Requires a person being treated for co-occurring mental health and substance use disorders who is determined not to need the mental health services that are eligible for funding under the act to be referred to substance use disorder treatment services in a timely manner. Requires counties to report to the California Department of Health Care Services—and the department to publish on its website—the number of people assessed for co-occurring mental health and substance use disorders and the number of people who were ultimately determined to have only a substance use disorder without another co-occurring mental health condition. (W&I add 5891.5)

COURT FACILITIES

AB 1984 (MAIENSCHEIN), CH. 210
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
COURTS

Enacts a wide range of recommendations by the California Law Revision Commission related to code maintenance required as a result of trial court unification and restructuring. Makes numerous revisions to, and deletions of, outdated and no longer relevant provisions of existing law. Repeals an existing provision of law relating to the authority of San Bernardino County to charge fees and surcharges designed to supplement the Courthouse Construction Fund effective January 1, 2026. (CCP amend 216; CORP amend 14502; GOV amend 14672.5, 25351.3, 25560.4, 26625.3, 26625.6, 26625.9, 26639.2, 69504, 72116, 74820.1, 76000, 76223, 77201.3, 77655, amend heading of article 1.2 at 26625 et seq., heading of article 32.3 at 74820 et seq., amend and repeal 70624, repeal 6520, 24261, 26625, 26625.5, 26625.8, 26639, 26639.3, 68073.5, 70394, 71002, 71383, 73750, 73756, 73956, 76225, 77650, 77651, 77652, 77653, 77654, repeal 26638.15 et seq., 73301 et seq., 73390 et seq., 73560 et seq., 73660 et seq., 73698 et seq., 73730 et seq., 73770 et seq., 73783.1 et seq., 73784 et seq., 73790 et seq., 74602 et seq., 74640 et seq., 74720 et seq., 74760 et seq., 74915 et seq., 74934 et seq., 74948 et seq., 74960 et seq., 77600 et seq., repeal and add heading of article 1.8 at 26639 et seq., heading of chapter 10 at 73301 et seq.; VEH repeal 25254)

AB 3364 (COMMITTEE ON JUDICIARY), CH. 36
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
JUDICIARY OMNIBUS

Makes various technical changes to existing codes, including clarifying existing law, deleting obsolete references, extending sunsets, and removing sunsets as part of the judiciary omnibus bill. (B&P amend 6075.5, 21701, 21703, 21705, amend, repeal, and add 21712; CIV amend 55.32, 1102.19, 1788.18, add 2924.8; CCP amend 430.41, 435.5, 439, 673, 681.020, 708.150, 1161.2, 1540, amend and repeal 472a, repeal and amend 472; FAM amend 510, 17212, amend and repeal 4055; GOV amend 12921, 12926, 12940, 14985.8; PEN amend 1320.24, 1320.26, 1320.30, 1320.32, 1320.33, 1320.34, 1320.35; PROB amend 15642; PCC amend 19209; W&I amend 100)

See Appendix A for additional detail.

COURT OPERATIONS

AB 499 (MAYES), CH. 155
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
PERSONAL INFORMATION: SOCIAL SECURITY NUMBERS: STATE AGENCIES

Prohibits, with limited exceptions, a state agency from sending any outgoing U.S. mail that contains an individual's social security number unless the number is truncated to its last four digits. (GOV amend 11019.7)

AB 1984 (MAIENSCHEIN), CH. 210
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
COURTS

Enacts a wide range of recommendations by the California Law Revision Commission related to code maintenance required as a result of trial court unification and restructuring. Makes numerous revisions to, and deletions of, outdated and no longer relevant provisions of existing law. Repeals an existing provision of law relating to the authority of San Bernardino County to charge fees and surcharges designed to supplement the Courthouse Construction Fund effective January 1, 2026. (CCP amend 216; CORP amend 14502; GOV amend 14672.5, 25351.3, 25560.4, 26625.3, 26625.6, 26625.9, 26639.2, 69504, 72116, 74820.1, 76000, 76223, 77201.3, 77655, amend heading of article 1.2 at 26625 et seq., heading of article 32.3 at 74820 et seq., amend and repeal 70624, repeal 6520, 24261, 26625, 26625.5, 26625.8, 26639, 26639.3, 68073.5, 70394, 71002, 71383, 73750, 73756, 73956, 76225, 77650, 77651, 77652, 77653, 77654, repeal 26638.15 et seq., 73301 et seq., 73390 et seq., 73560 et seq., 73660 et seq., 73698 et seq., 73730 et seq., 73770 et seq., 73783.1 et seq., 73784 et seq., 73790 et seq., 74602 et seq., 74640 et seq., 74720 et seq., 74760 et seq., 74915 et seq., 74934 et seq., 74948 et seq., 74960 et seq., 77600 et seq., repeal and add heading of article 1.8 at 26639 et seq., heading of chapter 10 at 73301 et seq.; VEH repeal 25254)

AB 3088 (CHIU), CH. 37
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
TENANCY: RENTAL PAYMENT DEFAULT: MORTGAGE FORBEARANCE: STATE OF EMERGENCY: COVID-19

Enacts the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020. Provides opportunities for tenants to remain in their homes despite their inability to pay rent related to a COVID-19 financial hardship. Makes landlords, generally with four or fewer units in a dwelling, eligible for protections under the California Homeowner Bill of Rights until 2023, and places requirements on mortgage servicers and lenders addressing mortgage forbearance. Provides that a court may not issue a summons for, or enter a default judgment in, any residential unlawful detainer action based in whole or in part on nonpayment of rent or other charges before October 5, 2020. After October 5, permits courts to adjudicate actions for failure to pay rent filed before the declared state of emergency. Provides, however, that no residential tenant who timely serves a hardship declaration may be evicted for COVID-related nonpayment of rent from the date of the declared state of emergency to September 2, 2020. Makes those actions limited to civil recovery for unpaid rent. For actions arising from nonpayment of rent on or after September 2, protects tenants from eviction if they sign a declaration and pay at least 25 percent of their rent. Applies special rules to high-income tenants. Temporarily expands small claims court jurisdiction through February 2025 to allow landlords to recover rent that went unpaid from March 2020 through January 2021. Provides for increased penalties for landlords who do not follow the court evictions process under the act. Extends anti-foreclosure protections in the Homeowner Bill of Rights to landlords with four or fewer rental units; provides new accountability and transparency provisions to protect small landlord borrowers who request Coronavirus Aid, Relief, and Economic Security (CARES) Act–compliant forbearance; and provides the borrower who is harmed by a material violation with a cause of action. (CIV amend 1946.2, 1947.12, 1947.13, amend, repeal, and add 798.56, 1942.5, 2924.15, add 3273.01 et seq., add and repeal 789.4; CCP amend, repeal, and add 1161, 1161.2, add 1161.2.5, add and repeal 116.223, add and repeal 1179.01 et seq.)

COURT RECORDS

AB 3364 (COMMITTEE ON JUDICIARY), CH. 36
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
JUDICIARY OMNIBUS

Makes various technical changes to existing codes, including clarifying existing law, deleting obsolete references, extending sunsets, and removing sunsets as part of the judiciary omnibus bill. (B&P amend 6075.5, 21701, 21703, 21705, amend, repeal, and add 21712; CIV amend 55.32, 1102.19, 1788.18, add 2924.8; CCP amend 430.41, 435.5, 439, 673, 681.020, 708.150, 1161.2, 1540, amend and repeal 472a, repeal and amend 472; FAM amend 510, 17212, amend and repeal 4055; GOV amend 12921, 12926, 12940, 14985.8; PEN amend 1320.24, 1320.26, 1320.30, 1320.32, 1320.33, 1320.34, 1320.35; PROB amend 15642; PCC amend 19209; W&I amend 100)

See Appendix A for additional detail.

CRIMINAL LAW AND PROCEDURE

AB 646 (MCCARTY), CH. 320
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
ELECTIONS: VOTER ELIGIBILITY

Provides implementing language if ACA 6 (Stats. 2020, ch. 24) is approved by the voters. ACA 6, which is Proposition 17 on the November 2020 general election ballot, permits a person who is on parole for the conviction of a felony to vote. (ELEC amend 2101, 2105.6, 2105.7, 2106, 2150, 2201, 2212, 2300, 14240)

AB 904 (CHAU), CH. 63
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
SEARCH WARRANTS: TRACKING DEVICES

Provides that if law enforcement uses software to track a person's movements, whether in conjunction with a third party or by interacting with a person's electronic device, the provisions for obtaining a tracking device search warrant apply. (PEN amend 1534)

AB 1196 (GIPSON), CH. 324
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
PEACE OFFICERS: USE OF FORCE

Prohibits law enforcement agencies from authorizing carotid restraint holds and choke holds. (GOV add 7286.5)

AB 1304 (WALDRON), CH. 325
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
CALIFORNIA MAT RE-ENTRY INCENTIVE PROGRAM

Establishes the California MAT Re-Entry Incentive Program, which makes a parolee eligible for a reduction in the period of parole if the parolee successfully participates in a substance abuse treatment program. (PEN add 3000.02)

AB 1506 (MCCARTY), CH. 326
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
POLICE USE OF FORCE

Requires the Attorney General to investigate any officer-involved shooting that results in the death of an unarmed civilian. Requires, commencing July 1, 2023, the Attorney General to operate a Police Practices Division within the department to review, upon the request of a local law enforcement agency, the use of deadly force policies of that law enforcement agency and make recommendations. (GOV add 12525.3)

AB 1775 (JONES-SAWYER), CH. 327
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
FALSE REPORTS AND HARASSMENT

Makes a number of changes in criminal and civil law to discourage individuals from using 911 or other communications with law enforcement to harass a person because that person belongs to a protected class. Expands the scope of an existing crime by providing that knowingly allowing the use of or suing the 911 emergency system for the purpose of harassing another is a crime that is punishable as an infraction for a first violation and as a misdemeanor for a second or subsequent violation. Creates a new crime by making it a misdemeanor for a person to knowingly allow the use of or to use the 911 system for the purpose of hassling another person who is part of a protected class. (CIV amend 47, 51.7; PEN amend 653y)

AB 1927 (BOERNER HORVATH), CH. 241
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
WITNESS TESTIMONY IN SEXUAL ASSAULT CASES: INADMISSIBILITY IN A SEPARATE PROSECUTION

Makes the testimony of a victim or witness in a felony prosecution for a violation or attempted violation of crimes of sexual assault that states that the victim or witness, at or around the time of the violation or attempted violation, unlawfully possessed or used a controlled substance or alcohol inadmissible in a separate prosecution of that victim or witness to prove illegal possession or use of that controlled substance or alcohol. Provides that evidence that the testifying witness unlawfully possessed or used a controlled substance or alcohol is not excluded from use in the felony prosecution for a violation or attempted violation of crimes of sexual assault and that evidence that a witness received immunity for testimony is not excluded in the felony prosecution of a violation or attempted violation of crimes of sexual assault. (PEN add 1324.2)

AB 1950 (KAMLAGER), CH. 328
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
PROBATION: LENGTH OF TERMS

Provides that a court may not impose a term of probation longer than two years for a felony conviction and one year for a misdemeanor conviction, except as specified. (PEN amend 1203a, 1203.1)

AB 1963 (CHU), CH. 243
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
CHILD ABUSE OR NEGLECT: MANDATED REPORTERS

Makes a human resource employee of a business that employs minors a mandated reporter of child abuse or neglect, and a person whose duties require direct contact with and supervision of minors in the performance of the minors' duties in the workplace a mandated reporter of sexual abuse for the purpose of the Child Abuse and Neglect Reporting Act. Provides that any mandated reporter who fails to report as required by this section is guilty of a misdemeanor. (PEN amend 11165.7)

AB 1989 (CRISTINA GARCIA), CH. 272
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2023
MENSTRUAL PRODUCTS RIGHT TO KNOW ACT OF 2020

Requires a package or box containing menstrual products manufactured on or after January 1, 2023, for sale or distribution in California, to have printed on the label a plain and conspicuous list of all ingredients in the product. Creates a misdemeanor for violations of these provisions under the Sherman Food, Drug, and Cosmetic Law (H&S add 111822 et seq.)

AB 2147 (REYES), CH. 60
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
CONVICTIONS: EXPUNGEMENT: INCARCERATED INDIVIDUAL HAND CREWS

Allows a person who has successfully participated in the California Conservation Camp Program or a county incarcerated individual hand crew as an incarcerated individual hand crew member, and has been released from custody, to petition to withdraw that person's plea of guilty or plea of nolo contendere and enter a plea of not guilty, but makes persons convicted of specified violent felonies and sex offenses ineligible for relief. Authorizes the court to dismiss the accusations or information at the court's discretion and in the interest of justice and to release the person from all penalties and disabilities resulting from the offense, except as provided. Requires the court to order the early termination of probation, parole, or supervised release if the court determines that the person has not violated any of the terms or conditions of release during the pendency of the petition. (PEN add 1203.4b)

AB 2512 (MARK STONE), CH. 331
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
DEATH PENALTY: PERSON WITH AN INTELLECTUAL DISABILITY

Changes the definition of "intellectual disability" for purposes of death penalty proceedings to include conditions that manifest before the end of the developmental period, as defined by clinical standards. Requires the court to hold a hearing to determine intellectual disability on a prima facie showing that the defendant is a person with an intellectual disability. Authorizes a person who is in custody under a judgment of death to apply for an order directing that a hearing to determine intellectual disability be conducted as part of a petition for writ of habeas corpus, as specified. (PEN amend 1376)

AB 2542 (KALRA), CH. 317
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
CRIMINAL PROCEDURE: DISCRIMINATION

Among other things, prohibits the state from seeking a criminal conviction or sentence on the basis of race, ethnicity, or national origin, as specified. Allows a writ of habeas corpus to be prosecuted on the basis of that prohibition, permits a defendant to file a motion requesting disclosure of all evidence that is in the possession or control of the prosecutor relevant to a potential violation of that prohibition, and requires a court, on a showing of good cause, to order the evidence to be released. Requires a court that finds a violation of that prohibition to impose a specified remedy at the court's discretion. Applies its provisions to adjudications and dispositions in the juvenile delinquency system. Purports to apply its provisions only prospectively to all cases in which judgment has not been entered before January 1, 2021, but the application to writs of habeas corpus is unclear because the bill adds subdivision (a)(3) to section 1473.7 to allow a person who is no longer in criminal custody to file a motion to vacate a conviction or sentence based on a violation of the bill's provisions. (PEN amend 1473, 1473.7, add 745)

See Appendix B for additional detail.

AB 2617 (GABRIEL), CH. 286
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
FIREARMS: GUN VIOLENCE RESTRAINING ORDERS

Makes it an offense to possess a firearm in violation of a protective order issued by another state, and makes a violation of this provision subject to a five-year ban on purchasing or possessing firearms or ammunition. Further, requires law enforcement to file a copy of a temporary emergency gun violence restraining order with the court as soon as practicable—but not later than three days—after issuance. (PEN amend 18140, 18205)

AB 2655 (GIPSON), CH. 219
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
INVASION OF PRIVACY: FIRST RESPONDERS

Creates a misdemeanor for any first responder who photographs a deceased person for other than an official

purpose or genuine public interest. Allows a search warrant to be issued for the seizure of evidence of a violation of this crime. (PEN amend 1524, add 647.9)

AB 2658 (BURKE), CH. 288
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
OCCUPATIONAL SAFETY AND HEALTH: HAZARDS

Extends existing employee rights and antiretaliation protections regarding the reporting of unsafe working conditions or the refusal to work in hazardous conditions to domestic work employees. Makes it a misdemeanor for a person, after receiving notice to evacuate or leave, to willfully and knowingly direct an employee—including a domestic work employee—to remain in, or enter, an area closed because of a menace to the public health or safety. (LAB amend 6310, 6311, 6399.7, add 6311.5)

AB 2717 (CHAU), CH. 352
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
MOTOR VEHICLES: UNATTENDED CHILDREN: LIABILITY

Exempts a person from civil and criminal liability for property damage or trespass to a motor vehicle if the property damage or trespass occurs while the person is rescuing a child who is six years of age or younger from a motor vehicle under circumstances that reasonably could cause suffering, disability, or death to the child, if certain steps are taken during the removal. Establishes procedures that apply to a peace officer, firefighter, or emergency responder under those circumstances, including, but not limited to, arranging for the treatment and transport of the child according to existing policies of the local emergency medical services agency. (CIV add 43.102; H&S add 1799.101)

AB 2788 (GLORIA), CH. 188
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
PUBLIC UTILITIES: COOPERATION WITH IMMIGRATION AUTHORITIES

Prohibits a public utility from sharing, disclosing, or otherwise making accessible to any immigration authority a customer's electrical or gas consumption data without a court-ordered subpoena or judicial warrant. (CIV amend 1798.98; PUC amend 8380, 8381)

AB 3070 (WEBER), CH. 318
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2022
JURIES: PEREMPTORY CHALLENGES

Prohibits parties from using a peremptory challenge to remove a prospective juror on the basis of race, ethnicity, gender, gender identity, sexual orientation, national origin, or religious affiliation, or perceived membership in any of those groups. Allows a party to object to the use of a peremptory challenge and raise the issue of improper bias based on specified criteria; upon objection, requires the party exercising the challenge to state the reasons that the peremptory challenge has been exercised. Requires the court to evaluate the reasons given and, if the objection is granted, declare a mistrial (if the defendant agrees), seat the challenged juror, or provide another remedy that the court deems appropriate and that is acceptable to the objecting party. Subjects the denial of an objection to de novo review by an appellate court, except that the trial court's express factual finding shall be reviewed for substantial evidence as specified. Applies to all jury trials in which jury selection begins on or after January 1, 2022. Further provides that this section shall not apply to civil cases until January 1, 2026. (CCP add, repeal, and add 231.7)

See Appendix B for additional detail.

AB 3214 (LIMÓN), CH. 119
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
OIL AND GAS: OIL SPILLS: FINES AND PENALTIES

Increases penalties for criminal violations of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act. Authorizes the court to also impose a fine of up to $1,000 per gallon of oil spilled in excess of 1,000 gallons on a conviction of knowingly engaging in or causing an oil discharge or spill into state waters. (GOV amend 8670.64)

AB 3234 (TING), CH. 334
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
PUBLIC SAFETY

Among other things, authorizes a judge in the superior court in which a misdemeanor is being prosecuted to offer pre-plea misdemeanor diversion to a defendant over the objection of the prosecution, with limited exceptions. Authorizes the judge to continue a diverted case for a period not to exceed 24 months and order the defendant to comply with the terms, conditions, and programs the

judge deems appropriate based on the defendant's specific situation. Requires the judge, at the end of the diversion period and if the defendant complies with all required terms, conditions, and programs, to dismiss the action against the defendant, and deems the arrest on which diversion was imposed never to have occurred. Authorizes the court to end the diversion and order resumption of criminal proceedings if the court finds that the defendant is not complying with the terms and conditions of diversion. (PEN amend 3055, add 1001.95–1001.97)

ACA 6 (MCCARTY), CH. 24
EFFECTIVE/OPERATIVE DATE: BALLOT PROPOSITION 17, EFFECTIVE FIVE DAYS AFTER THE SECRETARY OF STATE CERTIFIES THE RESULTS OF THE ELECTION
ELECTIONS: DISQUALIFICATION OF ELECTORS

Amends the Constitution, subject to voter approval, to permit an otherwise eligible person who is on parole for the conviction of a felony to vote. (CONS amend article II, sections 2 and 4)

SB 145 (WIENER), CH. 79
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
SEX OFFENDERS: REGISTRATION

Exempts from mandatory registration under the Sex Offender Registry Act a person convicted of specified, nonforcible sex offenses involving minors if the person is not more than 10 years older than the minor and if that offense is the only one requiring the person to register. Provides that a person may still be ordered to register in the discretion of the court, as specified. (PEN amend 290, 290.006)

SB 384 (WIENER), CH. 541
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
2017: SEX OFFENDERS: REGISTRATION: CRIMINAL OFFENDER RECORD INFORMATION SYSTEMS

Among other things, commencing January 1, 2021, establishes new court procedures related to sex offender registration. Requires the court to notify the Department of Justice when a petition for termination from the registry is granted or denied. Requires the court, if the petition is denied, to notify the Department of Justice California Sex Offender Registry of the time period after which the person can file a new petition for termination. (PEN amend 9002, 13125, amend, repeal, and add 290, 290.006, 290.008, 290.45, 290.46, 290.5, 4852.03)

See related provisions in SB 118.

SB 723 (JONES), CH. 306
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
FIREARMS: PROHIBITED PERSONS

Clarifies the scope of existing crimes prohibiting the possession of firearms by certain individuals to provide that a person with an active arrest warrant for a prohibited offense must have knowledge of the warrant in order to be criminally liable as a person prohibited from possessing a firearm. (PEN amend 29800, 29805, repeal 29851)

SB 739 (STERN), CH. 109
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
ELECTIONS: VOTE BY MAIL BALLOTS AND FALSE OR MISLEADING INFORMATION

Makes it a misdemeanor to distribute specified false or misleading information regarding the qualifications to apply for, receive, or return a vote by mail (VBM) ballot with actual knowledge and intent to deceive. Allows, instead of requires, an elections official to include VBM applications with county voter information guides for the November 3, 2020, statewide general election only. (ELEC amend 18302, amend, add, and repeal 3022)

DOMESTIC VIOLENCE

AB 2517 (GLORIA), CH. 245
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
DOMESTIC VIOLENCE: PERSONAL PROPERTY AND LIENS

Beginning January 1, 2022, authorizes courts to make, in a domestic violence restraining order issued after notice and a hearing, a finding that specific debts were incurred as a result of domestic violence. Provides that after notice and a hearing, a court may issue an order determining the use, possession, and control of real or personal property of the parties during the period that the order is in effect and the payment of any liens or encumbrances coming due during that period. Provides that such an order may include a finding that specific debts were incurred as a result of domestic violence and without the consent of

the party, including identity theft. Provides that such a finding does not affect the priority of any lien or other security interest. Requires the Judicial Council to adopt or modify forms as necessary to effectuate the bill's provisions. (FAM add 6342.5)

SB 1141 (RUBIO), CH. 248
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
DOMESTIC VIOLENCE: COERCIVE CONTROL

Codifies and expands case law and defines the term "disturbing the peace of the other party" as conduct that, based on the totality of the circumstances, destroys the mental or emotional calm of the other party. Specifies that such conduct may be committed directly or indirectly, including through the use of a third party, and by any method or through any means, including, but not limited to, telephone, online accounts, text messages, internet-connected devices, or other electronic technologies. Defines coercive control as a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. States examples of coercive control. (FAM amend 6320)

E-FILING

AB 2165 (ROBERT RIVAS), CH. 215
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
ELECTRONIC FILING AND SERVICE OF DOCUMENTS

Clarifies and updates requirements relating to signing electronically filed documents, notices of rejection of electronically filed documents, electronic filing fees, and court-ordered electronic filing. Among other things, defines "electronic filing" as the electronic transmission to a court of a document presented for filing in electronic form. Prohibits courts from charging fees for electronic filing and electronic service that exceed the court's actual costs for providing those services. (CCP amend 1010.6)

FAMILY LAW

AB 1179 (BLANCA RUBIO), CH. 127
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
CHILD CUSTODY: ALLEGATIONS OF ABUSE: REPORT

Requires that a child custody evaluation, investigation, or assessment ordered by the court, in which the court determines that there is a serious allegation of child sexual abuse, must be completed on a form developed by the Judicial Council. (FAM amend 3118)

AB 2325 (CARRILLO), CH. 217
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
CHILD SUPPORT: SUSPENSION

Reestablishes, until January 1, 2023, a program to suspend the obligation to pay child support when the obligor is incarcerated or involuntarily institutionalized, as provided. Specifically, suspends, until January 1, 2023, the obligation to pay child support, as defined, for the period of time in which the obligor is incarcerated or involuntarily institutionalized, as defined, for any period exceeding 90 consecutive days, unless the obligor has the means to pay support while incarcerated or institutionalized or was incarcerated for any domestic violence offense or as a result of failure to pay child support. Includes an administrative order adjustment process. Provides that the suspension applies to all orders issued or modified on or after the date of enactment. Requires the child support obligation to resume on the first day of the first full month following release of the obligor in the amount previously ordered, and presumes that the previously ordered amount is appropriate under state and federal law. Does not preclude the person owing support from seeking a modification. (FAM add and repeal 4007.5)

AB 2338 (WEBER), CH. 283
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
COURTS: CONTEMPT ORDERS

Clarifies that an alternative punishment of probation or a conditional sentence is available for parties found in contempt of a family law court order or judgement. Specifically clarifies that in lieu of an order of imprisonment, community service, or both, for a person found in contempt for failure to comply with a court order

under the Family Code, the court may grant probation, as defined, or a conditional sentence, as defined, for a period not to exceed one year on a first finding of contempt, not to exceed two years on a second finding, and not to exceed three years on a third or any subsequent finding of contempt. (CCP amend 1218)

AB 2517 (GLORIA), CH. 245
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
DOMESTIC VIOLENCE: PERSONAL PROPERTY AND LIENS

Beginning January 1, 2022, authorizes courts to make, in a domestic violence restraining order issued after notice and a hearing, a finding that specific debts were incurred as a result of domestic violence. Provides that, after notice and a hearing, a court may issue an order determining the use, possession, and control of real or personal property of the parties during the period that the order is in effect and the payment of any liens or encumbrances coming due during that period. Provides that such an order may include a finding that specific debts were incurred as a result of domestic violence and without the consent of the party, including identity theft. Provides that such a finding does not affect the priority of any lien or other security interest. Requires the Judicial Council to adopt or modify forms as necessary to effectuate the bill's provisions. (FAM add 6342.5)

SB 907 (ARCHULETA), CH. 233
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
CHILD ABUSE OR NEGLECT INVESTIGATION: MILITARY NOTIFICATION

Requires a county child welfare department investigating a case of child abuse or neglect to attempt to determine, as soon as practicable, if the parent or guardian is an active duty member of the Armed Forces of the United States. (W&I add 328.1)

FINES, FEES, COLLECTIONS, DISTRIBUTIONS

AB 1869 (COMMITTEE ON BUDGET), CH. 92
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
CRIMINAL FEES

Effective July 1, 2021, repeals a number of criminal administrative fees that fund city and county (or other local arresting agency) operations. Makes unpaid balances related to the eliminated fees uncollectible. Appropriates $50,000 in FY 2020–21 to the Department of Finance to begin implementation. Appropriates $65 million annually from FY 2021–22 to FY 2025–26 to backfill revenues lost from the repeal of those fees. Specifies that local agencies may apply for reimbursement of costs, and states the intent of the Legislature to pursue legislation with the Budget Act of 2021 to finalize the funding allocation methodology for distribution to counties. (B&P amend, repeal, and add 7158, 7159.5, 7159.14, 7161; GOV amend and repeal 27712, 27753, 29550.1, 29550.2, 29550.3, amend, repeal, and add 27706, 27707, 27750, 27752, 29550, 29551, add 6111; PEN amend and repeal 987.4, 987.5, 987.8, 987.81, 1203.1b, 1203.1e, 1210.15, 3010.8, 6266, amend, repeal, and add 295, 987, 987.2, 1000.3, 1203, 1203.016, 1203.018, 1203.1bb, 1203.1d, 1203.9, 1208, 1208.2, 1208.3, 4024.2, add 1465.9)

See Appendix C for additional detail.

AB 2038 (COMMITTEE ON TRANSPORTATION), CH. 70
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
TRANSPORTATION: OMNIBUS BILL

Makes several technical changes to provisions of law related to transportation, including the use of "parking offense" in place of "infraction parking violations" or "parking violations" for internal consistency with other code sections and to clarify that the $3 penalty surcharge applies to each parking offense, including misdemeanors and infractions. (GOV amend 76000.3; S&H amend 36633; VEH amend 2422, repeal 2430)

AB 2338 (WEBER), CH. 283
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
COURTS: CONTEMPT ORDERS

Clarifies that an alternative punishment of probation or a conditional sentence is available for parties found in contempt of a family law court order or judgement. Specifically, clarifies that in lieu of an order of imprisonment, community service, or both, for a person found in contempt for failure to comply with a court order under the Family Code, the court may grant probation or a conditional sentence for a period not to exceed one year on a first finding of contempt, not to exceed two years on a second finding, and not to exceed three years on a third or any subsequent finding of contempt. (CCP amend 1218)

AB 2450 (GRAYSON), CH. 52
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
AIR AMBULANCE SERVICES

Extends the assessment of penalties of the Emergency Medical Air Transportation Act to July 1, 2021, and the sunset of its provisions to July 1, 2024; and contains an urgency clause that made this bill operative on September 9, 2020. (GOV amend 76000.10)

SB 1290 (DURAZO), CH. 340
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
JUVENILES: COSTS

Vacates the unpaid outstanding balance of a variety of county-assessed or court-ordered costs that are eliminated under current state law but were imposed before January 1, 2018, against the parent, guardian, or other person liable for the support of a minor. Deems the unpaid outstanding balance unenforceable and uncollectable if the minor was adjudged to be a ward of the juvenile court, was on probation without being adjudged a ward, was the subject of a petition filed to adjudge the minor a ward, or was the subject of a program of supervision. (W&I add 223.2)

JURIES

AB 3070 (WEBER), CH. 318
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2022
JURIES: PEREMPTORY CHALLENGES

Prohibits parties from using a peremptory challenge to remove a prospective juror on the basis of race, ethnicity, gender, gender identity, sexual orientation, national origin, or religious affiliation or perceived membership in any of those groups. Allows a party to object to the use of a peremptory challenge and raise the issue of improper bias based on specified criteria; upon objection, requires the party exercising the challenge to state the reasons that the peremptory challenge has been exercised. Requires the court to evaluate the reasons given and, if the objection is granted, declare a mistrial (if the defendant agrees), seat the challenged juror, or provide another remedy that the court deems appropriate and that is acceptable to the objecting party. Subjects the denial of an objection to de novo review by an appellate court, except that the trial court's express factual finding shall be reviewed for substantial evidence as specified. Applies to all jury trials in which jury selection begins on or after January 1, 2022. Further provides that this section shall not apply to civil cases until January 1, 2026. (CCP add, repeal, and add 231.7)

See Appendix B for additional detail.

SB 592 (WIENER), CH. 230
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
JURY SERVICE

Requires the Franchise Tax Board (FTB), beginning November 1, 2021, and annually thereafter, to furnish court jury commissioners with a list of resident state tax filers, as defined, and include the list of resident state tax filers as a source list for the purposes of jury selection. Requires the FTB to revise the state resident income tax return to include a line for taxpayers to indicate the address of their principal residence and their county of principal residence in time for the 2020 tax year filings. Requires courts, beginning January 1, 2022, to use the FTB lists in addition to the current jury source lists. (CCP amend 197; R&T amend 19542, add 19548.4, 19585)

JUVENILE JUSTICE

AB 901 (GIPSON), CH. 323
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
JUVENILES

Repeals the jurisdiction of the juvenile criminal court over minors who habitually refuse to obey the reasonable and proper orders or directions of school authorities. Requires a peace officer to refer a minor who habitually refuses to obey the reasonable and proper orders of the minor's parents or has four or more truancies within one school year to a community-based resource, the probation department, a health agency, a local educational agency, or other governmental entities that may provide services. (ED amend 48263, 48267, 48268, 48269; W&I amend 236, 601, 601.3, 653.5, 654, add 651.5)

AB 2321 (JONES-SAWYER), CH. 329
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
JUVENILE COURT RECORDS: ACCESS

Permits a prosecutor or a court to access sealed juvenile records for the limited purpose of certifying victim helpfulness in an application for a U-Visa or a T-Visa. (W&I amend 781, 786)

SB 203 (BRADFORD), CH. 335
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
JUVENILES: CUSTODIAL INTERROGATION

Expands and extends protections for minors before a custodial interrogation by a law enforcement officer. Requires that before any custodial interrogation and before the waiver of any Miranda rights, a youth of 17 years or younger must consult with legal counsel in person, by telephone, or by videoconference. Prohibits the waiver of such consultation with legal counsel. Requires the court to consider a lack of consultation with legal counsel for the purposes of determining the admissibility of any statements made to law enforcement, as well as in determining the credibility of any officer who willfully failed to comply with the consult requirement. Eliminates the sunset date of January 1, 2025, for similar protections that applied only to minors under the age of 16, making them permanent. Eliminates the requirement that the Governor convene a panel of experts to examine the effects and outcomes of requiring minors under the age of 16 to consult with counsel before any interrogation or Miranda waiver. (W&I amend 625.6)

SB 823 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 337
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
JUVENILE JUSTICE REALIGNMENT: OFFICE OF YOUTH AND COMMUNITY RESTORATION

Among other things, continues to allow a court to commit any ward who is otherwise eligible to be committed to Division of Juvenile Justice (DJJ) and in whose case a motion to transfer the minor from juvenile court to a court of criminal jurisdiction was filed. Expresses legislative intent to establish a separate dispositional track for higher-need youth by March 1, 2021, to avoid increased transfers of youth to adult jurisdiction. Makes adjustments to the local age of jurisdiction so that it mirrors the current age of jurisdiction for DJJ commitments. (GOV amend, repeal, and add 12803, repeal 12820 et seq., repeal and add 12838, 12838.1; PEN add 13015, repeal 830.5, repeal and add 830.5, 2816; W&I amend 207.1, 207.2, 209, 210.2, 707.1, 912, add 733.1, 736.5, 1955.2, amend and repeal 731, amend, repeal, and add 607, 730, add 1990 et seq., 2200 et seq., 2260 et seq., add and repeal 2250 et seq., repeal 207.6, 2201, 2202, repeal and add 208.5, 1703, 1710, 1711, 1712, 1714, 1731.5, 1752.2, 1762)

LABOR / EMPLOYEE-EMPLOYER ISSUES

AB 323 (BLANCA RUBIO), CH. 341
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
NEWSPAPERS: STATE AGENCY ADVERTISING: WORKER STATUS: INDEPENDENT CONTRACTORS

Exempts, until January 1, 2022, newspaper carriers and newspaper distributors from the three-part ABC test for employment status. Requires that the Department of General Services report annually information on the state's contracting practices with media platforms for placement of marketing or outreach advertising material. (LAB amend 2750.3, 2783; PCC add and repeal 11800–11804)

AB 685 (REYES), CH. 84
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
COVID-19: IMMINENT HAZARD TO EMPLOYEES: EXPOSURE: NOTIFICATION: SERIOUS VIOLATIONS

Requires employers to provide specified notices to employees and others if an employee is exposed to COVID-19. (LAB amend, repeal, and add 6325, 6432, add and repeal 6409.6)

AB 846 (BURKE), CH. 322
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
PUBLIC EMPLOYMENT: PUBLIC OFFICERS OR EMPLOYEES DECLARED BY LAW TO BE PEACE OFFICERS

Requires that evaluations of peace officers include an evaluation of bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation. Requires every department or agency that employs peace officers to review its job descriptions, deemphasize the paramilitary aspects of employment, and place more emphasis on community interaction and collaborative problem solving. (GOV amend 1031, add 1031.3; PEN add 13561)

AB 1196 (GIPSON), CH. 324
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
PEACE OFFICERS: USE OF FORCE

Prohibits law enforcement agencies from authorizing carotid restraint holds and choke holds. (GOV add 7286.5)

AB 1506 (MCCARTY), CH. 326
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
POLICE USE OF FORCE

Requires the Attorney General to investigate any officer-involved shooting that results in the death of an unarmed civilian. Requires, commencing July 1, 2023, the Attorney General to operate a Police Practices Division within the department to review, upon the request of a local law enforcement agency, the use of deadly force policies of that law enforcement agency and make recommendations. (GOV add 12525.3)

AB 1512 (CARRILLO), CH. 343
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
SECURITY OFFICERS: REST PERIODS

Abrogates, for the security industry only, the court's decision in *Augustus v. ABM Security Services, Inc.* (2016) 2 Cal.5th 257 holding that rest periods must be free from duties and employer control by authorizing a private patrol operator, as specified, to require its security officer employees, who are covered by a valid collective bargaining agreement, to remain on call during rest periods. (LAB amend, repeal, and add 226.7)

AB 1947 (KALRA), CH. 344
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
EMPLOYMENT VIOLATION COMPLAINTS: REQUIREMENTS: TIME

Extends the time from six months to one year that workers have to file a claim with the California Labor Commissioner if their employer retaliates against them for exercising their workplace rights under the Labor Code. Authorizes an attorneys' fee award to a worker who prevails on a whistleblower claim. (LAB amend 98.7, 1102.5)

AB 2017 (MULLIN), CH. 211
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
EMPLOYEE: SICK LEAVE: KIN CARE

Specifies that for purposes of an employee's use of the employee's accrued sick leave, it is at the employee's discretion to designate this time for diagnosis, care, or treatment of the employee's or the employee's family member's health condition or for obtaining relief if the employee is a victim of domestic violence, sexual assault, or stalking. (LAB amend 233)

AB 2143 (MARK STONE), CH. 73
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
SETTLEMENT AGREEMENTS: EMPLOYMENT DISPUTES

Allows an employer to include a no-rehire clause in a settlement agreement with a worker who filed an official complaint in good faith if, before the worker filed the complaint, the employer made and documented a good faith determination that the worker engaged in sexual harassment, sexual assault, or any criminal conduct.

Is a follow-up to AB 749 (Stats. 2019, ch. 808), which prohibited the use of no-rehire provisions in settling employment disputes where the employee had filed a complaint against the employer. (CCP amend 1002.5)

AB 2257 (GONZALEZ), CH. 38
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
WORKER CLASSIFICATION: EMPLOYEES AND INDEPENDENT CONTRACTORS: OCCUPATIONS: PROFESSIONAL SERVICES

Provides additional clarification and examples of exemptions for purposes of AB 5 (Stats. 2019, ch. 296) as follows:

- Opens exemptions to all industries, with the exception of agriculture, retail, janitorial, construction, delivery, courier, transportation services, and high-hazard industries.
- Adds, under the professional services exemption, a specialized performer and individual performing artist, as defined, as well as appraisers, translators, and registered foresters.
- Adds, under a general "ABC" test exemption, a worker who provides underwriting inspections, premium audits, risk management, or loss control work for the insurance industry; international exchange visitor program administrative staff, as defined; competition judges, including umpires and referees; and business arrangements involving entertainment venues, and solo artists.
- Provides that the ABC test and *Dynamex* (*Dynamex Operations W. v. Superior Court* (2018) 4 Cal.5th 903) do not apply, and instead the *Borello* (*S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341) test applies, to the following occupations: recording artists, subject to limitations; songwriters, lyricists, and composers; managers of recording artists; record producers; musical engineers and mixers engaged in the creation of sound recordings; musicians engaged in the creation of sound recordings, with certain exceptions; vocalists; photographers working on recording photo shoots, album covers, and other press and publicity purposes; independent radio promoters; and any other individual engaged to render any creative, production, marketing, or independent music publicist services related primarily to the creation, marketing, promotion, or distribution of sound recordings or musical compositions, unless otherwise stated in the terms and conditions of any current or future collective bargaining agreement or agreement between the applicable and respective parties, in which case those terms and conditions shall govern. (LAB add 2775 et seq., repeal 2750.3; R&T amend 17020.12, 23045.6, add 18406, 21003.5, 61001)

AB 2658 (BURKE), CH. 288
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
OCCUPATIONAL SAFETY AND HEALTH: HAZARDS

Extends existing employee rights and antiretaliation protections regarding the reporting of unsafe working conditions or the refusal to work in hazardous conditions to domestic work employees. Makes it a misdemeanor for a person, after receiving notice to evacuate or leave, to willfully and knowingly direct an employee—including a domestic work employee—to remain in, or enter, an area closed because of a menace to public health or safety. (LAB amend 6310, 6311, 6399.7, add 6311.5)

AB 2992 (WEBER), CH. 224
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
EMPLOYMENT PRACTICES: LEAVE TIME

Expands existing protected leave to victims of any violent crime, and to immediate family members of homicide victims. Further allows additional reasonable forms of documentation, including court records, to verify that a crime or abuse occurred to determine employee eligibility for protected leave. (LAB amend 230, 230.1)

SB 1159 (HILL), CH. 85
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY
WORKERS' COMPENSATION: COVID-19: CRITICAL WORKERS

Codifies the Governor's Executive Order N-62-20, which created a rebuttable presumption that "essential employees" who contracted COVID-19 were infected on the job, and establishes the scope and terms of a similar presumption for infected employees outside of the order. Codifies the terms and conditions of the order, which expired in July 2020. Adopts a rebuttable presumption that a peace officer, firefighter, specified

frontline employees, and certain health care employees, as defined, who contract COVID-19 were infected with the virus via a workplace exposure. Provides that all of the normal workers' compensation benefits are available to these employees who become presumptively eligible for workers' compensation benefits. Specifies that the law that grants the Division of Workers' Compensation a remainder beneficiary status for death benefits in the event there are no dependents does not apply in these circumstances. Establishes criteria to determine whether an employee within the class of employees eligible for the presumption was potentially exposed and thereby eligible for the presumption. Provides that any employee who might benefit from the presumption of compensability must first exhaust any special COVID-19 "time off" benefits provided by federal law before the workers' compensation benefits attach. Requires the Commission on Health and Safety and Workers' Compensation to conduct a study on COVID-19 and its impact on the workers' compensation system and issue a report no later than April 30, 2022. Provides that the presumptions established by the bill continue for 14 days after the last day of employment with an employer. Establishes a presumption of compensability for employees who contract COVID-19 from any employer that experiences an "outbreak" of COVID-19 cases at a particular work location. Defines an "outbreak" as follows: (a) for employers with 5–100 employees, 5 or more employees who worked at a specific work location contracted the disease within a 14-day period; (b) for employers with more than 100 employees, 5 percent or more of the employees who worked at a specific work location contracted the disease within a 14-day period. Specifies that this presumption is rebuttable, and the evidence to rebut the presumption includes, but is not limited to, evidence of measures in place to prevent transmission of COVID-19 and evidence of an employee's nonoccupational exposure to COVID-19. Provides that the presumptions established by the bill sunset on January 1, 2023. (LAB add 77.8, add and repeal 3212.86, 3212.87, 3212.88)

SB 1383 (JACKSON), CH. 86
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
UNLAWFUL EMPLOYMENT PRACTICE: CALIFORNIA FAMILY RIGHTS ACT

Among other things, expands the California Family Rights Act to allow employees to use unpaid job protected leave to care for a domestic partner, grandparent, grandchild, sibling, or parent-in-law who has a serious health condition. Expands the definition of a "child" to include a child of a domestic partner. Provides that the term "domestic partner" shall have the same meaning as defined in FAM 297. Expands "family care and medical leave" to include leave to care for a grandparent, grandchild, sibling, or domestic partner who has a serious health condition, or leave because of a qualifying exigency related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States, as specified in UIC 3302.2. Repeals the provisions of the New Parent Leave Act. (GOV amend and repeal 12945.6, amend, repeal, and add 12945.2)

PROBATE & MENTAL HEALTH

AB 1976 (EGGMAN), CH. 140
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
MENTAL HEALTH SERVICES: ASSISTED OUTPATIENT TREATMENT

Requires a county or group of counties to offer mental health programs under Laura's Law (assisted outpatient treatment) unless a county opts out by a resolution passed by the governing body stating the reasons for opting out and any facts or circumstances relied on in making that decision. Authorizes a county to offer those mental health programs in combination with one or more counties. Prohibits a county implementing these provisions from reducing existing voluntary mental health programs serving adults, or children's mental health programs, as a result of the implementation. Authorizes a judge in a superior court to request that a petition for an order for assisted outpatient treatment be filed for a person who appears before the judge. Repeals the expiration of Laura's Law, thereby extending it indefinitely. (W&I amend, repeal, and add 5346, 5347, 5348, 5349, 5349.1, repeal 5349.5)

AB 2265 (QUIRK-SILVA), CH. 144
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
MENTAL HEALTH SERVICES ACT: USE OF FUNDS FOR SUBSTANCE USE DISORDER TREATMENT

Authorizes services for adults, older adults, and children, as well as innovative programs and prevention and early intervention programs provided by counties as part of the Mental Health Services Act (MHSA) to include substance use disorder treatment for children, adults, and older adults with co-occurring mental health and substance use disorders who are eligible to receive mental health services under those programs. Authorizes the use of MHSA funds to assess whether a person has co-occurring mental health and substance use disorders and to treat a person who is preliminarily assessed to have co-occurring mental health and substance use disorders, even when the person is later determined not to be eligible for services provided with MHSA funds. Requires a person being treated for co-occurring mental health and substance use disorders who is determined not to need the mental health services that are eligible for funding under the act to be referred to substance use disorder treatment services in a timely manner. (W&I add 5891.5)

AB 2844 (OBERNOLTE), CH. 221
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
GUARDIANS AND CONSERVATORS: DUTIES: ACCOUNTINGS

Allows the required original account statements that must be included as supporting documents for a guardian's or conservator's biennial accounting of their ward's or conservatee's estate to be provided in a verified electronic format. Requires that the account statements that must be included as supporting documents as part of a guardian's or conservator's accounting to the court of their ward's or conservatee's assets, after one year and biennially thereafter, be a verified electronic statement. Requires that the guardian or conservator execute the verification. Allows a court to accept a computer-generated printout of an original verified electronic statement if the guardian or conservator verifies that the statement was received in electronic form and printed without alteration. Allows the original account statements showing the balance as of all periods covered by the accounting period, which all private professional or licensed guardians or conservators must file, to be filed by verified electronic statements. (PROB amend 2620)

AB 3242 (IRWIN), CH. 149
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
MENTAL HEALTH: INVOLUNTARY COMMITMENT

Among other things, authorizes county-designated entities to conduct an examination or assessment to involuntarily detain an individual under the Lanterman-Petris-Short Act via telehealth or other audiovisual technology, and requires the examination and assessment to be consistent with a county's authority to designate facilities for evaluation and treatment. (H&S amend 1799.111; W&I amend 5151, add 5150.5)

SB 855 (WIENER), CH. 151
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
HEALTH COVERAGE: MENTAL HEALTH OR SUBSTANCE USE DISORDERS

Expands the California Mental Health Parity Act to require a health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2021, to provide coverage for the necessary treatment of mental health and substance use disorders under the same terms and conditions applied to other medical conditions. Prohibits a health care service plan or disability insurer from limiting benefits or coverage for chronic or pervasive mental health and substance use disorders to short-term or acute treatment, thereby making more privately insured participants in diversion programs eligible for treatment. (H&S add 1367.045, 1374.721, repeal and add 1374.72; INS add 10144.52, repeal and add 10144.5)

SB 1305 (ROTH), CH. 238
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
REVOCABLE TRANSFER ON DEATH DEEDS

Extends the sunset date for revocable transfer on death deeds from January 1, 2021, to January 1, 2022. (PROB amend 5600)

PROTECTIVE ORDERS

AB 2517 (GLORIA), CH. 245
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
DOMESTIC VIOLENCE: PERSONAL PROPERTY AND LIENS

Beginning January 1, 2022, authorizes courts to make, in a domestic violence restraining order issued after notice and a hearing, a finding that specific debts were incurred as a result of domestic violence. Provides that, after notice and a hearing, a court may issue an order determining the use, possession, and control of real or personal property of the parties during the period that the order is in effect and the payment of any liens or encumbrances coming due during that period. Provides that such an order may include a finding that specific debts were incurred as a result of domestic violence and without the consent of the party, including identity theft. Provides that such a finding does not affect the priority of any lien or other security interest. Requires the Judicial Council to adopt or modify forms as necessary to effectuate the bill's provisions. (FAM add 6342.5)

AB 2617 (GABRIEL), CH. 286
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
FIREARMS: GUN VIOLENCE RESTRAINING ORDERS

Makes it an offense to possess a firearm in violation of a protective order issued by another state, and makes a violation of this provision subject to a five-year ban on purchasing or possessing firearms or ammunition. Further, requires law enforcement to file a copy of a temporary emergency gun violence restraining order with the court as soon as practicable—but not later than three days—after issuance. (PEN amend 18140, 18205)

STATE BAR / PRACTICE OF LAW

AB 2723 (CHIU), CH. 290
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
CIVIL ACTIONS: ENTRY OF JUDGMENT: WRITTEN STIPULATION

Permits attorneys and other designated agents of an insurance company to sign agreements to settle litigation on behalf of clients. Provides that these provisions do not apply to settlements involving civil harassment actions, any action brought under the Family Code or the Probate Code, or a matter that is being adjudicated in a juvenile court or a dependency court, thereby requiring the party to sign the written stipulation. Specifies that in addition to any available civil remedies, an attorney who signs a writing on behalf of a party without the party's express authorization is, absent good cause, subject to professional discipline. (CCP amend 664.6)

AB 3362 (COMMITTEE ON JUDICIARY), CH. 360
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
STATE BAR: OPEN MEETINGS: DISCIPLINE: ATTORNEYS: FOREIGN LEGAL CONSULTANTS: ANNUAL LICENSE FEES

Among other things relating to the State Bar:

- Establishes the annual dues charged to attorneys licensed by the State Bar of California, and enacts reforms designed to expand the State Bar's ability to recover costs and other debts owed by disciplined attorneys.
- Establishes the base licensing fee for active attorneys practicing law in California at $395 for 2021.
- Provides that any order that imposes on an attorney licensee public reproval, that disciplines, or that accepts a resignation with a disciplinary matter pending, in which the licensee is ordered to pay restitution, is enforceable as a money judgment by the payee, as specified.
- Requires the Board of Trustees of the State Bar to accept public comment in open session on all matters that are agendized for discussion or decision by the Board, whether in an open or a closed session.

(B&P amend 6026.7, 6060, 6086.10, 6090.5, 6140, 6140.5, 6141, amend, repeal, and add 6140.03, add 6140.8; R&T amend 19280)

AB 3364 (COMMITTEE ON JUDICIARY), CH. 36
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
JUDICIARY OMNIBUS

Makes various technical changes to existing codes, including clarifying existing law, deleting obsolete references, extending sunsets, and removing sunsets as part of the judiciary omnibus bill. (B&P amend 6075.5, 21701, 21703, 21705, amend, repeal, and add 21712; CIV amend 55.32, 1102.19, 1788.18, add 2924.8; CCP amend 430.41, 435.5, 439, 673, 681.020, 708.150, 1161.2, 1540, amend and repeal 472a, repeal and amend 472; FAM amend 510, 17212, amend and repeal 4055; GOV amend 12921, 12926, 12940, 14985.8; PEN amend 1320.24, 1320.26, 1320.30, 1320.32, 1320.33, 1320.34, 1320.35; PROB amend 15642; PCC amend 19209; W&I amend 100)

See Appendix A for additional detail.

APPENDIX A

ADMINISTRATIVE

AB 3364 (COMMITTEE ON JUDICIARY), CH. 36
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
JUDICIARY OMNIBUS

Makes various technical changes to existing codes, including the following:

- Clarifies that the mandatory continuing legal education curriculum related to implicit bias training for California attorneys commences with the compliance period ending after January 31, 2022.
- Restores an erroneously deleted provision of law, and corrects outdated cross-references to reflect the proper procedure for submitting demand letters and other documents related to disability access claims to the California Commission on Disability Access.
- Clarifies that nothing in the existing law outlining the disclosures and duties required of property buyers and sellers in high or very high fire severity zones is to be interpreted as limiting the ability of a state or local agency to enforce defensible space requirements.
- Clarifies that, among other documentation, a debtor seeking to stop the collection of a debt incurred as a result of identity theft must provide the debt collector with a copy of a theft report published by the Federal Trade Commission.
- Provides that the clerk of a court must allow access to limited civil case records, including the court file, index, and register of actions including in a case of a complaint involving the unlawful detainer of residential property to any other person, only if judgment against all defendants has been filed for the plaintiff.
- Clarifies that for the purposes of the Fair Employment and Housing Act, military or veteran status is deemed a civil right to be protected by the Act.
- Modifies a report from the Judicial Council to the Legislature regarding trial court procurement contracts to reflect information provided by the courts to the state's FI$Cal (Financial Information System for California) website.
- Provides that a notice of sale must be given to a tenant stating that the new property owner may either give the tenant a new lease or rental agreement or provide the tenant with a 90-day eviction notice, and that the new property owner is required to honor the lease unless the new owner will occupy the property as a primary residence or under limited circumstances.
- Repeals the sunset date on provisions of law requiring parties in a civil action to meet and confer before filing a demurrer, motion to strike, or motion for judgment on the pleadings, to try to resolve the objections or claims that would be raised in the filing.
- Requires a county clerk to issue a duplicate confidential marriage license within one year after the date of the marriage, and would require the person solemnizing the marriage to return the license to the clerk within one year of the date of the marriage.
- Permanently extends the rebuttable presumption that a child support obligor is entitled to a low-income adjustment if that person earns less than $1,500 per month.
- Extends several deadlines related to the pretrial risk assessment tools and associated reporting on the outcomes of the use of those tools. Provides that the implementation of provisions of SB 10 (Hertzberg; Stats. 2018, ch. 244)—which repeals the cash bail system, instead requiring Pretrial Assessment Services to assess a person arrested or detained according to a risk assessment instrument, and specifies the procedures for the detention or release of that person—is delayed until October 1, 2021.

(B&P amend 6075.5, 21701, 21703, 21705, amend, repeal, and add 21712; CIV amend 55.32, 1102.19, 1788.18, add 2924.8; CCP amend 430.41, 435.5, 439, 673, 681.020, 708.150, 1161.2, 1540, amend and repeal 472a, repeal and amend 472; FAM amend 510, 17212, amend and repeal 4055; GOV amend 12921, 12926, 12940, 14985.8; PEN amend 1320.24, 1320.26, 1320.30, 1320.32, 1320.33, 1320.34, 1320.35; PROB amend 15642; PCC amend 19209; W&I amend 100)

APPENDIX B

CRIMINAL LAW AND PROCEDURE

AB 2542 (KALRA), CH. 317
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2021
CRIMINAL PROCEDURE: DISCRIMINATION

Among other things, prohibits the state from seeking a criminal conviction or sentence on the basis of race, ethnicity, or national origin, as detailed below.

PENAL CODE SECTION 745

Prohibits the state from seeking or obtaining a criminal conviction or imposing a sentence on the basis of race, ethnicity, or national origin. (PEN 745(a).) Also prohibits juvenile adjudications and dispositions. (PEN 745(f).)

"[A]pplies only prospectively in cases in which judgment has not been entered prior to January 1, 2021." (PEN 745(j).)

Establishes a violation of this statute if the defendant proves any of the following grounds:

- The judge, an attorney in the case, a law enforcement officer involved in the case, an expert witness, or a juror exhibited bias or animus toward the defendant because of the defendant's race, ethnicity, or national origin;
- During the trial, one of the persons listed in (1) used racially discriminatory language about the defendant's race, ethnicity, or national origin (with certain exceptions);
- The defendant was charged or convicted of a more serious offense than defendants of other races, ethnicities, or national origins who commit similar offenses and who are similarly situated and the evidence establishes that the prosecution more frequently sought or obtained these convictions against people who share the defendant's race, ethnicity, or national origin in the county;
- The defendant received a longer or more severe sentence than what other similarly situated individuals convicted of the same offense received; and
  - Longer or more severe sentences were more frequently imposed on people who share the defendant's race, ethnicity, or national origin than on defendants of other races, ethnicities, or national origins, in the county; or
  - Longer or more severe sentences were more frequently imposed for the same offense on defendants in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins, in the county.

(PEN 745(a).)

Allows a defendant to file a motion alleging a violation of subdivision (a). (PEN 745(b).) If the defendant makes a prima facie showing of a violation, requires the trial court to hold a hearing. (PEN 745(c).)

Allows either party, at the hearing, to present evidence including, but not limited to, statistical evidence, aggregate data, expert testimony, and the sworn testimony of witnesses. Allows the court to appoint an independent expert. Requires the court to make findings on the record at the conclusion of the hearing. (PEN 745(c)(1), (3).)

Allows a defendant to file a motion requesting disclosure to the defense of all evidence relevant to a potential violation in the possession or control of the state. On a showing of good cause, and if the records are not privileged, requires the court to order the records to be released. Lets the court allow the prosecution to redact information before disclosure. (PEN 745(d).)

Requires the defendant to prove the violation by a preponderance of the evidence. (PEN 745(c)(2).)

If the court finds a violation of subdivision (a), requires the court to impose a remedy that depends on the type of violation and whether the court violation is established before or after judgment has been entered, such as declaring a mistrial, empaneling a new jury, dismissing enhancements and/or special allegations, reducing charges, vacating the conviction and sentence, and modifying the judgment. (PEN 745(e).)

Provides that a violation renders the defendant ineligible for the death penalty. (PEN 745(e)(3).)

PENAL CODE SECTION 1473

Authorizes a writ of habeas corpus, in cases where a judgment was entered on or after January 1, 2021, based on evidence that a criminal conviction or sentence was sought, obtained, or imposed in violation of PEN 745(a).

Requires that a petition raising a claim of this nature for the first time, or on the basis of new discovery provided by the state or other new evidence that could not have been previously known by the petitioner with due diligence, not be deemed a successive or abusive petition. If the petitioner has a habeas corpus petition pending in state court that has not yet been decided, allows the petitioner to amend the existing petition with a claim that the petitioner's conviction or sentence was sought, obtained, or imposed in violation of PEN 745(a).

Requires the petition to state whether the petitioner requests appointment of counsel. Requires the court to appoint counsel if the petitioner cannot afford counsel and (1) the petition alleges facts that would establish a violation of section 745(a), or (2) the State Public Defender requests that counsel be appointed. Allows newly appointed counsel to amend a petition that was filed before counsel's appointment.

Requires the court to review a petition raising a claim under section 745 and determine whether the petitioner has made a prima facie showing. If the petitioner makes a prima facie showing, requires the court to issue an order to show cause and hold an evidentiary hearing, unless the state declines to show cause. Requires the defendant to appear at the hearing by video unless counsel indicates that the defendant's physical presence in court is needed.

If the court determines that the petitioner has not established a prima facie showing of entitlement to relief, requires the court to state the factual and legal basis for its conclusion on the record or issue a written order detailing the factual and legal basis for its conclusion.

(PEN 1473(f).)

PENAL CODE SECTION 1473.7

Authorizes a motion to vacate a conviction or sentence that was sought, obtained, or imposed on the basis of race, ethnicity, or national origin in violation of PEN 745(a). (PEN 1473.7(a)(3).)

Requires a motion on this basis to be filed "without undue delay" from the date the moving party discovered—or could have discovered, with the exercise of due diligence—the evidence that provides a basis for relief. (PEN 1473.7(c).)

Note: Unlike the amendments to PEN 1473, the amendments to PEN 1473.7 do not explicitly state that vacatur relief based on a violation of 745(a) applies only prospectively to cases in which judgment occurs on or after January 1, 2021. As a result, there could be litigation to determine whether this vacatur relief applies to convictions that predate January 1, 2021. However, legislative history indicates that the Legislature intended that the provisions of the entire bill apply prospectively only. (PEN amend 1473, 1473.7, add 745)

AB 3070 (WEBER), CH. 318
EFFECTIVE/OPERATIVE DATE: JANUARY 1, 2022
JURIES: PEREMPTORY CHALLENGES

Creates a new procedural framework for the exercise of peremptory challenges, with the stated intent to eliminate the "unfair exclusion of potential jurors based on race, ethnicity, gender, gender identity, sexual orientation, national origin, or religious affiliation, or perceived membership in any of those groups, through the exercise of peremptory challenges."

Applies to all jury trials in which jury selection begins on or after January 1, 2022. Further provides that this section shall not apply to civil cases until January 1, 2026. (CCP 231.7(k), (n).)

Prohibits parties from exercising a peremptory challenge to remove a prospective juror on the basis of race, ethnicity, gender, gender identity, sexual orientation, national origin, or religion, or perceived membership in any of those groups.

After the three-step process of an objection to a peremptory challenge—(1) a party, or the trial court on its own motion, objects to the improper use of a peremptory challenge; (2) the party exercising the peremptory challenge states the reasons for exercising the peremptory challenge; and (3) the court evaluates the reasons given in light of the totality of the circumstances—requires the court to sustain the objection if there is a substantial likelihood that an objectively reasonable person would view the peremptory challenge as having been improperly exercised. (CCP 231.7(b)–(d).)

Once an objection is made, requires the court to conduct further discussion outside the presence of the jury panel. (CCP 231.7(b).)

Requires the court, if the objection is granted, to do one or more of the following: start a new jury selection, if requested by the objecting party; declare a mistrial and select a new jury, if requested by the defendant; seat the challenged juror; provide the objecting party additional challenges; or provide another remedy as the court deems appropriate. (CCP 231.7(h).)

Modifies the existing *Batson-Wheeler* (*Batson v. Kentucky* (1986) 476 U.S. 79, 85–88; *People v. Wheeler* (1978) 22 Cal.3d 258) framework for the exercise of a peremptory challenge in several respects, including the following:

- The court is no longer required to find purposeful discrimination to sustain an objection; unconscious bias is sufficient. (CCP 231.7(d).)
- Peremptory challenges, for reasons specified in the statute, are subject to a rebuttable presumption of invalidity, which can be overcome by clear and convincing evidence that an objectively reasonable person would view the rationale for the challenge as unrelated to the prospective juror's cognizable group membership. (CCP 231.7(e), (f).)
- Peremptory challenges based on behavior specified in the statute as historically associated with improper discrimination in jury selection are also presumptively invalid, unless the court confirms that the asserted behavior occurred and the counsel offering the reason adequately explains why the asserted behavior matters to the case; these presumptively invalid reasons include inattentiveness, problematic attitude or body language, and providing confused answers. (CCP 231.7(g).)
- Trial courts must use the "objectively reasonable person" standards described above in evaluating and adjudicating an objection to the exercise of a peremptory challenge; for purposes of the statute, an objectively reasonable person is defined as one who is aware that both unconscious bias and purposeful discrimination have resulted in the unfair exclusion of potential jurors in California. (CCP 231.7(d)(2)(A).)
- Appellate courts are directed to review de novo the denial of an objection to a peremptory challenge, with express factual findings reviewed for substantial evidence. (CCP 231.7(j).)

(CCP add, repeal, and add 231.7)

APPENDIX C

BUDGET

AB 1869 (COMMITTEE ON BUDGET), CH. 92
EFFECTIVE/OPERATIVE DATE: EFFECTIVE IMMEDIATELY

CRIMINAL FEES

Effective July 1, 2021, repeals a number of criminal administrative fees that fund city and county (or other local arresting agency) operations. Makes the unpaid balances related to the eliminated fees uncollectible. Appropriates $50,000 in FY 2020–21 to the Department of Finance to begin implementation. Appropriates $65 million annually from FY 2021–22 to FY 2025–26 to backfill revenues lost from the repeal of those fees. Specifies that local agencies may apply for reimbursement of costs, and states the intent of the Legislature to pursue legislation with the Budget Act of 2021 to finalize the funding allocation methodology for distribution to counties.

Repeals the statutes associated with the following criminal administrative fees:

- Government Code
  - 27712 (public defense fee)
  - 27753 (cost of counsel)
  - 29550(c) (criminal justice administration fee)
  - 29550(f) (administrative screening fee and citation processing fee)
  - 29550.1 (criminal justice administration fee)
  - 29550.2 (county booking fee)
  - 29550.3 (city booking fee)
- Penal Code
  - 987.4 (minor public defense fee)
  - 987.5 (public defense registration fee)
  - 987.8 (public defense fee)
  - 1203 (interstate compact supervision)
  - 1203.016(g) (adult home detention administrative fee)
  - 1203.018(j) (electronic monitoring administrative fee)
  - 1203.1b (probation department investigation/progress report fee)
  - 1203.1e (parole supervision fee)
  - 1208.2(b) (program administrative fee)
  - 1210.15 (continuous electronic monitoring fee)
  - 3010.8 (parole continuous electronic monitoring fee)
  - 4024.2(e) (work furlough administrative fee)
  - 6266 (work furlough program fee)

(B&P amend, repeal, and add 7158, 7159.5, 7159.14, 7161; GOV amend and repeal 27712, 27753, 29550.1, 29550.2, 29550.3, amend, repeal, and add 27706, 27707, 27750, 27752, 29550, 29551, add 6111; PEN amend and repeal 987.4, 987.5, 987.8, 987.81, 1203.1b, 1203.1e, 1210.15, 3010.8, 6266, amend, repeal, and add 295, 987, 987.2, 1000.3, 1203, 1203.016, 1203.018, 1203.1bb, 1203.1d, 1203.9, 1208, 1208.2, 1208.3, 4024.2, add 1465.9)

APPENDIX D

2019–2020 LEGISLATION AFFECTING CALIFORNIA APPELLATE PROCEDURE

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	SUMMARY DESCRIPTION OF NEW LAW
AB 2512 (Mark Stone), CH. 331 ***Effective/Operative Date: January 1, 2021*** **Death penalty: person with an intellectual disability**	Authorizes a defendant in a death penalty case to apply for an order directing that a hearing to determine intellectual disability be conducted as part of a habeas corpus petition and revises the definition of intellectual disability. Seeks to modernize Penal Code section 1376, which was enacted in response to the holding in *Atkins v. Virginia* (2002) 536 U.S. 304, 321, finding that the Eighth Amendment forbids the execution of an intellectually disabled defendant.
AB 2731 (Gloria), CH. 291 ***Effective/Operative Date: January 1, 2021*** **California Environmental Quality Act: City of San Diego: Old Town Center redevelopment**	Establishes expedited administrative and judicial review procedures under the California Environmental Quality Act for the "transit and transportation facilities" project, a regional transportation facility in San Diego, including a hub on the Old Town Center site and transportation linkages to the regional transportation system and the airport, requiring the courts to resolve lawsuits within 270 business days, including appeals, to the extent feasible.
AB 3070 (Weber), CH. 318 ***Effective/Operative Date: January 1, 2021*** **Juries: peremptory challenges**	Prohibits the use of peremptory challenges in jury selection on the basis of the prospective juror's race, ethnicity, gender, gender identity, sexual orientation, national origin, or religious affiliation, or perceived membership in any of those groups, and outlines new court procedures for evaluating and addressing peremptory challenges that are potentially discriminatory. Seeks to address perceived deficiencies in the *Batson-Wheeler* (*Batson v. Kentucky* (1986) 476 U.S. 79, 85–88; *People v. Wheeler* (1978) 22 Cal.3d 258) procedure by addressing unlawful discrimination in jury selection—from both conscious and unconscious bias—by implementing an objective test to determine when discrimination has occurred in the use of a peremptory challenge, replacing the subjective Batson test; requiring the party exercising a potentially discriminatory challenge to state the reasons for dismissing the prospective juror; and disallowing a number of reasons for the challenge that are currently allowed but often closely associated with discriminatory stereotypes based on race or ethnicity. Makes these provisions applicable to civil cases commencing January 1, 2026.

NOTE: This cumulative table is current through October 1, 2020. 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 can be found on the internet at *http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml*.

APPENDIX E

2019–2020 LEGISLATION RESPONDING TO CALIFORNIA APPELLATE AND SUPREME COURT DECISIONS

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	SUMMARY DESCRIPTION OF NEW LAW
AB 1512 (Carrillo), CH. 343 ***Effective/Operative Date: Effective Immediately*** **Security officers: rest periods**	Abrogates, for the security industry only, the court's decision in *Augustus v. ABM Security Services, Inc.* (2016) 2 Cal.5th 257, holding that rest periods must be free from duties and employer control by authorizing a private patrol operator, as specified, to require its security officer employees, who are covered by a valid collective bargaining agreement, to remain on call during rest periods.
AB 2805 (Eggman), CH. 356 ***Effective/Operative Date: January 1, 2021*** **Juveniles: reunification**	Expands the scope of evidence that a court may consider when determining whether to order reunification services for a child who has been made a dependent of the juvenile court because the child, before reaching five years of age, was the victim of severe physical abuse by a parent or by any person known by the parent. Note: In the case of *In re A.E.* (2019) 38 Cal.App.5th 1124, the trial court's decision to order reunification was overturned. In overturning the juvenile court's decision, the court stated that the record contained no competent testimony to support the findings. In addition, the reviewing court stated that, after having read the entire reporter's transcript, it independently determined that the record did not contain competent testimony to support the juvenile court's findings. In its decision, the court said the following: "The term 'testimony' refers to in-court oral statements of a live witness. 'Testimony' thus is not synonymous with 'evidence.' Rather, testimony is a specific type of evidence." (*In re A.E.* (2019) 38 Cal.App.5th 1124, 1146, citations omitted.)
AB 2944 (Mark Stone), CH. 104 ***Effective/Operative Date: Effective Immediately*** **Foster care**	Includes an Indian tribe, as defined, that has approved or licensed an applicant, as provided, among the entities that a foster family agency or county is required to contact when performing a reference check for purposes of placement of an Indian child, or a child for whom there is reason to know might be an Indian child. Note: In *In re Austin J.* (2020) 47 Cal.App.5th 870, the court reflected on recent statutory changes to the process for determining whether a child is an Indian child for the purpose of the Indian Child Welfare Act. Affirming that the "reason to believe" standard in AB 3176 (Waldron; Stats. 2018, ch. 833) referred to in *In re Austin J.* was to be a low threshold for requiring further inquiry into the child's status when there is information suggesting that the child or a parent is, or may be, a member of an Indian tribe, AB 2944 clarifies the definition of Indian child and Indian tribe and states that any Indian tribe or tribal agency that has approved or licensed an applicant for placement shall be contacted by a foster family agency in conducting a reference check to determine whether a proposed placement is safe and appropriate.
SB 145 (Wiener), CH. 79 ***Effective/Operative Date: January 1, 2021*** **Sex offenders: registration**	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. Department of Justice* (2015) 60 Cal.4th 871.

NOTE: This cumulative table is current through October 1, 2020. 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 can be found on the internet at *http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml*.

APPENDIX F

2019–2020 LEGISLATION RELATED TO AB 5* AND THE *DYNAMEX* CASE†

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	SUMMARY DESCRIPTION OF NEW LAW
AB 323 (Blanca Rubio), CH. 341 ***Effective/Operative Date: January 1, 2021*** **Newspapers: state agency advertising: worker status: independent contractors**	Expands the exemption applicable to newspaper carriers by deleting the condition that a newspaper carrier work under contract either with a newspaper publisher or with a newspaper distributor. Extends AB 5's exemption from the ABC test for newspaper distributors from January 1, 2021, to January 1, 2022, during which time independent contractor status is governed by the test stated in S. G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal.3d 341.
AB 2257 (Gonzalez), CH. 38 ***Effective/Operative Date: Effective Immediately*** **Worker classification: employees and independent contractors: occupations: professional services**	Clarifies and updates AB 5, including, but not limited to, business-to-business contracting, business service providers, and referral agencies opening the exemption to all industries except agriculture, retail, janitorial, construction, delivery, courier, transportation services, and high-hazard industries, as defined under existing law. Adds, under the professional services exemption, a specialized performer, appraisers, translators, and registered foresters. Adds, under a general "ABC" test exemption, a worker who provides underwriting inspections, premium audits, risk management, or loss control work for the insurance industry; international exchange visitor program administrative staff, as defined; competition judges, including umpires and referees; individuals who make business arrangements involving entertainment venues; and solo artists. Provides that the ABC test and *Dynamex* do not apply, and instead the *Borello* test applies. Provides that exemptions from the ABC/*Dynamex* decision do not apply to film and television unit production crews working on live or recorded performances for audiovisual works, including still photographers and cinematographers; publicists who are not independent music publicists; individuals subject to collective bargaining agreements and those hired by employers signed to collective bargaining agreements; and those who are deemed to be eligible in an appropriate collective bargaining unit. Provides that additional terms and conditions of current or future collective bargaining agreements or agreements between the applicable unions and specified recording industry employers will govern the determination of employment status in all events. Strikes the submission cap of "35 times per year" for still photographers, photojournalists, freelance writers, editors, illustrators, and newspaper cartoonists. Provides that a still photographer, photojournalist, videographer, photo editor, freelance writer, editor, illustrator, or newspaper cartoonist fall under the "professional services" exemption described above if certain conditions are satisfied.

* Assem. Bill 5 (Gonzalez; Stats. 2019, ch. 296).

† *Dynamex Operations West, Inc. v. Superior Court* (2018) 4 Cal.5th 903.

NOTE: This cumulative table is current through October 1, 2020. 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 can be found on the internet at *http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml*.

APPENDIX G

2020 NEW AND EXPANDED CRIMES

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 376 (Stone, Mark), CH. 154 ***Effective/Operative Date: January 1, 2021*** **Student loan servicing**	CIV add 1788.100 et seq.; FIN amend 28104, 28112, 28130, 28140, repeal 28134, 28136	Expands the scope of a crime by authorizing the Commissioner of Business Oversight to require student loan servicers to file, under oath or otherwise, annual or special reports or answers in writing to specific questions under penalty of perjury.
AB 793 (Ting), CH. 115 ***Effective/Operative Date: January 1, 2021*** **Recycling: plastic beverage containers: minimum recycled content**	PRC amend 14549.3, add 14547, 18017	Expands the scope of crimes by (1) amending the California Beverage Container Recycling and Litter Reduction Act, a violation of which is a crime; and (2) requiring a plastic material reclaimer and a manufacturer of postconsumer recycled plastic to report required information to the Department of Resources Recycling and Recovery under penalty of perjury.
AB 841 (Ting), CH. 372 ***Effective/Operative Date: January 1, 2021*** **Energy: transportation electrification: energy efficiency programs: School Energy Efficiency Stimulus Program**	PUC amend 740.12, add 740.18, 740.19, 740.20, add and repeal 1600 et seq.	Amends the Public Utilities Act, a violation of which is a crime, to (1) make changes to deployment of electric utility ratepayer-funded electric vehicle charging infrastructure investments within the jurisdiction of the California Public Utilities Commission; and (2) establish a new program at the California Energy Commission to fund appliance, plumbing and heating, ventilation, and air conditioning upgrades to schools using electric ratepayer-funded energy efficiency incentives.
AB 890 (Wood), CH. 265 ***Effective/Operative Date: January 1, 2021*** **Nurse practitioners: scope of practice: practice without standardized procedures**	B&P amend 650.01, 805, 805.5, add 2837.100 et seq.	Expands the scope of an existing crime by amending the Nursing Practice Act, a violation of which is a crime, to authorize a nurse practitioner (NP) to provide specified services in specified settings, without standardized procedures, if the NP meets additional education, examination, and training requirements; establishes physician consultation, collaboration, and referral requirement.
AB 896 (Low), CH. 121 ***Effective/Operative Date: Effective Immediately*** **Registered Dispensing Opticians: Dispensing Opticians Fund: Optometry Fund: mobile optometric offices**	B&P amend 205, 655, 2545, 2546.9, 2556.2, 2567, 2568, 3077, add 205.3, add and repeal 3070.2	Expands the scope of an existing crime by amending the Optometry Practice Act, a violation of which is a crime, to expressly allow nonprofits and charitable organizations to provide optometric services to patients regardless of ability to pay through mobile optometric offices under a new registration program within the California State Board of Optometry.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 913 (Calderon), CH. 253 ***Effective/Operative Date: January 1, 2021*** **Electrical corporations: wildfire and undercollection**	PUC amend 850, 3280	Among other things, expands the scope of an existing crime by allowing the California Public Utilities Commission (CPUC) to authorize financing orders by electric investor-owned utilities of the debt incurred from unpaid electric utility bills for the year 2020. Makes a violation of any CPUC order, decision, rule, direction, demand, or requirement a crime.
AB 1544 (Gipson), CH. 138 ***Effective/Operative Date: January 1, 2021*** **Community Paramedicine or Triage to Alternate Destination Act**	H&S amend 1799.2, add 1797.259, add and repeal 1797.273, 1800 et seq.	Creates the Community Paramedicine or Triage to Alternate Destination Act of 2020, which permits local emergency medical services agencies, with approval by the Emergency Medical Services Authority, to develop programs to provide community paramedic or triage to alternate destination services for certain specialties. Makes violations of certain provisions of the act a misdemeanor, thereby creating new crimes.
AB 1710 (Wood), CH. 123 ***Effective/Operative Date: January 1, 2021*** **Pharmacy practice: vaccines**	B&P amend 4052.8	Expands the scope of an existing crime by amending the Pharmacy Law, a violation of which is a crime, to allow a licensed pharmacist to independently initiate and administer COVID-19 vaccines approved by the federal Food and Drug Administration under the same circumstances that vaccines listed on the routine immunization schedule are initiated and administered.
AB 1775 (Jones-Sawyer), CH. 327 ***Effective/Operative Date: January 1, 2021*** **False reports and harassment**	CIV amend 47, 51.7; PEN amend 653y	Makes a number of changes in criminal and civil law to discourage individuals from using 911 or other communications with law enforcement to harass a person because that person belongs to a protected class. Expands the scope of an existing crime by providing that knowingly allowing the use of or using the 911 emergency system for the purpose of harassing another is a crime that is punishable as an infraction for a first violation and as a misdemeanor for a second or subsequent violation. Creates a new crime by making it a misdemeanor for a person to knowingly allow the use of or to use the 911 system for the purpose of harassing another person who is part of a protected class.
AB 1945 (Salas), CH. 68 ***Effective/Operative Date: January 1, 2021*** **Emergency services: first responders**	GOV add 8562	Expands the scope of an existing crime by amending the California Emergency Services Act , a violation of which is a crime, to define "first responder" as an employee of the state or a local public agency who provides emergency response services, including a peace officer, firefighter, paramedic, emergency medical technician, public safety dispatcher, or public safety telecommunicator.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 1963 (Chu), CH. 243 ***Effective/Operative Date: January 1, 2021*** **Child abuse or neglect: mandated reporters**	PEN amend 11165.7	Makes a human resource employee of a business that employs minors a mandated reporter of child abuse or neglect, and a person whose duties require direct contact with and supervision of minors in the performance of the minors' duties in the workplace a mandated reporter of sexual abuse for the purpose of the Child Abuse and Neglect Reporting Act. Provides that any mandated reporter who fails to report as required by this section is guilty of a misdemeanor.
AB 1974 (Gray), CH. 251 ***Effective/Operative Date: January 1, 2021*** **Horse racing: welfare and safety of racehorses and jockeys**	B&P amend 19440, 19640, add 19578.2, 19583.5, 19583.7, 19583.9, 19583.10, 19585, 19620.3	Expands the scope of a crime by amending the Horse Racing Law, a violation of which is a crime, to, among other things, prohibit a trainer from administering, directly or indirectly, or otherwise permitting to be administered, any medication to a horse, under the trainer's care, that is racing or training at a California Horse Racing Board–approved racetrack, unless the medication is prescribed for that specific horse and administered strictly in accordance with board regulations. Also prohibits applying to a horse's feet on racing day any type of topical medication designed to alleviate pain, soreness, or tenderness of a horse's feet.
AB 1989 (Garcia, Cristina), CH. 272 ***Effective/Operative Date: January 1, 2021*** **Menstrual Products Right to Know Act of 2020**	H&S add 111822 et seq.	Creates a new crime by amending the Sherman Food, Drug, and Cosmetic Law, a violation of which is a crime, to require that packaging containing menstrual products are conspicuously labeled with a list of all ingredients in the products.
AB 2014 (Maienschein), CH. 244 ***Effective/Operative Date: January 1, 2021*** **Medical misconduct: misuse of sperm, ova, or embryos: statute of limitations**	PEN amend 803	Extends the statute of limitations for violations of laws relating to misuse of sperm, ova, or embryos in assisted reproduction technology from three years after commission of the offense to within one year of discovery of the offense or within one year after the offense could have reasonably been discovered. Specifies that the amended statute of limitations applies to crimes committed on or after January 1, 2021, and to crimes for which the statute of limitations that was in effect before January 1, 2021, has not elapsed as of January 1, 2021.
AB 2037 (Wicks), CH. 95 ***Effective/Operative Date: January 1, 2021*** **Health facilities: notices**	H&S amend 1255.1, 1255.25	Expands the scope of an existing crime by amending the law that requires the California Department of Public Health to license, regulate, and inspect health facilities to (1) increase the amount of notice a hospital that provides emergency medical services (EMS) must give to at least 120 days before a planned reduction or elimination in the level of EMS; (2) require that the notice requirement for closing a hospital facility be at least 180 days before closing; and (3) require 90 days prior notice for eliminating or relocating a supplemental service.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 2118 (Kalra), CH. 277 ***Effective/Operative Date: January 1, 2021*** **Health care service plans and health insurers: reporting requirements**	H&S add 1385.043; INS add 10181.46	Expands the scope of an existing crime by requiring health insurers to annually report to the Department of Managed Health Care and the California Department of Insurance about insurance products in the individual and small group markets with rates effective during the 12-month period ending January 1 of the following year, including premiums, cost sharing, benefits, enrollment, and trend factors.
AB 2152 (Gloria), CH. 96 ***Effective/Operative Date: January 1, 2021*** **Public health: prohibition on the retail sale of dogs, cats, and rabbits**	H&S repeal and add 122354.5	Expands the scope of an existing crime by, among other things, amending the Pet Store Animal Care Act, a violation of which is a misdemeanor, to prohibit a pet store from selling dogs, cats, or rabbits, while still allowing a pet store to provide space to display animals for adoption if the animals are displayed by either a shelter or an animal rescue group.
AB 2196 (Gonzalez), CH. 174 ***Effective/Operative Date: January 1, 2021*** **Pilot Program for Increased Access to Responsible Small Dollar Loans**	FIN amend 22380, 22381	Expands the scope of an existing crime by amending the California Financing Law, a violation of which is a crime, to extend the sunset on the Pilot Program for Increased Access to Responsible Small Dollar Loans until January 1, 2028.
AB 2199 (Nazarian), CH. 127 ***Effective/Operative Date: January 1, 2021*** **Healing arts: clinical laboratories**	B&P amend 1246.7	Expands the scope of an existing crime by amending the laws, pertaining to laboratory clinics, that permit personnel who meet specified requirements to perform a total protein test using a digital refractometer in a licensed plasma collection center in this state until January 1, 2023, and adds a clinical laboratory scientist as one of the personnel who can supervise the testing.
AB 2338 (Weber), CH. 283 ***Effective/Operative Date: January 1, 2021*** **Courts: contempt orders**	CCP amend 1218	Permits a court to grant probation or a conditional sentence, as defined, in lieu of an order for community service, imprisonment, or both, for a party found in contempt for failure to comply with a court order under the Family Code.
AB 2520 (Chiu), CH. 101 ***Effective/Operative Date: January 1, 2021*** **Access to medical records**	H&S amend 123105, 123110, add 123114	Expands the scope of an existing crime by amending the Patient Access to Health Records law, by increasing the ability of a patient or a patient's representative to obtain a copy, at no charge, of the relevant portion of the patient's medical records needed to support a claim or appeal regarding eligibility for certain benefit programs and by permitting an employee of a nonprofit legal services entity representing the patient to have access to the patient's records, and by prohibiting a health care provider from charging a fee to a patient for filling out forms or providing information responsive to forms that support a claim or appeal for a public benefit program.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 2559 (Bauer-Kahan), CH. 160 ***Effective/Operative Date: January 1, 2021*** **California Financing Law: enforcement and penalties**	FIN amend 22706, 22707.5, 22712	Expands the scope of the crime of perjury by amending the California Financing Law (CFL) to authorize the Commissioner of Business Oversight to require the attendance of witnesses and examine under oath all persons whose testimony relates to activities and businesses regulated under the CFL. Effective September 29, 2020, DBO's name was changed to the Department of Financial Protection and Innovation (DFPI) with the signing of AB 1864 (Stats. 2020, ch. 157).
AB 2644 (Wood), CH. 287 ***Effective/Operative Date: January 1, 2021*** **Skilled nursing facilities: deaths: reporting**	H&S add 1255.9, 1275.41	Expands the scope of an existing crime by amending the law regulating skilled nursing facilities (SNFs), a violation of which is a crime, to, among other things, require a SNF, in the event of a declared emergency related to a communicable disease, to report each disease-related death to the California Department of Public Health within 24 hours.
AB 2655 (Gipson), CH. 219 ***Effective/Operative Date: January 1, 2021*** **Invasion of privacy: first responders**	PEN amend 1524, add 647.9	Creates a new crime by making it a misdemeanor for a first responder who responds to the scene of an accident or crime to capture the photographic image of a deceased person for any purpose other than an official law enforcement purpose or genuine public interest. Authorizes a search warrant to be issued on the grounds that the property or things to be seized consist of evidence that tends to show that a first responder has engaged or is engaging in that crime, as specified.
AB 2658 (Burke), CH. 288 ***Effective/Operative Date: January 1, 2021*** **Occupational safety and health: hazards**	LAB amend 6310, 6311, 6399.7, add 6311.5	Makes it a misdemeanor for an employer to willfully and knowingly direct an employee to remain in, or enter, an area closed because of a threat to public safety.
AB 2663 (Garcia, Eduardo), CH. 117 ***Effective/Operative Date: January 1, 2021*** **Use fuel tax: dimethyl ether: fuel blend**	B&P amend 13400, 13440, 13531; R&T amend 8651.7, add 8651.4, 8651.9	Among other things, expands the scope of an existing crime by amending the laws pertaining to retail fuel, a violation of which is a crime, to also apply to tenable retail sale of dimethyl ether (DME)-propane fuel blend.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 2699 (Santiago), CH. 289 ***Effective/Operative Date: January 1, 2021*** **Firearms: unsafe handguns**	PEN amend 11106, 25555, 26379, 28230, 32000	Modifies the scope of an existing crime by (1) exempting from the prohibition on unsafe handguns the sale of a handgun to, or the purchase of a handgun by, additional specified entities for use by sworn members of those entities, including the California Horse Racing Board and the California Department of Public Health; and (2) specifying that the sale of an unsafe handgun to certain specified entities and members of those entities is authorized only if the handgun is to be used as a service weapon by a peace officer who has successfully completed the basic course prescribed by the Commission on Peace Officer Standards and Training and who qualifies with the handgun, as specified, at least every six months.
AB 2717 (Chau), CH. 352 ***Effective/Operative Date: January 1, 2021*** **Motor vehicles: unattended children: liability**	CIV add 43.102; H&S add 1799.101	Changes the scope of an existing crime by exempting a person from criminal liability for property damage or trespass to a motor vehicle if the property damage or trespass occurs while the person is rescuing a child who is six years of age or younger from a motor vehicle under circumstances that reasonably could cause suffering, disability, or death to the child, if certain steps are taken during the removal.
AB 2782 (Stone, Mark), CH. 35 ***Effective/Operative Date: January 1, 2021*** **Mobile home parks: change of use: rent control**	CIV amend 798.56, amend and repeal 798.17; GOV amend 65863.7, 66427.4	Expands the scope of a crime by placing new requirements on local legislative bodies when approving the conversion of a mobile home park or floating home marina.
AB 2847 (Chiu), CH. 292 ***Effective/Operative Date: January 1, 2021*** **Firearms: unsafe handguns**	PEN amend 31910	Expands the scope of crimes relating to firearms manufacturers, effective July 1, 2022, by revising the criteria for unsafe handguns to require that the microstamp be imprinted in one place on the interior of the handgun.
AB 2920 (Obernolte), CH. 222 ***Effective/Operative Date: January 1, 2021*** **Hazardous waste: transportation: consolidated manifesting procedure**	H&S amend 25160.2	Changes the scope of a crime by amending hazardous waste control laws, a violation of which is a crime, to (1) allow retail hazardous waste generators and transporters to use consolidated manifesting procedures for retail hazardous waste, as defined, collected from retailers engaged in business in the state; and (2) require incompatible materials transported in the same transport vehicle to be managed under specified provisions that govern the transportation of hazardous waste.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 3074 (Friedman), CH. 259 ***Effective/Operative Date: January 1, 2021*** **Fire prevention: wildfire risk: defensible space: ember-resistant zones**	GOV amend 51182, 51186, 51189; PRC amend 4291	Expands the scope of a crime by requiring an ember-resistant zone within five feet of a structure as part of revised defensible space requirements for structures located in specified areas to help protect against wildfire.
AB 3075 (Gonzalez), CH. 357 ***Effective/Operative Date: January 1, 2021*** **Wages: enforcement**	CORP amend, repeal, and add 1502, 2117, 17702.09; LAB amend 1205, add 200.3	Expands the scope of the crime of perjury by requiring specified business entities to include an attestation in required business filings signed by the filers that no filer has an outstanding final judgment issued by the Department of Labor Standards Enforcement for a violation of a wage order or the Labor Code.
AB 3088 (Chiu), CH. 37 ***Effective/Operative Date: Effective Immediately*** **Tenancy: rental payment default: mortgage forbearance: state of emergency: COVID-19**	CIV amend 1946.2, 1947.12, 1947.13, amend, repeal, and add 798.56, 1942.5, 2924.15, add 3273.01 et seq., add and repeal 789.4; CCP amend, repeal, and add 1161, 1161.2, add 1161.2.5, add and repeal 116.223, 1179.01 et seq.	Among other things, expands the crime of perjury by prohibiting a tenant who delivers a declaration, under penalty of perjury, of COVID-19–related financial distress under these provisions from being deemed in default with regard to the COVID-19 rental debt, as specified.
AB 3175 (Levine), CH. 176 ***Effective/Operative Date: Effective Immediately*** **Entertainment industry: age-eligible minors: training**	LAB amend 1700.52	Expands the scope of the crime of perjury by requiring the parent or guardian of an age-eligible minor in the entertainment industry to certify that the minor has completed sexual harassment prevention and retaliation training using the online training developed by the Department of Fair Employment and Housing, before obtaining a work permit.
AB 3214 (Limón), CH. 119 ***Effective/Operative Date: January 1, 2021*** **Oil and gas: oil spills: fines and penalties**	GOV amend 8670.64	Doubles the minimum and maximum amounts of the potential criminal fines for certain violations of law associated with oil spills, and authorizes the court to impose on a person a fine of up to $1,000 per gallon of oil spilled in excess of 1,000 gallons, if the person was convicted of, among other things, knowingly engaging in or causing the discharge or spill of oil into waters of the state, or knowingly failing to begin cleanup, abatement, or removal of spilled oil.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 3220 (Committee on Environmental Safety and Toxic Materials), CH. 296 ***Effective/Operative Date: January 1, 2021*** **Hazardous materials: underground storage tanks: pesticides**	H&S amend 25299.51, 25299.100, 25299.101, 25299.102, 25299.103, 25299.104, 25299.105, 25299.106, 25299.107, 25299.117, 105206, add 25299.112, 25299.113, 25299.113.1, 25299.113.2	Expands and extends the eligibility for the Replacing, Removing, or Upgrading Underground Storage Tanks (RUST) program, which provides loans and grants to assist small businesses with complying with state and federal standards for underground storage tanks, and extends the sunset on a pesticide worker protection program known as the California Medical Supervision Program. Makes it a crime for a person to knowingly make a false statement, material misrepresentation, or false certification in support of those grants or loans.
AB 3336 (Carrillo), CH. 105 ***Effective/Operative Date: January 1, 2021*** **Third-party food delivery platforms: food safety**	H&S amend 113982, add 113930.5	Creates a new crime by amending provisions of the Health and Safety Code, a violation of which is a crime, to require ready-to-eat food delivered by third-party food delivery services to be transported in a manner that protects the food from contamination and spoilage, as specified.
SB 312 (Leyva), CH. 315 ***Effective/Operative Date: January 1, 2021*** **Cosmetic Fragrance and Flavor Ingredient Right to Know Act of 2020**	H&S add 111792.6	Creates a new crime by, commencing January 1, 2022, making it a crime for a manufacturer of a cosmetic product sold in the state to fail to disclose to the Division of Environmental and Occupational Disease Control a list of each fragrance ingredient or flavor ingredient that is included and a list of each fragrance allergen that is present in the cosmetic product in specified concentrations.
SB 350 (Hill), CH. 27 ***Effective/Operative Date: January 1, 2021*** **The Golden State Energy Act**	CCP amend 564, add 568.6, 1240.655; GOV add 63049.70 et seq.; PUC amend 748.1, 3289, 3292, amend and renumber 855, add 222.5, 713, 1825 et seq., 3400 et seq.	Among other things, expands the scope of an existing crime by amending the Public Utilities Code, a violation of which is a crime, to authorize the creation of a nonprofit public benefit corporation, Golden State Energy, to acquire the Pacific Gas and Electric (PG&E) Corporation under specified circumstances, including in the event PG&E does not emerge from Chapter 11 bankruptcy.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 406 (Pan), CH. 302 ***Effective/Operative Date: Effective Immediately*** **Health care: omnibus bill**	H&S amend 11833.05, 103526, 110810, 110840, 127662, heading of article 7 at 110810 et seq., repeal and add 1367.001, 1367.002, 127665; INS repeal and add 10112.1, 10112.2; W&I amend 14592	Expands the scope of an existing crime by rewriting two provisions of the Affordable Care Act, extending the California Health Benefits Review Program and other operational authority to 2022, and making other technical and conforming changes to other laws, a violation of which is a crime.
SB 723 (Jones), CH. 306 ***Effective/Operative Date: January 1, 2021*** **Firearms: prohibited persons**	PEN amend 29800, 29805, repeal 29851	Clarifies the scope of existing crimes prohibiting the possession of firearms by certain individuals to provide that a person with an active arrest warrant for a prohibited offense must have knowledge of the warrant in order to be criminally liable as a person prohibited from possessing a firearm.
SB 739 (Stern), CH. 109 ***Effective/Operative Date: Effective Immediately*** **Elections: vote by mail ballots and false or misleading information**	ELEC amend 18302, amend, add, and repeal 3022	Expands the scope of an existing crime by amending the law that makes it a misdemeanor for a person with actual knowledge and intent to deceive to cause to be distributed or to distribute to a voter any form of communication that the person knows includes incorrect, false, or misleading voting information—now also to include within this prohibition a false or misleading communication regarding the qualifications to apply for, receive, or return a vote by mail ballot.
SB 793 (Hill), CH. 34 ***Effective/Operative Date: January 1, 2021*** **Flavored tobacco products**	H&S add 104559.5 et seq.	Creates a new crime by making it an infraction for a tobacco retailer, or any of the tobacco retailer's agents or employees, to sell, offer for sale, or possess with the intent to sell or offer for sale a flavored tobacco product or a tobacco product flavor enhancer, as defined, except as specified.
SB 800 (Dodd), CH. 439 ***Effective/Operative Date: January 1, 2021*** **Horse racing: veterinary medical records: racehorse fatalities: racehorse drug testing**	B&P amend 4857, 19577, add 19431.5	Expands the scope of an existing crime by amending the Horse Racing Law, a violation of which is a crime, to add new disclosure requirements for veterinarians.
SB 1141 (Rubio), CH. 248 ***Effective/Operative Date: January 1, 2021*** **Domestic violence: coercive control**	FAM amend 6320	Expands the scope of the crime of contempt of court by adding the definition of "disturbing the peace of the other party," for which a court may issue a restraining order, a violation of which is contempt of court, under the Domestic Violence Prevention Act to include, among other things, coercive control.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 1189 (McGuire), CH. 364 ***Effective/Operative Date: January 1, 2021*** **Contracting business: home improvement: residential property**	B&P amend 7028.16, 7055, 7151, add 7057.5; PEN amend 667.16, 670	Expands the scope of a crime by amending the laws pertaining to construction contractors, a violation of which is a crime, to create a B-2 Residential Remodeling Contractor license as a new classification of contracting business and by revising the definition of home improvement.
SB 1196 (Umberg), CH. 339 ***Effective/Operative Date: January 1, 2021*** **Price gouging**	PEN amend 396	Expands the crime of price gouging to also include selling or offering to sell goods or services for a price at least 10 percent greater than the price charged immediately before a date set by a proclamation or declaration of emergency. Also makes it a crime for a person, contractor, business, or other entity who did not charge a price for the goods or services immediately before the proclamation or declaration of emergency to charge a price that is more than 50 percent greater than the seller's existing costs, as specified.
SB 1237 (Dodd), CH. 88 ***Effective/Operative Date: January 1, 2021*** **Nurse-midwives: scope of practice**	B&P amend 650.01, 2746.2, 2746.5, 2746.51, 2746.52, add 2746.54, 2746.55; H&S amend 102415, 102426, 102430	Expands the scope of a crime by amending the Nursing Practice Act, a violation of which is a crime, to (1) remove the requirement for a certified nurse-midwife (CNM) to practice midwifery according to standardized procedures or protocols with a physician; (2) revise the provisions defining the practice of midwifery; (3) authorize a CNM to attend cases out of a hospital setting; (4) authorize a CNM to furnish or order drugs or devices in accordance with standardized protocols with a physician; (5) require a CNM to provide specified disclosures to a patient; and (6) establish new reporting and data collection requirements.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 1255 (Committee on Insurance), CH. 184 ***Effective/Operative Date: January 1, 2021*** **Insurance**	INS amend 32, 769.56, 1104.9, 1592, 1622, 1626, 1637, 1639, 1668, 1668.5, 1669, 1675, 1676, 1677, 1682, 1707.7, 1738.5, 1749, 1749.3, 1749.31, 1749.32, 1749.33, 1749.4, 1750, 1754, 1758.1, 1758.3, 1758.8, 1758.81, 1758.82, 1758.83, 1758.84, 1758.85, 1758.86, 1758.87, 1758.88, 1758.89, 10181.45, 10234.75, 10235.45, 10271, 10291.5, 12921.2, 13550, heading of article 16.6 at 1758.8 et seq., add 799.11, repeal and add 799 et seq.	Among other things, changes the definition of a crime by, on and after January 1, 2023, eliminating the references to an HIV antibody test for purposes of civil and criminal penalty provisions and instead imposing penalties for the negligent, willful, or malicious disclosure of results of an HIV test.
SB 1441 (McGuire), CH. 179 ***Effective/Operative Date: January 1, 2021*** **Local Prepaid Mobile Telephony Services Collection Act**	R&T amend 42100, 42101, 42101.5, 42101.7, 42103, 42105, 42106, 42107, 42109, 42110, 42111, add 42101.6, 42101.8, 42101.9, 42103.1, 42103.2	Expands the scope of the crime of perjury by amending the Local Prepaid Mobile Telephony Services Collection Act, which requires certain documents to be submitted under penalty of perjury, to extend its operation until January 1, 2026.
SB 1474 (Committee on Business, Professions and Economic Development), CH. 312 ***Effective/Operative Date: January 1, 2021*** **Business and professions**	Various Codes	Among other things, expands the scope of a crime by amending the Private Investigator Act, a violation of which is a crime, to extend the date that the Bureau of Security and Investigative Services is authorized to issue certain licenses to January 1, 2024.

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Chief Justice of California and Chair of the Judicial Council
Tani G. Cantil-Sakauye

Administrative Director
Martin Hoshino

GOVERNMENTAL AFFAIRS

Director
Cory T. Jasperson

Contributing Writers
Andi Liebenbaum
Kamyab Mashian
Mark Neuburger
Kate Nitta
Sharon Reilly

Contributing Editors
Yvette Casillas-Sarcos
Jenniffer Herman

JUDICIAL COUNCIL SUPPORT

Editing and Graphics

Copy Editor
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Design and Production
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