JUDICIAL COUNCIL OF CALIFORNIA

Summary of Court-Related Legislation

JUDICIAL COUNCIL OF CALIFORNIA • GOVERNMENTAL AFFAIRS

DECEMBER 2021

During the first year of the 2021–2022 Legislative Session, the Legislature and Governor enacted numerous bills that affect the courts or are of general interest to the judicial branch. Brief descriptions of the measures of greatest interest follow, arranged according to subject matter. Also included is a table summarizing new laws that create new crimes or expand existing crimes, as well as an index listing all the bills and the page numbers on which their descriptions can be found.

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

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

Until the annual pocket parts are issued, bill texts can be examined in their chaptered form in *West's California Legislative Service* or *California Deering's Advance Legislative Service*, where they are published by chapter number. In addition, chaptered bills and legislative committee analyses can be accessed on the 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 855 (RAMOS), CH. 283
EFFECTIVE JANUARY 1, 2022
JUDICIAL HOLIDAYS

Removes Native American Day from the list of holidays that are excluded from designation as a judicial holiday, making Native American Day (fourth Friday in September) a judicial holiday in place of Columbus Day (second Monday in October). (CIV amend 135)

APPELLATE PROCEDURE

AB 624 (BAUER-KAHAN), CH. 195
EFFECTIVE JANUARY 1, 2022
JUVENILES: TRANSFER TO COURT OF CRIMINAL JURISDICTION: APPEALS

Makes an order transferring a minor from a juvenile court to a court of criminal jurisdiction subject to immediate appeal if a notice of appeal is filed within 30 days of the order transferring the minor. Upon request of the minor, requires the superior court to issue a stay of the criminal court proceedings until a final determination of the appeal. Requires the appeal to have precedence in the court to which the appeal is taken and to be determined as soon as practicable after the notice of appeal is filed. Requires the Judicial Council to adopt rules of court to ensure that the juvenile court advises the minor of the right to appeal, of the necessary steps and time for taking an appeal, and the right to the appointment of counsel if the minor is unable to retain counsel, the prompt preparation and transmittal of the record from the superior court to the appellate court, and adequate time requirements exist for counsel and court personnel to implement the objectives of the law. (W&I add 801)

AB 1194 (LOW), CH. 417
EFFECTIVE JANUARY 1, 2022
CONSERVATORSHIPS

Requires a professional fiduciary with an internet website to post a fee schedule on their internet website and requires a professional fiduciary without an internet website to provide that fee schedule to specified persons. Requires the Professional Fiduciaries Bureau to impose sanctions on a professional fiduciary on a finding of a violation of applicable statutes or regulations, a breach of fiduciary duty where there is a finding of serious financial or physical harm or mental suffering, or that the professional fiduciary has committed acts of abuse. Requires the bureau to revoke a professional fiduciary's license for a knowing, intentional, or willful breach of duty that constituted abuse of an elder or dependent adult client, or for gross negligence or gross incompetence that caused serious physical or financial harm or mental suffering to a client. Authorizes the probate court to impose a civil penalty up to $10,000 for each separate act of abuse on a conservator who is a professional fiduciary who abuses a conservatee, payable to the estate of the conservatee. Authorizes the probate court to impose a civil penalty up to $1,000 for each separate act of abuse on a conservator who is not a professional fiduciary who abuses a conservatee, payable to the estate of the conservatee.

Requires the probate court, in specified proceedings, to appoint the public defender or private counsel to represent a conservatee, proposed conservatee, or person alleged to lack legal capacity if the person has not retained legal counsel and does not plan to retain legal counsel. Requires the court to allow representation by an attorney for whom a conservatee, proposed conservatee, or person alleged to lack legal capacity expresses a preference, even if the attorney is not on the court's list of attorneys eligible for court appointment, unless the attorney cannot provide zealous advocacy or has a conflict of interest. Specifies that the role of legal counsel for a conservatee, proposed conservatee, or person alleged to lack legal capacity is that of a zealous, independent advocate, consistent with the attorney's general legal and ethical obligations. Requires an appellate court to appoint counsel for a conservatee or proposed conservatee in an appeal or writ proceeding arising out of specified proceedings. Shifts the burden of proof on a petition to terminate a conservatorship to an objector by requiring the court to terminate the conservatorship unless it determines, by clear and convincing evidence, that the conservatee meets the criteria for initial appointment of a conservator and that a conservatorship is the least restrictive alternative needed for the conservatee's protection. Removes court discretion to allow a guardian or conservator who is not a trust company, or an employee of such a guardian or conservator, to hire or refer business to an entity in which they have a financial interest. Authorizes a guardian or conservator who is a professional fiduciary to hire individuals as employees with court approval. Prohibits a guardian or conservator from being compensated

from the estate for any costs or fees that they incurred in unsuccessfully defending a fee request petition or opposing a petition or other request made by, or on behalf of, the ward or conservatee. Authorizes the court to reduce, rather than simply deny, the compensation for costs and fees incurred if the court determines, by clear and convincing evidence, that the defense was made in good faith, was based on the best interest of the ward or conservatee, and did not harm the ward or conservatee.

Requires the court to award the costs of a successful petition to remove a guardian or conservator and other expenses and costs of litigation to the petitioner. Requires the Judicial Council to report to the Legislature, on or before January 1, 2024, specified findings and recommendations regarding court effectiveness in conservatorship cases.

Contingent upon an appropriation of funds by the Legislature, requires the court to report specified violations by and penalties imposed on a professional fiduciary to the bureau, and requires the court to give the bureau access to court records containing information about the court's investigation of the fiduciary's conduct. Requires a court investigator to gather and review medical reports as part of the initial investigation; specifies the determinations the investigator is required to make in both initial and review investigations; authorizes an interested person, as defined, with personal knowledge of a conservatee to petition the court to investigate an allegation of physical abuse or financial abuse of a conservatee by a conservator and require the court to investigate those allegations that show a prima facie case of abuse. Removes the court's discretion to set a review hearing after the first annual review hearing out two years; requires the court, at each statutory review hearing held one year after appointment and annually thereafter, to consider terminating the conservatorship under the standards in Probate Code section 1860.5 or 1863 and, if the court does not terminate the conservatorship, to consider modifying the powers and duties of the conservator to ensure that it remains the least restrictive alternative needed for the protection of the conservatee. (B&P amend 6580, add 6563; PROB amend 1051, 1460, 1471, 1826, 1850, 1850.5, 1851, 1851.1, 1860, 1860.5, 1862, 1863, 2250, 2250.6, 2253, 2401, 2620, 2623, 2640, 2641, 2653, add 1851.6, 2112, add and repeal 1458)

SB 7 (ATKINS), CH. 19
EFFECTIVE IMMEDIATELY
ENVIRONMENTAL QUALITY: JOBS AND ECONOMIC IMPROVEMENT THROUGH ENVIRONMENTAL LEADERSHIP ACT OF 2021

Renews the authority of the Governor, through January 1, 2026, to certify a project under the Jobs and Economic Improvement Through Environmental Leadership Act of 2021 and broadens the reach of the act to include housing projects meeting certain conditions as projects eligible for certification. Requires actions or proceedings brought to attack, review, set aside, void, or annul the certification of an environmental impact report for an environmental leadership development project certified by the Governor under the act or the granting of any project approvals that require the actions or proceedings, including any potential appeals to the Court of Appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court. Requires the project applicant, as a condition of certification, to agree to pay the costs of the trial court and the Court of Appeal in hearing and deciding a case challenging a lead agency's action on a certified project. Urgency clause makes this bill operative May 20, 2021. (PRC add and repeal 21178 et seq.)

SB 44 (ALLEN), CH. 633
EFFECTIVE JANUARY 1, 2022
CALIFORNIA ENVIRONMENTAL QUALITY ACT: STREAMLINED JUDICIAL REVIEW: ENVIRONMENTAL LEADERSHIP TRANSIT PROJECTS

Adds expedited judicial review provisions for California Environmental Quality Act review of "environmental leadership transit projects," as defined. Requires the Judicial Council, on or before January 1, 2023, to adopt rules of court for any action challenging the certification of an environmental impact report for an environmental leadership transit project, including any appeals, to be resolved, to the extent feasible, within 365 days of the filing of the certified record of proceedings with the court. Requires a project applicant to pay the trial court and Court of Appeal costs associated with the expedited judicial review. (PRC add and repeal 21168.6.9)

SB 598 (PAN), CH. 492
EFFECTIVE JANUARY 1, 2022
SACRAMENTO REGIONAL TRANSIT DISTRICT: EMPLOYEE RELATIONS

Grants the Public Employment Relations Board (PERB), rather than the courts, jurisdiction to resolve disputes and enforce statutory duties and rights of specified public employers and employees under collective bargaining acts applicable to the Sacramento Regional Transit District. Makes any final decision of PERB in such a case appealable to the district court of appeal with jurisdiction over any county in which the district operates by petition for a writ of extraordinary relief. Allows enforcement of a final PERB order in a district court of appeal or superior court by writ of mandamus or other proper process without court review of the merits of the PERB order. (PUC amend 102400, 102401, 102402, 102403, add 102398, 102399, 102411, 102412, 102413, 102414, 102415, 102416, 102417, 102418, repeal and add 102404, 102405, 102406, 102407, 102408, 102409, 102410)

SB 775 (BECKER), CH. 551
EFFECTIVE JANUARY 1, 2022
FELONY MURDER: RESENTENCING

Allows a person who was convicted of murder under any theory under which malice is imputed to a person based solely on that person's participation in a crime, or who was convicted of attempted murder under the natural and probable consequences doctrine, or who was convicted of manslaughter when the prosecution was allowed to proceed on a theory of felony murder or murder under the natural and probable consequences doctrine, to apply to have their sentence vacated and be resentenced if, among other things, the complaint, information, or indictment was filed to allow the prosecution to proceed under a theory of felony murder, murder under the natural and probable consequences doctrine, or attempted murder under the natural and probable consequences doctrine.

Requires a court, when reviewing the petition to determine whether the petitioner has made a prima facie showing that the petitioner falls within the resentencing provisions and to hold a prima facie hearing prior to denying a petition. Clarifies that counsel must be appointed, if requested, upon the filing of a facially sufficient petition and that only after the appointment of counsel and the opportunity for briefing may the court determine whether the petitioner has established a prima facie case for relief. (PEN amend 1170.95)

SB 807 (WIECKOWSKI), CH. 278
EFFECTIVE JANUARY 1, 2022
ENFORCEMENT OF CIVIL RIGHTS: DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

Makes procedural modifications to the Department of Fair Employment and Housing enforcement of civil rights laws, including changing an appeal to the Court of Appeal of a superior court order to compel discovery from a writ of mandamus to an interlocutory appeal. Specifies that such an appeal shall have precedence and be determined as soon as practicable after the notice of appeal is filed. (GOV amend 12930, 12946, 12960, 12961, 12962, 12963.5, 12965, 12981, 12989.1)

CALIFORNIA ENVIRONMENTAL QUALITY ACT

AB 1344 (ARAMBULA), CH. 480
EFFECTIVE JANUARY 1, 2022
STATE DEPARTMENT OF PUBLIC HEALTH: NEEDLE AND SYRINGE EXCHANGE SERVICES

Establishes an exemption from the California Environmental Quality Act for needle and syringe exchange program application submissions, authorizations, and operations performed under the Clean Needle and Syringe Exchange Program within the Department of Public Health. (H&S amend 121349)

SB 7 (ATKINS), CH. 19
EFFECTIVE IMMEDIATELY
ENVIRONMENTAL QUALITY: JOBS AND ECONOMIC IMPROVEMENT THROUGH ENVIRONMENTAL LEADERSHIP ACT OF 2021

Renews the authority of the Governor, through January 1, 2026, to certify a project under the Jobs and Economic Improvement Through Environmental Leadership Act of 2021 and broadens the reach of the act to include housing projects meeting certain conditions as projects eligible for certification. Requires actions or proceedings brought to attack, review, set aside, void, or annul the certification of an environmental impact report for an environmental leadership development project certified by the Governor under the act or the granting of any project approvals that require the actions or proceedings, including any potential

appeals to the Court of Appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court. Requires the project applicant, as a condition of certification, to agree to pay the costs of the trial court and the Court of Appeal in hearing and deciding a case challenging a lead agency's action on a certified project. Urgency clause makes this bill operative May 20, 2021. (PRC add and repeal 21178 et seq.)

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CHILD WELFARE

AB 153 (COMMITTEE ON BUDGET), CH. 86
EFFECTIVE IMMEDIATELY
PUBLIC SOCIAL SERVICES

Among other things, conforms state law to the federal Family First Prevention Services Act (federal FFPSA), enacted as part of Public Law 115-123 authorizing new optional title IV-E funding for time-limited prevention services for mental health, substance abuse, and in-home parent skill-based programs for children or youth who are candidates for foster care, pregnant or parenting youth in foster care, and the parents or kin caregivers of those children and youth. Specifically, states the intent of the Legislature to exercise the option afforded to states in the federal FFPSA to receive federal financial participation for prevention services that are provided for a candidate for foster care, a pregnant or parenting foster youth, and their parents or kin caregivers, and the allowable costs for the proper and efficient administration of the program. The federal FFPSA provides states with an option to use federal funds under title IV of the federal Social Security Act to provide mental health and substance abuse prevention and treatment services and in-home parent skill-based programs to a child who is a candidate for foster care or a child in foster care who is a pregnant or parenting foster youth.

Authorizes a county, or Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement with the state regarding the care and custody of Indian children to elect to provide the FFPSA prevention services. Requires the State Department of Social Services (DSS) to have oversight of those prevention services and to seek all necessary federal approvals to obtain title IV-E federal financial participation for those prevention services. Requires the DSS to develop an allocation methodology to distribute state funding for the prevention services program. Requires counties to use the allocated funds and to document and report the services.

Requires a short-term residential therapeutic program (STRTP), as a condition of licensure, to provide specified trauma-informed support and transition services to foster youth as part of a planned or unplanned discharge. An STRTP is a residential facility licensed by the DSS and operated by any public agency or private organization that provides an integrated program of specialized and intensive care and supervision, services and supports, treatment, and short-term, 24-hour care and supervision to children, including foster children.

Makes various changes to provisions relating to the licensing of, and the placement of foster youth in, STRTPs in order to conform those provisions to the federal FFPSA requirements, including requiring a qualified individual, as defined and based on federal approval and a process developed jointly by specified departments, to conduct an assessment of certain placements to STRTPs establishing a process for the juvenile court to review and approve the placement of a dependent child, ward, or nonminor dependent in a STRTP, requiring county social workers and probation officers to include certain information in specified social studies, reports, and case plans, requiring STRTPs to ensure the availability of nursing staff, and providing at least six months of family-based aftercare services post-discharge.

In addition to conforming state law to federal FFPSA provisions, AB 153 prohibits the placement of foster youth, nonminor dependents, and wards of the court in out-of-state residential facilities, as defined, on and after July 1, 2021. Authorizes those placements before July 1, 2022, if specified criteria are met, including that the facility has been certified for placement by the DSS or is exempt from that certification. On and after July 1, 2022, prohibits the DSS from certifying new out-of-state residential facilities or seeking approval of new placements by county child welfare agencies or probation departments in out-of-state residential facilities. Prohibits county child welfare agencies from placing a child in an out-of-state residential facility, unless specified placement criteria are met and the agency completes specified tasks to seek a child-specific certification of an out-of-state residential facility. Requires the DSS to decertify all out-of-state residential facilities on or after January 1, 2023, and ensure that all children and youth have been returned to California by that date. Sets forth the duties of the DSS, as the designated Compact Administrator for the state under the Interstate Compact on the Placement of Children, in reviewing a child-specific approval of a placement in an out-of-state residential facility. Requires the DSS to report the number of children placed in an out-of-state residential facility under the compact on or before September 1, 2021, and each month thereafter, as specified, and requires the DSS to report every six months beginning January 1, 2022, specified data on children placed in out-of-state residential facilities. Makes conforming changes pursuant to these larger changes.

Requires the DSS, jointly with the Department of Health Care Services (DHCS), to establish the Children's Crisis Continuum Pilot Program for the purpose of developing treatment options that are needed to support California's commitment to eliminate the placement of foster youth with complex needs in out-of-state facilities. Requires the DSS to establish guidelines for foster youth eligibility and the selection, operation, and evaluation of the five-year pilot program, including guidelines on specified aspects of the structure of the pilot program. Requires the DSS, jointly with the DHCS, to take specified actions, including providing technical assistance to applicants and participating entities, awarding grants to participating entities, and developing a request for proposal process and selection criteria to determine which applicants will participate in the pilot program. Requires the selection criteria to include certain components, including submission of a plan by an applicant. Requires proposals to be submitted no later than January 31, 2022, and that grant funds be disbursed no later than March 31, 2022. Requires participating entities to develop, in collaboration with a workgroup, a highly integrated continuum of care for foster youth served in the pilot program. Requires the continuum of care, across all service settings, to reflect specified core program features and service approaches, including highly individualized and trauma-informed services.

Requires the DSS, three years after commencement of the pilot program, and no later than April 1, 2025, to submit an interim report relating to the pilot program to the Assembly Committee on Human Services and the Senate Committee on Human Services. Authorizes the pilot program to be implemented through all-county letters or other similar instruction and would require any guidance issued under that authorization to be issued by March 1, 2022.

Requires the joint interagency resolution team formed by the Secretary of the California Health and Human Services Agency and the Superintendent of Public Instruction to update the January 1, 2020, review regarding the placement and service options available to county child welfare agencies and county probation departments for specified children and youth with intensive needs and provide recommendations to the Legislature no later than December 31, 2022, that take into account the specific needs and characteristics of youth with unplanned discharges from STRTPs and youth for whom counties were unable to, or have difficulty with, securing placements and providing trauma-informed services. Requires the joint interagency resolution team to track and report deidentified information of children and nonminor dependents in foster care who have been assisted to preserve, or secure new, intensive therapeutic options and to post that information on the website of the California Health and Human Services Agency beginning July 1, 2022, and annually thereafter.

Requires the DSS to allocate funds appropriated in the Budget Act of 2021 through contracts with community-based providers or entities or through local assistance allocations to counties or Indian tribes that support new or expanded programs, services, and practices that ensure the provision of a high-quality continuum of care that is designed to support foster children in the least restrictive setting. Additionally, requires the DSS to use the allocated funds to supplement county efforts to build system

capacity for specified activities, including specialized models of professional foster care. Requires the DSS and the DHCS, in consultation with county representatives and other stakeholders, to develop recommendations for implementing and expanding high-fidelity wraparound services statewide.

Requires a county social worker or probation officer to include in certain reports to the juvenile court a factual discussion of whether the youth or nonminor dependent has received comprehensive sexual health education and whether the youth or nonminor dependent has been informed of the topics relating to reproductive and sexual health care.

Requires a county social worker or probation officer to include in certain reports to the juvenile court the identity of the person or persons responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, unless the child or nonminor dependent states that they do not want to pursue postsecondary education, including career or technical education. Requires the juvenile court to make a determination regarding whether the social worker has performed these duties. Requires the Judicial Council, on or before January 1, 2023, to amend and adopt rules of court and to develop appropriate forms necessary to implement these requirements.

Makes a pregnant minor or nonminor dependent eligible for the infant supplement for a specified period before the expected date of birth. Requires the DSS to develop and implement automated payments for these purposes.

Extends eligibility for payments under the Approved Relative Caregiver Funding Program on behalf of a child or nonminor dependent placed out of state in the home of a relative, if the child or nonminor dependent is ineligible for Aid to Families with Dependent Children—Foster Care payments and meets other existing eligibility requirements. Requires the home of the out-of-state relative to be licensed or approved as required by the state in which the home is located.

Extends payments for children placed with caregivers who have not yet completed the resource family approval process for the 2021–22 fiscal year, delaying the time limits that were to begin in the 2021–22 fiscal year to apply beginning in the 2022–23 fiscal year. For the 2021–22 fiscal year, makes these payments eligible for the federal and state share of payment until approval or denial of the resource family application or for up to 120 days, whichever comes first, and would authorize an extension of eligibility for the federal and state share of payment for up to 365 days if certain conditions are met by the county, including, among others, the provision of monthly documentation showing good cause for the delay in approving the resource family application that is outside the control of the county.

Extends the interim foster family agency rates through December 31, 2022, and increases the amount included for the component for social workers in the interim rates by $50 per child, per month, effective July 1, 2021. States the intent of the Legislature to develop an ongoing payment structure for foster family agency rates no later than January 1, 2023, and requires the payment structure to be implemented when the DSS notifies the Legislature that the statewide automation systems can complete the necessary automation functions.

Requires the DSS, subject to an appropriation for this purpose in the annual Budget Act, to administer the California Guaranteed Income Pilot Program to provide grants to eligible entities for the purpose of administering pilot programs and projects that provide a guaranteed income to participants. Requires the DSS to prioritize funding for pilot programs and projects that serve California residents who age out of the extended foster care program and pregnant individuals. Requires the DSS, in consultation with relevant stakeholders, to determine the methodology for, and manner of, distributing California Guaranteed Income Pilot Program grants, subject to certain requirements, and requires an eligible entity, in order to receive a grant, to take specified actions, including presenting commitments of additional, nongovernmental funding for the pilot programs and projects to be funded with the grant. Prohibits payments received by an individual from the California Guaranteed Income Pilot Program or project funded by those grants from being treated as income or resources for the purpose of determining eligibility or the amount of benefits under any state or local benefit or assistance program. Requires departments that administer certain federal benefit or assistance programs to, if possible, approve an exemption or waiver to exclude a guaranteed income payment from consideration as income or resources for purposes of the federal benefit or assistance program, or seek federal waivers or exemptions to do so. Requires the DSS, upon allocation of funding to eligible entities, to report to the

Legislature and post publicly on its website information about the California Guaranteed Income Pilot Program grants funded. Also requires the DSS to review and evaluate the pilot programs and projects funded pursuant to these provisions, provide a report to the Legislature regarding that review and evaluation, and post a copy of the report on its website. Exempts contracts or grants awarded under the California Guaranteed Income Pilot Program from specified personal services contracting requirements, the Public Contract Code, the *State Contracting Manual*, and approval by the Department of General Services. Authorizes the DSS to implement the program without taking any regulatory action. Makes these provisions inoperative on July 1, 2026, and repeals them on January 1, 2027. (FAM amend 7908, 7910, and 7912, repeal and add 7911 and 7911.1; H&S amend 1502, 1562.01, 50807, add chapter 11.8 (commencing with 50811) and chapter 11.9 (commencing with 50820) to part 2 of division 31; W&I amend 319, 319.3, 358.1, 361.2, 361.21, 366, 366.1, 366.3, 366.31, 636, 706.5, 706.6, 727.1, 727.2, 4096, 4096.5, 4648, 11402, 11403.3, 11461.3, 11461.36, 11462.01, 11463, 11465, 16010.7, 16121, 16501, 16501.1, 16521.6, 16521.8, 16530, add 361.22, 727.12, 4096.55, 4096.6, 11402.005, 16001.1, 16010.9, 18257.5, add chapter 6 (commencing with 16550) and chapter 7 (commencing with 16585) to part 4 of division 9, add and repeal chapter 16 (commencing with 18997) of part 6 of division 9)

AB 172 (COMMITTEE ON BUDGET), CH. 696
EFFECTIVE IMMEDIATELY
HUMAN SERVICES

Among other things, clarifies recently enacted changes to require a local child support agency to cease enforcement of child support arrearages assigned to the state and other fees and costs owed to the state when the Department of Child Support Services (DCSS) or local child support agency has determined that the amount is uncollectible. Defines for the purposes of the California Community Care Facilities Act a "group home for children with special health care needs," addressing an issue created as a result of a section of recently enacted law being chaptered out. Requires certain group homes for children to be vendored by a regional center, addressing an issue created as a result of a section of recently enacted law being chaptered out. Specifies that a child is not eligible for Aid to Families with Dependent Children—Foster Care if they are placed in a group home for children with special health care needs, addressing an issue created as a result of a section of recently enacted law being chaptered out. Requires that, for purposes of determining the individuals who may access a juvenile case file, a qualified individual, as defined, be considered a member of the child's multidisciplinary team. (CIV amend 1798.24; EDU add 49557.4; FAM amend 17400; GOV amend 1322, 12803; H&S amend 1367.03, 1367.04, 1368.05, 1502, repeal division 109.5 (commencing with 130250), division 109.6 (commencing with 130275), division 110 (commencing with 130300), and division 115 (commencing with 136000), repeal and add division 109 (commencing with 130200); INS amend 10133.8; LAB add 2755; W&I amend 361.2, 4096, 11402, 11450, 11450.12, 16521.5, 18997, add 12316.1, add chapter 20 (commencing with 18999.97) to part 6 of division 9; add item 4100-490 to section 2.00 of the Budget Act of 2021)

AB 260 (STONE), CH. 578
EFFECTIVE JANUARY 1, 2022
GUARDIANSHIPS

Revises the probate court guardianship process by requiring good cause to waive the guardianship investigation and prohibiting the probate court from hearing and determining the petition to appoint a guardian until the child welfare agency has completed its investigation and submitted its report to the probate court. Requires the Judicial Council to develop a form for use in both dependency cases and probate guardianships that assists potential legal guardians with understanding their rights, duties, and obligations as a guardian of a minor, that provides information about the services and supports available to a probate guardian and how they differ from the services and supports available to a caregiver in the child welfare system or a guardian appointed by the juvenile court. If the probate court has referred a matter to juvenile court, requires the social worker to immediately investigate and to report the findings and conclusions of the investigation to the probate court, and authorizes the probate court or appointed counsel, within one month after the referral, to request that the juvenile court review the decision of the social worker not to file a petition. Authorizes the juvenile court to either affirm the decision of the social worker or, if the juvenile court finds that the child is, prima facie, a dependent child of the court, to order the social worker to commence juvenile court proceedings. (GOV amend 68511.1; PROB amend 1511, 1513; W&I amend 329, 331)

AB 317 (PATTERSON), CH. 293
EFFECTIVE JANUARY 1, 2022
FOSTER CARE

Expands the authority and independence of the state Foster Care Ombudsperson by the following: including in the definition of "foster care" voluntary or governmental placements in certain residential facilities, with a resource family, or with a family pending approval as a resource family, or placement pursuant to a juvenile court order; revising existing selection requirements for the position; requiring the ombudsperson, in the performance of the duties and for the duration of the appointment, to be independent and prohibiting the ombudsperson, in exercising discretion, from being directly or indirectly controlled, supervised, or directed by the director of the California Department of Social Services. Prohibits removal of the ombudsperson from their office for exercising their independence and discretion in furtherance of their duties and powers, and sets forth criteria for replacement of the ombudsperson in the event of a vacancy in the office. Requires the ombudsperson to maintain confidentiality with respect to the identities of the complainants or witnesses coming before the ombudsperson, except as specified. Authorizes the office of the ombudsperson to establish policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings. Authorizes the ombudsperson to access and inspect premises within the control of a state or local agency or a contractor with a state and local agency, and access and inspect a licensed or approved children's residential facility, as specified, for the purpose of carrying out the duties of the office. Prohibits the ombudsperson or their staff from being compelled to testify or be deposed, or to disclose specified records, in a judicial or administrative proceeding, and immunizes the ombudsperson and any representative of the office from liability for exercising the investigative, complaint resolution, and technical assistance functions of the office, as specified. Requires probation officers and social workers to provide foster children with the ombudsperson's office toll-free telephone number and additional information. (W&I amend 16160, 16161, 16162, 16164, 16165, 16167, add 16166)

AB 366 (RUBIO, BLANCA), CH 581
EFFECTIVE JANUARY 1, 2022
FOSTER YOUTH: PLACEMENT OF SIBLINGS

Prohibits the physical capacity of the home from being the sole reason to deny foster care placement of siblings if each child in the home has an age-appropriate place to sleep and there are no other safety risks. (H&S repeal 1505.2; W&I amend 16002, 16519.5, repeal 16004)

AB 477 (RUBIO, BLANCA), CH. 93
EFFECTIVE JANUARY 1, 2022
CHILD ABUSE MULTIDISCIPLINARY TEAM: CHILDREN'S ADVOCACY CENTERS

Provides that if a county utilizes a child advocacy center to implement their local multidisciplinary response to investigate reports of child abuse or neglect, the child advocacy center must be included in the county child abuse multidisciplinary personnel team. Adds a representative from a relevant tribe to the list of individuals that may be included for investigations involving an Indian child. (W&I amend 18961.7)

AB 546 (MAIENSCHEIN), CH. 519
EFFECTIVE JANUARY 1, 2022
DEPENDENT CHILDREN: DOCUMENTS: HOUSING

Expands the list of information, documents, and services that a county welfare department, at the last review hearing prior to a youth's 18th birthday and at every regularly scheduled hearing thereafter, as well as prior to the termination of dependency jurisdiction, must report to the court. Requires the county welfare department to report its progress in providing referrals to transitional housing and whether those referrals have resulted in housing being secured, among other things. (W&I amend 391)

AB 592 (FRIEDMAN), CH. 702
EFFECTIVE JANUARY 1, 2022
FOSTER YOUTH: TRANSITIONAL HOUSING

Deletes the requirement that a host family be certified by a transitional housing placement (THP) provider. Expands the scope of a host family to include supervised transitional housing services and permits a host family to include certain approved placements that do not require additional certification. Expands the definition of a

supervised independent living setting to include a THP in which a host family lives with a nonminor dependent participating in a THP program. Permits a THP provider to provide supportive services to a nonminor dependent placed in a certified family home or resource family of a foster family agency, among other things. (H&S amend 1506, 1559.110; W&I amend 11400, 11402.2)

AB 640 (COOLEY), CH. 622
EFFECTIVE JANUARY 1, 2022
EXTENDED FOSTER YOUTH: ELIGIBILITY REDETERMINATION

Authorizes a county child welfare, probation, or tribal placing agency, for nonminor dependents who were ineligible for federal financial participation prior to attaining 18 years of age and who consent, to file a petition with the juvenile court to dismiss dependency or transition jurisdiction and immediately resume that jurisdiction in order to establish the nonminor dependent's eligibility for federal financial participation. Authorizes the juvenile court to grant the petition without a hearing. Requires a county child welfare, probation, or tribal placing agency filing a petition under these provisions to ensure that a nonminor dependent does not experience a break in services or supports before, during, or after the filing or granting of the petition. Implements these provisions by July 1, 2022. (W&I amend 388, 11400, 11401)

AB 670 (CALDERON), CH. 585
EFFECTIVE JANUARY 1, 2022
CHILD ABUSE OR NEGLECT: MINOR AND NONMINOR DEPENDENT PARENTS

Requires an agency, as defined, to notify the attorney who represents the minor parent or nonminor dependent in dependency court within 36 hours of receiving a report alleging abuse or neglect of a child of a minor dependent parent or a nonminor dependent parent. States that the provisions denying reunification services do not apply if the parent is a nonminor dependent parent or if the only times the court ordered termination of reunification services for any siblings or half siblings of the child, or permanently severed parental rights over any siblings or half siblings of the child, were when the parent was a minor parent, a nonminor dependent parent, or adjudged a ward of the juvenile court. Expands provisions that require a party seeking an involuntary foster care placement of, or termination of parental rights over, a child born to a parent or parents who were minors at the time of the child's birth to demonstrate to the court that reasonable efforts were made to provide remedial services designed to prevent the removal of the child from the minor parent or parents, and that these efforts have proved unsuccessful to nonminor dependent parents. Requires a social worker or probation officer to use a strengths-based approach to supporting a minor or nonminor dependent parent in providing a safe and permanent home for their child and prohibits an investigation from being conducted for the child of a minor parent or nonminor dependent parent unless a report has been made under the Child Abuse and Neglect Reporting Act. (PEN amend 11166.1; W&I amend 361.5, 361.8)

AB 674 (BENNETT), CH. 524
EFFECTIVE JANUARY 1, 2022
DEPENDENT CHILDREN: DOCUMENTS

Expands the list of information, documents, and services that a county welfare department, at the last review hearing prior to a foster youth's 18th birthday, must report to the court pertaining to eligibility, receipt, and how to apply for CalFresh benefits. (W&I amend 391)

AB 788 (CALDERON), CH. 201
EFFECTIVE JANUARY 1, 2022
JUVENILES: REUNIFICATION

Codifies the provision in *In re B.E.* (2020) 46 Cal.App.5th 932 to specify, for the purposes of bypassing family reunification services, that "resisted" means that the parent or guardian refused to participate meaningfully in a prior court-ordered treatment program and does not include passive resistance, as specified. (W&I amend 361.5)

AB 829 (LEVINE), CH. 528
EFFECTIVE JANUARY 1, 2022
FOSTER CHILDREN: IMMIGRATION COUNSEL AND GUARDIANSHIP

Requires a county to make best efforts to provide undocumented minors and nonminor dependents in foster care under the jurisdiction of the juvenile court with access to immigration legal services. Requires counties to submit reports to the California Department of Social Services regarding the process of identifying and meeting the needs of undocumented youth in their county, as specified. (PROB amend 2104.1; W&I amend 16010.6, add 13310)

AB 841 (CUNNINGHAM), CH. 98
EFFECTIVE JANUARY 1, 2022
DEPENDENT CHILDREN

Prohibits a child from being found to be a child adjudged a dependent of the court solely due to the failure of the child's parent or alleged parent to seek court orders for custody of the child. (W&I amend 300)

AB 873 (RAMOS), CH. 284
EFFECTIVE JANUARY 1, 2022
CHILD WELFARE SERVICES: INDIAN TRIBES

Requires, upon request of the tribe, the California Department of Social Services (CDSS) to enter into an agreement with a tribe, tribal organization, or tribal consortium regarding the care and custody of Indian children. Eliminates the tribal share of cost requirements for such agreements. Requires that any agreement between the CDSS and an Indian tribe, tribal organization, or tribal consortium ensure that eligible federal funding is used, and that the nonfederal costs be borne by the state, as specified. Deletes the existing requirements for tribes, consortium of tribes, or tribal organizations to bear responsibility for what would otherwise be the responsibility of the county, for the provision of child welfare services or assistance payments under the Aid to Families with Dependent Children—Foster Care program, as specified. Requires the CDSS to establish a specialized unit within the department to assist Indian tribes, tribal organizations, and tribal consortia in implementing agreements regarding the care and custody of Indian children and jurisdiction over Indian child custody proceedings, as specified. (W&I amend 10553.1, repeal 10553.11)

AB 1140 (RIVAS, ROBERT), CH. 297
EFFECTIVE JANUARY 1, 2022
FOSTER CARE: RIGHTS

Specifies that the duties of the California Department of Social Services and the Office of the State Foster Care Ombudsperson include children who are placed in residential facilities and homes by the Office of Refugee Resettlement of the U.S. Department of Health and Human Services. (H&S amend 1530.91; W&I amend 16164)

AB 1283 (STONE), CH. 288
EFFECTIVE JANUARY 1, 2022
FOSTER CARE

Provides that in a resource family approval matter before the State Hearings Division, an appeal to the notice of action or exclusion order shall be subject to dismissal if it is not filed within the prescribed time. Makes the county's action final, and the appeal before the State Hearings Division subject to dismissal if the resource family, applicant, excluded individual, or individual who is the subject of a criminal record exemption denial or rescission withdraws the appeal or fails to appear at the hearing without good cause. Makes good cause for failure to appear at the hearing to be defined by the department in specified written directives or regulation. Requires a temporary exclusion of a resource family parent, applicant, or other individual from presence in any resource family home, from employment in, presence in, and contact with clients of, any facility licensed by the department or certified or approved by a licensed foster family agency, and from holding certain positions with a licensee of any licensed facility following a county's denial of an application for resource family approval, rescission of approval, or denial or rescission of a criminal record exemption. Repeals authorization of the department, upon a finding of noncompliance with the law governing resource families, to require a foster family agency to deny a resource family application, rescind the approval of a resource family, or take other action deemed necessary for the protection of a child who is or who may be placed with the resource family. Authorizes a county and the department to coordinate the filing of actions related to resource families, file consolidated pleadings, or file a motion to consolidate multiple actions if a matter involves both a county and department action. Requires a tribe or tribal organization, when licensing or approving a home for the purpose of foster or adoptive placement of an Indian child, to submit fingerprint images and related information to the department for the type and level of background check required for an adoption and requires the department to provide a state- and federal-level response to the tribe or tribal organization that includes background check information that is required for an adoption. Provides a one-year extension to the State Department of Social Services to administer a state system for establishing rates in the Aid to Families with Dependent Children—Foster Care program and to implement a rate structure that is effective for specified

rates paid to certified family homes of a foster family agency and short-term residential therapeutic programs, under which counties provide payments to foster care providers on behalf of qualified children in foster care. Requires counties to provide these payments to an emergency caregiver on behalf of a ward placed in the home of the emergency caregiver, subject to the same requirements. (PEN amend 11105.08; W&I amend 10553.12, 11461, 11461.36, 11462, 16519.6, 18358.30)

SB 354 (SKINNER), CH 687
EFFECTIVE JANUARY 1, 2022
PUBLIC SOCIAL SERVICES

Adopts changes to the criminal background check process during the resource family approval process for relatives of children placed in the child welfare system. Permits the court to authorize placement of children with relatives in certain circumstances, regardless of the status of any criminal exemption or resource family approval. Clarifies the application of previously nonexemptible crimes to apply only to the placement of a specific child or children, and prohibits the exemption from being transferable for the placement of another child or children, as specified. Ensures the application of these provisions to tribally approved homes. Clarifies that state funding for the placement of a child is permissible even where certain federal funding may be disallowed under the changes provided by this bill. Requires, no later than January 1, 2024, the California Department of Social Services to submit a report to the Legislature related to criminal record exemptions as specified. (H&S amend 1522, 1568.09, 1569.17, 1596.871, add and repeal 1521.7; W&I amend 309, 319, 361.2, 361.4, 727.05, 11461.3, 11461.36, 16519.5)

SB 584 (JONES), CH. 548
EFFECTIVE JANUARY 1, 2022
RESOURCE FAMILY APPROVAL PROGRAM

Expands existing mandatory training for resource families and resource family applicants to include information on providing care and supervision to children who have been victims of child labor trafficking, as specified. (W&I amend 16519.5)

CIVIL PROCEDURE

AB 66 (BOERNER HORVATH), CH. 456
EFFECTIVE JANUARY 1, 2022
COASTAL RESOURCES: RESEARCH: LANDSLIDES AND EROSION: EARLY WARNING SYSTEM: COUNTY OF SAN DIEGO

Exempts the Regents of the University of California and its employees, when acting in good faith, from civil liability for any harm resulting from measurements, predictions, or warnings regarding bluff failure, cliff landslides, or erosion contained in the report provided by the Scripps Institution of Oceanography at the University of California, San Diego, regarding recommendations for developing a coastal cliff landslide and erosion early warning system unless those damages are the result of acts or omissions constituting gross negligence or willful or wanton misconduct. (EDU add 92685 et seq.)

AB 81 (TING), CH. 5
EFFECTIVE IMMEDIATELY
COVID-19 RELIEF

Among other things, includes technical cleanup of SB 91, enacted January 29, 2021, to extend the statewide eviction moratorium and establish governmental rental assistance programs. Specifies that an action to recover rental debt cannot commence until August 1, 2021 (instead of July 1, 2021). Changes date beyond which local ordinances can't require repayment of rental debt from August 1, 2021, to August 1, 2022. Clarifies that the amount a landlord shall receive under the state rental assistance in exchange for agreement to accept that amount as payment in full is set at 80 percent of the unpaid rent. As an act relating to the budget, the bill is effective immediately upon signing on February 23, 2021. (CIV amend 789.4, 1785.20.4, 1788.65, 1788.66, 1942.9, amend and renumber 1179.04.5; CCP amend 871.10, 1179.03, 1179.05; H&S amend 50897.1, 50897.3; UIC amend 4003; W&I amend 11157)

AB 133 (COMMITTEE ON BUDGET), CH. 143
EFFECTIVE IMMEDIATELY
HEALTH

Among other things, exempts confidential information regarding the incidence and prevalence of neurodegenerative diseases maintained by the State Department of Health Services as part of the California Neurode-

generative Disease Registry Program from subpoena, and states that the confidential information shall not be disclosed, discoverable, or compelled to be produced in any civil or administrative proceedings. States that the confidential information shall not be deemed admissible as evidence in any civil or administrative proceeding, or other similar tribunal or court for any reason. As an act relating to the budget, the bill is effective immediately upon signing on July 27, 2021. (H&S add 103871.1)

AB 177 (COMMITTEE ON BUDGET), CH. 257
EFFECTIVE IMMEDIATELY
PUBLIC SAFETY TRAILER BILL

Implements provisions of the Budget Act of 2021 to, among other things, add data collection and reporting requirements relative to the use of remote technology in civil proceedings; require the Judicial Council to convene a working group and report on issues relative to remote proceedings; increase court reporter transcript rates; report to the Legislature regarding increasing the uniformity of transcript rates; and eliminate certain criminal administrative fees; and provides related debt relief. As an act relating to the budget, the bill is effective immediately upon signing on September 23, 2021. (CCP add and repeal 367.8, 367.9; GOV amend 68645, 69951, 77205, amend, repeal, and add 50050, add and repeal 68119, 69950.5, repeal and add 69950; PEN amend 1465.9, amend and repeal 1001.15, 1001.16, 1203.1c, 1203.1m, 1214.5, amend, repeal, and add 1001.90, 1202.4, 1203.1, 1203.1ab, 1203.4a, 1203.9, 1205, 2085.5, 2085.6, 2085.7, repeal 1463.07; VEH amend and repeal 40508.5, amend, repeal, and add 40510.5, add 42240 et seq.)

See Appendix A for additional detail.

AB 272 (KILEY), CH. 146
EFFECTIVE JANUARY 1, 2022
ENROLLMENT AGREEMENTS

Allows a minor to disaffirm a provision in an educational institution's enrollment agreement that purports to waive a legal right to a remedy, forum, proceeding, or procedure arising out of a criminal sexual assault or criminal sexual battery. (CCP add 1002.7)

AB 315 (STONE), CH. 580
EFFECTIVE JANUARY 1, 2022
VOLUNTARY STREAM RESTORATION PROPERTY OWNER LIABILITY: INDEMNIFICATION

Provides indemnity and limited liability protections to real property owners who voluntarily permit stream restoration projects funded by the California Natural Resources Agency or the California Environmental Protection Agency or other entities under their jurisdiction to take place on their real property, as provided. (F&G add 1660)

AB 424 (STONE), CH. 559
EFFECTIVE JANUARY 1, 2022
PRIVATE STUDENT LOAN COLLECTIONS REFORM ACT: COLLECTION ACTIONS

Enacts the Private Student Loan Collections Reform Act, which, among other things, prohibits a private education lender or loan collector, as defined, from making any written statement to a debtor in an attempt to collect a private education loan unless the private education lender or loan collector possesses certain information regarding the loan and provides this information to the debtor, as specified. Requires all settlement agreements between a private education lender or loan collector and debtor to be documented in open court or otherwise reduced to writing. Prohibits a private education lender or loan collector from bringing a legal action or initiating arbitration or other legal proceedings to collect a private education loan if the applicable statute of limitations on the claim has expired. Requires a complaint brought under this act to contain specified information and prohibits a default or other judgment from being entered against a defendant unless a document submitted to the court establishes the facts alleged. Authorizes a person to bring a cause of action against a creditor, private education lender, or loan collector for violating the act for actual damages, statutory damages, restitution, and other specified relief. (CIV add 1788.200 et seq.)

AB 430 (GRAYSON), CH. 265
EFFECTIVE JANUARY 1, 2022
DEBT COLLECTION: IDENTITY THEFT

Requires a debt collector to cease collection activities until completion of a specified review if it receives a copy of a Federal Trade Commission (FTC) identity theft report and a written statement from the debtor. Requires, in a motion to set aside a default judgment or for leave to

defend the action in an action brought by a debt buyer, a person alleging that they are a victim of identity theft to provide the court with either a copy of an FTC identity theft report or a copy of a police report. Requires, in order for a person to recover actual damages or attorney's fees in an action or cross-complaint filed by a person alleging that they are a victim of identity theft, that the person, upon written request of the claimant, provide a valid, signed FTC identity theft report. (CIV amend 1788.18, 1788.61, 1798.92, 1798.93; PEN amend 530.8)

AB 502 (DAVIES), CH. 517
EFFECTIVE JANUARY 1, 2022
COMMON INTEREST DEVELOPMENTS: ELECTION REQUIREMENTS

Authorizes an association formed and operated as a common interest development under the Davis-Stirling Act to consider qualified candidates elected by acclamation if specified conditions are met, including that the association has held a regular election for the directors in the last three years, as specified; the association provided individual notice of the election and procedures for nominating candidates at least 90 days before the deadline for submitting nominations, and a reminder notice between 7 and 30 days before the deadline for submitting nominations, as specified; and the association board votes to consider the qualified candidates elected by acclamation at a meeting held in accordance with specified requirements. Revises the requirement that the association permit all candidates to run if nominated to instead require that the association so permit except for nominees disqualified from running as allowed or required under specified law. Deletes the requirement in the acclamation procedures that the association include 6,000 or more units. (CIV amend 5100, add 5103)

AB 627 (WALDRON), CH. 58
EFFECTIVE JANUARY 1, 2022
RECOGNITION OF TRIBAL COURT ORDERS: RIGHTS IN RETIREMENT PLANS OR DEFERRED COMPENSATION

Establishes a procedure for one or both of the parties to a tribal court proceeding to file an application for recognition of a tribal court order that establishes a right to child support, spousal support payments, or marital property rights to a spouse, former spouse, child, or other dependent of a participant in a retirement plan or other plan of deferred compensation, and that assigns all or a portion of the benefits payable with respect to the plan participant to an alternate payee. Provides that a tribal court order that is recognized under the application process shall be recognized as an order made under the domestic relations laws of the state. (CIV amend 1731, 1733, 1735, 1736, 1737, add 1733.1; FAM amend 2611)

AB 633 (CALDERON), CH. 119
EFFECTIVE JANUARY 1, 2022
PARTITION OF REAL PROPERTY: UNIFORM PARTITION OF HEIRS PROPERTY ACT

Enacts the Uniform Partition of Heirs Property Act, which requires specified procedures in an action to partition real property when there is no written agreement regarding partition that binds the cotenants of the property, or when one or more of the cotenants acquired title from a relative and meets one of the specified threshold requirements regarding cotenants who are relatives or who acquired title from a relative. Allows, when a cotenant requests partition by sale, other cotenants the option to buy all of the interests of the cotenants requesting partition by sale. Requires the court to partition the property in kind or by sale if all interests in the property are not purchased or if a cotenant who requested partition in kind remains after purchase. Provides procedures for property appraisal. Permits the court to apportion the costs of partition among the parties in proportion to their interests, but prohibits apportionment of costs among parties that oppose the partition, except as specified. (CCP amend 872.020, add 874.311 et seq.)

AB 651 (GIPSON), CH. 422
EFFECTIVE JANUARY 1, 2022
ENDOWMENT CARE CEMETERIES: EXAMINATION, INVESTIGATION, AND DISCIPLINE

Requires, among other things, upon a finding by a court that a cemetery manager of a private cemetery has ceased to perform their duties due to a lapse, suspension, surrender, abandonment, or revocation of their license, if the court has not appointed a temporary manager within six months of the suspension, revocation, or surrender of the license of the cemetery manager, the county in which the cemetery is located may assume responsibility for the maintenance of the cemetery until the court can appoint a temporary manager. (B&P amend 7612.11, 7613.1, 7653.9, add 7688; H&S amend, repeal, and add 8738)

AB 790 (QUIRK-SILVA), CH. 589
EFFECTIVE JANUARY 1, 2022
CONSUMERS LEGAL REMEDIES ACT

Specifies that the Consumers Legal Remedies Act's prohibition on certain home solicitations of senior citizens applies to Property Assessed Clean Energy (PACE) assessments that are part of a pattern or practice in violation of PACE regulations. (CIV amend 1770)

AB 825 (LEVINE), CH. 527
EFFECTIVE JANUARY 1, 2022
PERSONAL INFORMATION: DATA BREACHES: GENETIC DATA

Adds "genetic data" to the definition of "personal information" for purposes of the data breach notification laws. (CIV amend 1798.29, 1798.81.5, 1798.82)

AB 832 (CHIU), CH. 27
EFFECTIVE IMMEDIATELY
COVID-19 RELIEF: TENANCY: FEDERAL RENTAL ASSISTANCE

Extends the eviction moratorium through September 30, 2021, and implements post-moratorium recovery provisions for unlawful detainer actions filed on or after October 1, 2021, through March 31, 2022.

Eviction moratorium extension
Extends the "covered time period" from March 1, 2020, to September 30, 2021 (currently ends on June 30, 2021). During the covered time period, a tenant cannot be guilty of an unlawful detainer based on nonpayment of COVID-19 rental debt if the tenant pays at least 25 percent of rent demanded and delivers a declaration of COVID-19–related financial distress to the landlord.

Creates a new 15-day notice for landlords to serve to tenants on and after July 1, 2021, that includes information about rental assistance. Requires landlords to, prior to July 31, 2021, provide a new notice to tenants that have not paid one or more rental payments regarding COVID-19–related financial distress and the availability of rental assistance.

Extends additional damages landlords are liable to pay for violation of Civil Code section 789.3 (turning off utilities, locking the tenant out, etc.) from July 1, 2021, to October 1, 2021.

Extends to November 1, 2021, the prohibition against commencing an action to recover COVID-19 rental debt. Extends the stay for cases to recover COVID-19 rental debt pending before the court as of January 29, 2021, to November 1, 2021, but specifies that actions for breach of contract to recover rental debt that were filed before October 1, 2021, shall not be stayed, and may proceed.

Adds a requirement for a statement regarding the availability of rental assistance to be included in the information a court clerk mails to each defendant named in an unlawful detainer complaint for notices sent out between October 1, 2021, and March 31, 2022. Deletes the prior July 1, 2021, repeal date of the section masking unlawful detainer case records.

Requires the Judicial Council to develop forms for parties to utilize in civil actions for recovery of COVID-19 rental debt to facilitate masking of those cases. Deletes the prior July 1, 2021, repeal date of the section masking COVID-19 rental debt case records.

COVID-19 Rental Housing Recovery Act
Enacts the COVID-19 Rental Housing Recovery Act, which creates a framework for residential unlawful detainer cases from October 1, 2021, to March 31, 2022. The act includes a new notice provision for demands of payment of COVID-19 recovery period rental debt, which is rent that came due between October 1, 2021, and March 31, 2022. Requires courts to dismiss any unlawful detainer cause of action that does not meet the noticing requirements for demands of COVID-19 recovery period rental debt and states that a defendant may raise the insufficiency of such a notice as a complete defense to an unlawful detainer.

Prohibits a court from issuing a summons on an unlawful detainer case based on nonpayment of rental debt accumulated due to COVID-19 hardship unless the plaintiff verifies that the landlord took certain actions relative to receiving rental assistance. States that a court shall not issue a judgment or default judgment on an unlawful detainer case based on nonpayment of rental debt accumulated due to COVID-19 hardship unless, upon review, the court finds that the landlord took certain actions relative to receiving rental assistance. Specifies that these requirements do not apply to tenancies that were initially established on or after October 1, 2021.

Creates a new process for tenants to recover a lease or rental agreement and restore tenancy where an unlawful detainer action based on nonpayment of rental debt

that accumulated due to COVID-19 financial hardship has commenced, but the tenant has an approved rental assistance application to cover all rental debt demanded in the complaint and the premises have not yet been restored to the landlord. Sets procedures to such an application for relief, which require a court to set a hearing on the matter on not less than 5 days' notice and not more than 10 days' notice to the parties and, as applicable, stay the unlawful detainer action, stay any writ of possession that has been issued, and notify the sheriff accordingly.

Updates to state rental assistance program
Amends the rental assistance law so that rental assistance will cover 100 percent of an eligible household's unpaid rental debt accumulated on or after April 1, 2020. Enacts requirements for government rental assistance programs to adopt in order to allow landlords, tenants, and the courts to verify information on the status of rental assistance applications. Urgency clause makes this bill operative June 28, 2021. (CIV amend 789.4, 1788.65, 1788.66, 1942.5, 3273.1; CCP amend 116.223, 871.10, 871.11, 871.12, 1161.2.5, 1179.02, 1179.03, 1179.03.5, 1179.04, 1179.05, 1179.07, amend and repeal 1161.2, add and repeal 1179.08 et seq.; H&S amend 50897, 50897.1, 50897.2, 50897.3, 50897.4, add 50897.2.1, 50897.3.1)

AB 849 (REYES), CH. 471
EFFECTIVE JANUARY 1, 2022
SKILLED NURSING FACILITIES: INTERMEDIATE CARE FACILITIES: LIABILITY

Clarifies that in private enforcement actions brought in certain situations by a current or former resident or patient of a skilled nursing facility or intermediate care facility against the licensee of a facility that violates any rights of the resident or patient, as provided in the Patients' Bill of Rights or in other state and federal laws and regulations, the aggrieved resident or patient is entitled to $500 for each violation of their rights. Abrogates the holding in *Jarman v. HCR ManorCare, Inc.* (2020) 10 Cal.5th 375, which found the $500 cap was per lawsuit, and not per violation. (H&S amend 1430)

AB 861 (BENNETT), CH. 706
EFFECTIVE JANUARY 1, 2022
MOBILEHOME PARKS: RENTAL RESTRICTIONS: MANAGEMENT

Requires management of a mobilehome park to comply with a rule or regulation prohibiting the renting or subleasing of a homeowner's mobilehome or mobilehome space. Prohibits management from renting a management-owned mobilehome except management may directly rent up to two mobilehomes for the purpose of housing onsite employees. (CIV amend 798.23)

AB 891 (CUNNINGHAM), CH. 28
EFFECTIVE JANUARY 1, 2022
CONTRACTS: PARENTAL CONSENT

Clarifies that a representation by a minor that the minor's parent or legal guardian has consented shall not be considered consent for the purposes of establishing consent of the parties to a contract under Civil Code sections 1565–1590. (CIV add 1568.5)

AB 978 (QUIRK-SILVA), CH. 125
EFFECTIVE JANUARY 1, 2022
MOBILEHOME PARKS: RENT CAPS

Prohibits a mobilehome park located in two incorporated cities from raising rents more than 3 percent, plus the percentage change in the cost of living, and applies just cause eviction and anti-rent gouging protections to tenants in mobilehome units. (CIV amend 1946.2, 1947.12, add and repeal 798.30.5)

AB 1143 (BERMAN), CH. 156
EFFECTIVE JANUARY 1, 2022
CIVIL PROCEDURE: RESTRAINING ORDERS

Provides that if the court determines at the hearing on a civil harassment order that, after a diligent effort, the petitioner has been unable to accomplish personal service and there is reason to believe that the respondent is evading service or cannot be located, the court may specify another method of service that is reasonably calculated to give actual notice to the respondent and may prescribe the manner in which proof of service shall be made. (CIV amend 527.6)

AB 1221 (FLORA), CH. 452
EFFECTIVE JANUARY 1, 2022
CONSUMER WARRANTIES: SERVICE CONTRACTS: CANCELLATION: DISCLOSURES

Clarifies that service contracts can cover a single product or a class of products. Provides explicit authorization for a service contractor to enter automatically into renewing month-to-month service contracts with consumers, subject to certain requirements. Specifies that a service contract may be offered on a periodic basis and continue

until canceled by the buyer or service contractor. Requires a service contract that continues until canceled by the buyer or service contractor to, among other things, clearly disclose to the buyer that the service contract shall continue until canceled by the buyer or service contractor. Also requires this contract to provide a variety of resources that the buyer can use to cancel the service contract. (CIV amend 1791, 1794.4)

AB 1578 (COMMITTEE ON JUDICIARY), CH. 401
EFFECTIVE JANUARY 1, 2022
JUDICIARY OMNIBUS

Sections 3, 4, and 5. Codifies the California Supreme Court's holding in *Property Reserve, Inc. v. Superior Court* (2016) 1 Cal.5th 151, providing that a property owner subject to an eminent domain action may seek to recover damages as a defendant and that the property owner possess a waivable right to a jury trial to seek compensation for pre-condemnation damages.

Sections 20 and 21. Extends the statute of limitations by one year to allow three years to bring a civil action for cost recovery against a person who negligently, or in violation of the law, sets a fire, allows a fire to be set, or allows a fire kindled or attended by the person to escape onto any public or private property.

Section 22. Clarifies that name and gender change petitions of a minor submitted by a guardian appointed by the juvenile court or probate court, or by a court-appointed dependency attorney appointed as guardian ad litem, must be made in the court with jurisdiction over the minor. Enables the attorney for a ward in the juvenile justice system to sign the petition on behalf of the ward. Provides that the publication requirement applicable to petitions for name changes does not apply if the petition is filed for a minor who is under the jurisdiction of the juvenile court. NOTE: This section amends Health and Safety Code section 103430. Section 103430 is also amended by AB 218 (Stats. 2021, ch. 577), which is the later-enacted bill.

See Appendix D for additional detail.

AB 1580 (COMMITTEE ON JUDICIARY), CH. 30
EFFECTIVE JANUARY 1, 2022
ENFORCEMENT OF MONEY JUDGMENTS: EXAMINATION

Specifies persons who are ordered to appear in the event a corporation, partnership, association, trust, limited liability company, or other organization fails to designate a person to appear for purposes of a judgment creditor's application to a court to enforce a money judgment. (CCP amend 708.150)

SB 7 (ATKINS), CH. 19
EFFECTIVE IMMEDIATELY
ENVIRONMENTAL QUALITY: JOBS AND ECONOMIC IMPROVEMENT THROUGH ENVIRONMENTAL LEADERSHIP ACT OF 2021

Renews the authority of the Governor, through January 1, 2026, to certify a project under the Jobs and Economic Improvement Through Environmental Leadership Act of 2021 and broadens the reach of the act to include housing projects meeting certain conditions as projects eligible for certification. Requires actions or proceedings brought to attack, review, set aside, void, or annul the certification of an environmental impact report for an environmental leadership development project certified by the Governor under the act or the granting of any project approvals that require the actions or proceedings, including any potential appeals to the Court of Appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court. Requires the project applicant, as a condition of certification, to agree to pay the costs of the trial court and the Court of Appeal in hearing and deciding a case challenging a lead agency's action on a certified project. Urgency clause makes this bill operative May 20, 2021. (PRC add and repeal 21178 et seq.)

SB 16 (SKINNER), CH. 402
EFFECTIVE JANUARY 1, 2022
PEACE OFFICERS: RELEASE OF RECORDS

Expands the categories of police personnel records that are subject to disclosure under the California Public Records Act and modifies existing provisions regarding the release of records subject to disclosure. Deletes the requirement in existing law that requires a court, in determining the relevance of evidence, to exclude from

trial any information consisting of complaints concerning peace officer conduct that is more than five years older than the subject of the litigation. Specifies that the records related to use of excessive or unreasonable force must be sustained to be subject to disclosure; and clarifies that provisions of the attorney-client privilege must comply with standards. (EVID amend 1045; PEN amend 832.5, 832.7, 832.12, add 832.13)

SB 44 (ALLEN), CH. 633
EFFECTIVE JANUARY 1, 2022
CALIFORNIA ENVIRONMENTAL QUALITY ACT: STREAMLINED JUDICIAL REVIEW: ENVIRONMENTAL LEADERSHIP TRANSIT PROJECTS

Adds expedited judicial review provisions for CEQA review of "environmental leadership transit projects," as defined. Requires any action challenging the certification of an environmental impact report for an environmental leadership transit project, including any appeals, to be resolved, to the extent feasible, within 365 days of the filing of the certified record of proceedings with the court. Requires a project applicant to pay the trial court and Court of Appeal costs associated with the expedited judicial review. (PRC add and repeal 21168.6.9)

SB 91 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 2
EFFECTIVE IMMEDIATELY
COVID-19 RELIEF: TENANCY: FEDERAL RENTAL ASSISTANCE

Among other things, extends the deadlines in the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 (AB 3088 (Chiu); Stats. 2020, ch. 37), which expired on January 31, 2021. Under AB 3088, tenants had until January 31 to pay 25 percent of accumulated unpaid rent since September 1, 2020. If they did not comply, they were subject to eviction. SB 91 extends that January 31, 2021, deadline to June 30, 2021.

Creates a new State Rental Assistance Program to be administered by the Department of Housing and Community Development that, among other things, will facilitate distribution of federal rental relief funds to Californians. The rental assistance program will, among other things, allow landlords the option to recover 80 percent of unpaid rent for the period of time between March 1, 2020, and March 31, 2021. For landlords that do not participate or are unable to participate, allows tenants to receive rental assistance for 25 percent of their rent. Requires a landlord to make certain verifications with regard to whether they sought or received rental assistance prior to entry of judgment in any legal action by the landlord to recover unpaid rent.

Requires any landlord's agreement to accept rental assistance as payment in full to include the landlord's agreement to release any and all claims for nonpayment of rental debt owed for the covered time period, including a claim for unlawful detainer against any tenant within the eligible household for whom the rental assistance is being provided. As an act relating to the budget, the bill is effective immediately upon signing on January 29, 2021. (CIV amend 789.4, 1942.5, 3273.1, add 1785.20.4, 1788.66, 1942.9, add and repeal 1788.65; CCP amend 116.223, 1161.2, 1161.2.5, 1179.01, 1179.02, 1179.03, 1179.03.5, 1179.04, 1179.05, 1179.07, amend heading of chapter 5 at 1179.01 et seq., add 1179.04.5, add and repeal chapter 11 at 871.10 et seq.; GOV amend 925.6; H&S add chapter 17 at 50897 et seq.)

SB 93 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 16
EFFECTIVE IMMEDIATELY
EMPLOYMENT: REHIRING AND RETENTION: DISPLACED WORKERS: COVID-19 PANDEMIC

Requires an employer, as defined, until December 31, 2024, to offer laid-off employees specified information about job positions that become available for which the laid-off employees are qualified, and to offer positions to those laid-off employees based on a preference system, in accordance with specified timelines and procedures. Defines the term "laid-off employee" to mean any employee who was employed by the employer for 6 months or more in the 12 months preceding January 1, 2020, and whose most recent separation from active service was due to a reason related to the COVID-19 pandemic, including a public health directive, government shutdown order, lack of business, a reduction in force, or other economic, nondisciplinary reason related to the COVID-19 pandemic. Requires an employer to keep records for three years, including records of communications regarding the offers. Requires an employer that declines to recall a laid-off employee on the grounds of lack of qualifications and instead hires someone other than a laid-off employee to provide the laid-off employee a written notice within 30 days including specified reasons for the decision, and other information on those hired.

Until December 31, 2024, prohibits an employer from refusing to employ, terminating, reducing compensation, or taking other adverse action against any laid-off employee for seeking to enforce their rights under these provisions. Establishes specified methods by which these provisions may be enforced, including authorizing an employee to file a complaint with the Division of Labor Standards Enforcement against the employer for specified relief, including hiring and reinstatement rights and awarding of back pay, as well as a civil penalty. Authorizes the Division of Labor Standards Enforcement to promulgate and enforce rules and regulations, and issue determinations and interpretations concerning these provisions. Prohibits the imposition of criminal penalties for a violation of these provisions. As an act relating to the budget, the bill is effective immediately upon signing on April 16, 2021. (LAB add and repeal 2810.8)

SB 241 (UMBERG), CH. 214
EFFECTIVE JANUARY 1, 2022
CIVIL ACTIONS

Among other things, establishes a regulatory framework for out-of-state firms to provide shorthand reporting services within California by registering with the Court Reporters Board and sunsets the board's out-of-state firm registration program on January 1, 2024, unless extended. Authorizes, until July 1, 2023, parties to appear remotely and permits courts to conduct conferences, hearings, proceedings, and trials in civil cases, in whole or in part, through the use of remote technology, as specified; adds arbitration continuances or postponements to the general rule that trial continuances and postponements as a result of the COVID-19 pandemic extend other case deadlines for the same length of time; and requires courts, as of July 1, 2024, to electronically serve civil action documents on a party that has consented to accept electronic service. Requires courts to hear minors' compromise petitions within 30 days of filing and to issue a decision upon the hearing's conclusion if the petition is uncontested. (B&P amend, repeal, and add 8050, add and repeal 8051; CCP amend 599, 1010.6; CIV add and repeal 367.75; PROB add 3505)

SB 331 (LEYVA), CH. 638
EFFECTIVE JANUARY 1, 2022
SETTLEMENT AND NONDISPARAGEMENT AGREEMENTS

Expands the prohibition against inclusion in settlement agreement provisions that prevent disclosure of certain information related to claims of sexual assault, sexual harassment, and workplace- or housing-related harassment or discrimination based on sex or retaliation against a person for reporting harassment or discrimination based on sex to include claims of workplace or housing harassment or discrimination of any kind, not just those based on sex. Makes it unlawful for an employer, or former employer, to include in an employee's separation from employment agreement any provision that denies the employee's ability to disclose information about unlawful acts in the workplace, including information pertaining to harassment or discrimination or any other unlawful or potentially unlawful conduct. (CIV amend 1001; GOV amend 12964.5)

SB 332 (DODD), CH. 600
EFFECTIVE JANUARY 1, 2022
CIVIL LIABILITY: PRESCRIBED BURNING OPERATIONS: GROSS NEGLIGENCE

Exempts any person from liability for any fire suppression or other costs otherwise recoverable for a prescribed burn if specified conditions are met, including, among others, that the burn be for the purpose of wildland fire hazard reduction, ecological maintenance and restoration, cultural burning, silviculture, or agriculture, and that, when required, a certified burn boss review and approve a written prescription for the burn. Provides that any person whose conduct constitutes gross negligence shall not be entitled to immunity from fire suppression or other costs otherwise recoverable, as specified. (CIV add 3333.8)

SB 447 (LAIRD), CH. 448
EFFECTIVE JANUARY 1, 2022
CIVIL ACTIONS: DECEDENT'S CAUSE OF ACTION

Allows, in an action or proceeding by a decedent's personal representative or successor in interest on the decedent's cause of action, the damages recoverable to include damages for pain, suffering, or disfigurement if the action or proceeding was granted a preference under Code of Civil Procedure section 36 before January 1, 2022, or was

filed on or after January 1, 2022, and before January 1, 2026. Requires a plaintiff who recovers such damages between January 1, 2022, and January 1, 2025, inclusive, to submit to the Judicial Council a copy of the judgment, consent judgment, or court-approved settlement agreement, along with a cover sheet detailing (1) the date the action was filed, (2) the date of the final disposition of the action, and (3) the amount and type of damages awarded, including economic damages and damages for pain, suffering, or disfigurement. Requires the Judicial Council, on or before January 1, 2025, to transmit to the Legislature a report detailing the information received for all judgments, consent judgments, or court-approved settlement agreements rendered from January 1, 2022, to July 31, 2024, in which such damages were recovered. (CCP amend 377.34)

SB 531 (WIECKOWSKI), CH. 455
EFFECTIVE JANUARY 1, 2022
CONSUMER DEBT

Requires a debt collector to which delinquent debt, as defined and specified, has been assigned to provide to the debtor, upon the debtor's request, a written statement that includes certain information, including the date the debt became delinquent or the date of the last payment, within 30 calendar days of receipt of a debtor's written request for information regarding the debt or proof of the debt, as specified. Requires a debt collector to which delinquent debt has been assigned to include in its first written communication with the debtor a specified notice, requires a debt collector to provide a debtor an active postal address to which a debtor may send a request for the information. Provides that a debt buyer who complies with the written statement requirements under the Debt Collection Licensing Act is deemed to comply with this new requirement on a debt collector, to which a delinquent debt has been assigned, to provide a written statement to the debtor upon the debtor's request. Prohibits a debt collector to which a delinquent debt has been assigned from making a written statement to a debtor in an attempt to collect a delinquent consumer debt, except if the debt collector has access to specified information, as provided. Provides that these provisions become operative on July 1, 2022. (CIV add 1788.14.5)

SB 572 (HERTZBERG), CH. 335
EFFECTIVE JANUARY 1, 2022
LABOR COMMISSIONER: ENFORCEMENT: LIEN ON REAL PROPERTY

Authorizes the Labor Commissioner to create, as an alternative to a judgment lien, a lien on real property to secure amounts due the commissioner under any final citation, findings, or decision, as provided. Requires the commissioner, among other things, to include specified information on the certificate of lien to be recorded on the relevant party's real property and to issue a certificate of release once the amount due, including any interest and costs, has been paid. (LAB add 90.8)

SB 646 (HERTZBERG), CH. 337
EFFECTIVE JANUARY 1, 2022
LABOR CODE PRIVATE ATTORNEYS GENERAL ACT OF 2004: JANITORIAL EMPLOYEES

Exempts janitorial employees who are covered by a collective bargaining agreement that meets certain conditions from the right to file a lawsuit against their employer under the Private Attorneys General Act of 2004. (LAB add and repeal 2699.8)

SB 762 (WIECKOWSKI), CH. 222
EFFECTIVE JANUARY 1, 2022
CONTRACTS

Requires arbitration providers in consumer or employee arbitrations to send invoices, at specified times and setting forth amounts due and due dates, for costs and fees required to be paid by the business or employer who drafted the contract. (CIV add 1657.1; CCP amend 1281.97, 1281.98)

COLLABORATIVE COURTS

AB 638 (QUIRK-SILVA), CH. 584
EFFECTIVE JANUARY 1, 2022
MENTAL HEALTH SERVICES ACT: EARLY INTERVENTION AND PREVENTION PROGRAMS

Revises the Mental Health Services Act by authorizing the use of funds designated for prevention and early intervention for prevention and early intervention strategies that address mental health needs, substance misuse or substance use disorders, or needs relating to co-occurring mental health substance use. (W&I amend 5840)

SB 465 (EGGMAN), CH. 544
EFFECTIVE JANUARY 1, 2022
MENTAL HEALTH

Requires the Mental Health Services Oversight and Accountability Commission to report to specified legislative committees the outcomes for people receiving community mental health services under a full-service partnership model, including any barriers to receiving the data and recommendations to strengthen California's use of full-service partnerships to reduce incarceration, hospitalization, and homelessness. (W&I add 5845.8)

COURT AND BRANCH OPERATIONS

AB 143 (COMMITTEE ON BUDGET), CH. 79
EFFECTIVE IMMEDIATELY
COURTS TRAILER BILL

Among other things, makes the statutory changes necessary to implement the court-related provisions of the Budget Act of 2021. Expands the online traffic adjudication and ability-to-pay pilot program statewide. Authorizes the Judicial Council to use the design-build procurement process for court construction projects. Abolishes the Immediate and Critical Needs Account and makes the State Court Facilities Construction Fund its successor fund. Creates a committee to study and recommend changes to the structure and operation of the Commission on Judicial Performance. Requires the Director of Finance, until July 1, 2026, to finalize a methodology to determine per-county allocations based on a county's adult population, felony and misdemeanor arrests, and felony and misdemeanor filings, to distribute the $65 million allocation to counties to backfill revenues lost from the repeal of criminal administrative fees under AB 1869 (Committee on Budget; Stats. 2020, ch. 92). As an act relating to the budget, the bill is effective immediately upon signing on July 16, 2021. (B&P amend 6322.1; GOV amend 68085.1, 68085.3, 68085.4, 68085.45, 68502.6, 68701.5, 68703, 68704, 68752, 68754, 68756, 70371, 70371.7, 70372, 70373, 70374, 70377, 70391, 70395, 70396, 70397, 70617, 70657.5, 70658, add 68701.1, 68645 et seq., 68770 et seq., 70398 et seq., add and repeal 29553, repeal 70371.5, 70371.8, 70391.7; PEN amend 1463.007, add 1428.5; VEH amend 40611, 42007.1, repeal 40280 et seq.)

See Appendix E for additional detail.

AB 177 (COMMITTEE ON BUDGET), CH. 257
EFFECTIVE IMMEDIATELY
PUBLIC SAFETY TRAILER BILL

Implements provisions of the Budget Act of 2021 to, among other things, add data collection and reporting requirements relative to the use of remote technology in civil proceedings, require the Judicial Council to convene a working group and report on issues relative to remote proceedings, report to the Legislature regarding transcript rates, and eliminate certain criminal administrative fees; and provides related debt relief. As an act relating to the budget, the bill is effective immediately upon signing on September 23, 2021. (CCP add and repeal 367.8, 367.9; GOV amend 68645, 69951, 77205, amend, repeal, and add 50050, add and repeal 68119, 69950.5, repeal and add 69950; PEN amend 1465.9, amend and repeal 1001.15, 1001.16, 1203.1c, 1203.1m, 1214.5, amend, repeal, and add 1001.90, 1202.4, 1203.1, 1203.1ab, 1203.4a, 1203.9, 1205, 2085.5, 2085.6, 2085.7, repeal 1463.07; VEH amend and repeal 40508.5, amend, repeal, and add 40510.5, add 42240 et seq.)

See Appendix A for additional detail.

AB 855 (RAMOS), CH. 283
EFFECTIVE JANUARY 1, 2022
JUDICIAL HOLIDAYS

Removes Native American Day from the list of holidays that are excluded from designation as a judicial holiday, making Native American Day (the fourth Friday in September) a judicial holiday in place of Columbus Day (the second Monday in October). (CIV amend 135)

AB 1578 (COMMITTEE ON JUDICIARY), CH. 401
EFFECTIVE JANUARY 1, 2022
JUDICIARY OMNIBUS

Sections 3, 4, and 5. Codifies the California Supreme Court's holding in *Property Reserve, Inc. v. Superior Court* (2016) 1 Cal.5th 151, providing that a property owner subject to an eminent domain action may seek to recover damages as a defendant and that the property owner possess a waivable right to a jury trial to seek compensation for pre-condemnation damages.

Sections 20 and 21. Extends the statute of limitations by one year to allow three years bring a civil action for cost recovery against a person who negligently, or in violation of the law, sets a fire, allows a fire to be set, or allows a fire kindled or attended by the person to escape onto any public or private property.

Section 22. Clarifies that name and gender change petitions of a minor submitted by a guardian appointed by the juvenile court or probate court, or by a court-appointed dependency attorney appointed as guardian ad litem, must be made in the court with jurisdiction over the minor. Enables the attorney for a ward in the juvenile justice system to sign the petition on behalf of the ward. Provides that the publication requirement applicable to petitions for name changes does not apply if the petition is filed for a minor who is under the jurisdiction of the juvenile court. NOTE: This section amends Health and Safety Code section 103430. Section 103430 is also amended by AB 218 (Stats. 2021, ch. 577), which is the later-enacted bill.

See Appendix D for additional detail.

SB 16 (SKINNER), CH. 402
EFFECTIVE JANUARY 1, 2022
PEACE OFFICERS: RELEASE OF RECORDS

Expands the categories of police personnel records that are subject to disclosure under the California Public Records Act and modifies existing provisions regarding the release of records subject to disclosure. Deletes the requirement in existing law that requires a court, in determining the relevance of evidence, to exclude from trial any information consisting of complaints concerning peace officer conduct that is more than five years older than the subject of the litigation. Specifies that the records related to use of excessive or unreasonable force must be sustained to be subject to disclosure; and clarifies that provisions of the attorney-client privilege must comply with standards. (EVID amend 1045; PEN amend 832.5, 832.7, 832.12, add 832.13)

SB 241 (UMBERG), CH. 214
EFFECTIVE JANUARY 1, 2022
CIVIL ACTIONS

Among other things, establishes a regulatory framework for out-of-state firms to provide shorthand reporting services within California by registering with the Court Reporters Board and sunsets the board's out-of-state firm registration program on January 1, 2024, unless extended. Authorizes, until July 1, 2023, parties to appear remotely and permits courts to conduct conferences, hearings, proceedings, and trials in civil cases, in whole or in part, through the use of remote technology, as specified; adds arbitration continuances or postponements to the general rule that trial continuances and postponements as a result of the COVID-19 pandemic extend other case deadlines for the same length of time; and requires courts, as of July 1, 2024, to electronically serve civil action documents on a party that has consented to accept electronic service. Requires courts to hear minors' compromise petitions within 30 days of filing and to issue a decision upon the hearing's conclusion if the petition is uncontested. (B&P amend, repeal, and add 8050, add and repeal 8051; CCP amend 599, 1010.6; CIV add and repeal 367.75; PROB add 3505)

SB 538 (RUBIO), CH. 686
EFFECTIVE JANUARY 1, 2022
DOMESTIC VIOLENCE AND GUN VIOLENCE RESTRAINING ORDERS

Requires a court or court facility that receives petitions for domestic violence restraining orders or gun violence restraining orders to permit those petitions to be filed electronically. Permits parties and witnesses to appear remotely at a hearing on a petition for a gun violence restraining order or domestic violence restraining order. Requires the superior court of each county to provide a telephone number for the public to call to obtain information regarding electronic filing and remote appearances. Requires the superior court of each county to develop, and to post on its internet website, local rules and instructions for electronic filing and remote appearances. Provisions become operative on July 1, 2023. (FAM amend 6222, add 6307, 6308; PEN amend 18121, add 18123, repeal and add 18122)

SB 827 (COMMITTEE ON PUBLIC SAFETY), CH. 434
EFFECTIVE JANUARY 1, 2022
PUBLIC SAFETY OMNIBUS

Makes various technical changes to existing codes, including clarifying existing law, deleting obsolete references, extending sunsets, and removing sunsets. Allows courts to offer the option of electronic delivery of "documents or the data contained in the documents"

to attorneys, the California Department of Corrections and Rehabilitation (CDCR), and county jails. Permits attorneys, the CDCR, and county jails to opt in and choose the electronic delivery option either orally or in writing. Requires courts to continue to deliver the documents via U.S. mail if an attorney, the CDCR, or the county does not request electronic delivery. (GOV amend 1031; H&S amend 11361.8; PEN amend 422.77, 1203.01, 1203.099, 1203.4b, 1485.55, 2603, 2905, 3453, 5076.1, 5076.2, 5076.3, 11105, 13600, 14201, 14202, 16590, 18010, add 22296, repeal 597f, 1170.17, 1170.19, 22010, 22015, 22090)

COURT RECORDS

AB 145 (COMMITTEE ON BUDGET), CH. 80
EFFECTIVE IMMEDIATELY
PUBLIC SAFETY TRAILER BILL

Among other things, makes the statutory changes necessary to implement the public safety-related provisions of the Budget Act of 2021: makes retroactive to January 1, 1973, the laws requiring the Department of Justice, on a monthly basis, to review the records in the statewide criminal justice databases and to identify persons who are eligible for arrest record relief or automatic conviction record relief by having their arrest records, or their criminal conviction records, withheld from disclosure or modified; retains the provisions in existing law that require courts to withhold that information. As an act relating to the budget, the bill is effective immediately upon signing on July 16, 2021. (GOV amend 12838.4; PEN amend 851.93, 1203.425, 1233.3, 1233.4, 1233.6, 1233.61, 3042, 5007.3, 5075, 5075.6, 5076.1, 5076.2, 5076.3, 6031, 6258.1, 9001, 13602, 13603, 13823.95, amend and repeal 4530.5, add 1170.01, 2042.1, 3041.6, add and repeal 1233, repeal 2035–2041.1; W&I amend 209, 730, add 1760.45)

See Appendix C for additional detail.

AB 898 (LEE), CH. 202
EFFECTIVE JANUARY 1, 2022
CRIMINAL RECORDS: AUTOMATIC CONVICTION RECORD RELIEF

Requires notification between receiving courts and transferring courts of reductions of felonies to misdemeanors and dismissals of convictions in probation transfer cases. Provides that if probation is transferred to another county, and a prosecutor or probation department in either county is seeking to file a petition to prohibit the Department of Justice from granting automatic conviction record relief, the petition must be filed in the county of current jurisdiction. Clarifies that a petition in opposition to automated record cleaning may be filed by the prosecuting agency or probation department in either the transferring court or the receiving court, in the county of current jurisdiction. (PEN amend 1203.425, 1203.9, 13151)

COVID-19 / PANDEMIC RELIEF

AB 81 (TING), CH. 5
EFFECTIVE IMMEDIATELY
COVID-19 RELIEF

Among other things, includes technical cleanup of SB 91, enacted January 29, 2021, to extend the statewide eviction moratorium and establish governmental rental assistance programs. Specifies that an action to recover rental debt cannot commence until August 1, 2021 (instead of July 1, 2021). Changes the date beyond which local ordinances cannot require repayment of rental debt from August 1, 2021, to August 1, 2022. Clarifies that the amount a landlord shall receive under the state rental assistance in exchange for agreement to accept that amount as payment in full is set at 80 percent of the unpaid rental debt accumulated from April 1, 2020, to March 31, 2021. As an act relating to the budget, the bill is effective immediately upon signing on February 23, 2021. (CIV amend 789.4, 1785.20.4, 1788.65, 1788.66, 1942.9, amend and renumber 1179.04.5; CCP amend 871.10, 1179.03, 1179.05; H&S amend 50897.1, 50897.3; UIC amend 4003; W&I amend 11157)

AB 583 (DAVIES), CH. 620
EFFECTIVE IMMEDIATELY
REMOTE MARRIAGE LICENSE ISSUANCE AND SOLEMNIZATION

Until January 1, 2024, permits, but does not require, marriage applications and solemnizations to take place remotely under specified circumstances. Permits a county clerk, for adult prospective spouses only, to issue a marriage license and confidential marriage licenses, or

solemnize or witness a marriage ceremony using remote technology. Defines "remote technology" as audio-video technology that is provided by a county clerk and allows the couple, or the couple and others participating in a marriage solemnization, as applicable, to appear together from the same physical location and directly interact with each other and the county clerk. Requires a couple seeking a remote marriage license or solemnization to present, in the manner required by the county clerk, a copy of a valid government-issued photo identification to verify their identity and any additional documentary proof requested by the county clerk, giving the county clerk discretion to ensure they know to whom they are providing marriage services. Requires the couple to be physically located in California while using remote technology to obtain a marriage license and to be in the same physical location in California while using remote technology to solemnize their marriage. (FAM amend, repeal, and add 359, 501, add and repeal 550 et seq.)

AB 654 (REYES), CH. 522
EFFECTIVE IMMEDIATELY
COVID-19: EXPOSURE: NOTIFICATION

Among other things, expands the list of worksites for which existing COVID-19 reporting requirements do not apply, such as various types of healthcare facilities and clinics. Adjusts the reporting time frame that employers must follow to notify local public health agencies when meeting the definition of a COVID-19 outbreak, from 48 hours to 48 hours or one business day, whichever is later. Defines "close contact" and "high-risk exposure period." Clarifies that the existing law definition of "worksite" does not include locations where the worker worked by themselves without exposure to other employees, or to a worker's location chosen by the worker when working remotely. Adds the delivery of renewable natural gas to the list of utilities that Cal/OSHA's prohibitions cannot interrupt. Urgency clause makes this bill operative October 5, 2021. (LAB amend 6325, amend and repeal 6409.6)

AB 832 (CHIU), CH. 27
EFFECTIVE IMMEDIATELY
COVID-19 RELIEF: TENANCY: FEDERAL RENTAL ASSISTANCE

Extends the eviction moratorium through September 30, 2021, and implements post-moratorium recovery provisions for unlawful detainer actions filed on or after October 1, 2021, through March 31, 2022.

Eviction moratorium extension
Extends the "covered time period" from March 1, 2020, to September 30, 2021 (currently ends on June 30, 2021). During the covered time period, a tenant cannot be guilty of an unlawful detainer based on nonpayment of COVID-19 rental debt if the tenant pays at least 25 percent of rent demanded and delivers a declaration of COVID-19–related financial distress to the landlord.

Creates a new 15-day notice for landlords to serve to tenants on and after July 1, 2021, that includes information about rental assistance. Requires landlords to, prior to July 31, 2021, provide a new notice to tenants that have not paid one or more rental payments regarding COVID-19–related financial distress and the availability of rental assistance.

Extends additional damages landlords are liable to pay for violation of Civil Code section 789.3 (turning off utilities, locking the tenant out, etc.) from July 1, 2021, to October 1, 2021.

Extends to November 1, 2021, the prohibition against commencing an action to recover COVID-19 rental debt. Extends the stay for cases to recover COVID-19 rental debt pending before the court as of January 29, 2021, to November 1, 2021, but specifies that actions for breach of contract to recover rental debt that were filed before October 1, 2021, shall not be stayed, and may proceed.

Adds a requirement for a statement regarding the availability of rental assistance to be included in the information a court clerk mails to each defendant named in an unlawful detainer complaint for notices sent out between October 1, 2021, and March 31, 2022. Deletes the prior July 1, 2021, repeal date of the section masking unlawful detainer case records.

Requires the Judicial Council to develop forms for parties to utilize in civil actions for recovery of COVID-19 rental debt to facilitate masking of those cases. Deletes the prior July 1, 2021, repeal date of the section masking COVID-19 rental debt case records.

COVID-19 Rental Housing Recovery Act
Enacts the COVID-19 Rental Housing Recovery Act, which creates a framework for residential unlawful detainer cases from October 1, 2021, to March 31, 2022. The act includes a new notice provision for demands of payment of COVID-19 recovery period rental debt, which is rent that came due between October 1, 2021, and March 31, 2022. Requires courts to dismiss any unlawful detainer cause of action that does not meet the noticing requirements for demands of COVID-19

recovery period rental debt and states that a defendant may raise the insufficiency of such a notice as a complete defense to an unlawful detainer.

Prohibits a court from issuing a summons on an unlawful detainer case based on nonpayment of rental debt accumulated due to COVID-19 hardship unless the plaintiff verifies that the landlord took certain actions relative to receiving rental assistance. States that a court shall not issue a judgment or default judgment on an unlawful detainer case based on nonpayment of rental debt accumulated due to COVID-19 hardship unless, upon review, the court finds that the landlord took certain actions relative to receiving rental assistance. Specifies that these requirements do not apply to tenancies that were initially established on or after October 1, 2021.

Creates a new process for tenants to recover a lease or rental agreement and restore tenancy where an unlawful detainer action based on nonpayment of rental debt that accumulated due to COVID-19 financial hardship has commenced, but the tenant has an approved rental assistance application to cover all rental debt demanded in the complaint and the premises have not yet been restored to the landlord. Sets procedures to such an application for relief, which require a court to set a hearing on the matter on not less than 5 days' notice and not more than 10 days' notice to the parties and, as applicable, stay the unlawful detainer action, stay any writ of possession that has been issued, and notify the sheriff accordingly.

Updates to State Rental Assistance Program
Amends the rental assistance law so that rental assistance will cover 100 percent (rather than 80 percent as contained in earlier enacted legislation) of an eligible household's unpaid rental debt accumulated on or after April 1, 2020. Enacts requirements for governmental rental assistance programs to adopt in order to allow landlords, tenants, and the courts to verify information on the status of rental assistance applications. Urgency clause makes this bill operative June 28, 2021. (CIV amend 789.4, 1788.65, 1788.66, 1942.5, 3273.1; CCP amend 116.223, 871.10, 871.11, 871.12, 1161.2.5, 1179.02, 1179.03, 1179.03.5, 1179.04, 1179.05, 1179.07, amend and repeal 1161.2, add and repeal 1179.08 et seq.; H&S amend 50897, 50897.1, 50897.2, 50897.3, 50897.4, add 50897.2.1, 50897.3.1)

CRIMINAL LAW AND PROCEDURE

AB 124 (KAMLAGER), CH. 695
EFFECTIVE JANUARY 1, 2022
CRIMINAL PROCEDURE

Requires the court, when selecting the term that best serves the interests of justice, to consider as factors in mitigation of the crime if the defendant experienced intimate partner violence, commercial sex trafficking, commercial sexual exploitation, or human trafficking, and if the trauma of those experiences was a contributing factor to the defendant's criminal behavior. Authorizes the court to recall a person's sentence and resentence them upon a motion by the defendant and in doing so to consider whether enumerated factors relating to partner abuse and human trafficking and if associated trauma contributed to the defendant's criminal behavior that would make a sentence other than the lowest possible sentence unduly harsh. (PEN amend 236.23, 1170, add 236.15, 236.24, 1016.7)

AB 127 (KAMLAGER), CH. 20
EFFECTIVE JANUARY 1, 2022
ARREST WARRANTS: DECLARATION OF PROBABLE CAUSE

Authorizes an employee of a public prosecutor's office to make a declaration of probable cause to arrest to a magistrate if the defendant is a peace officer. (PEN amend 817)

AB 143 (COMMITTEE ON BUDGET), CH. 79
EFFECTIVE IMMEDIATELY
COURTS TRAILER BILL

Among other things, makes the statutory changes necessary to implement the court-related provisions of the Budget Act of 2021. Expands the online traffic adjudication and ability to pay pilot program statewide. Authorizes the Judicial Council to use the design-build procurement process for court construction projects. Abolishes the Immediate and Critical Needs Account and makes the State Court Facilities Construction Fund its successor fund. Creates a committee to study and recommend changes to the structure and operation of the Commission on Judicial Performance. Requires the Director of Finance, until July 1, 2026, to finalize a methodology to determine per-county allocations based

on a county's adult population, felony and misdemeanor arrests, and felony and misdemeanor filings, to distribute the $65 million allocation to counties to backfill revenues lost from the repeal of criminal administrative fees under AB 1869 (Committee on Budget; Stats. 2020, ch. 92.). As an act relating to the budget, the bill is effective immediately upon signing on July 16, 2021. (B&P amend 6322.1; GOV amend 68085.1, 68085.3, 68085.4, 68085.45, 68502.6, 68701.5, 68703, 68704, 68752, 68754, 68756, 70371, 70371.7, 70372, 70373, 70374, 70377, 70391, 70395, 70396, 70397, 70617, 70657.5, 70658, add 68701.1, 68645 et seq., 68770 et seq., 70398 et seq., add and repeal 29553, repeal 70371.5, 70371.8, 70391.7; PEN amend 1463.007, add 1428.5; VEH amend 40611, 42007.1, repeal 40280 et seq.)

See Appendix E for additional detail.

AB 145 (COMMITTEE ON BUDGET), CH. 80
EFFECTIVE IMMEDIATELY
PUBLIC SAFETY TRAILER BILL

Among other things, makes the statutory changes necessary to implement the public safety-related provisions of the Budget Act of 2021: makes retroactive to January 1, 1973, the laws requiring the Department of Justice, on a monthly basis, to review the records in the statewide criminal justice databases and to identify persons who are eligible for arrest record relief or automatic conviction record relief by having their arrest records, or their criminal conviction records, withheld from disclosure or modified. Retains the provisions in existing law that require courts to withhold that information. As an act relating to the budget, the bill is effective immediately upon signing on July 16, 2021. (GOV amend 12838.4; PEN amend 851.93, 1203.425, 1233.3, 1233.4, 1233.6, 1233.61, 3042, 5007.3, 5075, 5075.6, 5076.1, 5076.2, 5076.3, 6031, 6258.1, 9001, 13602, 13603, 13823.95, amend and repeal 4530.5, add 1170.01, 2042.1, 3041.6, add and repeal 1233, repeal 2035–2041.1; W&I amend 209, 730, add 1760.45)

See Appendix C for additional detail.

AB 262 (PATTERSON), CH. 193
EFFECTIVE JANUARY 1, 2022
HUMAN TRAFFICKING: VACATUR RELIEF FOR VICTIMS

Among other things, prohibits a court from refusing to hear a vacatur petition on the basis of the petitioner's outstanding fines and fees or the petitioner's failure to meet the conditions of probation. Allows the petitioner to appear at all hearings on the petition by counsel if the petition is unopposed. Allows a petition to be made and heard at any time after the person has ceased to be a victim of human trafficking, or at any time after the petitioner has sought services for being a victim of human trafficking. Provides that the right to petition for relief does not expire with the passage of time. (PEN amend 236.14)

AB 333 (KAMLAGER), CH. 699
EFFECTIVE JANUARY 1, 2022
PARTICIPATION IN A CRIMINAL STREET GANG: ENHANCED SENTENCE

For gang enhancements in sentencing, requires that the crime commonly benefited at least one specified member of the gang other than the person who committed the offenses and that the common benefit from the offense be more than reputational. Removes burglary, looting, felony vandalism, and specified personal identity fraud violations from the crimes that define a pattern of criminal gang activity. Requires that an organization, association, or group of three or more persons have an established hierarchy to meet the definition of a criminal street gang. Requires, if requested by the defense in a case where a sentencing enhancement for participation in a criminal street gang is charged, that the defendant's guilt of the underlying offense first be proved and that a further proceeding on the sentencing enhancement occur after a finding of guilt. Requires that a charge for active participation in a criminal street gang be tried separately from all other counts that do not otherwise require gang evidence as an element of the crime. Through December 31, 2022, allows the court discretion to choose the sentence enhancement term and thereafter requires the court to order the middle term of the sentence enhancement unless there are circumstances in aggravation or mitigation. (PEN amend 186.22, add 1109)

AB 341 (BOERNER HORVATH), CH. 24
EFFECTIVE JANUARY 1, 2022
CREDIBILITY OF WITNESSES: SEXUAL CONDUCT: SOCIAL MEDIA CONTENT

Defines evidence of "sexual conduct" to include those portions of a social media account about the complaining witness, including any text, image, video, or picture, that depict sexual content, sexual history, nudity or partial nudity, intimate sexual activity, communications about

sex, sexual fantasies, and other information that appeals to a prurient interest, unless it is related to the alleged offense with respect to the application of the rape shield law, when impeachment evidence about sexual conduct is offered against a victim or witness. (EVID amend 782)

AB 419 (DAVIES), CH. 91
EFFECTIVE JANUARY 1, 2022
CRIMINAL PROCEDURE: VICTIM AND WITNESS PRIVACY

Expands the existing prohibition on attorneys disclosing the address or telephone number of a victim or witness whose name is disclosed through discovery to also include the disclosure of any personal identifying information of the victim or witness. Removes the provision making a willful violation of these provisions a misdemeanor. (PEN amend 1054.2)

AB 518 (WICKS), CH. 441
EFFECTIVE JANUARY 1, 2022
CRIMINAL LAW: VIOLATIONS PUNISHABLE IN MULTIPLE WAYS

Allows a criminal act that is punishable in different ways by different provisions of law to be punished under any of those provisions, rather than requiring the provision that provides for the longest potential term of imprisonment. (PEN amend 654)

AB 625 (ARAMBULA), CH. 583
EFFECTIVE JANUARY 1, 2022
STATE PUBLIC DEFENDER: INDIGENT DEFENSE: STUDY

This bill is responding to the constitutional guarantee of an individual's right to counsel and analysis by the Legislative Analyst's Office finding that various statewide and county trends suggest that indigent defense is generally less resourced than district attorney offices. The bill, subject to an appropriation by the Legislature, requires the State Public Defender, in consultation with the California Public Defenders Association and other subject matter experts, to undertake a study to assess appropriate workloads for public defenders and indigent defense attorneys and submit a report with their findings and recommendations to the Legislature no later than January 1, 2024. (GOV add and repeal 15403)

AB 700 (CUNNINGHAM), CH. 196
EFFECTIVE JANUARY 1, 2022
CRIMINAL PROCEDURE: ARRAIGNMENT AND TRIAL

Deems a trial or preliminary hearing as "commenced in the presence" of a defendant who, as determined by clear and convincing evidence, is in custody, is represented by counsel that is present, and refuses to appear in court. Allows the court to proceed, with or without a waiver, in any misdemeanor case in which the defendant, as determined by clear and convincing evidence, is in custody, is represented by counsel that is present, and refuses to appear in court. (PEN amend 977, 1043, 1043.5)

AB 898 (LEE), CH. 202
EFFECTIVE JANUARY 1, 2022
CRIMINAL RECORDS: AUTOMATIC CONVICTION RECORD RELIEF

Requires notification between receiving courts and transferring courts of reductions of felonies to misdemeanors and dismissals of convictions in probation transfer cases. Provides that if probation is transferred to another county, and a prosecutor or probation department in either county is seeking to file a petition to prohibit the Department of Justice from granting automatic conviction record relief, the petition must be filed in the county of current jurisdiction. Clarifies that a petition in opposition to automated record cleaning may be filed by the prosecuting agency or probation department in either the transferring court or the receiving court, in the county of current jurisdiction. (PEN amend 1203.425, 1203.9, 13151)

AB 939 (CERVANTES), CH. 529
EFFECTIVE JANUARY 1, 2022
SEX OFFENSES: EVIDENCE

Prohibits the admission of evidence of the manner in which a victim was dressed, when offered by either the prosecution or the defendant on the issue of consent, during the prosecution of specified sex crimes regardless of whether the evidence is relevant or admissible. (EVID amend 1103)

AB 1126 (BLOOM), CH. 712
EFFECTIVE JANUARY 1, 2022
COMMISSION ON THE STATE OF HATE

Establishes the Commission on the State of Hate in state government. Prescribes the goals of the commission,

to include, among other things, providing resources to various state agencies and the public to inform them on the state of hate and advising the Legislature, the Governor, and state agencies on policy recommendations to promote intersocial education designed to foster mutual respect and understanding among California's diverse population. Starting July 1, 2023, requires the commission to make publicly available and issue to the Governor and the Legislature an Annual State of Hate Commission Report that describes its activities for the previous year and its recommendations for the following year. Requires the report, among other things, to provide a comprehensive accounting of hate crime activity statewide and report on relevant national hate crime trends and statistics. Requires the commission to annually report to the Legislature through the Joint Committee on Rules. Sunsets the commission on January 1, 2027. (GOV add and repeal 8010 et seq.)

AB 1228 (LEE), CH. 533
EFFECTIVE JANUARY 1, 2022
SUPERVISED PERSONS: RELEASE

Among other things, requires persons released from custody prior to a probation violation hearing to be released on their own recognizance unless the court finds, by clear and convincing evidence, that the particular circumstances of the case require imposition of conditions of release to provide reasonable protection of the public and reasonable assurance of the person's future appearance in court. (PEN amend 1203.2, add 1203.25)

AB 1247 (CHAU), CH. 206
EFFECTIVE JANUARY 1, 2022
CRIMINAL PROCEDURE: LIMITATIONS OF ACTIONS

Allows the statute of limitations for the prosecution of a felony offense for unlawful access to computer services to be tolled three years within the discovery of the commission of the offense, but no more than six years from the commission of the offense, as specified. (PEN add 801.7)

AB 1259 (CHIU), CH. 420
EFFECTIVE JANUARY 1, 2022
CRIMINAL PROCEDURE: MOTION TO VACATE

Amends the law authorizing a person to make a motion to vacate based on a prejudicial error damaging to the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a plea of not guilty or no contendere to allow that motion to be based on failure to understand the adverse immigration consequences of a conviction or sentence. (PEN amend 1473.7)

AB 1281 (RUBIO, BLANCA), CH. 209
EFFECTIVE JANUARY 1, 2022
CRIMINAL PROCEDURE: PROTECTIVE ORDERS

Specifies that dismissal of a pleading upon a petition by an individual who was a member of a hand crew in the California Conservation Camp program while on probation or incarcerated does not invalidate a protective order that was issued to the defendant and clarifies that such an order remains in effect until the order expires or is modified by the issuing court, despite the dismissal of the underlying pleading. (PEN amend 1203.4, 1203.4a, 1203.4b, 1203.425)

AB 1318 (STONE), CH. 210
EFFECTIVE JANUARY 1, 2022
DEFERRED ENTRY OF JUDGMENT PILOT PROGRAM

Extends until January 1, 2024, the pilot program in the counties of Alameda, Butte, Napa, Nevada, Santa Clara, and Ventura allowing operation of a deferred entry of judgment program for eligible defendants ages 18 to 20. (PEN amend 1000.7)

AB 1540 (TING), CH 719
EFFECTIVE JANUARY 1, 2022
CRIMINAL PROCEDURE: RESENTENCING

Among other things, prohibits the court from denying a recall and resentencing motion without a hearing and creates a presumption favoring recall and resentencing when such a motion is based on the recommendation of the Department of Corrections and Rehabilitation, the Board of Parole Hearings, local authorities, or the Department of Justice. Provides that the presumption may only be overcome by a showing of an unreasonable risk of danger to public safety, as defined by Penal Code section 1170.18(c), which relates to crimes commonly known as "super strikes" and provides: "As used throughout this code, 'unreasonable risk of danger to public safety' means an unreasonable risk that the petitioner will commit a new violent felony within the meaning of clause (iv) of [Section 667(e)(2)(C)]." That clause lists felonies for certain sex

crimes, homicide or attempted homicide, solicitation to commit murder, and certain crimes involving weapons. (PEN amend 1170, 5076.1, add 1170.03)

SB 16 (SKINNER), CH. 402
EFFECTIVE JANUARY 1, 2022
PEACE OFFICERS: RELEASE OF RECORDS

Expands the categories of police personnel records that are subject to disclosure under the California Public Records Act and modifies existing provisions regarding the release of records subject to disclosure. Deletes the requirement in existing law that requires a court, in determining the relevance of evidence, to exclude from trial any information consisting of complaints concerning peace officer conduct that is more than five years older than the subject of the litigation. Specifies that the records related to use of excessive or unreasonable force must be sustained to be subject to disclosure. Clarifies that provisions of the attorney-client privilege must comply with standards. (EVID amend 1045; PEN amend 832.5, 832.7, 832.12, add 832.13)

SB 23 (RUBIO), CH. 483
EFFECTIVE JANUARY 1, 2022
DISORDERLY CONDUCT: DISTRIBUTION OF INTIMATE IMAGES: STATUTE OF LIMITATIONS

Extends the statute of limitations applicable to the crime of "revenge porn" to allow prosecution to commence within one year of the discovery of the offense, but not more than four years after the image was distributed. (PEN amend 803)

SB 71 (MCGUIRE), CH. 598
EFFECTIVE JANUARY 1, 2022
INFRACTIONS: COMMUNITY SERVICE: EDUCATION PROGRAMS

Allows a court to permit a person to participate in an educational program as part of their community service to pay off the fine imposed for an infraction. (PEN amend 1209.5)

SB 73 (WIENER), CH 537
EFFECTIVE JANUARY 1, 2022
PROBATION: ELIGIBILITY: CRIMES RELATING TO CONTROLLED SUBSTANCES

Amends several statutes making specified crimes relating to controlled substances ineligible for probation to delete some of those crimes. Authorizes a court to waive the remaining prohibitions on probation in the interests of justice. When probation is granted for those remaining crimes, requires the court to specify on the record the circumstances supporting the finding. (H&S amend 11370; PEN amend 29820, repeal 1203.073, add 1203.07)

SB 81 (SKINNER), CH. 721
EFFECTIVE JANUARY 1, 2022
SENTENCING: DISMISSAL OF ENHANCEMENTS

Provides that notwithstanding any other law, at the sentencing hearing, the court must dismiss an enhancement if it finds that it is in the furtherance of justice to do so, unless an initiative statute prohibits dismissal of the enhancement.

Requires that in exercising its discretion to dismiss enhancement, the court must consider and afford great weight to evidence offered by the defendant to prove that any of the enumerated mitigating circumstances are present. Provides that proof of the presence of one or more of these circumstances weighs greatly in favor of dismissing the enhancement, unless the court finds that dismissal of the enhancement would endanger public safety. Specifies that "endanger public safety" means there is a likelihood that the dismissal of the enhancement would result in physical injury or other serious danger to others.

Sets forth the following circumstances that will weigh greatly in favor of dismissing the enhancement: (A) Application of the enhancement would result in a disparate racial impact as defined by the Racial Justice Act. (B) Multiple enhancements are alleged in a single case. In this instance, requires all enhancements beyond a single enhancement to be dismissed. (C) The application of an enhancement could result in a sentence of over 20 years. In this instance, requires the enhancement to be dismissed. (D) The current offense is connected to mental illness, as defined. (E) The current offense is connected to prior victimization or childhood trauma, as defined. (F) The current offense is not a violent felony as defined. (G) The defendant was a juvenile when they committed the current offense or any prior juvenile adjudication that triggers the enhancement(s) applied in the case. (H) The enhancement is based on a prior conviction that is over five years old. (I) Though a firearm was used in the current offense, it was inoperable or unloaded.

Specifies that the enumerated circumstances are not exclusive, and the court maintains authority to dismiss or strike an enhancement in accordance with existing law. Provides that these provisions apply to sentencings occurring after January 1, 2021. (PEN amend 1385)

SB 98 (MCGUIRE), CH. 759
EFFECTIVE JANUARY 1, 2022
PUBLIC PEACE: MEDIA ACCESS

Requires that duly authorized representatives of any news service, online news service, newspaper, or radio or television station or network be allowed to enter closed areas immediately surrounding any emergency field command post or any other command post, or established police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged primarily in constitutionally protected activity. Prohibits a peace officer or other law enforcement officer from intentionally assaulting, interfering with, or obstructing a duly authorized representative who is gathering, receiving, or processing information for communication to the public. (PEN add 409.7)

SB 248 (BATES), CH. 383
EFFECTIVE JANUARY 1, 2022
SEXUALLY VIOLENT PREDATORS: OPEN COURT PROCEEDINGS

For an individual who is in custody under the jurisdiction of the California Department of Corrections and Rehabilitation (CDCR) for the commission of a new offense committed while the individual was serving an indeterminate term in a state hospital as a sexually violent predator (SVP), requires the CDCR to refer the person directly to the State Department of State Hospitals (DHS) for full evaluation as to whether the person still meets the criteria as an SVP. If the evaluators concur that the requirements are still met, requires DHS to petition the court to either return the person to DHS to continue serving the remainder of the individual's original indeterminate commitment as an SVP if the original petition has not been dismissed, or to forward a request for a new petition to be filed if the original petition has been dismissed. (W&I amend 6601)

SB 317 (STERN), CH. 599
EFFECTIVE JANUARY 1, 2022
COMPETENCE TO STAND TRIAL

Repeals the process for restoring competency for a person charged with a misdemeanor, or a violation of probation for a misdemeanor, including provisions regarding administration of antipsychotic medication. Replaces these provisions and instead authorizes the court to conduct an inquiry into a defendant's competency. Permits a court, upon finding the defendant incompetent to stand trial, to suspend the proceedings and take certain actions, including granting diversion not to exceed one year, referring the matter to alternative justice, diversion, or community treatment programs with the goal of improving mental health, evaluating whether to refer the matter for conservatorship proceedings, or dismissing the charges. Extends the application of custody credits to persons confined in a state hospital or other mental health treatment facility pending their return of mental competency. (PEN amend 4019, repeal and add 1370.01)

SB 446 (GLAZER), CH. 490
EFFECTIVE JANUARY 1, 2022
FACTUAL INNOCENCE

Changes existing procedures related to wrongful conviction compensation claims and shifts the burden to the state to prove that the claimant is not entitled to compensation in specified cases. (PEN amend 1485.5, 1485.55, 4900, 4902, 4903, 4904)

SB 483 (ALLEN), CH. 728
EFFECTIVE JANUARY 1, 2022
SENTENCING: RESENTENCING TO REMOVE SENTENCING ENHANCEMENTS

Retroactively repeals certain controlled substance–related sentence enhancements, regardless of whether the sentence was imposed after trial or through a negotiated plea. States the intent of the Legislature to prohibit a prosecutor or court from rescinding a plea agreement based on a change in sentence as a result of the bill. Requires the California Department of Corrections and Rehabilitation (CDCR) and the county correctional administrator of each county to identify those persons in their custody who are serving a sentence that includes one of these enhancements and provide this information to the sentencing court. Requires the CDCR to provide this information to courts by March 1, 2022, for those individuals who are currently

serving time for the enhancement and by July 1, 2022, for all others. Requires courts, after verifying specified information, to recall the sentence and resentence the individual to remove any invalid sentence enhancements. Requires courts to grant this relief to those individuals who have served their base term and any other enhancements and are currently serving the enhancement by October 1, 2022, and to all other individuals by December 31, 2023. (PEN add 1171, 1171.1)

SB 507 (EGGMAN), CH. 426
EFFECTIVE JANUARY 1, 2022
MENTAL HEALTH SERVICES: ASSISTED OUTPATIENT TREATMENT

Among other things, requires that Assisted Outpatient Treatment Demonstration Project Act (Laura's Law) findings also include that the person's condition is substantially deteriorating, or that assisted outpatient treatment is needed to prevent a relapse or deterioration that would be likely to result in grave disability or serious harm to the person or to others. Allows the subject of the petition or the examining mental health professional to appear before the court for testimony by videoconferencing. Authorizes the filing of a petition to obtain assisted outpatient treatment under the existing petition procedures, for an eligible conservatee, as defined. (W&I amend 5346, add 5346.5)

SB 567 (BRADFORD), CH. 731
EFFECTIVE JANUARY 1, 2022
CRIMINAL PROCEDURE: SENTENCING

Requires the court to impose a term of imprisonment not exceeding the middle term unless there are circumstances in aggravation that, in the case of a trial by jury, are submitted to a jury and proved beyond a reasonable doubt or are stipulated by the defendant. Requires the court, upon the request of the defendant, to bifurcate the trial on the circumstances in aggravation from the trial of charges and enhancements unless the relevant facts came in at trial. Allows the court to consider prior convictions based on a certified record of conviction without a finding by the jury. Requires the court to set forth on the record the reasons for imposing the term selected. (PEN amend 1170, 1170.1)

SB 586 (BRADFORD), CH. 429
EFFECTIVE JANUARY 1, 2022
PEACE OFFICERS: CERTIFICATION

Corrects a drafting error by Legislative Counsel that placed a provision into an incorrect section of law in SB 2 (Stats. 2021, ch. 409; Peace officers: certification: civil rights). The provision specifies that determinations on the applicability of prior decisions will be governed by the existing law on collateral estoppel. SB 2 applies to actions by law enforcement agencies or decisions resulting from appeals of an agency's action not precluding action by the Commission on Peace Officer Standards and Training to investigate, suspend, or revoke a peace officer's certification. (PEN amend 13510.8)

SB 775 (BECKER), CH. 551
EFFECTIVE JANUARY 1, 2022
FELONY MURDER: RESENTENCING

Allows a person who was convicted of murder under any theory under which malice is imputed to a person based solely on that person's participation in a crime, or who was convicted of attempted murder under the natural and probable consequences doctrine, or who was convicted of manslaughter when the prosecution was allowed to proceed on a theory of felony murder or murder under the natural and probable consequences doctrine, to apply to have their sentence vacated and be resentenced if, among other things, the complaint, information, or indictment was filed to allow the prosecution to proceed under a theory of felony murder, murder under the natural and probable consequences doctrine, or attempted murder under the natural and probable consequences doctrine.

Requires a court, when reviewing the petition to determine whether the petitioner has made a prima facie showing that the petitioner falls within the resentencing provisions, to hold a prima facie hearing prior to denying a petition. Clarifies that counsel must be appointed, if requested, upon the filing of a facially sufficient petition and that only after the appointment of counsel and the opportunity for briefing may the court determine whether the petitioner has established a prima facie case for relief. (PEN amend 1170.95)

SB 827 (COMMITTEE ON PUBLIC SAFETY), CH. 434
EFFECTIVE JANUARY 1, 2022
PUBLIC SAFETY OMNIBUS BILL: ELECTRONIC DELIVERY OF DOCUMENTS FOLLOWING CONVICTION

Makes various technical changes to existing codes, including clarifying existing law, deleting obsolete references, extending sunsets, and removing sunsets. Allows courts to offer the option of electronic delivery of "documents or the data contained in the documents" to attorneys, the California Department of Corrections and Rehabilitation (CDCR), and county jails. Permits attorneys, the CDCR, and county jails to opt in and choose the electronic delivery option either orally or in writing. Requires courts to continue to deliver the documents via U.S. mail if an attorney, the CDCR, or the county does not request electronic delivery. (GOV amend 1031; H&S amend 11361.8; PEN amend 422.77, 1203.01, 1203.099, 1203.4b, 1485.55, 2603, 2905, 3453, 5076.1, 5076.2, 5076.3, 11105, 13600, 14201, 14202, 16590, 18010, add 22296, repeal 597f, 1170.17, 1170.19, 22010, 22015, 22090)

FAMILY LAW

AB 172 (COMMITTEE ON BUDGET), CH. 696
EFFECTIVE IMMEDIATELY
HUMAN SERVICES

Among other things, clarifies recently enacted changes to require a local child support agency to cease enforcement of child support arrearages assigned to the state and other fees and costs owed to the state when the Department of Child Support Services (DCSS) or local child support agency has determined that the amount is uncollectible. Defines for the purposes of the California Community Care Facilities Act a "group home for children with special health care needs," addressing an issue created as a result of a section of recently enacted law being chaptered out. Requires certain group homes for children to be vendored by a regional center, addressing an issue created as a result of a section of recently enacted law being chaptered out. Specifies that a child is not eligible for Aid to Families with Dependent Children—Foster Care if they are placed in a group home for children with special health care needs, addressing an issue created as a result of a section of recently enacted law being chaptered out. Requires that, for purposes of determining the individuals who may access a juvenile case file, a qualified individual, as defined, be considered a member of the child's multidisciplinary team. (CIV amend 1798.24; EDU add 49557.4; FAM amend 17400; GOV amend 1322, 12803; H&S amend 1367.03, 1367.04, 1368.05, 1502, repeal division 109.5 (commencing with 130250), division 109.6 (commencing with 130275), division 110 (commencing with 130300), and division 115 (commencing with 136000), repeal and add division 109 (commencing with 130200); INS amend 10133.8; LAB add 2755; W&I amend 361.2, 4096, 11402, 11450, 11450.12, 16521.5, 18997, add 12316.1, add chapter 20 (commencing with 18999.97) to part 6 of division 9; add item 4100-490 to section 2.00 of the Budget Act of 2021)

AB 218 (WARD), CH. 577
EFFECTIVE JANUARY 1, 2023
CHANGE OF GENDER AND SEX IDENTIFIER

Authorizes a person to file a petition with the superior court for a court order to issue a new marriage license and certificate, confidential marriage license and certificate, or birth certificate for their minor or adult child to reflect the person's change in gender and sex identifier to female, male, or nonbinary. Authorizes a person who does not reside within California to file a petition with the superior court for a change in name or a change of gender and sex identifier to female, male, or nonbinary if the person seeking the change was originally issued the vital record by the State of California. Provides a process for parties who are identified on these vital records to be given notice and an opportunity to respond to the petition. Also authorizes a person to obtain a new marriage license and certificate, confidential marriage license and certificate, or birth certificate for their minor or adult child directly from the State Registrar or county clerk, as applicable, to reflect the person's change of gender and sex identifier to female, male, or nonbinary without a court order if the person submits supporting documentation as specified. Requires the supporting documentation to include, as applicable, a stipulation by the adult child to change their birth certificate and a stipulation by the spouse who is not requesting a change on their marriage license and certificate or confidential marriage license and certificate. Authorizes supporting documentation to include an affidavit that the changes are to conform to the person's gender identity and not for any fraudulent purpose. Requires a new marriage license and certificate, confidential marriage license and certificate, or

birth certificate issued under these provisions to supplant the previous vital record and directs how a county clerk should seal these original vital records. Clarifies that name and gender change petitions of a minor submitted by a guardian appointed by the juvenile court or probate court, or by a court-appointed dependency attorney appointed as guardian ad litem, must be made in the court with jurisdiction over the minor. Enables the attorney for a ward in the juvenile justice system to sign the petition on behalf of the ward. Provides that the publication requirement applicable to petitions for name changes does not apply if the petition is filed for a minor who is under the jurisdiction of the juvenile court. NOTE: This section amends Health and Safety Code section 103430. Section 103430 is also amended by AB 1578 (Stats. 2021, ch. 401), which is the earlier-enacted bill. (CCP amend 1276, 1277; H&S amend 102426, 102430, amend, repeal, and add 103400, 103430, 103725, repeal and add 103425 et seq.)

AB 429 (DAHLE, MEGAN), CH. 52
EFFECTIVE JANUARY 1, 2022
CHILD SUPPORT: ACCESS TO RECORDS

For actions filed under the Uniform Parentage Act on or after January 1, 2023, no longer makes parentage actions subject to closed court proceedings and confidential files. Carves out an exception, and authorizes parentage actions involving assisted reproduction, as specified, to be held in closed court. (FAM amend 7643, add 7643.5)

AB 583 (DAVIES), CH. 620
EFFECTIVE IMMEDIATELY
REMOTE MARRIAGE LICENSE ISSUANCE AND SOLEMNIZATION

Until January 1, 2024, permits, but does not require, marriage applications and solemnizations to take place remotely under specified circumstances. Permits a county clerk, for adult prospective spouses only, to issue a marriage license and confidential marriage licenses, or solemnize or witness a marriage ceremony using remote technology. Defines "remote technology" as audio-video technology that is provided by a county clerk and allows the couple, or the couple and others participating in a marriage solemnization, as applicable, to appear together from the same physical location and directly interact with each other and the county clerk. Requires a couple seeking a remote marriage license or solemnization to present, in the manner required by the county clerk, a copy of a valid government-issued photo identification to verify their identity and any additional documentary proof requested by the county clerk, giving the county clerk discretion to ensure they know to whom they are providing marriage services. Requires the couple to be physically located in California while using remote technology to obtain a marriage license and to be in the same physical location in California while using remote technology to solemnize their marriage. Urgency clause makes this bill operative October 7, 2021. (FAM amend, repeal, and add 359, 501, add and repeal 550 et seq.)

AB 627 (WALDRON), CH. 58
EFFECTIVE JANUARY 1, 2022
RECOGNITION OF TRIBAL COURT ORDERS: RIGHTS IN RETIREMENT PLANS OR DEFERRED COMPENSATION

Establishes a procedure under which one or both of the parties to a tribal court proceeding may file an application for recognition of a tribal court order that establishes a right to child support, spousal support payments, or marital property rights to a spouse, former spouse, child, or other dependent of a participant in a retirement plan or other plan of deferred compensation, and that assigns all or a portion of the benefits payable with respect to the plan participant to an alternate payee. Provides that a tribal court order that is recognized under the application process shall be recognized as an order made under the domestic relations laws of the state. (CIV amend 1731, 1733, 1735, 1736, 1737, add 1733.1; FAM add 2611)

AB 690 (ARAMBULA), CH. 747
EFFECTIVE JANUARY 1, 2022
MARRIAGE AND FAMILY THERAPISTS: CLINICAL SOCIAL WORKERS: PROFESSIONAL CLINICAL COUNSELORS

Clarifies the types of settings where registrants and trainees may practice and gain required supervised experience hours toward licensure as marriage and family therapists, clinical social workers, and professional clinical counselors. Defines private practices and professional corporations as nonexempt settings, as specified. Expands the number of supervisees per supervisor in nonexempt settings from three to six individuals. (B&P amend 4980.01, 4980.43, 4980.43.2, 4980.43.3, 4980.43.4, 4980.46, 4992.10, 4996.14, 4996.15, 4996.23, 4996.23.1, 4996.23.2, 4996.23.3, 4999.22, 4999.46, 4999.46.2, 4999.46.3, 4999.46.4, 4999.72, amend and renumber 4999.24, add 4980.05, 4980.06, 4996.14.1, 4996.14.2, 4999.25, 4999.26)

AB 746 (CERVANTES), CH. 199
EFFECTIVE JANUARY 1, 2022
STEPPARENT ADOPTION

Clarifies that in stepparent adoptions the parties are not required to have been married or in a domestic partnership for a minimum period of time, nor are they required to provide income or education verification prior to the adoption being granted. (FAM amend 9000.5)

SB 654 (MIN), CH. 686
EFFECTIVE JANUARY 1, 2022
CHILD CUSTODY

Expands the requirement that the court state its findings on the record or in writing in an order for unsupervised visitation to a parent, when allegations about a history of abuse or continual and habitual use of controlled substances by that parent have been brought to the attention of the court. Prohibits the court from permitting a child who wishes to address the court regarding custody or visitation to do so in the presence of the parties unless the court determines that doing so is in the best interests of the child and states its reasons for that finding on the record. Requires the court to provide an alternative to having the child address the court in the presence of the parties in order to obtain input directly from the child. Requires, if a child informs the minor's counsel, an evaluator, an investigator, or a child custody recommending counselor that the child has changed their choice with respect to addressing the court, the minor's counsel, evaluator, investigator, or child custody recommending counselor indicate to the judge, the parties or their attorneys, and other professionals serving on the case that the child has changed their preference. (FAM amend 3011, 3042)

FINES, FEES, COLLECTIONS, DISTRIBUTIONS

AB 143 (COMMITTEE ON BUDGET), CH. 79
EFFECTIVE IMMEDIATELY
COURTS TRAILER BILL

Among other things, makes the statutory changes necessary to implement the court-related provisions of the Budget Act of 2021. Expands the online traffic adjudication and ability-to-pay pilot program statewide. Authorizes the Judicial Council to use the design-build procurement process for court construction projects. Abolishes the Immediate and Critical Needs Account and makes the State Court Facilities Construction Fund its successor fund. Creates a committee to study and recommend changes to the structure and operation of the Commission on Judicial Performance. Requires the Director of Finance, until July 1, 2026, to finalize a methodology to determine per-county allocations based on a county's adult population, felony and misdemeanor arrests, and felony and misdemeanor filings, to distribute the $65 million allocation to counties to backfill revenues lost from the repeal of criminal administrative fees under AB 1869 (Committee on Budget; Stats. 2020, ch. 92). As an act relating to the budget, the bill is effective immediately upon signing on July 16, 2021. (B&P amend 6322.1; GOV amend 68085.1, 68085.3, 68085.4, 68085.45, 68502.6, 68701.5, 68703, 68704, 68752, 68754, 68756, 70371, 70371.7, 70372, 70373, 70374, 70377, 70391, 70395, 70396, 70397, 70617, 70657.5, 70658, add 68701.1, 68645 et seq., 68770 et seq., 70398 et seq., add and repeal 29553, repeal 70371.5, 70371.8, 70391.7; PEN amend 1463.007, add 1428.5; VEH amend 40611, 42007.1, repeal 40280 et seq.)

See Appendix E for additional detail.

AB 262 (PATTERSON), CH. 193
EFFECTIVE JANUARY 1, 2022
HUMAN TRAFFICKING: VACATUR RELIEF FOR VICTIMS

Among other things, prohibits a court from refusing to hear a vacatur petition on the basis of the petitioner's outstanding fines and fees or the petitioner's failure to meet the conditions of probation. Allows the petitioner to appear at all hearings on the petition by counsel if the petition is unopposed. Allows a petition to be made and heard at any time after the person has ceased to be a victim of human trafficking, or at any time after the petitioner has sought services for being a victim of human trafficking. Provides that the right to petition for relief does not expire with the passage of time. (PEN amend 236.14)

AB 1104 (GRAYSON), CH. 476
EFFECTIVE IMMEDIATELY
AIR AMBULANCE SERVICES

Extends the assessment of penalties under the Emergency Medical Air Transportation Act to December 31, 2022, and the sunset of its provisions to July 1, 2024. Urgency clause makes this bill operative October 4, 2021. (GOV amend 76000.10; W&I add 14124.15)

JUDICIAL OFFICERS / JUDICIAL ELECTIONS

AB 143 (COMMITTEE ON BUDGET), CH. 79
EFFECTIVE IMMEDIATELY
COURTS TRAILER BILL

Among other things, makes the statutory changes necessary to implement the court-related provisions of the Budget Act of 2021. Expands the online traffic adjudication and ability-to-pay pilot program statewide. Authorizes the Judicial Council to use the design-build procurement process for court construction projects. Abolishes the Immediate and Critical Needs Account and makes the State Court Facilities Construction Fund its successor fund. Creates a committee to study and recommend changes to the structure and operation of the Commission on Judicial Performance. Requires the Director of Finance, until July 1, 2026, to finalize a methodology to determine per-county allocations based on a county's adult population, felony and misdemeanor arrests, and felony and misdemeanor filings, to distribute the $65 million allocation to counties to backfill revenues lost from the repeal of criminal administrative fees under AB 1869 (Committee on Budget; Stats. 2020, ch. 92). As an act relating to the budget, the bill is effective immediately upon signing on July 16, 2021. (B&P amend 6322.1; GOV amend 68085.1, 68085.3, 68085.4, 68085.45, 68502.6, 68701.5, 68703, 68704, 68752, 68754, 68756, 70371, 70371.7, 70372, 70373, 70374, 70377, 70391, 70395, 70396, 70397, 70617, 70657.5, 70658, add 68701.1, 68645 et seq., 68770 et seq., 70398 et seq., add and repeal 29553, repeal 70371.5, 70371.8, 70391.7; PEN amend 1463.007, add 1428.5; VEH amend 40611, 42007.1, repeal 40280 et seq.)

See Appendix E for additional detail.

SB 29 (UMBERG), CH. 3
EFFECTIVE IMMEDIATELY
ELECTIONS: VOTE BY MAIL BALLOTS

Requires county elections officials to mail a ballot to every active registered voter, and to allow voters to use a vote-by-mail ballot tracking system, for all elections proclaimed or conducted prior to January 1, 2022. Urgency clause makes this bill operative February 19, 2021. (ELEC amend 3000.5, 3019.7)

JURIES

AB 333 (KAMLAGER), CH. 699
EFFECTIVE JANUARY 1, 2022
PARTICIPATION IN A CRIMINAL STREET GANG: ENHANCED SENTENCE

For gang enhancements in sentencing, requires that the crime commonly benefited at least one specified member of the gang other than the person who committed the offenses and that the common benefit from the offense be more than reputational. Removes burglary, looting, felony vandalism, and specified personal identity fraud violations from the crimes that define a pattern of criminal gang activity. Requires that an organization, association, or group of three or more persons have an established hierarchy to meet the definition of a criminal street gang. Requires, if requested by the defense in a case where a sentencing enhancement for participation in a criminal street gang is charged, that the defendant's guilt of the underlying offense first be proved and that a further proceeding on the sentencing enhancement occur after a finding of guilt. Requires that a charge for active participation in a criminal street gang be tried separately from all other counts that do not otherwise require gang evidence as an element of the crime. Through December 31, 2022, allows the court discretion to choose the sentence enhancement term and thereafter requires the court to order the middle term of the sentence enhancement unless there are circumstances in aggravation or mitigation. (PEN amend 186.22, add 1109)

AB 1452 (TING), CH. 717
EFFECTIVE JANUARY 1, 2022
PILOT PROGRAM: INCREASED FEE FOR LOW-INCOME JURORS: CRIMINAL TRIALS

Authorizes the Superior Court of San Francisco County, in conjunction with the City and County of San Francisco and their justice partners, to conduct a pilot program to analyze

and determine whether paying certain low-income jurors an increased fee for service as a trial juror in a criminal case promotes a more economically and racially diverse trial jury panel. Specifies that the pilot program will be developed and implemented at no cost to the Superior Court of San Francisco County. (CCP add and repeal 240)

SB 567 (BRADFORD), CH. 731
EFFECTIVE JANUARY 1, 2022
CRIMINAL PROCEDURE: SENTENCING

Requires the court to impose a term of imprisonment not exceeding the middle term unless there are circumstances in aggravation that, in the case of a trial by jury, are submitted to a jury and proved beyond a reasonable doubt or are stipulated by the defendant. Requires the court, upon the request of the defendant, to bifurcate the trial on the circumstances in aggravation from the trial of charges and enhancements unless the relevant facts came in at trial. Allows the court to consider prior convictions based on a certified record of conviction without a finding by the jury. Requires the court to set forth on the record the reasons for imposing the term selected. (PEN amend 1170, 1170.1)

JUVENILE JUSTICE

AB 218 (WARD), CH. 577
EFFECTIVE JANUARY 1, 2023
CHANGE OF GENDER AND SEX IDENTIFIER

Authorizes a person to file a petition with the superior court for a court order to issue a new marriage license and certificate, confidential marriage license and certificate, or birth certificate for their minor or adult child to reflect the person's change in gender and sex identifier to female, male, or nonbinary. Authorizes a person who does not reside within California to file a petition with the superior court for a change in name or a change of gender and sex identifier to female, male, or nonbinary if the person seeking the change was originally issued the vital record by the State of California. Provides a process for parties who are identified on these vital records to be given notice and an opportunity to respond to the petition. Also authorizes a person to obtain a new marriage license and certificate, confidential marriage license and certificate, or birth certificate for their minor or adult child directly from the State Registrar or county clerk, as applicable, to reflect the person's change of gender and sex identifier to female, male, or nonbinary without a court order if the person submits supporting documentation as specified. Requires the supporting documentation to include, as applicable, a stipulation by the adult child to change their birth certificate and a stipulation by the spouse who is not requesting a change on their marriage license and certificate or confidential marriage license and certificate. Authorizes supporting documentation to include an affidavit that the changes are to conform to the person's gender identity and not for any fraudulent purpose. Requires a new marriage license and certificate, confidential marriage license and certificate, or birth certificate issued under these provisions to supplant the previous vital record and directs how a county clerk should seal these original vital records. Clarifies that name and gender change petitions of a minor submitted by a guardian appointed by the juvenile court or probate court, or by a court-appointed dependency attorney appointed as guardian ad litem, must be made in the court with jurisdiction over the minor. Enables the attorney for a ward in the juvenile justice system to sign the petition on behalf of the ward. Provides that the publication requirement applicable to petitions for name changes does not apply if the petition is filed for a minor who is under the jurisdiction of the juvenile court. NOTE: This section amends Health and Safely Code section 103430. Section 103430 is also amended by AB 1578 (Stats. 2021, ch. 401), which is the earlier-enacted bill. (CCP amend 1276, 1277; H&S amend 102426, 102430, amend, repeal, and add 103400, 103430, 103725, repeal and add 103425 et seq.)

AB 333 (KAMLAGER), CH. 699
EFFECTIVE JANUARY 1, 2022
PARTICIPATION IN A CRIMINAL STREET GANG: ENHANCED SENTENCE

For gang enhancements in sentencing, requires that the crime commonly benefited at least one specified member of the gang other than the person who committed the offenses and that the common benefit from the offense be more than reputational. Removes burglary, looting, felony vandalism, and specified personal identity fraud violations from the crimes that define a pattern of criminal gang activity. Requires that an organization, association, or group of three or more persons have an established hierarchy to meet the definition of a criminal street gang. Requires, if requested by the defense in a case where a sentencing enhancement for participation in a criminal street gang is charged, that

the defendant's guilt of the underlying offense first be proved and that a further proceeding on the sentencing enhancement occur after a finding of guilt. Requires that a charge for active participation in a criminal street gang be tried separately from all other counts that do not otherwise require gang evidence as an element of the crime. Through December 31, 2022, allows the court discretion to choose the sentence enhancement term and thereafter requires the court to order the middle term of the sentence enhancement unless there are circumstances in aggravation or mitigation. (PEN amend 186.22, add 1109)

AB 624 (BAUER-KAHAN), CH. 195
EFFECTIVE JANUARY 1, 2022
JUVENILES: TRANSFER TO COURT OF CRIMINAL JURISDICTION: APPEALS

Makes an order transferring a minor from a juvenile court to a court of criminal jurisdiction subject to immediate appeal if a notice of appeal is filed within 30 days of the order transferring the minor. Upon request of the minor, requires the superior court to issue a stay of the criminal court proceedings until a final determination of the appeal. Requires the appeal to have precedence in the court to which the appeal is taken and to be determined as soon as practicable after the notice of appeal is filed. Requires the Judicial Council to adopt rules of court to ensure that the juvenile court advises the minor of the right to appeal, of the necessary steps and time for taking an appeal, and of the right to the appointment of counsel if the minor is unable to retain counsel, and ensure the prompt preparation and transmittal of the record from the superior court to the appellate court, and that adequate time requirements exist for counsel and court personnel to implement the objectives of the law. (W&I add 801)

AB 1578 (COMMITTEE ON JUDICIARY), CH. 401
EFFECTIVE JANUARY 1, 2022
JUDICIARY OMNIBUS

Sections 3, 4, and 5. Codifies the California Supreme Court's holding in *Property Reserve, Inc. v. Superior Court* (2016) 1 Cal.5th 151, providing that a property owner subject to an eminent domain action may seek to recover damages as a defendant and that the property owner possess a waivable right to a jury trial to seek compensation for pre-condemnation damages.

Sections 20 and 21. Extends the statute of limitations by one year to allow three years to bring a civil action for cost recovery against a person who negligently, or in violation of the law, sets a fire, allows a fire to be set, or allows a fire kindled or attended by the person to escape onto any public or private property.

Section 22. Clarifies that name and gender change petitions of a minor submitted by a guardian appointed by the juvenile court or probate court, or by a court-appointed dependency attorney appointed as guardian ad litem, must be made in the court with jurisdiction over the minor. Enables the attorney for a ward in the juvenile justice system to sign the petition on behalf of the ward. Provides that the publication requirement applicable to petitions for name changes does not apply if the petition is filed for a minor who is under the jurisdiction of the juvenile court. NOTE: This section amends Health and Safety Code section 103430. Section 103430 is also amended by AB 218 (Stats. 2021, ch. 577), which is the later-enacted bill.

See Appendix D for additional detail.

SB 92 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 18
EFFECTIVE IMMEDIATELY
JUVENILE JUSTICE TRAILER BILL

Among other things, makes the statutory changes necessary to implement the juvenile justice-related provisions of the Budget Act of 2021. Implements the realignment of responsibility for the custody and treatment of juvenile offenders to the counties. Sets forth specific provisions for the courts and juvenile justice stakeholders to implement new, local-level dispositions for youth who need dispositions comparable to what was previously offered at the California Department of Corrections and Rehabilitation, Division of Juvenile Justice. As an act relating to the budget, the bill is effective immediately upon signing on May 14, 2021. Although the legislation takes effect immediately, most provisions pertaining to realignment are operative on July 1, 2021. (PEN amend 3056; W&I amend 208, 208.5, 607, 726, 733.1, 736.5, 1731.5, 1731.6, 1752.1, 1752.15, 1767.35, 1991, 2250, amend and repeal 704, 707.2, 1731.7, add 731, 779.5, add 875 et seq.)

See Appendix B for additional detail.

SB 383 (CORTESE), CH. 603
EFFECTIVE JANUARY 1, 2022
JUVENILES: INFORMAL SUPERVISION: DEFERRED ENTRY OF JUDGMENT

Deletes prohibitions in juvenile deferred entry of judgment programs that exclude minors alleged to have sold or possessed for sale a controlled substance, minors alleged to have committed certain offenses related to controlled substances while on school grounds, and minors alleged to have committed a felony offense when the minor was at least 14 years of age. Prohibits a minor's inability to pay restitution due to the minor's indigence from being grounds for finding a minor ineligible for that program of supervision or a finding that the minor has failed to comply with the terms of the program of supervision. Amends Proposition 21 by deleting the requirement that the prosecutor's written notification to the minor include the statement regarding consequences if the minor fails to comply with the terms of the program and judgment is entered. Authorizes a court, if a minor is eligible for deferred entry of judgment, but the minor resides in a different county and the case will be transferred to the minor's county of residence, to adjudicate the case without determining the minor's suitability for deferred entry of judgment. Authorizes the receiving court to order the probation department to make the investigation and file the report and recommendations as described, determine the minor's suitability for deferred entry of judgment, and modify the transferring court's finding accordingly. (W&I amend 654.3, 790, 791)

LABOR & EMPLOYMENT

AB 138 (COMMITTEE ON BUDGET), CH. 78
EFFECTIVE IMMEDIATELY
EMPLOYMENT: HEALTH CARE BENEFITS: UNEMPLOYMENT INSURANCE: POLICIES AND PRACTICES

Requires the employing office of a state employee or state annuitant to possess documentation verifying eligibility of an employee's or annuitant's family member prior to the enrollment of a family member in a health benefit plan. Requires the employing office to maintain the verifying documentation in the employee or annuitant's official personnel or member file. As an act relating to the budget, the bill is effective immediately upon signing on July 16, 2021. (GOV add 19815.9, 20825.13, 22944.6, repeal 22843.1; LAB add 2693 et seq.; UIC amend 316, 1095, 1339, 2655, 2701, 14005, 14013, 14017, amend, repeal, and add 823, add 340, 14014)

AB 570 (SANTIAGO), CH 468
EFFECTIVE JANUARY 1, 2022
DEPENDENT PARENT HEALTH CARE COVERAGE

Requires an individual health care service plan contract issued, amended, or renewed on or after January 1, 2023, that provides dependent coverage to make dependent coverage available to a parent or stepparent who meets the definition of a qualifying relative under section 152(d) of title 26 of the United States Code and who lives or resides within the health care service plan's service area. (H&S amend 1399.845, add 1374.1; INS amend 10965, add 10278.1)

AB 654 (REYES), CH. 522
EFFECTIVE IMMEDIATELY
COVID-19: EXPOSURE: NOTIFICATION

Among other things, expands the list of worksites for which existing COVID-19 reporting requirements do not apply, such as various types of healthcare facilities and clinics. Adjusts the reporting time frame that employers must follow to notify local public health agencies when meeting the definition of a COVID-19 outbreak, from 48 hours to 48 hours or one business day, whichever is later. Defines "close contact" and "high-risk exposure period." Clarifies that the existing law definition of "worksite" does not include locations where the worker worked by themselves without exposure to other employees, or to a worker's location chosen by the worker when working remotely. Adds the delivery of renewable natural gas to the list of utilities that Cal/OSHA's prohibitions cannot interrupt. Urgency clause makes this bill operative October 5, 2021. (LAB amend 6325, amend and repeal 6409.6)

AB 1003 (GONZALEZ), CH. 325
EFFECTIVE JANUARY 1, 2022
WAGE THEFT: GRAND THEFT

Creates a new crime of grand theft for "intentional theft of wages" in an amount greater than $950 from any one employee, or $2,350 in the aggregate from two or more employees, by an employer in any consecutive 12-month period, punishable either as a misdemeanor by imprisonment in a county jail for up to one year or as a felony by imprisonment in county jail for 16 months

or two or three years. Further states that for purposes of this section, "employee" includes an independent contractor and "employer" includes the hiring entity of an independent contractor. (PEN add 487m)

AB 1033 (BAUER-KAHAN), CH. 327
EFFECTIVE JANUARY 1, 2022
CALIFORNIA FAMILY RIGHTS ACT: PARENT-IN-LAW: SMALL EMPLOYER FAMILY LEAVE MEDIATION: PILOT PROGRAM

Recasts the notice provisions of the small employer family leave mediation pilot program under the California Family Rights Act to require an employee alleging a violation of job-protected leave to contact the dispute resolution division of the Department of Fair Employment and Housing (DFEH) prior to filing a civil action. Clarifies the duty of an employee or employer to request mediation and adopts timelines for the DFEH's initiation and completion of the mediation. (GOV amend 12945.2, 12945.21)

SB 93 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 16
EFFECTIVE IMMEDIATELY
EMPLOYMENT: REHIRING AND RETENTION: DISPLACED WORKERS: COVID-19 PANDEMIC

Requires an employer, as defined, until December 31, 2024, to offer laid-off employees specified information about job positions that become available for which the laid-off employees are qualified, and to offer positions to those laid-off employees based on a preference system, in accordance with specified timelines and procedures. Defines the term "laid-off employee" to mean any employee who was employed by the employer for 6 months or more in the 12 months preceding January 1, 2020, and whose most recent separation from active service was due to a reason related to the COVID-19 pandemic, including a public health directive, government shutdown order, lack of business, a reduction in force, or other economic, nondisciplinary reason related to the COVID-19 pandemic. Requires an employer to keep records for three years, including records of communications regarding the offers. Requires an employer that declines to recall a laid-off employee on the grounds of lack of qualifications and instead hires someone other than a laid-off employee to provide the laid-off employee a written notice within 30 days including specified reasons for the decision, and other information on those hired.

Until December 31, 2024, prohibits an employer from refusing to employ, terminating, reducing compensation, or taking other adverse action against any laid-off employee for seeking to enforce their rights under these provisions. Establishes specified methods by which these provisions may be enforced, including authorizing an employee to file a complaint with the Division of Labor Standards Enforcement against the employer for specified relief, including hiring and reinstatement rights and awarding of back pay, as well as a civil penalty. Authorizes the Division of Labor Standards Enforcement to promulgate and enforce rules and regulations, and issue determinations and interpretations concerning these provisions. Prohibits the imposition of criminal penalties for a violation of these provisions. As an act relating to the budget, the bill is effective immediately upon signing on April 16, 2021. (LAB add and repeal 2810.8)

SB 270 (DURAZO), CH. 330
EFFECTIVE JANUARY 1, 2022
PUBLIC EMPLOYMENT: LABOR RELATIONS: EMPLOYEE INFORMATION

Authorizes public employee unions to file a special unfair labor practices charge before the Public Employment Relations Board (PERB) against public employers that fail to comply with existing law requiring disclosure of employee information to public employee unions. Requires PERB to levy a civil penalty not to exceed $10,000 if the employer is in violation of the disclosure requirements. Requires PERB to award the prevailing parties' attorney's fees and costs, as specified, and also receive its own attorney's fees and costs, as specified, if required to seek enforcement of or defend its decisions in superior court. (GOV amend 3558)

SB 331 (LEYVA), CH. 638
EFFECTIVE JANUARY 1, 2022
SETTLEMENT AND NONDISPARAGEMENT AGREEMENTS

Expands the prohibition against inclusion in settlement agreement provisions that prevent disclosure of certain information related to claims of sexual assault, sexual harassment, and workplace- or housing-related harassment or discrimination based on sex or retaliation against a person for reporting harassment or discrimination based on sex to include claims of workplace or housing harassment or discrimination of any kind, not just those based on sex. Makes it unlawful for an employer, or

former employer, to include in an employee's separation from employment agreement any provision that denies the employee's ability to disclose information about unlawful acts in the workplace, including information pertaining to harassment or discrimination or any other unlawful or potentially unlawful conduct. (CCP amend 1001; GOV amend 12964.5)

SB 572 (HERTZBERG), CH. 335
EFFECTIVE JANUARY 1, 2022
LABOR COMMISSIONER: ENFORCEMENT: LIEN ON REAL PROPERTY

Authorizes the Labor Commissioner to create, as an alternative to a judgment lien, a lien on real property to secure amounts due the commissioner under any final citation, findings, or decision, as provided. Requires the commissioner, among other things, to include specified information on the certificate of lien to be recorded on the relevant party's real property and to issue a certificate of release once the amount due, including any interest and costs, has been paid. (LAB add 90.8)

SB 606 (GONZALEZ), CH. 336
EFFECTIVE JANUARY 1, 2022
WORKPLACE SAFETY: VIOLATIONS OF STATUTES: ENTERPRISE-WIDE VIOLATIONS: EGREGIOUS VIOLATIONS

Among other things, expands the enforcement powers of the Division of Occupational Safety and Health (DOSH) to require DOSH to cite an employer for a violation of any statutory provision of the California Occupational Safety and Health Act of 1973; allow DOSH to issue an enterprise-wide citation requiring enterprise-wide abatement of a violation; require DOSH to consider each employee exposed to an "egregious employer" violation as a separate violation when imposing fines and penalties; and allow DOSH to aggregate multiple related violations into a single citation as specified and to issue a subpoena if an employer or the "related employer entity" fails to promptly provide information during an investigation of such violations. (LAB amend 6317, 6323, 6324, 6429, 6602, add 6317.8, 6317.9)

SB 657 (OCHOA BOGH), CH. 109
EFFECTIVE JANUARY 1, 2022
EMPLOYMENT: ELECTRONIC DOCUMENTS

Requires that in any instance where an employer is required to physically post information for its employees, the employer may also email the information to its employees. Specifies that emailing does not alter the employer's duty to physically display a required posting. (LAB add 1207)

MENTAL HEALTH

AB 118 (KAMLAGER), CH. 694
EFFECTIVE JANUARY 1, 2022
DEPARTMENT OF SOCIAL SERVICES: C.R.I.S.E.S. GRANT PILOT PROGRAM

Establishes the Community Response Initiative to Strengthen Emergency Systems (C.R.I.S.E.S.) Act Grant Pilot Program to expand the participation of community-based organizations in an emergency response role for vulnerable populations. Among other things, (1) requires that grant funds be utilized to create and strengthen community-based alternatives to law enforcement to lessen the reliance on law enforcement agencies as first responders to crisis situations unrelated to a fire department or emergency medical service response; (2) provides that community-based alternatives may include but are not limited to providing mobile crisis response teams or community para-medicine programs; (3) provides that community-based alternatives shall not include law enforcement officers or agencies as first responders or co-responders; and (4) permits a grantee and the community-based organization that receives funds to collaborate on program planning and implementation of community-based alternatives to law enforcement. (W&I add and repeal 18999.90 et seq.)

AB 451 (ARAMBULA), CH. 438
EFFECTIVE JANUARY 1, 2022
HEALTH CARE FACILITIES: TREATMENT OF PSYCHIATRIC EMERGENCY MEDICAL CONDITIONS

Expands the scope of an existing crime by amending laws relating to psychiatric hospitals, a violation of which is a crime, to require a psychiatric unit of a general acute care hospital, a psychiatric health facility with more than 16 beds that is not county operated, and an acute psychiatric hospital, to accept a transfer of a person with a psychiatric emergency medical condition, regardless of whether the facility operates an emergency department, if the facility has appropriate facilities and qualified personnel available to provide the services. (H&S add 1317.4b)

AB 638 (QUIRK-SILVA), CH. 584
EFFECTIVE JANUARY 1, 2022
MENTAL HEALTH SERVICES ACT: EARLY INTERVENTION AND PREVENTION PROGRAMS

Revises the Mental Health Services Act by authorizing the use of funds designated for prevention and early intervention for prevention and early intervention strategies that address mental health needs, substance misuse or substance use disorders, or needs relating to co-occurring mental health substance use. (W&I amend 5840)

AB 1443 (MCCARTY), CH. 399
EFFECTIVE JANUARY 1, 2022
MENTAL HEALTH: INVOLUNTARY TREATMENT

Permits any county to develop training and procedures related to taking, or causing to be taken, a person into custody for an involuntary detention under the Lanterman-Petris-Short (LPS) Act. Requires the County of Sacramento to develop a written policy for training and procedures for designating persons who are employed by the City of Sacramento and who meet specified criteria to involuntarily detain individuals under the LPS Act. (W&I amend 5121, 5154)

SB 317 (STERN), CH. 599
EFFECTIVE JANUARY 1, 2022
COMPETENCE TO STAND TRIAL

Repeals the process for restoring competency for a person charged with a misdemeanor, or a violation of probation for a misdemeanor, including provisions regarding administration of antipsychotic medication. Replaces these provisions and instead authorizes the court to conduct an inquiry into a defendant's competency. Permits a court, upon finding the defendant incompetent to stand trial, to suspend the proceedings and take certain actions, including granting diversion not to exceed one year, referring the matter to alternative justice, diversion, or community treatment programs with the goal of improving mental health, evaluating whether to refer the matter for conservatorship proceedings, or dismissing the charges. Extends the application of custody credits to persons confined in a state hospital or other mental health treatment facility pending their return of mental competency. (PEN amend 4019, repeal and add 1370.01)

SB 465 (EGGMAN), CH. 544
EFFECTIVE JANUARY 1, 2022
MENTAL HEALTH

Requires the Mental Health Services Oversight and Accountability Commission to report to specified legislative committees the outcomes for people receiving community mental health services under a full-service partnership model, including any barriers to receiving the data and recommendations to strengthen California's use of full-service partnerships to reduce incarceration, hospitalization, and homelessness. (W&I add 5845.8)

SB 507 (EGGMAN), CH. 426
EFFECTIVE JANUARY 1, 2022
MENTAL HEALTH SERVICES: ASSISTED OUTPATIENT TREATMENT

Among other things, requires that the findings required by the Assisted Outpatient Treatment Demonstration Project Act (Laura's Law) also include that the person's condition is substantially deteriorating, or that assisted outpatient treatment is needed to prevent a relapse or deterioration that would be likely to result in grave disability or serious harm to the person or to others. Allows the subject of the petition or the examining mental health professional to appear before the court for testimony by videoconferencing. Authorizes the filing of a petition to obtain assisted outpatient treatment under the existing petition procedures, for an eligible conservatee, as defined. (W&I amend 5345, add 5346.5)

SB 578 (JONES), CH. 389
EFFECTIVE JANUARY 1, 2022
LANTERMAN-PETRIS-SHORT ACT: HEARINGS

Amends the Lanterman-Petris-Short Act to clarify that hearings under the act are presumptively closed to the public if the hearing involves the disclosure of confidential information. (W&I amend 518)

PROBATE

AB 260 (STONE), CH. 578
EFFECTIVE JANUARY 1, 2022
GUARDIANSHIPS

Revises the probate court guardianship process by requiring good cause to waive the guardianship investigation and prohibiting the probate court from

hearing and determining the petition to appoint a guardian until the child welfare agency has completed its investigation and submitted its report to the probate court. Requires the Judicial Council to develop a form for use in both dependency cases and probate guardianships that assists potential legal guardians with understanding their rights, duties, and obligations as a guardian of a minor, that provides information about the services and supports available to a probate guardian and how they differ from the services and supports available to a caregiver in the child welfare system or a guardian appointed by the juvenile court. If the probate court has referred a matter to juvenile court, requires the social worker to immediately investigate and to report the findings and conclusions of the investigation to the probate court, and authorizes the probate court or appointed counsel, within one month after the referral, to request that the juvenile court review the decision of the social worker not to file a petition. Authorizes the juvenile court to either affirm the decision of the social worker or, if the juvenile court finds that the child is, prima facie, a dependent child of the court, to order the social worker to commence juvenile court proceedings. (GOV amend 68511.1; PROB amend 1511, 1513; W&I amend 329, 331)

AB 293 (KALRA), CH. 514
EFFECTIVE JANUARY 1, 2023
PRENEED FUNERAL ARRANGEMENTS: UNCLAIMED PROPERTY

Establishes a process for unclaimed preneed funeral arrangements, as specified, to escheat to the state under the Unclaimed Property Law, beginning January 1, 2023. (B&P amend, repeal, and add 7737, add 7737.1, 7737.2; CCP add 1520, 1560, 1518.5)

AB 439 (BAUER-KAHAN), CH. 53
EFFECTIVE JANUARY 1, 2022
CERTIFICATES OF DEATH: GENDER IDENTITY

Adds "nonbinary" as a gender identity option on death certificates. (H&S amend 102875)

AB 636 (MAIENSCHEIN), CH. 621
EFFECTIVE JANUARY 1, 2022
FINANCIAL ABUSE OF ELDER OR DEPENDENT ADULT

Authorizes information relevant to the incident of elder or dependent adult abuse to be given to a federal law enforcement agency charged with the investigation of elder or dependent adult abuse. Authorizes information relevant to the incident of elder or dependent adult abuse to be given to a local code enforcement agency for the sole purpose of investigating a property where the health and safety of an elder or dependent adult resident is at risk. (W&I amend 15633.5)

AB 900 (REYES), CH. 708
EFFECTIVE JULY 1, 2022
CHARITABLE TRUSTS

Enhances the Attorney General's oversight of trusts and other charitable assets by requiring specified notices to be transmitted to the Attorney General's Office. Requires a trustee holding assets subject to a charitable trust to give written notice to the Attorney General at least 20 days before the trustee sells, leases, conveys, exchanges, transfers, or otherwise disposes of all or substantially all of the charitable assets. (PROB add 16106)

AB 1079 (GALLAGHER), CH. 749
EFFECTIVE JULY 1, 2022
TRUST REVOCATION

Imposes specified additional requirements on a trustee of a trust if, during the time that a trust is revocable, no person holding the power to revoke the trust is competent, including but not limited to requiring the trustee to provide a copy of the trust instrument and any amendments to the beneficiaries under the trust instrument. Authorizes the trustee to rely on specified methods to establish incompetency, but states that the bill does not affect any legal standard for establishing incompetency. (PROB amend 15800, 16069)

AB 1194 (LOW), CH 417
EFFECTIVE JANUARY 1, 2022
CONSERVATORSHIPS

Requires a professional fiduciary with an internet website to post a fee schedule on their internet website and requires a professional fiduciary without an internet website to provide that fee schedule to specified persons. Requires the Professional Fiduciaries Bureau to impose sanctions on a professional fiduciary upon a finding of a violation of applicable statutes or regulations, a breach of fiduciary duty where there is a finding of serious financial or physical harm or mental suffering, or that the professional fiduciary has committed acts of abuse. Requires the bureau to revoke a professional fiduciary's license for a knowing, intentional, or willful breach of duty that constituted

abuse of an elder or dependent adult client, or for gross negligence or gross incompetence that caused serious physical or financial harm or mental suffering to a client. Authorizes the probate court to impose a civil penalty up to $10,000 for each separate act of abuse on a conservator who is a professional fiduciary who abuses a conservatee, payable to the estate of the conservatee. Authorizes the probate court to impose a civil penalty up to $1,000 for each separate act of abuse on a conservator who is not a professional fiduciary who abuses a conservatee, payable to the estate of the conservatee.

Requires the probate court, in specified proceedings, to appoint the public defender or private counsel to represent a conservatee, proposed conservatee, or person alleged to lack legal capacity if the person has not retained legal counsel and does not plan to retain legal counsel. Requires the court to allow representation by an attorney for whom a conservatee, proposed conservatee, or person alleged to lack legal capacity expresses a preference, even if the attorney is not on the court's list of attorneys eligible for court appointment, unless the attorney cannot provide zealous advocacy or has a conflict of interest. Specifies that the role of legal counsel for a conservatee, proposed conservatee, or person alleged to lack legal capacity is that of a zealous, independent advocate, consistent with the attorney's general legal and ethical obligations. Requires an appellate court to appoint counsel for a conservatee or proposed conservatee in an appeal or writ proceeding arising out of specified proceedings. Shifts the burden of proof on a petition to terminate a conservatorship to an objector by requiring the court to terminate the conservatorship unless it determines, by clear and convincing evidence, that the conservatee meets the criteria for initial appointment of a conservator and that a conservatorship is the least restrictive alternative needed for the conservatee's protection. Removes court discretion to allow a guardian or conservator who is not a trust company, or an employee of such a guardian or conservator, to hire or refer business to an entity in which they have a financial interest. Authorizes a guardian or conservator who is a professional fiduciary to hire individuals as employees with court approval. Prohibits a guardian or conservator from being compensated from the estate for any costs or fees that they incurred in unsuccessfully defending a fee request petition or opposing a petition or other request made by, or on behalf of, the ward or conservatee. Authorizes the court to reduce, rather than simply deny, the compensation for costs and fees incurred if the court determines, by clear and convincing evidence, that the defense was made in good faith, was based on the best interest of the ward or conservatee, and did not harm the ward or conservatee.

Requires the court to award the costs of a successful petition to remove a guardian or conservator and other expenses and costs of litigation to the petitioner. Requires the Judicial Council to report to the Legislature, on or before January 1, 2024, specified findings and recommendations regarding court effectiveness in conservatorship cases.

Contingent upon an appropriation of funds by the Legislature, requires the court to report specified violations by and penalties imposed on a professional fiduciary to the bureau, and requires the court to give the bureau access to court records containing information about the court's investigation of the fiduciary's conduct. Requires a court investigator to gather and review medical reports as part of the initial investigation; specifies the determinations the investigator is required to make in both initial and review investigations; authorizes an interested person, as defined, with personal knowledge of a conservatee to petition the court to investigate an allegation of physical abuse or financial abuse of a conservatee by a conservator and require the court to investigate those allegations that show a prima facie case of abuse. Removes the court's discretion to set a review hearing after the first annual review hearing out two years; requires the court, at each statutory review hearing held one year after appointment and annually thereafter, to consider terminating the conservatorship under the standards in Probate Code section 1860.5 or 1863 and, if the court does not terminate the conservatorship, to consider modifying the powers and duties of the conservator to ensure that it remains the least restrictive alternative needed for the protection of the conservatee. (B&P amend 6580, add 6563; PROB amend 1051, 1460, 1471, 1826, 1850, 1850.5, 1851, 1851.1, 1860, 1860.5, 1862, 1863, 2250, 2250.6, 2253, 2401, 2620, 2623, 2640, 2641, 2653, add 1851.6, 2112, add and repeal 1458)

AB 1243 (RUBIO, BLANCA), CH. 273
EFFECTIVE JANUARY 1, 2022
PROTECTIVE ORDERS: ELDER AND DEPENDENT ADULTS

Includes within the definition of protective order an order enjoining a party from isolating an elder or dependent adult. Requires certain requirements to be met for that

order to be issued, including a showing by a preponderance of the evidence that the respondent's past act or acts of isolation of the elder or dependent adult prevented contact with the interested party and that the elder or dependent adult desires contact with the interested party, as specified. Authorizes the order to specify the actions to be enjoined, including enjoining the respondent from preventing an interested party from in-person or remote online visits, including telephone and online contact, with the elder or dependent adult. Includes within the definition of protective order after notice and a hearing, a finding that specific debts were incurred as the result of financial abuse of the elder or dependent adult, as specified, but excepts from firearms relinquishment and CLETS provisions an order after a hearing if the respondent is enjoined based solely on isolation. Makes these provisions operative January 1, 2023. (W&I amend, repeal, and add 15657.03)

SB 241 (UMBERG), CH. 214
EFFECTIVE JANUARY 1, 2022
CIVIL ACTIONS

Among other things, establishes a regulatory framework for out-of-state firms to provide shorthand reporting services within California by registering with the Court Reporters Board and sunsets the board's out-of-state firm registration program on January 1, 2024, unless extended. Authorizes, until July 1, 2023, parties to appear remotely and permits courts to conduct conferences, hearings, proceedings, and trials in civil cases, in whole or in part, through the use of remote technology, as specified; adds arbitration continuances or postponements to the general rule that trial continuances and postponements as a result of the COVID-19 pandemic extend other case deadlines for the same length of time; and requires courts, as of July 1, 2024, to electronically serve civil action documents on a party that has consented to accept electronic service. Requires courts to hear minors' compromise petitions within 30 days of filing and to issue a decision upon the hearing's conclusion if the petition is uncontested. (B&P amend, repeal, and add 8050, add and repeal 8051; CCP amend 599, 1010.6; CIV add and repeal 367.75; PROB add 3505)

SB 315 (ROTH), CH. 215
EFFECTIVE JANUARY 1, 2022
REVOCABLE TRANSFER ON DEATH DEEDS

Makes provisions related to revocable transfer on death (TOD) deeds operative until January 1, 2032. Defines terms for these purposes, and requires the deed or revocation to be signed by the transferor, acknowledged by the transferor before a notary public, dated, and signed by two witnesses, as specified. Adds provisions to the statutory forms for executing and revoking a revocable TOD deed to conform to these changes, and adds information to the statutory "common questions" pages. Requires, after the death of a transferor, that the beneficiary serve notice on the transferor's heirs, and creates a new statutory notice form for these purposes. Under specified circumstances, authorizes a court in which a transferor's estate is being administered to apply the doctrine of *cy près* to reform a revocable TOD deed that was made by the transferor for a charitable purpose. Provides that an error or ambiguity in describing property or designating a beneficiary would not invalidate a revocable TOD deed if the transferor's intention can be determined by a court. Establishes new processes for, and adds provisions relating to, among other things, the enforceability of unrecorded interests, the personal liability of a beneficiary, calculating a beneficiary's share of liability, the return of property to an estate by a beneficiary, and contesting the validity of a transfer or revocation. Specifies that the provisions relating to contesting a TOD deed do not limit the application of other law that imposes a penalty or provides a remedy for the creation of a revocable TOD deed by means of fraud, undue influence, menace, or duress. Specifies that these changes do not apply to TOD deeds or revocation forms that were signed before January 1, 2022. Requires the California Law Revision Commission to study the effect of these provisions and report its findings and recommendations to the Legislature on or before January 1, 2031. (GOV amend 27281; PROB amend 5600, 5608, 5624, 5626, 5632, 5642, 5644, 5652, 5660, 5674, 5682, 5690, 5694, add 5605, 5615, 5618, 5625, 5658, 5659, 5677, 5678, 5681, 5698, repeal 5676, repeal and add 5610)

PROTECTIVE ORDERS

AB 887 (LEVINE), CH. 681
EFFECTIVE JANUARY 1, 2022
DOMESTIC VIOLENCE: RESTRAINING ORDERS

Provides that domestic violence restraining orders or temporary restraining orders may be submitted electronically, as specified. Authorizes the petitioner to elect to receive documents by regular mail or to retrieve them from the court. Makes these provisions operative only upon an appropriation of funds for those purposes. Requires information about access to self-help

services regarding domestic violence restraining orders be prominently visible on the superior court's internet website. (FAM add 6306.5, 6306.6)

AB 1057 (PETRIE-NORRIS), CH. 682
EFFECTIVE JULY 1, 2022
FIREARMS

Includes in the definition of "firearm" a frame, receiver, or precursor part for the purpose of surrender or seizure under a gun violence restraining order and a domestic violence restraining order. (FAM add 6216; PEN amend, repeal, and add 16520)

AB 1143 (BERMAN), CH. 156
EFFECTIVE JANUARY 1, 2022
CIVIL PROCEDURE: RESTRAINING ORDERS

Provides that if the court determines at the hearing on a civil harassment order that, after a diligent effort, the petitioner has been unable to accomplish personal service and there is reason to believe that the respondent is evading service or cannot be located, the court may specify another method of service that is reasonably calculated to give actual notice to the respondent and may prescribe the manner in which proof of service shall be made. (CIV amend 527.6)

AB 1243 (RUBIO, BLANCA), CH. 273
EFFECTIVE JANUARY 1, 2022
PROTECTIVE ORDERS: ELDER AND DEPENDENT ADULTS

Includes within the definition of protective order an order enjoining a party from isolating an elder or dependent adult. Requires certain requirements to be met for that order to be issued, including a showing by a preponderance of the evidence that the respondent's past act or acts of isolation of the elder or dependent adult prevented contact with the interested party and that the elder or dependent adult desires contact with the interested party, as specified. Authorizes the order to specify the actions to be enjoined, including enjoining the respondent from preventing an interested party from in-person or remote online visits, including telephone and online contact, with the elder or dependent adult. Includes within the definition of protective order after notice and a hearing, a finding that specific debts were incurred as the result of financial abuse of the elder or dependent adult, as specified, but excepts from firearms relinquishment and California Law Enforcement Telecommunications System provisions an order after a hearing if the respondent is enjoined based solely on isolation. Makes these provisions operative January 1, 2023. (W&I amend, repeal, and add 15657.03)

AB 1281 (RUBIO, BLANCA), CH. 209
EFFECTIVE JANUARY 1, 2022
CRIMINAL PROCEDURE: PROTECTIVE ORDERS

Specifies that dismissal of a pleading upon a petition by an individual who was a member of a hand crew in the California Conservation Camp program while on probation or incarcerated does not invalidate a protective order that was issued to the defendant and clarifies that such an order remains in effect until the order expires or is modified by the issuing court, despite the dismissal of the underlying pleading. (PEN amend 1203.4, 1203.4a, 1203.4b, 1203.425)

SB 24 (CABALLERO), CH. 129
EFFECTIVE JANUARY 1, 2022
DOMESTIC VIOLENCE: PROTECTIVE ORDERS: INFORMATION PERTAINING TO A CHILD

Authorizes a court to include in an ex parte order a provision restraining a party from accessing records and information pertaining to the health care, education, daycare, recreational activities, or employment of a minor child of the parties. Requires an essential care provider, as defined, to develop protocols relating to compliance with that order on or before February 1, 2023, and requires a discretionary services organization, as defined, to develop those protocols within 30 days of receipt of the first order. Makes these provisions operative on January 1, 2023. (FAM add 6323.5)

SB 320 (EGGMAN), CH. 685
EFFECTIVE JANUARY 1, 2022
DOMESTIC VIOLENCE PROTECTIVE ORDERS: POSSESSION OF A FIREARM

Requires a court to order a restrained person subject to the provisions of the Domestic Violence Prevention Act to relinquish ammunition and to notify the parties of how any firearms or ammunition still in the restrained party's possession are to be relinquished and how to submit a receipt to the court. Requires the court to review the file to determine whether the receipt has been filed and inquire as to whether the person has complied with the

requirement. Requires the court, at a noticed hearing relating to a domestic violence protective order in family court or juvenile court, to consider information presented that the restrained person has possession or control of a firearm or ammunition. Authorizes the court, upon making this finding, to set a review hearing, as specified, to determine whether the person has possession or control of a firearm or ammunition in violation of the above provisions. Requires violations of the firearms or ammunition prohibition to be reported to the prosecuting attorney in the jurisdiction where the order has been issued within two business days of the court hearing unless the restrained party provides a receipt showing compliance at a subsequent hearing or by direct filing with the clerk of the court. Authorizes the relinquishment to occur by transferring the firearm or ammunition or relinquishing them for storage if the firearm or ammunition is not immediately surrendered to law enforcement upon service of the protective order. As part of the search, requires the court to make a written record as to whether the subject has relinquished the firearm. If evidence of compliance with the prohibition on firearms or ammunition is not provided, requires the clerk of the court to notify law enforcement officials and would require those law enforcement officials to take all actions necessary to obtain any firearms or ammunition owned, possessed, or controlled and to address any violation of the order with respect to firearms or ammunition, as specified. For purposes of rebutting the presumption that an award of sole or joint physical or legal custody of a child to a person who has perpetrated domestic violence is detrimental to the best interest of a child and establishes factors to be considered in rebutting that presumption, including that the perpetrator is restrained by a protective order and has, or has not, complied with that order, requires the court to also consider whether the person is a restrained person in possession or control of a firearm or ammunition in violation of the law. In suspending or denying custody or visitation or to limit visitation or custody only to situations in which a third person is present when determining the temporary custody and visitation of a minor child based on the best interest of the child, requires the court to consider whether the party is a restrained person in possession or control of a firearm or ammunition. Requires law enforcement to enter in all firearms that are relinquished as part of a domestic violence protective order into the Automated Firearms Systems. Exempts individuals who are complying with the firearms provisions of a protective order from the provisions that specify how firearms and ammunition may be transported, including provisions that require the individual to be licensed to sell, lease, or transfer the firearms and ammunition. This exemption extends to the Safety for All Act of 2016, enacted by the voters as Proposition 63 at the November 8, 2016, General Election, which otherwise requires a valid ammunition vendor license to sell more than 500 rounds of ammunition in any 30-day period. (PEN amend 3044, 6304, 6306, 6323, 6389; FAM add 6322.5; PEN amend 11108.2, 25555, 26379, 26405, 26540, 30342; W&I amend 213.5)

SB 538 (RUBIO), CH. 686
EFFECTIVE JANUARY 1, 2022
DOMESTIC VIOLENCE AND GUN VIOLENCE RESTRAINING ORDERS

Requires a court or court facility that receives petitions for domestic violence restraining orders or gun violence restraining orders to permit those petitions to be filed electronically. Permits parties and witnesses to appear remotely at a hearing on a petition for a gun violence restraining order or domestic violence restraining order. Requires the superior court of each county to provide a telephone number for the public to call to obtain information regarding electronic filing and remote appearances. Requires the superior court of each county to develop, and to post on its internet website, local rules and instructions for electronic filing and remote appearances. Provisions become operative on July 1, 2023. (FAM amend 6222, add 6307, 6308; PEN amend 18121, add 18123, repeal and add 18122)

STATE BAR / PRACTICE OF LAW

SB 211 (UMBERG), CH. 723
EFFECTIVE JANUARY 1, 2022
STATE BAR: BOARD OF TRUSTEES: REPORTS: COMPLAINTS: ATTORNEYS' ANNUAL LICENSE FEES: CALIFORNIA LAWYERS ASSOCIATION: LEGAL SERVICES TRUST FUND COMMISSION: EXPENDITURE OF FUNDS

Authorizes the license fee for active and inactive licensees for 2022 for the same amount as 2021. Removes governance restrictions that were imposed by statute on the California Lawyers Association. Removes obsolete provisions of the State Bar Act. Requires the Annual Discipline Report to include additional information and be issued by October

31 of each year instead of April 30. Requires the State Bar to establish and report on processing goals for discipline cases by October 21, 2022, and requires the framework to be reviewed by the Legislative Analyst's Office, which will report to the judiciary committees. Provides that it is the intent of the Legislature to enact processing goals for the State Bar's discipline system based on the proposed framework and Legislative Analyst's Office report to improve the effectiveness of the discipline system, best protect the public, and allow for adequate oversight of the State Bar. Codifies the Legal Services Trust Fund Commission. Authorizes qualified legal services projects or support centers to elect in writing to direct their allocation of specified funds for that year to instead be used to provide grants for law students and graduates at qualified legal services projects and support centers, as provided. Allows Interest on Lawyers' Trust Accounts funds to be used to fund legal services related to expungements, record sealing or clearance proceedings, and infractions. (B&P amend 6056, 6086.15, 6094.5, 6140, 6140.2, 6141, 6141.3, 6145, 6213, 6216, 6223, add 6210.5, repeal 6011, 6069.5)

SB 498 (UMBERG), CH. 688
EFFECTIVE JANUARY 1, 2022
FUNDS FOR THE PROVISION OF LEGAL SERVICES TO INDIGENT PERSONS: DISABLED VETERANS

Increases the income limit for indigent individuals from 125 percent of the federal poverty level to 200 percent to qualify as an indigent person eligible for free legal services funded by grants from the State Bar. Requires that disabled persons' income eligibility be determined after deducting U.S. Veterans Administration disability compensation. (B&P amend 6213, 6214)

TECHNOLOGY

AB 716 (BENNETT), CH. 526
EFFECTIVE JANUARY 1, 2022
CIVIL ACCESS

Prohibits a court from excluding the public from physical access to court proceedings because remote access is available unless it is necessary to restrict or limit physical access to protect the health or safety of the public or court personnel. Requires the court to provide, at a minimum, a public audio stream or telephonic means by which to listen to the proceedings when the courthouse is physically closed, except when the law authorizes or requires the proceedings to be closed. (CCP amend 124)

AB 887 (LEVINE), CH. 681
EFFECTIVE JANUARY 1, 2022
DOMESTIC VIOLENCE: RESTRAINING ORDERS

Provides that domestic violence restraining orders or temporary restraining orders may be submitted electronically, as specified. Authorizes the petitioner to elect to receive documents by regular mail or to retrieve them from the court. Makes these provisions operative only upon an appropriation of funds for those purposes. Requires information about access to self-help services regarding domestic violence restraining orders be prominently visible on the superior court's internet website. (FAM add 6306.5, 6306.6)

SB 241 (UMBERG), CH. 214
EFFECTIVE JANUARY 1, 2022
CIVIL ACTIONS

Among other things, establishes a regulatory framework for out-of-state firms to provide shorthand reporting services within California by registering with the Court Reporters Board and sunsets the board's out-of-state firm registration program on January 1, 2024, unless extended. Authorizes, until July 1, 2023, parties to appear remotely and permits courts to conduct conferences, hearings, proceedings, and trials in civil cases, in whole or in part, through the use of remote technology, as specified; adds arbitration continuances or postponements to the general rule that trial continuances and postponements as a result of the COVID-19 pandemic extend other case deadlines for the same length of time; and requires courts, as of July 1, 2024, to electronically serve civil action documents on a party that has consented to accept electronic service. Requires courts to hear minors' compromise petitions within 30 days of filing and to issue a decision upon the hearing's conclusion if the petition is uncontested. (B&P amend, repeal, and add 8050, add and repeal 8051; CCP amend 599, 1010.6; CIV add and repeal 367.75; PROB add 3505)

SB 538 (RUBIO), CH. 686
EFFECTIVE JANUARY 1, 2022
DOMESTIC VIOLENCE AND GUN VIOLENCE RESTRAINING ORDERS

Requires a court or court facility that receives petitions for domestic violence restraining orders or gun violence restraining orders to permit those petitions to be filed electronically. Permits parties and witnesses to appear

remotely at a hearing on a petition for a gun violence restraining order or domestic violence restraining order. Requires the superior court of each county to provide a telephone number for the public to call to obtain information regarding electronic filing and remote appearances. Requires the superior court of each county to develop, and to post on its internet website, local rules and instructions for electronic filing and remote appearances. Provisions become operative on July 1, 2023. (FAM amend 6222, add 6307, 6308; PEN amend 18121, add 18123, repeal and add 18122)

TRAFFIC

AB 43 (FRIEDMAN), CH. 690
EFFECTIVE JANUARY 1, 2022
TRAFFIC SAFETY

Among other things, authorizes a local authority who, after completing an engineering and traffic survey, finds that the speed limit is more than reasonable or safe, to reduce the speed limit by 5 mph by ordinance if the highway is designated as a high-injury street, as defined by Caltrans, or the portion of highway is adjacent to any land or facility that generates high concentrations of bicyclists or pedestrians, as determined by Caltrans. Allows a local authority by ordinance to declare a 25 or 20 mph speed limit in a business activity district when the highway has a maximum of four traffic lanes. Finally, this bill would, in some circumstances, authorize the reduction of a speed limit beginning June 30, 2024, or when the Judicial Council has developed an online tool for adjudicating traffic infraction violations, whichever is sooner. (VEH amend 627, 21400, 22352, 22354, 40802, add 22358.6, 22358.7, 22358.8, 22358.9)

AB 143 (COMMITTEE ON BUDGET), CH. 79
EFFECTIVE IMMEDIATELY
COURTS TRAILER BILL

Among other things, makes the statutory changes necessary to implement the court-related provisions of the Budget Act of 2021. Expands the online traffic adjudication and ability-to-pay pilot program statewide. Authorizes the Judicial Council to use the design-build procurement process for court construction projects. Abolishes the Immediate and Critical Needs Account and makes the State Court Facilities Construction Fund its successor fund. Creates a committee to study and recommend changes to the structure and operation of the Commission on Judicial Performance. Requires the Director of Finance, until July 1, 2026, to finalize a methodology to determine per-county allocations based on a county's adult population, felony and misdemeanor arrests, and felony and misdemeanor filings, to distribute the $65 million allocation to counties to backfill revenues lost from the repeal of criminal administrative fees under AB 1869 (Committee on Budget; Stats. 2020, ch. 92). As an act relating to the budget, the bill is effective immediately upon signing on July 16, 2021. (B&P amend 6322.1; GOV amend 68085.1, 68085.3, 68085.4, 68085.45, 68502.6, 68701.5, 68703, 68704, 68752, 68754, 68756, 70371, 70371.7, 70372, 70373, 70374, 70377, 70391, 70395, 70396, 70397, 70617, 70657.5, 70658, add 68701.1, 68645 et seq., 68770 et seq., 70398 et seq., add and repeal 29553, repeal 70371.5, 70371.8, 70391.7; PEN amend 1463.007, add 1428.5; VEH amend 40611, 42007.1, repeal 40280 et seq.)

See Appendix E for additional detail.

AB 1104 (GRAYSON), CH. 476
EFFECTIVE IMMEDIATELY
AIR AMBULANCE SERVICES

Extends the assessment of penalties under the Emergency Medical Air Transportation Act to December 31, 2022, and the sunset of its provisions to July 1, 2024. Urgency clause makes this bill operative October 4, 2021. (GOV amend 76000.10; W&I add 14124.15)

SB 71 (MCGUIRE), CH. 598
EFFECTIVE JANUARY 1, 2022
INFRACTIONS: COMMUNITY SERVICE: EDUCATION PROGRAMS

Allows a court to permit a person to participate in an educational program as part of their community service to pay off the fine imposed for an infraction. (PEN amend 1209.5)

APPENDIX A

Civil Procedure

AB 177 (COMMITTEE ON BUDGET), CH. 257 *EFFECTIVE IMMEDIATELY ON SEPTEMBER 23, 2021, AS AN ACT RELATED TO THE BUDGET BILL*

PUBLIC SAFETY TRAILER BILL

Among other things, makes the statutory changes necessary to implement the public safety-related provisions of the Budget Act of 2021.

Section 4. Requires the Judicial Council, by January 1, 2023, to submit a report to the Legislature and the Governor on the use of remote technology in civil actions by the trial courts. Requires county-specific data including: (1) the number of proceedings conducted with the use of remote technology, (2) technology issues affecting remote proceedings, (3) any relevant expenditure information related to remote proceedings, (4) the impact of remote proceedings on court users' ability to access the courts, (5) the impact of the use of remote proceedings on case backlogs as a result of the COVID-19 pandemic, (6) information regarding court workers' and court users' experience using remote technology, and (7) any other information necessary to evaluate the use of remote proceedings by the courts. (CCP add 367.8)

Section 5. Requires the Judicial Council to convene a working group for the purpose of recommending a statewide framework for remote civil court proceedings that addresses equal and fair access to justice. Requires the working group to include, at a minimum, judges, court executive officers, attorneys, court reporters, court interpreters, legal aid organizations, and court-appointed dependency counsel. Requires the working group to consider and make recommendations in the following areas, which may differ by case or proceeding type: (1) court reporter availability and future workforce, (2) statewide procedural and technical guidelines to ensure court users receive the best possible levels of service and access, (3) case types and proceeding types for which remote proceedings are appropriate, (4) protocols for ensuring court users fully understand their options for accessing the court remotely, and (5) whether changes are needed to existing laws protecting the accuracy of the official verbatim record and preserving parties' rights to appeal. Requires the Judicial Council to submit a report with the working group's recommendations to the Legislature and the Governor by January 1, 2023. (CCP add 367.9)

Section 8. Codifies, until January 31, 2022, the Judicial Council's and its chairperson's authority to take actions reasonably necessary to respond to the emergency conditions caused by the COVID-19 pandemic in a manner consistent with the authority that was initially granted to the Judicial Council and its chairperson under the Governor's Executive Order N38-20 on March 27, 2020. (GOV add 68119)

Sections 11 and 13. Increases transcript fees to $1.13 (a 28-cent increase or 33 percent) for each 100 words of transcription for original ribbon or printed copy, $0.20 (a 5-cent increase or 33 percent) for each copy purchased at the same time by the court, party, or other person purchasing the original, and $0.26 (a 6-cent increase or 30 percent) for anyone who does not simultaneously purchase the original. Deletes the reference to civil cases, resulting in an authorization for the reporter to charge an additional 50 percent for special daily service for transcription in all cases, not just civil. Also specifically prohibits a trial court from unilaterally changing its practice and policy as to the number of words or folios on a typical transcript page. (GOV repeal and add 69950, amend 69951)

Section 12. Requires the Judicial Council, on or before January 1, 2024, to report to the Legislature recommendations to increase uniformity in transcription rate expenditures in California. Requires the council to work in collaboration with key stakeholder groups, including the California Court Reporters Association, exclusively recognized employee organizations representing court reporters, and the Court Reporters Board. (GOV add 69950.5)

Sections 6, 7, 14–25, and 29–45. Among other things, eliminates certain criminal administrative fees and provides related debt relief, as follows: (1) effective January 1, 2022, eliminates several criminal administrative fees; (2) makes, on and after January 1, 2022, the balance of any court-imposed costs due to these fees as read on December 31, 2021, unenforceable and uncollectible and vacates any portion of a judgment imposing those fees; (3)

provides fiscal relief to the counties to backfill revenues lost from the repeal of those fees; (4) makes technical amendments to AB 1869 (Committee on Budget; Stats. 2020, ch. 92) related to the elimination of criminal administrative fees; and (5) makes technical amendment to AB 143 (Committee on Budget; Stats. 2021, ch. 79) to better enable the ability of individuals to find their record when attempting to initiate an ability-to-pay determination.

Beginning January 1, 2022, courts will no longer have authority to collect the following fees and must vacate any portion of a judgment that imposed those fees:

- Penal Code
  - 1001.15 (diversion program laboratory analysis fee)
  - 1001.16 (misdemeanor drug diversion program laboratory analysis fee)
  - 1001.90(g)–(h) (county fee for collecting diversion restitution)
  - 1202.4(*l*) (county fee for collecting restitution fines)
  - 1203.1(*l*) (county fee for collecting restitution orders)
  - 1203.1ab (drug testing fee)
  - 1203.1c (local incarceration fee)
  - 1203.1m (state prison incarceration fee)
  - 1203.4a(e) (fee for processing dismissal request)
  - 1203.9 (local fees for courts receiving probation transfer cases)
  - 1205(e) (installment payment plan and accounts receivable processing fee)
  - 1214.5 (interest on restitution orders)
  - 1463.07 (administrative screening fee)
  - 2085.5(e), (f) & (i) (restitution fines/orders collection fee for prisoners or parolees)
  - 2085.6(d) (restitution fines/orders collection fee for persons on postrelease community supervision or mandatory supervision)
  - 2085.7(d) (restitution fines/orders collection fee for persons released from custody)
- Vehicle Code
  - 40508.5 (failure to appear/failure to comply assessment)
  - 40510.5(g) (installment account processing fee)

For the 2021–22 fiscal year, $25 million is appropriated from the General Fund to backfill revenue to counties because of local fees repealed by AB 177. And in the 2022–23 fiscal year, and for each year thereafter, $50 million will be appropriated from the General Fund to backfill revenue to counties.

APPENDIX B

Juvenile Justice

SB 92 (COMMITTEE ON BUDGET AND FISCAL REVIEW), CH. 18
EFFECTIVE IMMEDIATELY ON MAY 14, 2021, AS AN ACT RELATED TO THE BUDGET BILL
JUVENILE JUSTICE TRAILER BILL

Among other things, makes the statutory changes necessary to implement the juvenile justice-related provisions of the Budget Act of 2021.

Background on Division of Juvenile Justice realignment
Senate Bill 823 (Stats. 2020, ch. 337) implements closure of the Division of Juvenile Justice (DJJ) and shifts funding and responsibility for the highest-need youth to the counties. Declares this shift necessary to ensure that youth are closer to their families and receive age-appropriate treatment that is evidence-based, and to improve outcomes of youth and public safety, while also reducing the transfer of youth into the adult criminal justice system. Intends to ensure that youth are placed in the least-restrictive appropriate environment, and that resulting systems reduce and then eliminate racial and ethnic disparities, and reduce the use of confinement in the juvenile justice system. Stops intake at the DJJ as of July 1, 2021, unless a ward is subject to a motion for transfer to criminal court. Provides each county with annual funding on a formula basis to meet the needs of the population currently served by the DJJ.

Further, requires counties to establish a subcommittee of their juvenile justice coordinating council to develop a plan to meet the needs of the realigned population (W&I 1995), to be submitted to a new state agency, the Office of Youth and Community Restoration, by January 1, 2022. States the mission and duties of the new Office of Youth and Community Restoration, established within the Health and Human Services Agency on July 1, 2021, to include oversight of the realigned funds, promulgating best practices to make the system trauma informed and rehabilitative, and establishment of an ombudsman to investigate issues raised by those in the juvenile justice system. (W&I 2200.) Includes intent language for the Legislature to enact subsequent legislation outlining the procedures for committing a ward to a secure facility; SB 92 is the legislation that includes those provisions.

SB 92 and secure youth treatment facilities
Adds "secure youth treatment facilities" to the Welfare and Institutions Code, setting forth a new dispositional option for juveniles age 14 and over who are adjudicated for a Welfare and Institutions Code section 707(b) offense. States that commitments to a secure youth treatment facility (SYTF) have eligibility requirements, procedural requirements, and ongoing review requirements described below.

Requirements
Requires a SYTF to be a secure facility operated, utilized, or accessed by the county of commitment to provide appropriate programming, treatment, and education for wards who have been adjudicated for eligible offenses. (W&I 875(g)(1).) A SYTF may be a standalone facility, such as a probation camp or other facility operated under contract with the county, or with another county, or may be a unit or portion of an existing county juvenile facility, including a juvenile hall or probation camp, that is configured and programmed to serve the population. (W&I 875(g)(2).) Requires, by July 1, 2023, the Board of State and Community Corrections (BSCC) to review its existing juvenile facility standards and modify or add standards for the establishment, design, security, programming and education, and staffing of any facility that is utilized or accessed by the court as a secure youth treatment facility. Requires the standards to be developed by the board with the coordination and concurrence of the Office of Youth and Community Restoration. (W&I 876(g)(3).) Requires counties to notify the BSCC of their intent to establish a SYTF, and beginning July 1, 2022, requires the BSCC to conduct a biennial inspection of each SYTF that was used for the confinement of juveniles during the preceding calendar year. (W&I 876(g)(4).) Permits a county to contract with another county having a SYTF to accept commitments of wards, and a county may establish a SYTF to serve as a regional center for commitment of juveniles by one or more other counties on a contract payment basis. (W&I 876(g)(5), (6).) Makes the juvenile court and the local juvenile justice commission established under Welfare and Institutions Code section 225 responsible for annually inspecting any facility administered by the county or region. (W&I 209, 229.)

Eligibility

Requires, to be considered for a SYTF disposition, a ward to be age 14 or older, and states the most recent offense for which the ward was adjudicated must be listed in Welfare and Institutions Code section 707(b) (hereafter section 707(b)). Once that requirement is met, requires the court to also make a finding on the record that a less-restrictive alternative disposition is unsuitable for the ward. (W&I 875(a)(1)–(3).) When making that finding, requires the court to consider all relevant and material evidence, including the recommendations of counsel, the probation department, and any other agency or individual designated by the court to advise on the appropriate disposition of the case. Requires the determination to be based on all of the following criteria:

- The severity of the offense or offenses for which the ward has been most recently adjudicated, including the ward's role in the offense, the ward's behavior, and harm done to victims;
- The ward's previous delinquent history, including the adequacy and success of previous attempts by the juvenile court to rehabilitate the ward;
- Whether the programming, treatment, and education offered and provided in a SYTF is appropriate to meet the treatment and security needs of the ward;
- Whether the goals of rehabilitation and community safety can be met by assigning the ward to an alternative, less restrictive disposition that is available to the court; and
- The ward's age, developmental maturity, mental and emotional health, sexual orientation, gender identity and expression, and any disabilities or special needs affecting the safety or suitability of committing the ward to a term of confinement in a SYTF.

(W&I 875(a)(3).)

Baseline term of commitment; maximum confinement time

When committing a ward to a SYTF, requires the court to set a baseline term of commitment that must "represent the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community." (W&I 875(b).) This term is to be based on an offense-based classification matrix to be developed and adopted by the Judicial Council by July 1, 2023. In the interim, courts are to base the term on the discharge consideration guidelines that apply to the DJJ, which can be found in California Code of Regulations, title 9, sections 30807–30813. (For a summary of these regulations and the discharge guidelines for each offense, see Attachment A.) The court may, pending adoption of the council's matrix, deviate from these guideline terms by plus or minus six months. (W&I 875(b).)

Also requires the court to set a maximum time of confinement that cannot extend beyond age 23 (or two years from the date of commitment if it would come after age 23) or, for offenses with an adult sentence of seven years or longer, age 25 (or two years after the date of commitment if it would come later than age 25). (W&I 875(c)(1).) States that the maximum time that a ward may be confined may not exceed the middle term of imprisonment that could be imposed on an adult for the same offense. (W&I 875(c)(2).)

Individual rehabilitation plan

Requires the court to review an individual rehabilitation plan for the ward within 30 days of making a commitment to a SYTF. (W&I 875(d)(1).) Requires that the plan be submitted by the probation department and "any other agencies or individuals the court deems necessary for the development of the plan." (W&I 875(d)(1).) Permits that the plan may be developed in consultation with "a multidisciplinary team of youth service, mental and behavioral health, education, and other treatment providers who are convened to advise the court for this purpose." (W&I 875(d)(1).) Permits the prosecutor and defense counsel to provide input prior to court approval of the plan, and permits the court to modify the plan based on the information it receives. Requires the plan to accomplish the following:

- Identify the ward's needs in relation to treatment, education, and development, including any special needs the ward may have in relation to health, mental or emotional health, disabilities, or gender-related or other special needs;
- Describe the programming, treatment, and education to be provided to the ward in relation to the identified needs during the commitment period; and
- Reflect, and be consistent with, the principles of trauma-informed, evidence-based, and culturally responsive care.

(W&I 875(d)(2)(A)–(C).)

Requires that the ward and the ward's family be consulted in determining the ward's needs, and that the perspectives of the ward and the ward's family be included in the plan. (W&I 875(d)(2)(D).)

Progress review hearings at least every six months
Requires the court to schedule and hold a progress review hearing for each ward committed to a SYTF at least every six months and requires the court to evaluate the progress of the ward relative to the rehabilitation plan and determine whether the baseline term should be modified. Mandates that the court hear "the recommendations of counsel, the probation department[,] and any behavioral, educational, or other specialists having information relevant to the ward's progress." (W&I 875(e)(1).) At the conclusion of the hearing, permits the court to maintain the baseline term of commitment or lower it by no more than six months. In addition, permits the court to order that the ward be assigned to a less restrictive placement. (W&I 875(e)(1).) Prohibits the court from extending the baseline term for any disciplinary infractions, which must only be addressed by sanctions within the SYTF. (W&I 875(e)(2).)

Probation discharge hearing; probation supervision
At the end of baseline term, requires the court to review the ward's progress toward meeting the goals of the individual rehabilitation plan and the recommendations of counsel, the probation department, and any other agencies or individuals having information the court deems necessary. At the conclusion of the hearing, requires the court to order that the ward be discharged to a period of probation supervision in the community under conditions approved by the court, unless the court finds that the ward constitutes a substantial risk of imminent harm to others in the community if released from custody. If the court finds substantial risk, states that the ward can be returned to the SYTF for up to one additional year subject to the maximum confinement time and required progress reviews. (W&I 875(e)(3).)

If the ward is discharged to probation supervision, requires the court to "determine the reasonable conditions of probation that are suitable to meet the developmental needs and circumstances of the ward and to facilitate the ward's successful reentry into the community." (W&I 875(e)(4).) Requires the court to "periodically review" the ward's progress during the period of probation supervision. If the court finds the ward has "failed materially to comply with the reasonable orders of probation imposed by the court," the court may order that the ward be returned to a juvenile facility or to a less restrictive placement for a period not to exceed either the remainder of the baseline term, including any court-ordered modifications, or six months, whichever is longer. However, states that this confinement must not extend beyond the maximum confinement limitations. (W&I 875(e)(4).)

Request for less restrictive placement
Permits the probation department or the ward to make a motion to transfer the ward from a SYTF to a less restrictive program (e.g., a halfway house, a camp or ranch, or a community residential or nonresidential service program) to facilitate the safe and successful reintegration of the ward into the community. Requires that the motion be considered at the next scheduled review hearing or at a separately scheduled hearing. Requires the court to consider the recommendations of the probation department on the proposed change in placement. States that the court must determine that the ward has made substantial progress toward the goals of the individual rehabilitation plan and that the placement is consistent with youth rehabilitation and community safety before ordering the transfer. In making that determination, requires the court to consider the following factors:

- The ward's overall progress in relation to the rehabilitation plan during the period of confinement in a SYTF; and
- The programming and community transition services to be provided or coordinated by the less restrictive program.

Permits the court to require the ward to observe any conditions of performance or compliance with the program that are reasonable and appropriate in the individual case and that are within the capacity of the ward to perform. Requires the court to set a time for completing the program within the baseline SYTF term remaining for the ward prior to the ward's eligibility for a discharge hearing. If after placement in a less restrictive setting the court determines that the ward has materially failed to comply with the court-ordered conditions of placement in the program, permits the court to modify the terms and conditions of placement or return the ward to a SYTF for the remainder of the baseline term, subject to further periodic review hearings and to the maximum confinement time set by the court at the outset of the commitment. (W&I 875(f).)

Setting aside or modifying a SYTF commitment
Permits the court to modify or set aside a commitment to a SYTF upon a written motion from the ward or the probation department and a "showing of good cause that the county or the commitment facility has failed, or is unable to, provide the ward with treatment, programming, and education that are consistent with the individual rehabilitation plan" or "that the conditions under which the ward is confined are harmful to the ward, or that the juvenile justice goals of rehabilitation and community safety are no longer served by continued confinement of the ward" in a SYTF. (W&I 779.5.)

Requires the court to hold a hearing on the motion and hear evidence from the ward, the probation department, and any behavioral health or other specialist with relevant information. At the conclusion of the hearing, requires the court to make findings on the record as to the custodial and supervision status of the ward based on the evidence presented. (W&I 779.5.)

Reduction of maximum confinement time for all juvenile justice wards to middle term
While previous statutory provisions allowed for the confinement of juveniles up to the maximum sentence that could be imposed on an adult, SB 92 provides that the middle term for an adult is now the maximum time that a ward can be confined when adjudicated for a delinquent offense. (W&I 727(d).) This same limitation on the maximum term of confinement applies to commitments to the DJJ. (W&I 731.)

Use of juvenile facilities for juvenile justice youth over age 18
Requires any youth whose case originates in the juvenile court be detained in a juvenile facility up to age 25 unless the court orders that the youth be moved to an adult facility after attaining 19 years of age. States that such an order may be made after the filing of a petition with the court by the probation department and a hearing on the petition. Provides that at the hearing there is a rebuttable presumption that the youth remain in the juvenile facility. Requires the court to evaluate the following criteria in making its decision on the petition and make written findings based on the totality of the criteria:

- The impact of being held in an adult facility on the physical and mental health and well-being of the person;
- The benefits of continued programming at the juvenile facility and whether required education and other services called for in any juvenile court disposition or otherwise required by law or court order can be provided in the adult facility;
- The capacity of the adult facility to separate younger and older people as needed and to provide them with safe and age-appropriate housing and program opportunities;
- The capacity of the juvenile facility to provide needed separation of older from younger people given the youth currently housed in the facility; and
- Evidence demonstrating that the juvenile facility is unable to currently manage the person's needs without posing a significant danger to staff or other youth in the facility.

(W&I 208.5(a)–(c).)

After a person who is between 19 and 24 years of age is moved to an adult facility, permits any party to file a motion upon a showing of changed circumstances to return that person to a juvenile facility and requires the court to consider the criteria set forth above in determining whether to grant the motion. (W&I 208.5(d).) States that a ward who is 19 or older and committed to a juvenile facility may not be transferred to an adult facility. (W&I 208.5(e).)

Extension of juvenile court jurisdiction
To allow juvenile courts to provide the same extended supervision of wards that was provided to the DJJ previously, SB 92 extends the jurisdiction of the court over youth adjudicated delinquent for offenses listed in section 707(b) from age 21 to age 23, and to age 25 if the offense has an adult sentence of seven years or more. (W&I 607(b), (c).) Permits a ward to be committed to the DJJ for a period beyond age 23, or age 25, as applicable, if those age limits would provide for less than two years beyond the commitment date. (W&I 607(h).)

Firm date for closure of Division of Juvenile Justice on June 30, 2023
SB 823 established that intake for new commitments to the DJJ would end on July 1, 2021, with an exception for youth subject to a motion for transfer to adult court; SB 92 clarifies that the DJJ will close entirely on June 30, 2023. SB 823 also included intent language, and AB 145 (Committee on Budget; Stats. 2021, ch. 80) codified that the Pine Grove Youth Conservation Camp shall remain an available dispositional option via a state-local partnership and would not be considered DJJ commitments. (W&I 730.)

Requires any commitments to the DJJ made between the effective date of SB 92 and June 30, 2023, be returned to county jurisdiction to complete treatment if the ward is not ready for discharge by June 30, 2023. Requires the director of the DJJ to develop a plan by January 1, 2022, for transferring jurisdiction over such wards to the counties. (W&I 736.5.) While a ward may be committed to the DJJ after July 1, 2021, if a motion to transfer the youth to adult court was filed, wards who are not eligible for such transfers (e.g., youth whose transfer eligibility was removed by SB 1391 and were under age 16 but over age 14 at the time they committed section 707(b) offenses) will not fall under this exception. Requires that the court first consider whether local alternatives are available to meet the needs of the ward. (W&I 736.5(c).)

Extended detention of persons physically dangerous to the public

SB 92 enacted a new section of the Welfare and Institutions Code that states the intent of the Legislature to apply article 6 (commencing with section 1800) of chapter 1 of division 2.5, governing extended detention of persons physically dangerous to the public who are served by the DJJ, to persons physically dangerous to the public who are committed to a SYTF, pending development of a specific commitment process for realigned persons and provides that the Governor and the Legislature will work with stakeholders, including but not limited to the DJJ, the California Department of State Hospitals, the Chief Probation Officers of California, the California State Association of Counties, advocacy organizations representing youth, and the Judicial Council, to develop language to enact a commitment process that ensures the treatment capacity, legal protections, and court procedures that are appropriate to successfully serve persons realigned from the DJJ to the counties, to be effective July 1, 2022. (W&I 875.5.)

APPENDIX C

Criminal Law and Procedure

AB 145 (COMMITTEE ON BUDGET), CH. 80
EFFECTIVE IMMEDIATELY
PUBLIC SAFETY TRAILER BILL

Among other things, makes the statutory changes necessary to implement the public safety-related provisions of the Budget Act of 2021:

Section 2. Makes retroactive to January 1, 1973, the provisions of law requiring the Department of Justice, on a monthly basis, to review the records in the statewide criminal justice databases and to identify persons who are eligible for arrest record relief or automatic conviction record relief by having their arrest records, or their criminal conviction records, withheld from disclosure or modified. Retains the provisions in existing law that require courts to withhold that information.

Sections 4 and 9. State Community Corrections Performance Incentives Fund. Appropriates $122,829,397 from the General Fund to the State Community Corrections Performance Incentives Fund to be allocated to counties, as specified, for the 2021–22 fiscal year.

Section 3 and 5–9. County Resentencing Pilot Program. Establishes a program to support and evaluate a collaborative approach to a district attorney's exercise of their discretion to petition to recall an individual's case for resentencing. Designates a county's district attorney's office and public defender's office as pilot participants. Authorizes a participating district attorney's office to contract with a qualified community-based organization. Requires (1) that each participating district attorney's office create and implement a written policy that states the factors, criteria, and processes to be used in evaluating an individual's case for a petition to recall the sentence; (2) that funding be used for the purposes of resentencing individuals consistent with the requirements of the pilot program, including ensuring adequate staffing of deputy district attorneys, paralegals, deputy public defenders, and support staff. Requires participating district attorney's offices to keep specified data and collect it using a template provided by an evaluator; (3) the evaluator to conduct its analysis in a manner that allows for comparison between participating counties and assess, among other things, challenges in implementation, a cost study, and recidivism outcomes; (4) state agencies to cooperate with, and provide information to, the evaluator upon request; and (5) the evaluator to provide two preliminary reports to the Legislature and a final report, at the end of the program.

Section 21. Community correctional reentry facility transfers. Prohibits the transfer of an inmate to a community correctional reentry facility unless, among other conditions, the inmate does not have a current or prior conviction for an offense that requires registration as a sex offender, the inmate has less than 2 years left to serve in a correctional institution, and the inmate does not have a history, within the prior 10 years, of an escape.

Section 26. Board of State and Community Corrections jail oversight. Allows any duly authorized officer, employee, or agent of the Board of State and Community Corrections, upon presentation of proper identification, to enter a local detention facility without advance notice to conduct inspections to determine compliance with the board's regulations.

Section 27. Pine Grove Youth Conservation Camp. Authorizes a juvenile court to order placement of a ward at the Pine Grove Youth Conservation Camp if specified criteria are met, including if the county has entered into a contract with the Division of Juvenile Justice and the division has found the ward amenable. Authorizes the division to enter into contracts with counties to operate the Pine Grove Youth Conservation Camp through a state-local partnership, or other management arrangement, to train justice-involved youth in wildland firefighting, as specified. As an act relating to the budget, the bill is effective immediately upon signing on July 16, 2021. (GOV amend 12838.4; PEN amend 851.93, 1203.425, 1233.3, 1233.4, 1233.6, 1233.61, 3042, 5007.3, 5075, 5075.6, 5076.1, 5076.2, 5076.3, 6031, 6258.1, 9001, 13602, 13603, 13823.95, amend and repeal 4530.5, add 1170.01, 2042.1, 3041.6, add and repeal 1233, repeal 2035-2041.1; W&I amend 209, 730, add 1760.45)

APPENDIX D

Civil Procedure

AB 1578 (COMMITTEE ON JUDICIARY), CH. 401
EFFECTIVE JANUARY 1, 2022
JUDICIARY OMNIBUS

Sections 1 and 1.5. Corrects a cross-reference mistake from SB 2 (Stats. 2021, ch. 409). (CIV amend 52.1)

Section 2. Requires, under the Automobile Sales Finance Act, in order to cure a default, the buyer to reimburse the seller or holder for all reasonable and necessary collection and repossession costs and fees actually paid by the seller or holder. (CIV amend 2983.3)

Sections 3–6. Codifies the California Supreme Court's holding in *Property Reserve, Inc. v. Superior Court* (2016) 1 Cal.5th 151, providing that a property owner subject to an eminent domain action may seek to recover damages as a defendant and that the property owner possess a waivable right to a jury trial to seek compensation for pre-condemnation damages.(CCP amend 1245.020, 1245.060, 1250.320, 1260.230)

Sections 7, 7.5, 8, and 8.5. Provides that on and after January 1, 2023, an application for a change of name may be made to a superior court even if the person does not reside in California, if the person is seeking to change their name on specified documents issued within California. Provides alternative notice requirements for an order to show cause for a proposed name change for persons not living in the county where the name change petition is filed. (CCP amend 1276, 1277)

Sections 9, 11–15, and 24. Allows administrative actions to be conducted remotely via electronic means, including allowing administrative hearings to be conducted virtually and allowing administrative service of notice, communications, and discovery to be conducted electronically. (EDU amend 44944; GOV amend 11425.20, 11440.20, 11440.30, 11507.6, 11508; W&I amend 4712)

Sections 17 and 17.5. Clarifies that caring for a parent-in-law qualifies as a permissible family member for the purposes of being able to utilize up to two weeks of family leave in accordance with the California Family Rights Act. Allows an employee to appoint a "designated person," as defined, as a person for whom an employee can utilize family care and medical leave. (GOV amend 12945.2)

Sections 18 and 19. Extends the repeal date to January 1, 2023, for certain provisions of the Limited Examination and Appointment Program, administered by the Department of Human Resources, regarding competitive examinations to determine the qualifications and readiness of persons with disabilities for state employment. (GOV amend 19424)

Sections 20 and 21. Extends the statute of limitations by one year to allow three years to bring a civil action for cost recovery against a person who negligently, or in violation of the law, sets a fire, allows a fire to be set, or allows a fire kindled or attended by the person to escape onto any public or private property. (H&S amend 13009, 13009.1)

Section 22. Clarifies that name and gender change petitions of a minor submitted by a guardian appointed by the juvenile court or probate court, or by a court-appointed dependency attorney as guardian ad litem, must be made in the court with jurisdiction over the minor. Enables the attorney for a ward in the juvenile justice system to sign the petition on behalf of the ward. Provides that the publication requirement applicable to petitions for name changes does not apply if the petition is filed for a minor who is under the jurisdiction of the juvenile court. (H&S amend 103430) NOTE: This section amends Health and Safety Code section 103430. Section 103430 is also amended by AB 218 (Stats. 2021, ch. 577), which is the later-enacted bill.

Section 23. Eliminates the requirement that a transferee of a structured settlement file a notice of transfer with the Attorney General and replaces the requirement with a requirement that the transferee retain documentation of the transfer for at least three years. (INS amend 10139)

APPENDIX E

Court and Branch Operations

AB 143 (Committee on Budget), Ch. 79
Effective immediately
COURTS TRAILER BILL

Sections 1, 4–6, 17–19, 20–27, 31–34, 37, and 38. Abolishes the Immediate and Critical Needs Account and makes the State Court Facilities Construction Fund its successor fund by transferring all assets, revenues, and obligations to that fund. Makes conforming changes to laws governing the State Court Facilities Construction Fund, including reallocating and modifying fees that are deposited into the Immediate and Critical Needs Account to instead be deposited into the State Court Facilities Construction Fund. Eliminates the requirement that 25 percent of all monies collected for the State Court Facilities Construction Fund from any county be designated for implementation of trial court projects in that county.

Section 2. Criminal fines, fees, and penalties. Requires the Director of Finance, until July 1, 2026, to finalize a methodology to determine per-county allocations based on a county's adult population, felony and misdemeanor arrests, and felony and misdemeanor filings, to distribute the $65 million allocation to counties to backfill revenues lost from the repeal of criminal administrative fees under AB 1869 (Committee on Budget; Stats. 2020, ch. 92). Authorizes each county's board of supervisors to determine how the money will be spent. Requires, no later than October 1, 2021, the Director of Finance to provide the Assembly and Senate budget subcommittees on public safety, the Legislative Analyst's Office, and the Joint Legislative Budget Committee with the county allocation schedule. Requires, by May 1, 2022, each county's board of supervisors receiving relief to submit a report to the Director of Finance, the Legislative Analyst's Office, and the Joint Legislative Budget Committee. Requires, for the years in which funding is allocated pursuant to this methodology, a county to submit a report documenting how the allocation was spent.

Sections 8, 39. Ability-to-pay program: statewide implementation. Expands statewide the existing pilot program that allows for the online adjudication of traffic infraction violations of the Vehicle Code. Requires the Judicial Council to develop an online tool for adjudicating infraction violations, including ability-to-pay determinations, to implement the tool on a phased schedule, and to make this tool available statewide on or before June 30, 2024. Prohibits a defendant from being compelled to use this online tool. Authorizes courts to allow defendants to agree to forfeit bail, plead guilty or nolo contendere, request an ability-to-pay determination, or otherwise adjudicate matters electronically for all infraction violations for which a personal appearance is not required, or, with the defendant's consent, the court may adjudicate all proceedings for infractions remotely. Establishes procedures for determining a defendant's ability to pay. Requires all courts to offer online ability-to-pay determinations using the online tool by June 30, 2024. Requires the Judicial Council, by February 1, 2022, and annually until February 1, 2025, to report to the Legislature specified information from participating courts that have adopted online ability-to-pay determinations for infractions. Requires, on or before January 10 of each year, the Department of Finance, in consultation with the Judicial Council, to estimate the level of funding needed for the judicial branch for purposes of these provisions. Specifies that only the trial courts that provide data in accordance with the method required by the Judicial Council are eligible for any funding appropriated. Repeals the online adjudication of traffic infractions pilot program due to the program being implemented statewide.

Sections 9–16. Among other things, creates a committee to study and recommend changes to the structure and operation of the Commission on Judicial Performance.

Sections 28 and 29. Repeals obsolete provisions of law related to the sale and disposition of courthouses in the cities of Chico, Corning, Firebaugh, and Corcoran.

Section 30. Design-build authority. Authorizes the Judicial Council to use the design-build procurement process for court construction projects and award contracts using either the best value or low bid selection method. Requires a bidder participating in the modified process to provide specific written declarations and makes any person or entity who certifies a material matter that the person or entity knows to be false guilty of a misdemeanor.

Section 35. Remote appearance authority for infractions. Authorizes courts, with the consent of the defendant, to conduct proceedings remotely, including arraignments and trials, for all infractions.

Section 36. Payment plan fee. Authorizes a comprehensive collection program, to recover up to $35 per nondelinquent installment payment plan ordered under the program.

Section 40. Appropriates $100,000 from the General Fund to the Judicial Council to address deferred maintenance projects.

APPENDIX F

2021-2022 Legislation Affecting California Appellate Procedure

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	SUMMARY DESCRIPTION OF NEW LAW
AB 624 (Bauer-Kahan), CH. 195 ***Effective January 1, 2022*** **Juveniles: transfer to court of criminal jurisdiction: appeals**	Creates a new procedure authorizing immediate appellate review of an order transferring a minor from the juvenile court to a court of criminal jurisdiction if a notice of appeal is filed within 30 days of the transfer order. Requires the appeal to have precedence in the court to which the appeal is taken and to be determined as soon as practicable after the notice of appeal is filed. (W&I add 801)
AB 1194 (Low), CH. 417 ***Effective January 1, 2022*** **Conservatorship**	Amends Probate Code section 1471 to require the Court of Appeal to appoint legal counsel to represent a conservatee or proposed conservatee before the court in an appeal or writ proceeding arising out of a proceeding to terminate the conservatorship, or a proceeding to remove the conservator, or a proceeding for a court order affecting the legal capacity of the conservatee, or a proceeding to obtain an order authorizing removal of a temporary conservatee from the temporary conservatee's place of residence if the conservatee, or proposed conservatee, is not represented by legal counsel. (B&P amend 6580, add 6563; PROB amend 1051, 1460, 1471, 1826, 1850, 1850.5, 1851, 1851.1, 1860, 1860.5, 1862, 1863, 2250, 2250.6, 2253, 2401, 2620, 2623, 2640, 2641, 2653, add 1851.6, 2112, add and repeal 1458)
SB 7 (Atkins), CH. 19 ***Effective January 1, 2022*** **Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2021**	Renews the authority of the Governor, through January 1, 2026, to certify a project under the Jobs and Economic Improvement Through Environmental Leadership Act of 2021 and seeks to broaden the reach of the act to include housing projects meeting certain conditions as projects eligible for certification. Also requires the Judicial Council to adopt a rule of court to establish procedures that require actions or proceedings brought to attack, review, set aside, void, or annul the certification of an environmental impact report for an environmental leadership development project certified by the Governor under the act or the granting of any project approvals that require the actions or proceedings, including any potential appeals to the Court of Appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court. Further requires the project applicant, as a condition of certification, to agree to pay the costs of the trial court and the Court of Appeal in hearing and deciding a case challenging a lead agency's action on a certified project. Urgency clause makes this bill operative May 20, 2021. (PRC add and repeal chapter 6.5 at 22178 et seq.)

NOTE: This cumulative table is current through October 31, 2021. 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. Bill information is available online at *http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml.*

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	SUMMARY DESCRIPTION OF NEW LAW
SB 44 (Allen), CH. 633 ***Effective January 1, 2022*** **California Environmental Quality Act: streamlined judicial review: environmental leadership transit projects**	Adds expedited judicial review provisions for California Environmental Quality Act review of "environmental leadership transit projects," as defined. Requires the Judicial Council, on or before January 1, 2023, to adopt rules of court for any action challenging the certification of an environmental impact report for an environmental leadership transit project, including any appeals, to be resolved, to the extent feasible, within 365 days of the filing of the certified record of proceedings with the court. Requires a project applicant to pay the trial court and Court of Appeal costs associated with the expedited judicial review. (PRC add and repeal 21168.6.9)
SB 807 (Wieckowski), CH. 278 ***Effective January 1, 2022*** **Enforcement of civil rights: Department of Fair Employment and Housing**	Makes procedural modifications to the Department of Fair Employment and Housing enforcement of civil rights laws, including changing an appeal to the Court of Appeal of a superior court order to compel discovery from a writ of mandamus to an interlocutory appeal. Specifies that such an appeal shall have precedence and be determined as soon as practicable after the notice of appeal is filed. (GOV amend 12930, 12946, 12960, 12961, 12962, 12963.5, 12965, 12981, 12989.1)

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APPENDIX G

2021-2022 Legislation Responding to California Appellate and Supreme Court Decisions

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	SUMMARY DESCRIPTION OF NEW LAW
AB 260 (Stone), CH. 578 ***Effective January 1, 2022*** **Guardianships**	Abrogates holding in *In re Kaylee H.* (2012) 205 Cal.App.4th 92, in which the court held that in addition to finding that the child comes within the jurisdiction of the dependency court, the juvenile court must make an additional finding about whether a dependency petition is necessary to protect the child; also held that if the probate court has already taken action to provide for the temporary custody needs of the child by granting a temporary guardianship, then the child is determined to no longer be at risk of harm. AB 260 states that it is the intent of the Legislature that guardianship laws in the Probate Code and juvenile court laws in the Welfare and Institutions Code operate together as a cohesive statutory structure that ensures all cases referred by the probate court for a child welfare investigation are subject to review by the juvenile court without limiting the probate court's ability to take immediate action to protect the child while the child welfare investigation and juvenile court review are pending. States that the purpose of this statutory structure is to ensure the protection of every child's health, safety, and welfare and to provide due process to every child, parent, and family. Clarifies that if a juvenile court commences dependency proceedings, the guardianship proceeding shall be stayed, and if the juvenile court does not commence the dependency proceeding, the probate court shall retain jurisdiction to hear the guardianship matter. (GOV amend 68511.1; PROB amend 1511, 1513; W&I amend 329, 331)
AB 625 (Arambula), CH. 583 ***Effective January 1, 2022*** **State Public Defender: indigent defense: study**	This bill is responding to the constitutional guarantee of an individual's right to counsel and analysis by the Legislative Analyst's Office finding that various statewide and county trends suggest that indigent defense is generally less resourced than district attorney offices. The bill, subject to an appropriation by the Legislature, requires the State Public Defender, in consultation with the California Public Defenders Association and other subject matter experts, to undertake a study to assess appropriate workloads for public defenders and indigent defense attorneys and submit a report with their findings and recommendations to the Legislature no later than January 1, 2024. (GOV add and repeal 15403)
AB 788 (Calderon), CH. 201 ***Effective January 1, 2022*** **Juveniles: reunification**	Codifies *In re B.E.* (2020) 46 Cal.App.5th 932 by adding language to Welfare and Institutions Code section 361.5 specifying that "resisted" means that the parent or guardian refused to participate meaningfully in a prior court-ordered treatment program and does not include "passive resistance," as specified. (W&I amend 361.5)

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BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	SUMMARY DESCRIPTION OF NEW LAW
AB 849 (Reyes), CH. 471 ***Effective January 1, 2022*** **Skilled nursing facilities: intermediate care facilities: liability**	Clarifies that in private enforcement actions brought in certain situations by a current or former resident or patient of a skilled nursing facility against the licensee of a facility that violates any rights of the resident or patient, as provided in the Patients' Bill of Rights or in other state and federal laws and regulations, the aggrieved resident or patient is entitled to $500 for each violation of their rights. Abrogates the holding in *Jarman v. HCR ManorCare, Inc.* (2020) 10 Cal.5th 375, which found the $500 cap was per lawsuit, and not per violation. (H&S amend 1430)
AB 1259 (Chiu), CH. 420 ***Effective January 1, 2022*** **Criminal procedure: motion to vacate**	Responds to *Padilla v. Kentucky* (2010) 559 U.S. 356, which held that the Sixth Amendment requires defense counsel to provide affirmative and competent advice to noncitizen defendants regarding the potential immigration consequences of their criminal cases. (*Id.* at p. 360.) Specifically, the U.S. Supreme Court held that defense counsel is constitutionally deficient if there is a failure to advise a noncitizen client entering a plea to a criminal offense of the risk of deportation. (PEN amend 1473.7)
AB 1578 (Committee on Judiciary), CH. 401 ***Effective January 1, 2022*** **Judiciary omnibus**	Codifies the California Supreme Court's holding in *Property Reserve, Inc. v. Superior Court* (2016) 1 Cal.5th 151, providing that a property owner subject to an eminent domain action may seek to recover damages as a defendant and that the property owner possesses a waivable right to a jury trial to seek compensation for pre-condemnation damages. (CCP amend 1245.060, 1250.320, 1260.230)
SB 775 (Becker), CH. 551 ***Effective January 1, 2022*** **Felony murder: resentencing**	Among other things, codifies the holding in *People v. Lewis* (2021) 11 Cal.5th 952, 961–970, regarding petitioners' right to counsel and the standard for determining the existence of a prima facie case. Specifically, the legislation amends Penal Code section 1170.95 to clarify that counsel must be appointed, if requested, upon the filing of a facially sufficient petition and that only after the appointment of counsel and the opportunity for briefing may the court determine whether the petitioner has established a prima facie case for relief. Also based on *People v. Lewis, supra* at pages 970–972, the legislation amends section 1170.95 to address what evidence a court may consider at a resentencing hearing. (PEN amend 1170.95)

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APPENDIX H

2021 New and Expanded Crimes

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 14 (Aguiar-Curry), CH. 658 ***Effective Immediately*** **Communications: California Advanced Services Fund: deaf and disabled telecommunications program: surcharges**	PUC amend 281.1, 285, 884.2, 914.7, 2881	Expands the scope of a crime by amending the Public Utilities Act, a violation of which is a crime, to require the Department of Education, in consultation with the Public Utilities Commission, to compile information regarding pupils' estimated needs for computing devices and internet connectivity that is adequate for at-home learning, and to annually post that compiled information on the department's internet website.
AB 36 (Gallagher), CH. 659 ***Effective January 1, 2022*** **Design-build contracting: Town of Paradise**	PUC add 22162.8	By expanding design-build authority in the Town of Paradise to include additional projects that must be supported by information submitted under penalty of perjury, expands the scope of the crime of perjury.
AB 45 (Aguiar-Curry), CH. 576 ***Effective Immediately*** **Industrial hemp products**	B&P add and repeal 26013.2; H&S amend 11018.5, 100425, 110065, add 110036, 110407, 110469, 110611, 111691, 111920–113091, repeal 111921.6	Among other things, expands the scope of a crime by amending the Sherman Food, Drug, and Cosmetic Law, a violation of which is a crime, to create a registration process for hemp manufacturers who produce specified products that include industrial hemp or who produce raw hemp extract including requirements for testing and labeling on products.
AB 73 (Rivas, Robert), CH. 322 ***Effective Immediately*** **Health emergencies: employment safety: agricultural workers: wildfire smoke**	H&S amend 13102; LAB add 9110	Expands occupational safety and health regulations for employers, of which certain violations are crimes, to require employers to periodically conduct prescribed air quality training and, commencing January 1, 2023, require refresher training during wildfire smoke emergencies and prior to distribution of respirators.
AB 107 (Salas), CH. 693 ***Effective January 1, 2022*** **Licensure: veterans and military spouses**	B&P amend 2946, 5132, amend, repeal, and add 115.6, add 115.8, 115.9, 10151.3	Expands the crime of perjury by expanding to all Department of Consumer Affairs licensing boards the requirement that specified boards issue temporary licenses to the spouses of active-duty members of the U.S. Armed Forces, which requires a signed affidavit attesting to the fact that the applicant meets all of the requirements for a temporary license and that the information submitted in the application is accurate, to the best of the applicant's knowledge.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 110 (Petrie-Norris), CH. 511 ***Effective Immediately*** **Fraudulent claims for unemployment compensation benefits: inmates**	PEN amend 11105.9; UIC add 321.5	Expands the scope of an existing crime relating to sharing state summary criminal information by requiring the Department of Corrections and Rehabilitation to provide the names and social security numbers of current inmates to the Employment Development Department for the purposes of preventing payments on fraudulent claims for unemployment compensation benefits.
AB 143 (Committee on Budget), CH. 79 ***Effective Immediately*** **Courts trailer bill**	GOV 70398.3	Creates a new crime by requiring a bidder participating in the design-build procurement process for construction projects operated by the Judicial Council to provide specific written declarations and making any person or entity who certifies a material matter that the person or entity knows to be false guilty of a misdemeanor.
AB 173 (Committee on Budget), CH. 253 ***Effective Immediately*** **Public Safety**	GOV add 69894	Among other things, expands the scope of an existing crime by including the state office building located at 1021 O Street in Sacramento on the list of locations, including the State Capitol and legislative offices, where bringing or being in possession of a loaded firearm or other specified weapon is prohibited and punishable as either a misdemeanor or felony.
AB 174 (Committee on Budget), CH. 254 ***Effective Immediately*** **Vehicles**	VEH amend 1656, 1663, 1666, 12800, 12802, 13000, 15632, 16508, 34507.5, amend, repeal, and add 12814.5	Among other things, expands the scope of the crime of perjury by requiring that an original application for a driver's license or identification card be signed under penalty of perjury.
AB 175 (Committee on Budget), CH. 255 ***Effective Immediately*** **Housing: mortgages and deeds of trust: use of state property: surplus land disposal: financing programs**	CIV amend 2924h, 2924m; F&A add 3332.2; GOV amend 54234; H&S amend 50218.6, 50220.7, 50220.8, 50515.08, 50515.09, 50515.10	Among other things, expands the scope of the crime of perjury by requiring that certain information to be submitted to a trustee relating to the sale of real property be provided as an affidavit or declaration given under penalty of perjury.
AB 223 (Ward), CH. 370 ***Effective January 1, 2022*** **Wildlife: dudleya: taking and possession**	F&G add 2024	Makes it a misdemeanor to uproot, remove, harvest, or cut dudleya from land owned by the state or a local government, or from property not their own, without written permission from the landowner in their immediate possession, except as provided, and makes it unlawful to sell, offer for sale, possess with intent to sell, transport for sale, export for sale, or purchase dudleya uprooted, removed, harvested, or cut in violation of that provision.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 229 (Holden), CH. 697 ***Effective January 1, 2022*** **Private investigators, proprietary security services, private security services, and alarm companies: training: use of force**	B&P amend 7583.2, 7583.3, 7587.8, 7587.9, amend, repeal, and add 7542, 7574.18, 7583.5, 7583.6, 7583.7, 7583.10, 7585, 7585.6, 7587.1, 7596, 7596.3, 7598.1, 7598.2, 7598.3, 7599.37, 7599.38	Expands the scope of existing crimes by amending the Private Investigator Act, the Proprietary Security Services Act, and the Private Security Services Act, a violation of any of which is a crime, to require private investigators, proprietary private security officers, and private patrol operators to complete a course of training in the exercise of the power to arrest and appropriate use of force.
AB 232 (Gallagher), CH. 739 ***Effective January 1, 2022*** **Off-highway vehicles: reciprocity**	VEH amend 38010	Changes the definition of an infraction by limiting California's recognition of off-highway vehicle registration by other states to those states which reciprocally recognize California's off-highway vehicle registration.
AB 242 (Holden), CH. 228 ***Effective January 1, 2022*** **Public utilities**	PUC amend 398.4, 854, 913.5, 913.6, 1701.8, 3280, repeal 913.2, 913.10, 913.11	Expands the scope of a crime by amending the Public Utilities Act, a violation of which is a crime, to make technical changes to the Public Utilities Code concerning requirements for energy-related programs.
AB 271 (Rivas, Robert), CH. 48 ***Effective January 1, 2022*** **Santa Clara Valley Water District: contracts: best value procurement**	PUC add 21163	Expands the scope of the crime of perjury by requiring bidders on Santa Clara Valley Water District contracts on construction work to improve the safety of the Leroy Anderson Dam and Reservoir to submit certain information under penalty of perjury.
AB 293 (Kalra), CH. 514 ***Effective January 1, 2022*** **Preneed funeral arrangements: unclaimed property**	B&P amend, repeal, and add 7737, add 7737.1, 7737.2; CIV amend, repeal, and add 1520, 1560, add 1518.5	Expands the Cemetery and Funeral Act, the willful violation of which is a crime, by establishing procedures governing disposition of preneed funeral trust accounts when they go unclaimed or the funeral establishment is sold or closes.
AB 319 (Valladares), CH. 319 ***Effective January 1, 2022*** **Political Reform Act of 1974: contributions: foreign governments or principals**	GOV amend 85320	Expands the scope of a crime by amending the Political Reform Act of 1974, a violation of which is a crime, to include in the prohibitions on a foreign government or principal from making a contribution or expenditure in connection with a ballot measure and on a person or committee soliciting or accepting a contribution from a foreign government or principal, to an election of a candidate to state or local office.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 331 (Jones-Sawyer), CH. 113 ***Effective Immediately*** **Organized theft**	PEN add and repeal 490.4, 13899–13899.1	Reenacts the crime of organized retail theft until January 1, 2026. Prior law establishing that crime expired on July 1, 2021.
AB 332 (Committee on Environmental Safety and Toxic Materials), CH. 147 ***Effective Immediately*** **Hazardous waste: treated wood waste: management standards**	H&S amend, renumber, and repeal 25150.8, add 25230–25230.18	Expands the scope of an existing crime by amending the hazardous waste control law, a violation of which is a crime, to include the management of treated wood.
AB 342 (Gipson), CH. 436 ***Effective January 1, 2022*** **Health care coverage: colorectal cancer: screening and testing**	H&S add 1367.668; INS add 10123.207	Expands the scope of a crime by amending the Knox-Keene Health Care Service Plan Act of 1975, a violation of which is a crime, to provide coverage for a colorectal cancer screening test, and requires the colonoscopy for a positive result on a test or procedure to be provided without cost sharing, unless the underlying test or procedure was a colonoscopy.
AB 347 (Arambula), CH. 742 ***Effective January 1, 2022*** **Health care coverage: step therapy**	H&S amend 1367.241, 1367.244, add 1367.206; INS amend 10123.191, 10123.197, 10123.201	Expands the scope of a crime by amending the Knox-Keene Health Care Service Plan Act of 1975, a violation of which is a crime, to require a health care service plan or health insurer to expeditiously grant a step therapy exception if specified criteria are met.
AB 362 (Quirk-Silva), CH. 395 ***Effective January 1, 2022*** **Homeless shelters: safety regulations**	H&S add 17974–17974.6	Expands the scope of a crime by amending the State Housing Law, a violation of which is a crime, to add to the duties of local officials with respect to enforcement of that law.
AB 424 (Stone), CH. 559 ***Effective January 1, 2022*** **Private Student Loan Collections Reform Act: collection actions**	CIV add 1788.200–1788.211	Expands the scope of the crime of perjury by enacting the Private Student Loan Collections Reform Act, which, among other things, prohibits a private education lender or a private education loan collector from making any written statement to a debtor in an attempt to collect a private education loan unless the private education lender or private education loan collector possesses certain information regarding the loan and provides this information to the debtor, to require a plaintiff seeking an exemption, as an exempt entity, from the requirements of the act to attach to the complaint a declaration or affidavit, signed under penalty of perjury, stating certain information.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 425 (Mathis), CH. 371 ***Effective January 1, 2022*** **Milk and other dairy products: Dairy Council of California Law: producer-handlers**	F&A amend 32912.5, 61384, 62660, 64007, 64042, 64072, 64101, 64103, 64118, 64221, 64223, 64301, 64301.5, 64302, 64303, 64304, 64308, 64320, 64321, 64321.5, 64322, add 32921, repeal 62095.1, 64016	Expands the scope of a crime by amending the Dairy Council of California Law, a violation of which is a crime, to authorize the Secretary of Food and Agriculture to adopt regulations establishing official final action methods of testing for milk quality.
AB 435 (Mullin), CH. 266 ***Effective January 1, 2022*** **Hearing aids: locked programming software: notice**	B&P amend 2538.35, 2538.38, 2539.4, 2539.10	Expands the scope of a crime by amending the Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act, a violation of which is a crime, to require a licensed hearing aid dispenser or a licensed dispensing audiologist, before the consummation of the sale of a hearing aid that uses proprietary programming software or locked, nonproprietary software to provide the purchaser with a written notice in 12 point type or larger that contains specified language informing the purchaser that the hearing aid can only be serviced or programmed at specific facilities or locations. Requires the licensed hearing aid dispenser or a licensed dispensing audiologist to maintain a copy of the notice.
AB 440 (Bigelow), CH. 54 ***Effective January 1, 2022*** **Bear Lake Reservoir: recreational use**	H&S amend 115843.6	Modifies the scope of existing crimes by deleting the sunset on the bodily contact prohibition exemption for Bear Lake Reservoir, and deleting other bodily contact restrictions, thus authorizing, if specified conditions are met, bodily contact with the water at Bear Lake Reservoir to occur all year and in perpetuity.
AB 451 (Arambula), CH. 438 ***Effective January 1, 2022*** **Health care facilities: treatment of psychiatric emergency medical conditions**	H&S add 1317.4b	Expands the scope of an existing crime by amending laws relating to psychiatric hospitals, a violation of which is a crime, to require a psychiatric unit of a general acute care hospital, a psychiatric health facility with more than 16 beds that is not county operated, and an acute psychiatric hospital, to accept a transfer of a person with a psychiatric emergency medical condition, regardless of whether the facility operates an emergency department, if the facility has appropriate facilities and qualified personnel available to provide the services.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 457 (Santiago), CH. 439 ***Effective January 1, 2022*** **Protection of Patient Choice in Telehealth Provider Act**	B&P amend 1374.14; H&S add 1374.141; INS amend 10123.855, add 10123.856	Expands the scope of an existing crime by amending the Knox-Keene Health Care Service Plan Act of 1975, a violation of which is a crime, to include the Protection of Patient Choice in Telehealth Provider Act, which requires a health care service plan and a health insurer to comply with specified notice and consent requirements if the plan or insurer offers a service via telehealth to an enrollee or an insured through a third-party corporate telehealth.
AB 462 (Carrillo), CH. 440 ***Effective January 1, 2022*** **Licensed Professional Clinical Counselor Act**	B&P amend 4980.03, 4999.12, 4999.20, 4999.46, 4999.60; FAM amend 3110.5	Expands the scope of a crime by amending the Licensed Professional Clinical Counselor Act, a violation of which is a crime, to widen the scope of activity subject to licensure as a professional clinical counselor.
AB 468 (Friedman), CH. 168 ***Effective January 1, 2022*** **Emotional support animals to be qualified as, or identified as, a guide, signal, or service dog is a misdemeanor.**	H&S add 122317–123319.5	Creates a new crime by requiring a person or business that sells or provides a dog for use as an emotional support dog to provide a written notice to the buyer or recipient of the dog stating that the dog does not have the special training required to qualify as a guide, signal, or service dog and is not entitled to the rights and privileges accorded by law to a guide, signal, or service dog, and that knowingly and fraudulently representing oneself to be the owner or trainer of any canine licensed as,
AB 471 (Low), CH. 372 ***Effective January 1, 2022*** **Bureau of Automotive Repair: administration: citations: safety inspections**	B&P 9884, 9884.7, 9884.16, 9884.22, amend, repeal, and add 9882, 9889.21, add 9887.5, 9888.4.1, 9888.5–9888.7, 9889.19.1, repeal 9887.1–9887.3, 9888.1–9888.4, 9889.15–9889.19	Among other things, expands the crime of perjuring by requiring an automotive repair dealer to provide additional items of information to the Director of Automotive Repair under penalty of perjury.
AB 488 (Irwin), CH. 616 ***Effective January 1, 2022*** **Charitable organizations: charitable fundraising platforms and platform charities**	GOV amend, repeal, and add 12581, 12586.1, 12587, 12598, 12599, 12599.1, 12599.2, 12599.6, add 12599.9, 12599.10	Expands the scope of the crime of perjury by amending the Supervision of Trustees and Fundraisers for Charitable Purposes Act to require that fundraising platforms and platform charities registering with the Attorney General under that act, submit reports about their activities, and enacts several consumer protections, such as disclosure requirements.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 535 (Aguiar-Curry), CH. 466 ***Effective January 1, 2022*** **Olive oil: labeling**	H&S 112895	Expands the scope of a crime by amending laws pertaining to labeling, a violation of which is a crime, to require that any olive oil produced, processed, sold, offered for sale, given away, or possessed in California with a principal display panel that uses "California" or any reference to California comply with the quality and purity standards set forth in the "Grade and Labeling Standards for Olive Oil, Refined-Olive Oil, and Olive-Pomace Oil" published by the California Department of Food and Agriculture.
AB 600 (Arambula), CH. 295 ***Effective January 1, 2022*** **Hate crimes: immigration status**	PEN amend 422.56	Expands the definition of nationality to include immigration status, making it a hate crime to commit a criminal act, in whole or in part, because of the victim's actual or perceived immigration status.
AB 665 (Garcia, Eduardo), CH. 469 ***Effective January 1, 2022*** **Care facilities: internet access**	H&S add 1537.1, 1568.074, 1569.319	Expands the scope of a crime by amending laws relating to residential facilities serving adults, residential care facilities for persons with chronic life-threatening illness, and residential care facilities for the elderly, a violation of which is a crime, to require facilities that have existing internet service to provide at least one internet access device that can support real-time interactive applications, is equipped with videoconferencing technology, and is dedicated for client or resident use.
AB 691 (Chau), CH. 654 ***Effective Immediately*** **Optometry: SARS-CoV-2 vaccinations: SARS-CoV-2 clinical laboratory tests or examinations**	B&P amend 3041, add 3041.5	Expands the scope of a crime by amending laws relating to optometrists, a violation of which is a crime, to give qualified optometrists the authority to administer immunizations to include the administration of the COVID-19 vaccine, and authorizes an optometrist to engage in specified COVID-19 testing. Also, requires the related form to apply for that authority to include required declarations under penalty of perjury.
AB 698 (Committee on Environmental Safety and Toxic Materials), CH. 153 ***Effective January 1, 2022*** **Hazardous waste: small quantity generator**	H&S amend 25123.3, 25160.8, 25163, 25205.7, 25217, 25217.2, 25217.2.1, 25218, 25218.1, 25218.3, 25218.4, 25218.5, 25218.11, 25250.1, 25366.5	Amends the California Hazardous Waste Control Law, a violation of which is a crime, to update terms within that law to conform to recent changes in federal hazardous waste regulation promulgated by the U.S. Environmental Protection Agency under their Generator Improvement Rule.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 701 (Gonzalez, Lorena), CH. 197 ***Effective January 1, 2022*** **Warehouse distribution centers**	LAB amend 138.7, add 2100–2112	Expands the scope of a crime by amending law pertaining to employees, a violation of which is a crime, to require specified employers of 100 or more nonexempt employees at a single warehouse distribution center or 1,000 or more nonexempt employees at one or more warehouse distribution centers in the state to provide each employee with a written description of each quota they are subject to within a defined time period and any potential adverse action that could result from a failure to meet the quota.
AB 749 (Nazarian), CH. 586 ***Effective January 1, 2022*** **Skilled nursing facilities: medical director certification**	H&S repeal and add 1261.4	Amends the law providing for the licensure and regulation of skilled nursing facilities, a violation of which is a crime, to prohibit a skilled nursing facility from contracting with a person as a medical director if the person is not, or will not be within five years, certified by the American Board of Post-Acute and Long-Term Care Medicine as a Certified Medical Director.
AB 750 (Jones-Sawyer), CH. 267 ***Effective January 1, 2022*** **Crimes: perjury**	PEN repeal and add 118.1	Expands the scope of the crime of perjury by making it a crime for a peace officer to make a false statement to another peace officer if that statement is included in a peace officer report. Clarifies that the exemption for third-party statements does not apply to the peace officer writing or making the report, with regard to a false statement that the peace officer included in the report that is attributed to any other person if the peace officer knows the statement is false and is including the statement to present the statement as being true.
AB 751 (Irwin), CH. 623 ***Effective January 1, 2022*** **Vital records: certified copies: electronic requests**	H&S amend and repeal 103526	Expands the scope of the crime of perjury by deleting the January 1, 2022, sunset date authorizing an official to accept an electronic request for a certified copy of a birth, death, or marriage certificate, which must be signed under penalty of perjury.
AB 764 (Cervantes), CH. 704 ***Effective January 1, 2022*** **Contempt of court: victim intimidation**	PEN amend 166	Increases the maximum punishment for the misdemeanor offense of contempt of court that applies when a person who has previously been convicted of stalking, willfully contacts a victim by social media, electronic communication, or electronic communication device, from six months in jail to one year in jail.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 789 (Low), CH. 470 ***Effective January 1, 2022*** **Health care services**	H&S add 1316.7	Expands the scope of a crime, by amending the laws relating to health facilities and clinics, a violation of which is a crime, to require an adult patient who receives primary care services to be offered a hepatitis B and C screening test according to the latest recommendations from the U.S. Preventive Services Task Force and to the extent these services are covered under the patient's health insurance, unless the patient lacks capacity to consent to the test, or is being treated in the emergency department of a general acute care hospital.
AB 831 (Committee on Health), CH. 155 ***Effective January 1, 2022*** **California Retail Food Code**	H&S amend 113818, 113819, 113846, 113899, 113953.3, 114057.1, 114309, 114353, 114365.2, 114378.1, 114380	Changes the definition of a crime by making various technical and clarifying changes to the California Retail Food Code, a violation of which is a crime.
AB 846 (Low), CH. 303 ***Effective January 1, 2022*** **Local Agency Public Construction Act: job order contracting**	PCC amend 20665.23, 20665.33, 20919.23, 20919.33	Expands the scope of the crime of perjury by extending the existing authority for school and community college districts to administer job order contracting as an alternative construction contracting agreement that must be signed under penalty of perjury, until January 1, 2027.
AB 888 (Levine), CH. 378 ***Effective January 1, 2022*** **Mobile slaughter operations: livestock**	F&A amend 19020, add 19021, 19022, 19023	Expands the scope of a crime by amending the California Meat and Poultry Supplemental Inspection Act, a violation of which is a misdemeanor, to exempt a mobile slaughter operator that provides services to an owner of livestock and slaughters multiple livestock from multiple owners under certain specified conditions. Requires a mobile slaughter operator performing these services to be licensed with the Department of Food and Agriculture, the producer to reregister with the department if the producer moves locations or if the operation changes ownership, and a mobile slaughter operator of livestock and a producer who produces livestock to maintain records for at least one year and to exhibit the records on demand of any inspector or peace officer.
AB 962 (Kamlager), CH. 301 ***Effective January 1, 2022*** **California Beverage Container Recycling and Litter Reduction Act: reusable beverage containers**	PRC amend 14539, add 14525.1, 14576	Amends the California Beverage Container Recycling and Litter Reduction Act, a violation of which is an infraction, to allow the inclusion of reusable beverage containers under the act if the processor transfers the empty container to a washer approved by the Department of Resources Recycling and Recovery.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 974 (Rivas, Luz), CH. 175 ***Effective January 1, 2022*** **Equestrian safety**	VEH add 21300	Requires a person, regardless of age, riding an equestrian animal on a paved highway during hours of darkness to use reflective gear or a lamp emitting a white light on their person or on the equestrian animal and makes a violation of these provisions an infraction.
AB 1003 (Gonzalez, Lorena), CH. 325 ***Effective January 1, 2022*** **Wage theft: grand theft**	PEN add 487	Makes the intentional theft of wages by an employer, including gratuities, in an amount greater than $950 from any one employee, or $2,350 in the aggregate from two or more employees, by an employer in any consecutive 12-month period punishable as grand theft.
AB 1058 (Garcia, Cristina), CH. 269 ***Effective January 1, 2022*** **Large water corporations: bill payment options**	PUC amend 755.5	Amends the Public Utilities Act, a violation of which is a crime to (1) authorize a water corporation with more than 10,000 service connections to recover in rates the transaction costs relating to all payment options, including credit cards, debit cards and prepaid cards; and (2) prohibit such a water corporation from recovering such transaction costs from customers participating in a water rate relief program for low-income ratepayers authorized by the California Public Utilities Commission.
AB 1144 (Rivas, Robert), CH. 178 ***Effective January 1, 2022*** **Cottage food operations**	H&S amend 113758, 114365	Changes the definition of an existing crime by increasing the verifiable gross annual sales of a Class A cottage food operation to no more than $75,000 and a Class B cottage food operation to no more than $150,000 and specifying that a Class A or Class B registration or permit in one county is sufficient for the cottage operation to operate throughout the state.
AB 1276 (Carrillo), CH. 505 ***Effective January 1, 2022*** **Single-use foodware accessories and standard condiments**	PRC amend 42270, 42271, add 42272, 42273	Changes the scope of a crime by expanding and revising statutes that limit the distribution of single-use plastic straws to only upon request by a consumer to apply to all single-use condiments and food service ware distributed by food facilities or third-party food delivery platforms.
AB 1282 (Bloom), CH. 752 ***Effective January 1, 2022*** **Veterinary medicine: blood banks for animals**	B&P amend 4826, amend, renumber, and add 4836.5, add 4920–4920.8; F&A amend 9201, 9210, 9212, 9221, 9231, 9241, 9244, 9269, 9272; add 9212.5, 9222, 9252, 9253, 9254, 9255, repeal 9202, 9203, 9204, 9205, 9206	Expands the scope of a crime by amending the Veterinary Medicine Practice Act, a violation of which is a crime, to include in the actions that constitute the practice of veterinary medicine the collection of blood from an animal for the purpose of transferring or selling that blood and blood component products to a licensed veterinarian for use at a registered premises, except in certain circumstances.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 1337 (Lee), CH. 534 ***Effective January 1, 2022*** **Transportation: San Francisco Bay Area Rapid Transit District: policing responsibilities**	PEN amend 369i; PUC amend 99170, 99171, add 99580.5	Creates a new crime by providing that a person who enters or remains on any property, facilities, or vehicles on which the Bay Area Rapid Transit system owes policing responsibilities to a local government under an operations and maintenance agreement or similar interagency agreement without permission, or whose entry, presence, or conduct on that property interferes with, interrupts, or hinders the safe and efficient operation of the transit-related facility is guilty of a misdemeanor.
AB 1367 (Low), CH. 315 ***Effective January 1, 2022*** **Political Reform Act of 1974: committee accounts and campaign funds**	GOV amend 89521	Expands the scope of an existing crime by amending the Political Reform Act of 1974, a violation of which is a crime, to define "egregious personal benefit" to mean a direct personal benefit with a total value of $10,000 or more to a candidate, elected officer, or any individual or individuals with authority to approve the expenditure of campaign funds held by a committee.
AB 1422 (Gabriel), CH. 716 ***Effective January 1, 2022*** **Health facilities: critical care units: critical care unit program flexibility**	H&S amend 1276	Expands the scope of an existing crime relating to health facility licensing by requiring the Department of Public Health, on or before March 1, 2022, to create a standardized form for any critical care unit program flexibility request and requiring a health facility that submits a critical care unit program flexibility request to conspicuously post a copy of the request in a location accessible to patients and employees.
AB 1527 (Ting), CH. 65 ***Effective January 1, 2022*** **Seton Medical Center: seismic safety**	H&S add 130067	Expands the scope of a crime by amending the law relating to licensure of health facilities, a violation of which is a crime, to permit the Office of Statewide Planning and Development to extend the seismic retrofit requirements for Seton Medical Center until July 1, 2023.
AB 1556 (Friedman), CH. 180 ***Effective January 1, 2022*** **Ticket sellers**	B&P amend 22507	Expands the scope of an existing crime making it a misdemeanor for a ticket seller to fail to issue a refund upon request to a ticket purchaser for canceled, postponed, or rescheduled events, to also require, for canceled events, that the refund be made within 30 calendar days of the cancellation, and for postponed or rescheduled events, or events that are replaced with another event at the same date and time, and to require that the refund be made upon request within 30 calendar days of the refund request.
AB 1585 (Committee on Health), CH. 181 ***Effective January 1, 2022*** **Health care**	H&S amend 1255.9; W&I amend 14094.20	Expands the scope of a crime by amending the law providing for the licensure and regulation of health facilities, including skilled nursing facilities, a violation of which is a crime, to revise the required qualifications for an Infection Preventionist to include primary professional training as a licensed nurse, medical technologist, microbiologist, epidemiologist, public health professional, or other healthcare-related field.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 1589 (Committee on Governmental Organization), CH. 306 ***Effective January 1, 2022*** **Alcoholic beverages: appeals: tied-house restrictions**	B&P amend 23081, 23081.5, 23083, 23088, 25503.24	Changes the scope of an existing crime by amending the Alcoholic Beverage Control Act, a violation of which is a crime, to clarify that a licensed retailer is not obligated to buy or sell the alcoholic beverage products of a distilled spirits wholesaler when selling marketing data to that wholesaler.
SB 4 (Gonzalez), CH. 671 ***Effective Immediately*** **Communications: California Advanced Services Fund**	GOV add 12096.3.5; PUC amend 281	Expands the scope of an existing crime by amending the Public Utilities Act, a violation of which is a crime, to extend the operation of the California Advanced Services Fund (CASF) through 2032, increase the annual funding cap for the CASF, and expands projects eligible for CASF grants to include broadband deployment at unserved locations used for emergency response.
SB 19 (Glazer), CH. 274 ***Effective January 1, 2022*** **Winegrowers: tasting rooms**	B&P amend 23320, 23390.5	Expands the scope of an existing crime, by amending the Alcoholic Beverage Control Act, a violation of which is a crime, to revise the law prohibiting a winegrower or brandy manufacturer from selling wine or brandy to consumers, or engaging in winetasting activities, at more than one licensed branch premises to allow a winegrower or brandy manufacturer to sell wine or brandy to consumers, or to engage in winetasting activities, at up to two licensed branch premises.
SB 35 (Umberg), CH. 318 ***Effective January 1, 2022*** **Elections**	ELEC amend 319.5, 8902, 8903, 18370, 18541, 18568, add 18372, 18504	Changes the definition of certain crimes related to elections by making changes to the distance within which electioneering and specified political activities near a voting site are prohibited and changing the deadline for a candidate to submit tax returns to 88 days before the direct primary election.
SB 80 (McGuire), CH. 757 ***Effective Immediately*** **Commercial fishing: inspection: crab traps**	F&G amend 5523, 8276.4, 8276.5, 8279.1, 8280.3, 8283, add 7711, 8285; H&S add 111224–111224.6	Creates a new crime by amending the Fish and Game Code, a violation of which is a crime, to require a person who holds a commercial fishing license or a commercial fish business license, upon request of an authorized agent or employee of the department, to immediately relinquish, at no charge, fish or parts of fish caught or landed in California to the Department of Food and Agriculture for the purpose of collecting a biological sample.
SB 214 (Bates), CH. 101 ***Effective January 1, 2022*** **Neighborhood electric vehicles: County of Orange: Ranch Plan Planned Community**	S&H repeal 1965.7	Expands the scope of a crime by permanently authorizing Orange County to establish a neighborhood electric vehicle transportation plan, a violation of which is a crime, for the Ranch Plan Planned Community, also known as Rancho Mission Viejo.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 221 (Wiener), CH. 724 ***Effective January 1, 2022*** **Health care coverage: timely access to care**	H&S amend 1367.03, 1367.031; INS amend 10133.53, add 10133.54	Expands the scope of a crime by amending the law relating to health care plans and health insurers, a violation of which is a crime, to codify existing timely access-to-care standards for health plans and health insurers, apply these requirements to Medi-Cal managed care plans, add a standard for nonurgent follow-up appointments for nonphysician mental health care or substance use disorder providers within 10 business days of the prior appointment, and prohibit contracting providers and employees from being disciplined for informing patients about timely access standards.
SB 242 (Newman), CH. 538 ***Effective January 1, 2022*** **Health care provider reimbursements**	H&S add 1374.192; INS add 10120.35	Expands the scope of an existing crime by amending the Knox-Keene Health Care Service Plan Act of 1975 to require a health care service plan or health insurer, but not a Medi-Cal managed care plan, to reimburse contracting health care providers for their business expenses to prevent the spread of respiratory-transmitted infectious diseases causing public health emergencies declared on or after January 1, 2022.
SB 264 (Min), CH. 684 ***Effective January 1, 2022*** **Firearms: the OC Fair and Event Center**	PEN add 27575	Creates a new crime by prohibiting an officer, employee, operator, lessee, or licensee of the 32nd District Agricultural Association from contracting for, authorizing, or allowing the sale of any firearm, firearm precursor part, or ammunition on the property or in the buildings that comprise the Orange County Fair and Event Center. Exempts a gun buyback event held by a law enforcement agency, the sale of a firearm by a public administrator, public guardian, or public conservator within the course of their duties, a sale that occurs under a contract that was entered into before January 1, 2022, and the purchase of ammunition on state property by a law enforcement agency in the course of its regular duties.
SB 268 (Archuleta), CH. 761 ***Effective January 1, 2022*** **Parks and recreation: Lower Los Angeles River Recreation and Park District: Lower San Gabriel River Recreation and Park District: establishment: board of directors**	PRC amend 5795.10, 5796, 5796.10, 5796.20	Expands the scope of a crime by amending the law authorizing the establishment of the Lower San Gabriel River Recreation and Park District, a violation of which is a crime, to make changes to district formation requirements.
SB 269 (Portantino), CH. 762 ***Effective January 1, 2022*** **Credit unions**	FIN amend 14250, 14409, 14410, 14456, 14556, 14807, 14811, 14851, 15050, repeal 14655	Expands the scope of the crime by amending the California Credit Union Law, a violation of which is a crime, to increase parity between state law applicable to state-chartered credit unions and federal law applicable to federally chartered credit unions.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 292 (Wilk), CH. 485 ***Effective January 1, 2022*** **Industrial hemp**	F&A amend 81000, 81001, 81002, 81003, 81004, 81004.5, 81006, 81008, 81012, amend and repeal 81007, 81011, add 81004.6	Expands the scope of an existing crime by conforming current state laws relating to hemp, a violation of which is a crime, to the U.S. Department of Agriculture's Interim Final Rule regarding reporting and testing of industrial hemp in the United States.
SB 306 (Pan), CH. 486 ***Effective January 1, 2022*** **Sexually transmitted disease: testing**	B&P amend 4076; H&S amend 120582, 120685, 120917, add 1367.34; INS add 10123.208; W&I amend 14132, 24007	Expands the scope of a crime by amending the Pharmacy Law, a violation of which is a crime, to (1) permit pharmacists to dispense a drug, without the name of an individual for whom the drug is intended, when prescribed for the sexual partner of someone who has been diagnosed with a sexually transmitted disease (STD); (2) prohibit health care providers who prescribe, dispense, or furnish such a drug from being subject to civil, criminal, or administrative penalties, as specified; (3) require a syphilis blood test during the third trimester of pregnancy and at delivery; (4) require public and commercial health coverage of home STD test kits; and (5) add rapid STD tests to existing law that permits HIV counselors to perform rapid HIV and hepatitis C tests.
SB 310 (Rubio), CH. 541 ***Effective January 1, 2022*** **Unused medications: cancer medication recycling**	B&P add 4169.7, 4169.8; add 150400–150404	Expands the scope of a crime by amending the Pharmacy Law, a violation of which is a crime, to (1) establish, until January 1, 2027, a program for the collection and distribution of eligible unused cancer medications, to be known as the Cancer Medication Recycling Act; (2) require each participating practitioner in the collection and distribution of those medications to be registered with a surplus medication collection and distribution intermediary; and (3) require a surplus medication collection and distribution intermediary to create a registry for up to 50 participating practitioners.
SB 314 (Wiener), CH. 656 ***Effective Immediately*** **Alcoholic beverages**	B&P amend 23399, 25607, add and repeal 25750	Expands the scope of a crime by amending the Alcoholic Beverage Control Act, a violation of which is a misdemeanor, to (1) authorize the Department of Alcoholic Beverage Control (ABC) to, for 365 days from the date the COVID-19 state of emergency is lifted, allow licensees to continue to exercise license privileges in an expanded licensed area authorized under a COVID-19 temporary catering authorization; (2) allow a licensed manufacturer to share a common licensed area with multiple licensed retailers; and (3) increase the number of times, from 24 to 36 in a calendar year, that ABC can issue a caterer's permit for use at any one location.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 326 (Pan), CH. 764 ***Effective January 1, 2022*** **Health care coverage: federal health care reforms**	H&S amend 1357.51, 1357.503, 1357.512, 1367.005, 1399.849, 1399.855; INS amend 10112.27, 10198.7, 10753.05, 10753.14, 10965.3, 10965.9	Among other things, amends the scope of a crime by amending the Knox-Keene Health Care Service Plan Act of 1975, a violation of which is a crime, to delete provisions that would make health plan and insurer preexisting condition protections, premium rating limitations, and other antidiscrimination requirements inoperative if specified provisions of the federal Affordable Care Act are repealed or amended to no longer apply.
SB 341 (McGuire), CH. 425 ***Effective January 1, 2022*** **Telecommunications service: outages**	GOV amend 53122; PUC amend 910, add 776.2	Amends the Public Utilities Act, a violation of which is a crime, to (1) require the California Public Utilities Commission to establish resiliency plans for backup power requirements for certain telecommunications providers to ensure that service can be maintained for at least 72 hours during an electrical outage and (2) require certain telecommunications providers to establish and maintain public outage maps on their websites.
SB 343 (Allen), CH. 507 ***Effective January 1, 2022*** **Environmental advertising: recycling symbol: recyclability: products and packaging**	B&P amend 17580, 17580.5; PRC amend 18015, 42355.5, add 42355.51	Expands the scope of a crime by amending the law that makes it a misdemeanor for any person to make any untruthful, deceptive, or misleading environmental marketing claim, whether explicit or implied, to tighten the requirements around the permissible use of the "chasing arrows" recycling symbol and when claims regarding recyclability can be made.
SB 353 (Roth), CH. 488 ***Effective January 1, 2022*** **Hospice: services to seriously ill patients**	H&S amend 1747.3	Expands the scope of a crime by amending the California Hospice Licensure Act of 1990, a violation of which is a crime, to extend the sunset date by five years to 2027 on the authority of hospice licensees to provide palliative care.
SB 368 (Limón), CH. 602 ***Effective January 1, 2022*** **Health care coverage: deductibles and out-of-pocket expenses**	H&S add 1367.0061; INS add 10112.291	Expands the scope of a crime by amending the Knox-Keene Health Care Service Plan Act of 1975, a violation of which is a crime, to (1) require a health plan or health insurer to provide an enrollee or insured with their accrual balance toward their annual deductible and annual out-of-pocket maximum during any month in which benefits were used, (2) permit an enrollee or insured to request their most up-to-date accrual balance toward their annual deductible and their annual out-of-pocket maximum from their health plan or insurer at any time, and (3) require accrual updates to be mailed unless the enrollee or insured opts out.
SB 380 (Eggman), CH. 542 ***Effective January 1, 2022*** **End of life**	H&S amend 443.1, 443.3, 443.4, 443.5, 443.11, 443.14, 443.15, 443.17, repeal and add 443.215	Extends the operation of the End of Life Option Act until January 1, 2031, thereby extending the operation of crimes for specified violations of the act.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 428 (Hurtado), CH. 641 ***Effective January 1, 2022*** **Health care coverage: adverse childhood experiences screenings**	H&S add 1367.34; INS add 10123.51	Expands the scope of a crime by amending the Knox-Keene Health Care Service Plan Act of 1975, a violation of which is a crime, to require a health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2022, that provides coverage for pediatric services and preventive care to additionally include coverage for adverse childhood experiences screenings.
SB 479 (Laird), CH. 141 ***Effective January 1, 2022*** **Local Government Renewable Energy Self-Generation Program**	PUC amend 2830	Expands the scope of a crime by amending the Public Utilities Act, a violation of which is a crime, to expand the local government renewable energy self-generation program definition of "benefiting account" to include accounts meeting specified requirements located within the geographical boundaries of a California Native American tribe.
SB 533 (Stern), CH. 244 ***Effective January 1, 2022*** **Electrical corporations: wildfire mitigation plans: de-energization events**	PUC amend 8386	Expands the scope of a crime by amending the Public Utilities Act, a violation of which is a crime, to require electrical corporations to identify circuits that have frequently been de-energized to mitigate the risk of wildfire and the measures taken to reduce the need for future de-energization of those circuits.
SB 535 (Limón), CH. 605 ***Effective January 1, 2022*** **Biomarker testing**	H&S amend 1367.665; INS amend 10123.20	Expands the scope of a crime by amending the Knox-Keene Health Care Service Plan Act of 1975, a violation of which is a crime, to prohibit health plans and insurers from requiring prior authorization for biomarker testing for advanced or metastatic stage 3 or 4 cancer, and cancer progression or recurrence.
SB 639 (Durazo), CH. 339 ***Effective January 1, 2022*** **Minimum wages: persons with disabilities**	LAB amend 1191, amend and repeal 1191.5	Expands the scope of an existing crime related to employment by prohibiting new licenses for the subminimum wage certification program from being issued and requiring the development of a plan to phase out the use of the subminimum wage certificate program.
SB 667 (Roth), CH. 430 ***Effective January 1, 2022*** **Property taxation: disabled veterans' exemption: filing of claims**	R&T amend 277	Expands the scope of the crime of perjury to allow the executor, administrator, or personal legal representative of a claimant's estate to file a claim for the disabled veterans' exemption under penalty of perjury.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 686 (Glazer), CH. 321 ***Effective January 1, 2022*** **Campaign disclosure: limited liability companies**	GOV add 84109	Expands the scope of an existing crime by amending the Political Reform Act, a violation of which is a misdemeanor, to require a limited liability company (LLC) that qualifies as a committee or a sponsor of a committee under the act to file a statement of members with the Secretary of State that contains certain information about the LLC, including either a list of all persons who have a membership interest in the LLC of at least 10 percent, or a list of persons who made a cumulative capital contribution of at least $10,000 to the LLC either after it qualified as a committee, sponsor of a committee, or within the 12 months before it qualified, among other things.
SB 694 (Bradford), CH. 733 ***Effective January 1, 2022*** **Fire prevention: electrical corporations: wildfire mitigation: workforce diversity**	PUC amend 8386.3	Expands the scope of an existing crime by amending the laws related to fire prevention, a violation of which is a crime, to require electrical companies to notify the California Public Utilities Commission with an advice letter containing a detailed summary of specified workforce development efforts completed in compliance with the Office of Federal Contract Compliance Programs.
SB 715 (Portantino), CH. 250 ***Effective January 1, 2022*** **Criminal law**	GOV 12525.3; PEN amend 11106, 11108.2, 26406, 27505, 27570, 28050, 28055, 28100, 28210, 28215, 28220, 28230, 29610, 29615, 29700, 29750, 31700, 32000, add 16685, 26537, 27963, 31833, 31834, repeal and add 27945	Among other things changes the definition of a crime by (1) exempting minors 16–20 years old with valid hunting licenses from provisions banning possession or sale of firearms to minors and exempting common carriers and ammunition manufacturers from prohibitions on transfers of firearms and requirements to have safety certificates; (2) providing a procedure for when a licensed firearm dealer is conducting a third-party sale and cannot return the firearm to the seller, and deletes obsolete provisions of law related to the processing of dealers' record of sale; and (3) clarifying what qualifies as an "unarmed" civilian to trigger investigations of officer-involved shootings by the Attorney General's Office.
SB 718 (Bates), CH. 736 ***Effective January 1, 2022*** **Health care coverage: small employer groups**	H&S amend, repeal, and add 1357.503; INS amend, repeal, and add 10753.05	Among other things, modifies the scope of an existing crime by amending the Knox-Keene Health Care Service Plan Act of 1975, a violation of which is a crime, to prohibit a health care service plan or health insurer, on and after June 1, 2022, from marketing, issuing, amending, renewing, or delivering a large employer health care service plan or health insurance coverage to any association or multiple-employer welfare arrangement that provides a benefit to a resident in this state unless certain requirements are met.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 742 (Pan), CH. 737 ***Effective Immediately*** **Vaccination sites: unlawful activities: obstructing, intimidating, or harassing**	PEN add 594.39	Creates a new crime by making it a misdemeanor to knowingly approach a person or an occupied vehicle at a vaccination site for the purpose of obstructing, injuring, harassing, intimidating, or interfering with that person or vehicle occupant.
SB 756 (Hueso), CH. 248 ***Effective January 1, 2022*** **Home weatherization services for low-income customers**	PUC amend, repeal, and add 2790	Modifies the scope of existing crimes related to home weatherization services for low-income customers by redefining "low-income customers," for the purposes of the Energy Savings Assistance Program customers, to mean any household with an income at or below 250 percent of the federal poverty level and prohibiting the Public Utilities Commission from increasing the authorized budgets for the Energy Savings Assistance Program based on that expansion of income eligibility.
SB 757 (Limón), CH. 249 ***Effective January 1, 2022*** **Solar energy system improvements: consumer protection**	B&P amend 7151, 7152, 7156, 7159.5, 7162, 7170	Among other things, expands the scope of existing crimes related to consumer protections for solar energy systems by making it a misdemeanor for a home improvement salesperson to assist, recommend, select, or otherwise guide an owner or tenant in the selection of a contractor for the performance or sale of home improvement goods or services if the Contractors State License Board does not receive notification of the salesperson's employment by the home improvement contractor.
SB 776 (Gonzalez), CH. 187 ***Effective January 1, 2022*** **Safe drinking water and water quality**	GOV amend 11352; H&S amend 116340, 116385, 116766, 116767; WAT add 13490–13499.4	Among other things, creates new crimes by amending laws pertaining to water to punish by crime or imprisonment a person who knowingly makes a false statement, material misrepresentation, or false certification in any submittal to the State Water Resources Control Board relating to a financial assistance agreement.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 806 (Roth), CH. 649 ***Effective January 1, 2022*** **Healing arts**	B&P amend 125.3, 801.01, 2001, 2020, 2021, 2064.5, 2065, 2081, 2096, 2111, 2112, 2113, 2168, 2168.4, 2228.1, 2273, 2424, 2435, 2443, 2450, 2454.5, 2460, 2520, 2529, 2529.5, 3504, 3509, 3510, 3512, 3517, 3519, 3519.5, 3524, 3527, 3530, 3533, 3577, add 2097, 2220.01, 2227.3, 2511.5, 2519.5, 3575.5, repeal 2228.5, 3521.5, 3546	Expands the scope of the crime of perjury by requiring sworn affirmation that (1) a physician and surgeon postgraduate training licensee has received 12 months of board-approved postgraduate training for graduates of medical schools in the United States and Canada, or 24 months of board-approved postgraduate training for graduates of foreign medical schools before being issued a physician's and surgeon's license pursuant to the attestation of the program director, or other specified individual; (2) that postgraduate trainees with a physician's and surgeon's license have received credit for the postgraduate training, pursuant to attestation by their program director, or other specified individual; (3) the information provided by the applicant for licensure as a licensed midwife, research psychoanalyst, student research psychoanalyst, polysomnographic technologist, polysomnographic technician, or polysomnographic trainee is true and correct.
SB 814 (Committee on Transportation), CH. 311 ***Effective January 1, 2022*** **Transportation: omnibus bill**	VEH amend 231, 407.5, 467.5, 9250.14, 24252, 25351, 26103, 27900, 29004, 34505.1, 34505.7	Among other things, expands existing crimes by amending laws related to transportation to expand the definition of (1) a pedicab to include electric bicycles, (2) a bicycle to include electric bicycles, and (3) a motorized scooter to include any two-wheeled device that has handlebars and a seat and footrests in place of the floorboard.

APPENDIX I

2021 New and Expanded Civil Causes of Action

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 37 (Berman), CH. 312 ***Effective January 1, 2022*** **Elections: vote by mail ballots**	ELEC repeal 3016.5, amend ELEC 3016.7, 3019.7, 3020, 15101, add ELEC 3025.5	Requires county elections officials to mail a ballot to every active registered voter for all elections. Makes changes to vote-by-mail processes, procedures, and requirements, including the number of vote-by-mail ballot drop-off locations.
AB 141 (Committee on Budget), CH. 70 ***Effective Immediately*** **Budget Act of 2021: Department of Cannabis Control: licensure: safety and quality assurance**	B&P add 26031.1, 26031.2, amend 26062	Among other things, allows the Department of Cannabis Control within the Business, Consumer Services, and Housing Agency to enforce the order for repayment of the reasonable costs of the investigation and enforcement of a disciplinary proceeding against a licensee in any appropriate court. Allows the superior court in which any person has engaged or is about to engage in any act that constitutes a violation of the Medicinal and Adult Use Cannabis Regulation and Safety Act, upon a petition filed by the Department of Cannabis Control with the approval of the director, to issue an injunction or other appropriate order restraining such conduct. Allows the superior court in which any person has engaged in any act that constitutes a violation of the act, upon a petition filed by the Department of Cannabis Control with the approval of the director, to order such person to make restitution to persons injured as a result of such violation. Allows the court to order a person subject to an injunction or restraining order or subject to an order requiring restitution, to reimburse the department for its expenses to investigate. Authorizes the Department of Food and Agriculture to collect fees to cover the reasonable regulatory costs to establish a cannabis program. Allows the Department of Food and Agriculture to seek a civil penalty for any violation of this program in an amount not to exceed $30,000. Allows a licensing authority, after exhausting its administrative remedies, to apply to a superior court for a judgment in the amount of the administrative civil penalty and an order compelling compliance with the order of the Department of Food and Agriculture. Specifies such an application by a licensing authority must include a certified final order of the licensing authority and shall constitute a sufficient showing to warrant the issuance of the judgment and order.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 287 (Quirk), CH. 264 ***Effective January 1, 2022*** **Civil actions: statute of limitations**	CCP amend 338	Adds to the list of civil actions that must be commenced within three years an action to impose a civil penalty against an entity for operating without a license under the Medicinal and Adult Use Cannabis Regulation and Safety Act.
AB 319 (Valladares), CH. 313 ***Effective January 1, 2022*** **Political Reform Act of 1974: contributions: foreign governments or principals**	GOV amend 85320	Expands the Political Reform Act of 1974's prohibition against a foreign government or principal, as defined, from making a contribution or expenditure in connection with a ballot measure to include contributions and expenditures in connection with an election of a candidate to state or local office.
AB 453 (Garcia, Cristina), CH. 613 ***Effective January 1, 2022*** **Sexual battery: nonconsensual condom removal**	CIV amend 1708.5	Adds specified sexual contact following the nonconsensual removal of a condom to the actions that constitute sexual battery under the Civil Code, thereby permitting a victim to bring a civil action for damages.
AB 511 (Muratsuchi), CH. 617 ***Effective January 1, 2022*** **Securities transactions: qualification requirements, exemptions, and liability**	CORP amend 25501, 25503	Among other things, requires a court to award reasonable attorney's fees in a suit by a purchaser or seller for rescission or damages against a person who engages in specified unlawful activities under Corporations Code section 25401.
AB 556 (Maienschein), CH. 170 ***Effective January 1, 2022*** **Misuse of sperm, ova, or embryos: damages**	CIV add 1708.5.6	Creates a private cause of action for damages against a person who misuses sperm, ova, or embryos in violation of Penal Code section 637g. Specifies that a prevailing party may be awarded actual damages or statutory damages of not less than $50,000, whichever is greater.
AB 569 (Grayson), CH. 94 ***Effective January 1, 2022*** **Contractors: civil penalties: letters of admonishment**	B&P amend 7099.2, 7099.9	Increases the civil penalty limit in actions by the Department of Consumer Affairs for fraudulent billing submitted under Medi-Cal or Medicare from $5,000 to $8,000. Increases the enhanced civil penalty limit in actions by the Contractors State License Board for certain violations relating to unlicensed persons from $15,000 to $30,000, and applies enhanced civil penalty limits to certain violations relating to workers' compensation insurance coverage. Eliminates the multiple violations factor from the list of factors dictating when a letter of admonishment cannot be issued to a licensee, registrant, or applicant.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 818 (Bloom), CH. 590 ***Effective January 1, 2022*** **Solid waste: premoistened nonwoven disposable wipes**	PRC add 49650 et seq., repeal 49652	Requires certain premoistened nonwoven disposable wipes to be clearly and conspicuously labeled to communicate that they should not be flushed. Prescribes specific "Do Not Flush" labels and labeling requirements. Establishes enforcement provisions for these labeling requirements, including authorizing a civil penalty up to a maximum of $2,500 per day and a maximum of $100,000 per violation. Establishes the California Consumer Education and Outreach Program. Sunsets the consumer outreach program on December 31, 2026; sunsets the bill on January 1, 2027.
AB 930 (Levine), CH. 173 ***Effective January 1, 2022*** **Subsurface installations: attorney's fees and costs**	GOV amend 4216.7	Provides reasonable attorney's costs and fees to a prevailing excavator who is found to, generally, not be at fault for damaging a subsurface installation due to errors on the part of the operator who owns, and is legally responsible for labeling the location of, the subsurface equipment.
AB 959 (Mullin), CH. 268 ***Effective January 1, 2022*** **Park districts: ordinances: nuisances: abatement**	PRC add 5558.5	Allows specified regional park and open space districts to adopt ordinances for the purpose of abating nuisances. Allows those districts to initiate a civil action to abate a nuisance in the name of the district and, by the judgment in such an action, enjoin or abate the nuisance and recover damages.
AB 1042 (Jones-Sawyer), CH. 475 ***Effective January 1, 2022*** **Skilled nursing facilities: unpaid penalties: related parties**	H&S amend 1324.22, 1325.5, 1437.5, add 1424.3	Authorizes the option for the Department of Public Health, when a skilled nursing facility (SNF) fails to pay certain penalties and all appeals have been exhausted, to take legal action to recover unpaid penalty amounts from the SNF.
AB 1084 (Low), CH. 750 ***Effective January 1, 2022*** **Gender-neutral retail departments**	CIV amend 801.5; GOV amend 66015	Requires retail department stores that are physically located in California, have a total of 500 or more employees across all of their California retail department store locations, and sell childcare items or toys, to maintain a gender-neutral section or area, labeled at the discretion of the retailer. This gender-neutral section shall have a reasonable selection of the items and toys for children that it sells for display, regardless of whether these items or toys have been traditionally marketed for either girls or boys.
AB 1138 (Rubio, Blanca), CH. 530 ***Effective January 1, 2022*** **Unlawful cannabis activity: civil enforcement**	B&P amend 26038	Subjects any person who aids and abets unlicensed commercial cannabis activity to civil penalties of up to $30,000 per day. Requires the court, in assessing the penalty amount, to consider a number of factors to determine the appropriate penalty amount. Sets a three-year statute of limitations for such actions.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 1201 (Ting), CH. 504 ***Effective January 1, 2022*** **Solid waste: products: labeling: compostability and biodegradability**	PRC amend 42356, 42356.1, 42357, amend the heading of chapter 5.7 at 42355	Expands product-labeling requirements related to biodegradability and compostability from plastic products to all products. Violations of these labeling requirements are enforceable by cities, counties, or the state with the imposition of civil penalties under Public Resources Code section 42358.
AB 1347 (Jones-Sawyer), CH. 444 ***Effective January 1, 2022*** **Bail: premiums**	PEN add 1276.1	On and after January 1, 2022, prohibits an insurer, bail agent, or other bail licensee from requiring the payment of more than one premium for the duration of a bail agreement, and requires the duration of the agreement to be until bail is exonerated. Prohibits a bail agent from charging, collecting, or receiving a renewal premium in connection with a bail agreement after that date. Makes these prohibitions apply to an insurer or insurance licensee with regard to immigration bonds on and after July 1, 2022. Makes an insurer, insurance licensee, bail agent, or other bail licensee liable to the person affected by a violation of these provisions for all damages that person sustains plus $3,000 in statutory damages, and court costs and reasonable attorney's fees, as specified.
AB 1367 (Low), CH. 315 ***Effective January 1, 2022*** **Political Reform Act of 1974: committee accounts and campaign funds**	GOV amend 89521	Defines "egregious personal benefit" to mean a direct personal benefit with a total value of $10,000 or more to a candidate, elected officer, or individual or individuals with authority to approve the expenditure of campaign funds held by a committee. Prohibits the use of campaign funds for certain purposes. Increases penalties for egregious personal use of campaign funds to two times the amount of the unlawful expenditure, as specified. Makes any person who makes or receives an honorarium, gift, or expenditure in violation of the provisions relating to campaign funds liable in a civil action brought by the Fair Political Practices Commission for an amount of up to three times the amount of the unlawful honorarium, gift, or expenditure.
AB 1391 (Chau), CH. 594 ***Effective January 1, 2022*** **Unlawfully obtained data**	CIV add 1724	Makes it unlawful for a person to sell data, or sell access to data, that the person has obtained or accessed pursuant to the commission of a crime. Makes it unlawful for a person, who is not an authorized person, as defined, to purchase or use data from a source that the person knows or reasonably should know has obtained or accessed that data through the commission of a crime.
AB 1405 (Wicks), CH. 454 ***Effective January 1, 2022*** **Debt settlement practices**	CIV add 1788.300 et seq.	Establishes the Fair Debt Settlement Practices Act, which provides requirements and prohibitions related to debt settlement services and related payment processing services. Among other things, allows a consumer to bring a cause of action against a debt settlement provider and a payment processor for any violation of the act and recover damages, injunctive relief, and attorney's fees. Sets a four-year statute of limitations.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
AB 1455 (Wicks), CH. 595 ***Effective January 1, 2022*** **Sexual assault by law enforcement officers: actions against public entities: statute of limitations**	GOV add 945.9	Revives otherwise time-barred claims arising out of an alleged sexual assault by a law enforcement officer, as specified; modifies the statute of limitations for claims arising out of an alleged sexual assault by a law enforcement officer; and exempts such claims from all state and local government claim presentation requirements.
AB 1495 (Rivas, Luz), CH. 316 ***Effective January 1, 2022*** **Vacancy elections**	ELEC amend 10720, 13109.7, 13109.9, add 13109.10	Allows a Governor's U.S. Senate appointment to hold office for the remainder of the unexpired term and requires an election to fill the Governor's U.S. Senate vacancy to be held at the next general or special election after the occurrence of the vacancy. Requires the Governor, if the elections to fill the vacancy cannot be consolidated with regularly scheduled statewide elections, to consult with the Secretary of State and determine whether it is practical to hold the elections to fill the vacancy. Authorizes the Governor to issue a writ of election for special statewide primary and general elections if the Governor determines it is practical. Changes the ballot order, used as part of an ongoing pilot project in Los Angeles County, for statewide elections where certain conditions are met.
SB 26 (Skinner), CH. 159 ***Effective Immediately*** **Collegiate athletics: student athlete compensation and representation**	EDU amend 67456	Expands the existing authority for a collegiate student athlete to receive compensation to also include compensation earned from the use of the student's athletic reputation, and moves up the implementation date of existing statutes relative to compensation earned from the use of a student athlete's name, image, or likeness.
SB 35 (Umberg), CH. 318 ***Effective January 1, 2022*** **Elections**	ELEC amend 319.5, 8902, 8903, 18370, 18541, 18568, add 18372, 18504	Makes changes to the distance within which electioneering and specified political activities near a voting site are prohibited, as specified. Extends an existing deadline for a candidate for Governor to submit tax returns to the Secretary of State in order to have the candidate's name printed on the direct primary election ballot, and makes changes to the process for submitting those documents, as specified.
SB 297 (Durazo), CH. 726 ***Effective January 1, 2022*** **Subsurface installations: penalties**	GOV amend 4216.6	Enacts the Wade Kilpatrick Gas Safety and Workforce Adequacy Act of 2021, which subjects any operator or excavator to a civil penalty of up to $100,000 if the operator or excavator knowingly and willfully violates provisions relating to excavations and subsurface installations and damages a gas or hazardous liquid pipeline subsurface installation in a way that results in the escape of any flammable, toxic, or corrosive gas or liquid.

BILL NUMBER AND CHAPTER, EFFECTIVE DATE, AND TITLE	CODE SECTION(S)	SUMMARY DESCRIPTION OF NEW LAW
SB 323 (Caballero), CH. 216 ***Effective January 1, 2022*** **Local government: water or sewer service: legal actions**	GOV add 53759 et seq.	Establishes a 120-day statute of limitations for any lawsuit that challenges an ordinance, resolution, or motion adopting a fee or charge for water or sewer service, starting from the effective date of, or date of final action on, the fee or charge, whichever is later.
SB 461 (Cortese), CH. 140 ***Effective January 1, 2022*** **Unfair Competition Law: enforcement**	B&P amend 17204, 17206, 17207	Authorizes county counsel of a county within which a city has a population in excess of 750,000 to bring an action under the Unfair Competition Law. Current law only authorizes such a case to be brought by the Attorney General, a city attorney of a city with a population in excess of 750,000, and a county counsel so authorized by agreement with the district attorney in actions involving violation of a county ordinance.
SB 503 (Becker), CH. 319 ***Effective January 1, 2022*** **Voting: ballots and signature verification**	ELEC amend 2194, 3019, 3026, 15104, add 15377	Adds additional parameters for county elections officials when comparing a voter's signature on materials related to vote-by-mail ballots with the signature in the voter's registration record.
SB 590 (Allen), CH. 107 ***Effective January 1, 2022*** **2022 statewide primary election: terms of office**	ELEC add and repeal 1305	Extends any term of office that is set to expire in March or April 2022 until after the 2022 statewide primary election, if the next scheduled regular election for the office has been consolidated with the 2022 statewide primary election.
SB 594 (Glazer), CH. 320 ***Effective Immediately*** **Elections: redistricting**	ELEC amend 21500, 21601, 21621, add 22002, add and repeal 8160 et seq., 22000.1	Makes various changes to state law governing candidate filing for the 2022 statewide primary election, redistricting in special districts following the 2020 census, and districting and redistricting for local governments.
SB 727 (Leyva), CH. 338 ***Effective January 1, 2022*** **Labor-related liabilities: direct contractor**	LAB amend 218.7, add 218.8	Expands existing direct contractor liability to include liquidated damages and penalties in circumstances where the direct contractor fails to meet payroll monitoring and corrective action requirements, as specified.

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