



# JUDICIAL COUNCIL OF CALIFORNIA

## GOVERNMENTAL AFFAIRS

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## MEMORANDUM

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Date	Action Requested
October 17, 2017	N/A
To	Deadline
Hon. Tani Cantil-Sakauye Members of the Policy Coordination and Liaison Committee	N/A
Mr. Martin Hoshino Ms. Jody Patel Ms. Millicent Tidwell Mr. John Wordlaw	Contact
	Laura Speed, 916-323-3121 laura.speed@jud.ca.gov
From	
Cory T. Jaspersen, Director	
Subject	
FINAL Status of 2017 Legislation considered by the Policy Coordination and Liaison Committee	

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Following is the final status report on 2017 legislation considered by the Judicial Council's Policy Coordination and Liaison Committee (PCLC) during the 2017–2018 legislative session. The bills<sup>1</sup> are listed in numerical order by house (Assembly and Senate) and are indexed by subject matter. The second column, “description” summarizes the relevant portions of the bill—and the version of the bill—on which the PCLC position is based. The description column also includes an updated summary to reflect the most current version of the bill. The “Judicial Council position” column tracks the council's initial position and any subsequent change to that position.

The text of all versions of a bill, committee analyses, vote information, history, and bill status can be found on the Legislature's website (including past session information) at: <http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>. Position letters on legislation as well as fiscal impact statements for those bills that would have a substantial fiscal impact on the judicial branch are published on the Judicial Council's Governmental Affairs Website at: [www.courts.ca.gov/position-letters.htm](http://www.courts.ca.gov/position-letters.htm).

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<sup>1</sup> Newly added bills since the previous status report update are indicated by a \*.

**JUDICIAL COUNCIL OF CALIFORNIA**  
**Policy Coordination and Liaison Committee Action on 2017 Legislation**  
**and Status of Bills**

**Judicial Council-sponsored Legislation (See Appendix)**

AB 414 (Medina) – Suspension and allocation of judgeships .....	A
AB 452 (Bloom) – Courts.....	A
AB 689 (Oberholte) – Juvenile proceedings: competency.....	A
AB 745 (Reyes) – Commissioners: criminal proceedings .....	A
AB 789 (Rubio) – Criminal procedure: release on own recognizance.....	B
AB 976 (Berman) – Electronic filing and service.....	B
AB 1443 (Levine) – Court records .....	B
AB 1692 (Committee on Judiciary) – Judiciary omnibus.....	B
SB 38 (Roth) – Courts: judgeships .....	C
SB 39 (Roth) – Suspension and allocation of judgeships .....	C
SB 403 (Canella) – Disposition of county courthouses .....	C
SB 670 (Jackson) – Sentencing: county of incarceration and supervision.....	C

**Legislation Index by Subject**

**Civil and Small Claims**

AB 246 (Santiago) – Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2011	2
AB 30 (Caballero) – Environmental quality: judicial review: strip mall conversion housing projects	1
AB 644 (Berman) – Civil procedure: pleadings: meet and confer requirements	3
AB 73 (Chiu) – Planning and zoning: housing sustainability districts	1
AB 905 (Maienschein) – Money judgments of other jurisdictions	4
AB 976 (Berman) – Electronic filing and service	5
SB 658 (Wiener) – Jury selection: civil voir dire	12
SB 699 (Galgiani) – Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2011	12
SB 785 (Wiener) – Evidence: immigration status	13
SB 789 (Bradford) – California Environmental Quality Act: sports and entertainment project	13

**Court Facilities, Employees, Administration, and Technology**

AB 1443 (Levine) – Court records	7
AB 1450 (Oberholte) – Court reporters: electronic transcripts	7
AB 83 (Santiago) – Collective bargaining: Judicial Council	1
SB 403 (Canella) – Sale of county courthouses	11

**Criminal Law and Procedure**

AB 1115 (Jones-Sawyer) – Convictions: expungement	5
AB 1128 (Weber) – Criminal cases: exhibits: retention	6
AB 1312 (Gonzalez Fletcher) – Sexual assault victims: rights	6
AB 154 (Levine) – Prisoners: mental health treatment	2
AB 255 (Gallagher) – Sexually violent predators: out-of-county placement	2
AB 411 (Bloom) – Witness testimony: therapy and facility dogs	2

AB 532 (Waldron) – Drug courts: drug and alcohol assistance	3
AB 665 (Levine) – Military personnel: veterans: resentencing: mitigating circumstances	3
AB 789 (Rubio) – Criminal procedure: release on own recognizance	4
SB 10 (Hertzberg) – Bail: pretrial release	9
SB 142 (Beall) – Criminal offenders: mental health	9
SB 238 (Hertzberg) – Evidence: disposition of exhibits: photographic or digital record	10
SB 339 (Roth) – Veterans treatment courts: Judicial Council assessment and survey	10
SB 384 (Wiener) – Sex offenders: registration: criminal offender record information systems	11
SB 421 (Wiener) – Sex offenders: registration: criminal offender record information systems	11
SB 670 (Jackson) – Sentencing: county of incarceration and supervision	12
SB 8 (Beall) – Diversion: mental disorders	8

**Family Law**

AB 1692 (Committee on Judiciary) – Judiciary omnibus	8
AB 712 (Bloom) – Civil actions: change of venue	4
AB 808 (Cunningham) – Child custody: appointment of counsel	4
SB 170 (Leyva) – Child custody: preferences of the child	9

**Judicial Officers**

AB 414 (Medina) – Suspension and allocation of judgeships	3
AB 745 (Reyes) – Commissioners: criminal proceedings	4
SB 38 (Roth) – Courts: judgeships	9
SB 39 (Roth) – Suspension and allocation of judgeships	9

**Juries**

AB 1541 (Kalra) – Examination of prospective jurors	7
---	---

**JUDICIAL COUNCIL OF CALIFORNIA**  
**Policy Coordination and Liaison Committee Action on 2017 Legislation**  
**and Status of Bills**

**Juvenile Delinquency**

AB 689 (Obernolte) – Juvenile proceedings: competency	4
AB 935 (Stone) – Juvenile proceedings: competency	5

**Miscellaneous**

AB 452 (Bloom) – Courts	3
-------------------------	---

**Probate and Mental Health**

SB 333 (Anderson) – Trusts: modification or termination	10
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**Traffic**

AB 330 (Cooley) – Highway safety	2
SB 545 (Beall) – Vehicles: 24/7 Sobriety program	12

**JUDICIAL COUNCIL OF CALIFORNIA**  
**Policy Coordination and Liaison Committee Action on 2017 Legislation**  
**and Status of Bills**

<b>Bill No. (Advocate)</b>	<b>Bill No. (Author) Description and Updates</b>	<b>Judicial Council Position</b>	<b>Sponsor</b>	<b>Status as of October 17, 2017</b>
<a href="#">AB 30</a> (Daniel Pone)	<p>AB 30 (Caballero) – Environmental quality: judicial review: strip mall conversion housing projects</p> <p>As amended April 3, 2017            Among other things, prohibits a court in a judicial action or proceeding under the California Environmental Quality Act (CEQA) from enjoining a qualified strip mall conversion housing project, as defined, unless the court finds either of the following: (i) the continuation of the project presents an imminent threat to the public health and safety; or (ii) the project site contains unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values that would be materially, permanently, and adversely affected by the continuation of the project unless the courts stays or enjoins the project.</p>	Oppose	Author	<p>Assembly Housing and Community Development Committee</p> <p>2-year bill</p>
<a href="#">AB 73</a> (Daniel Pone)	<p>AB 73 (Chiu) – Planning and zoning: housing sustainability districts</p> <p>As amended March 28, 2017            Among other things, requires the Judicial Council, on or before July 1, 2018, to adopt a rule of court to establish procedures applicable to actions or proceedings brought pursuant to the California Environmental Quality Act (CEQA) to attack, review, set aside, void, or annul a public agency’s certification of the environmental impact report for the designation or the approval of the designation of a housing sustainability district. It requires the actions or proceedings, including any potential appeals therefrom, be resolved, to the extent feasible, within 270 days of certification of the record of the proceeding.</p> <p><b>UPDATE: As amended July 13, 2017</b>  <b>Removed the expedited judicial review provision.</b></p>	<p>Oppose</p> <p><b>UPDATE:</b>  <b>As amended July 13, 2017</b>  <b>No position</b></p>	Author	Signed into law (Stats. 2017, ch. 371)
<a href="#">AB 83</a> (Laura Speed)	<p>AB 83 (Santiago) – Collective bargaining: Judicial Council</p> <p>As amended September 1, 2017            Establishes the Judicial Council Employer-Employee Relations Act (JCEERA) that would grant collective bargaining rights to certain employees of the Judicial Council thereby governing the employer-employee relationship, and confers certain rights to these employees regarding joining or forming an employee organization, rights to the employee organization representing these employees, and rights to the employer. Grants the Judicial Council the sole authority and discretion to designate its employee positions as excluded positions provided that managerial, confidential, supervisory, and excluded positions that are not included in a bargaining unit must not exceed one-third of the total authorized positions of the Judicial Council, as stated in the Department of Finance Salaries and Wages Supplement. Also specifies that designation of the excluded positions, pursuant to the JCEERA, are not subject to review by the PERB.</p>	No position	Service Employees International Union Local 1000	Signed into law (Stats. 2017, ch. 835)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 17, 2017
<a href="#">AB 154</a> (Sharon Reilly)	<p>AB 154 (Levine) – Prisoners: mental health treatment</p> <p>As amended July 13, 2017 Provides that upon conviction of any felony in which the defendant is sentenced to state prison and upon certain findings a court must recommend in writing that the defendant participate in a counseling or education program with a mental health component while imprisoned. The court must make that recommendation upon a finding that any of the following are true: 1) The defendant at the time of the commission of the offense was suffering from a serious mental illness; 2) The defendant has a demonstrated history of mental illness; and, 3) The defendant at the time of the commission of the offense was suffering from a mental illness that was a substantial factor that contributed to the defendant’s criminal conduct. Requires the court to recommend in writing that the defendant receive a mental health evaluation.</p>	No position	Author	Vetoed
<a href="#">AB 246</a> (Daniel Pone)	<p>AB 246 (Santiago) – Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2011</p> <p>As amended September 7, 2017 Among other things, extends for two years the expedited California Environmental Quality Act (CEQA) judicial review procedures established by AB 900 (Stats. 2011, ch. 354). Requires the courts to resolve CEQA lawsuits on AB 900 projects within 270 days, to the extent feasible, from the date the certified record of proceedings is filed with the court.</p>	Oppose	California State Building and Construction Trades Council, AFL-CIO	Signed into law (Stats. 2017, ch. 522)
<a href="#">AB 255</a> (Sharon Reilly)	<p>AB 255 (Gallagher) – Sexually violent predators: out-of-county placement</p> <p>As amended March 22, 2017 When determining the county placement of sexually violent predators, requires the court to consider additional factors if the county of placement is not the county of domicile, including if and how long the person has previously resided or been employed in the county and if the person has next of kin in the county.</p>	Support	Author	Signed into law (Stats. 2017, ch. 39)
<a href="#">AB 330</a> (Sharon Reilly)	<p>AB 330 (Cooley) – Highway safety</p> <p>As amended April 19, 2017 Authorizes a court to order a person convicted of a DUI to enroll and participate in, and successfully complete, a qualified “24/7 Sobriety program,” as a condition of probation.</p>	Support	Author	Assembly Public Safety Committee  2-year bill
<a href="#">AB 411</a> (Sharon Reilly)	<p>AB 411 (Bloom) – Witness testimony: therapy and facility dogs</p> <p>As amended July 6, 2017 Requires that if a party makes a showing that the therapy or facility dog and handler are suitably qualified and will reasonably assist the testifying witness, the court shall grant the motion, unless the court finds the use of a therapy or facility dog would cause undue prejudice to the defendant or would be unduly disruptive to the court proceeding. Requires the court, upon request of the parties, to issue an appropriate jury instruction designed to prevent prejudice for or against any party if a therapy dog is used.</p>	Oppose	Los Angeles County District Attorney	Signed into law (Stats. 2017, ch. 290)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 17, 2017
<a href="#">AB 414</a> (Cory Jaspersen)	AB 414 (Medina) – Suspension and allocation of judgeships  As amended March 16, 2017 Requires that up to four vacant judgeships be allocated from superior courts with more authorized judgeships than their assessed judicial need to superior courts with fewer authorized judgeships than their assessed judicial need. Also requires that the allocation of vacant judgeships be in accordance with a methodology approved by the Judicial Council.	Support and Sponsor	Judicial Council	Senate Judiciary Committee  2-year bill
<a href="#">AB 452</a> (Laura Speed)	AB 452 (Bloom) – Courts  As introduced Changes references to the Clerk of the Supreme Court to the Clerk/Executive Officer of the Supreme Court, and changes references to the Clerk/Administrator of the Court of Appeal to the Clerk/Executive Officer of the Court of Appeal. Changes reference in state law to the Administrative Office of the Courts instead to the Judicial Council.	Sponsor	Judicial Council	Signed into law (Stats. 2017, ch. 36)
<a href="#">AB 532</a> (Sharon Reilly)	AB 532 (Waldron) – Drug courts: drug and alcohol assistance  As amended August 23, 2017 Clarifies that a court may collaborate with outside organizations on a program to offer mental health and addiction treatment services, as defined, to women who are charged in a complaint that consists only of misdemeanor offenses or who are on probation for one or more misdemeanor offenses. Specifically excludes from these provisions a woman who is charged with a felony or who is under supervision for a felony conviction.	Oppose	Author	Vetoed
<a href="#">AB 644</a> (Daniel Pone)	AB 644 (Berman) – Civil procedure: pleadings: meet and confer requirements  As amended April 24, 2017 Extends the meet and confer requirements under the demurrer statute to both a motion for judgment on the pleadings and a motion to strike.	Support	California Defense Counsel, California Judges Association, and Consumer Attorneys of California	Signed into law (Stats. 2017, ch. 273)
<a href="#">AB 665</a> (Sharon Reilly)	AB 665 (Levine) – Military personnel: veterans: resentencing: mitigating circumstances  As amended June 13, 2017 Authorizes any person who was sentenced for a felony conviction prior to January 1, 2015, and who is, or was, a member of the United States military and who may be suffering from post-traumatic stress disorder or other forms of trauma conditions as a result of his or her military service to petition for a recall of sentence if the person meets both of the following conditions: A) The circumstance of suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of the person’s military service was not considered as a factor in mitigation at the time of sentencing; and B) The person was sentenced prior to January 1, 2015, whether or not the case was final as of January 1, 2015.	Support	Author	Senate Appropriations Committee— Suspense file.  2-year bill

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 17, 2017
<a href="#">AB 689</a> (Alan Herzfeld)	AB 689 (Obernolte) – Juvenile proceedings: competency  As amended March 16, 2017 Authorizes the district attorney or minor’s counsel to retain or seek the appointment of additional qualified experts with regard to determining competency. Requires the Judicial Council to adopt a rule of court relating to the qualifications of those experts.	Sponsor	Judicial Council	Assembly Appropriations Committee— Suspense file.  2-year bill
<a href="#">AB 712</a> (Alan Herzfeld)	AB 712 (Bloom) – Civil actions: change of venue  As amended April 17, 2017 Allows a court transferring jurisdiction over a family law matter to retain emergency jurisdiction over the case until the receiving court formally assumes jurisdiction. The bill further requires the Judicial Council to create a rule of court to establish timeframes for transferring and assuming jurisdiction over family law matters.	Support, if amended to remove the requirement to draft a rule of court.	Author	Signed into law (Stats. 2017, ch. 316)
<a href="#">AB 745</a> (Sharon Reilly)	AB 745 (Reyes) – Commissioners: criminal proceedings  As amended May 2, 2017 Until January 1, 2021, authorizes a presiding judge of a superior court located within the County of Riverside or the County of San Bernardino, if certain conditions are met, to direct a commissioner to perform certain specified duties performed by magistrates, including on-call magistrate duties. Requires the Judicial Council to report to the Governor and Legislature on this expanded authority.	Sponsor	Judicial Council	Assembly Appropriations Committee— Suspense file.  2-year bill
<a href="#">AB 789</a> (Sharon Reilly)	AB 789 (Rubio) – Criminal procedure: release on own recognizance  As amended July 17, 2017 Allows a court to approve own recognizance release under a court-operated or court-approved pretrial release program for certain arrestees with three or more prior failures to appear.	Sponsor	Judicial Council	Signed into law (Stats. 2017, ch. 554)
<a href="#">AB 808</a> (Alan Herzfeld)	AB 808 (Cunningham) – Child custody: appointment of counsel  As amended April 26, 2017 Allows a court to appoint a private attorney to represent a child in a custody or visitation proceeding who has not met the training, education, and/or experience requirements set forth in California Rule of Court 5.242 if an attorney who has met the requirements is not available, and the appointment is in the best interests of the child.	Oppose	Author	Assembly Judiciary Committee  2-year bill
<a href="#">AB 905</a> (Daniel Pone)	AB 905 (Maienschein) – Money judgments of other jurisdictions  As amended March 13, 2017 Revises and recasts the procedures for California courts to recognize money judgments of courts from other states, foreign countries, and tribal courts. Among other things, eliminates the Tribal Court Civil Money Judgment Act’s sunset date, thereby extending its provisions indefinitely.	Support	California Law Revision Commission	Signed into law (Stats. 2017, ch. 168)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 17, 2017
<a href="#">AB 935</a> (Alan Herzfeld)	<p>AB 935 (Stone, M.) – Juvenile proceedings: competency</p> <p>As amended September 8, 2017</p> <p>Updates and revises the Welfare and Institutions Code provisions that govern procedures for when a juvenile’s competency is called into question in delinquency proceedings. Includes limits on the time a minor can be confined and remediation attempted.</p>	Support provisions that update the way juvenile competency is addressed in delinquency matters; No position on remaining provisions of the bill.	Chief Probation Officers of California	Vetoed
<a href="#">AB 976</a> (Daniel Pone)	<p>AB 976 (Berman) – Electronic filing and service</p> <p>As amended September 7, 2017</p> <p>Among other things, the civil procedure provisions of the bill: (1) authorizes the use of electronic signatures for signatures made under penalty of perjury on electronically filed documents, (2) provides for a consistent effective date of electronic filing and service across courts and case types, (3) consolidates the mandatory electronic filing provisions, (4) clarifies the application of section 1010.6’s electronic service provisions in sections 664.5 and 1011, and (5) codifies provisions that are currently in the California Rules of Court on mandatory electronic service, effective date of electronic service, protections for self-represented persons, and proof of electronic service.</p>	Sponsor	Judicial Council	Signed into law (Stats. 2017, ch. 319)
<a href="#">AB 1115</a> (Sharon Reilly)	<p>AB 1115 (Jones-Sawyer) – Convictions: expungement</p> <p>As introduced</p> <p>Allows a defendant sentenced to state prison on a plea of guilty or nolo contendere for a felony charge that if committed after enactment of AB 109 (the 2011 Realignment legislation; Stats. 2011, ch. 15) would have been eligible for sentencing to a county jail to withdraw the guilty or nolo contendere plea and enter a plea of not guilty, after the lapse of one or two years following the defendant’s completion of the sentence, as specified, provided that the defendant is not under supervision, and is not serving a sentence for, on probation for, or charged with the commission of any offense.</p>	No position	Californians for Safety and Justice	Signed into law (Stats. 2017, ch. 207)



Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 17, 2017
<a href="#">AB 1128</a> (Sharon Reilly)	<p>AB 1128 (Weber) – Criminal cases: exhibits: retention</p> <p>As amended April 17, 2017 Declares the intent of the Legislature to ensure that exhibits are preserved in cases that may be reviewed in a postconviction, judicial, or extra-judicial process, and that biological evidence is retained for potential testing and retesting. Requires that the clerk of the court retain in his or her custody and control any exhibit introduced or filed in a criminal action or proceeding, as specified. Authorizes a party to whom an exhibit is released, either upon request, or for security, storage, or safety reasons, to make a digital record instead of a photographic record of the exhibit.</p> <p>In cases charging a violent felony, a specified sex offense, an aggravated assault on a child, or any charge that results in a life sentence, prohibits the court from ordering the destruction of an exhibit before one year after the term of imprisonment ends. Authorizes a party to make a digital record instead of a photographic record of any exhibit when the court notifies specified parties of an order to destroy the exhibit. For exhibits that include biological material, extends the period in which a party notified of the intention to destroy the records must respond from 180 days to one year. Excludes exhibits that include biological materials secured in connection with a criminal case charging a violent felony, a specified sex offense, an aggravated assault on a child, or any charge that results in a life sentence, from the type of exhibits for which a court may seek destruction and instead prohibits the court from ordering the destruction of those exhibits while any person charged is incarcerated.</p>	Oppose	San Diego District Attorney’s Office and the California Innocence Project	<p>Assembly Appropriations Committee— Suspense file.</p> <p>2-year bill</p>
<a href="#">AB 1290</a> (Daniel Pone)	<p>AB 1290 (Oberholte) – Lawyer-client privilege: holder of the privilege</p> <p>As amended June</p> <p>As amended August 22, 2017 Provides that the designation of certain persons as the holder of the privilege with respect to lawyer-client communications does not require or permit a lawyer to disclose or waive privilege regarding protected client information as specified. Requires the California Law Revision Commission (CLRC) to conduct a study and prepare a report addressing who should hold the lawyer-client privilege if a client is a conservatee or ward.</p>	Oppose, unless amended	Conference of California Bar Associations	Senate Floor— inactive file.

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 17, 2017
<a href="#">AB 1312</a> (Sharon Reilly)	<p>AB 1312 (Gonzalez Fletcher) – Sexual assault victims: rights</p> <p>As amended April 6, 2017 Among other things, this bill requires a court, upon request by a sexual assault victim during a criminal proceeding related to the alleged sexual assault, to provide the victim and the victim’s family members, friends, and witnesses with a secure waiting area that is separate from the waiting area of the defendant and the defendant’s family members, friends, witnesses, and attorneys, and separate from the district attorney’s office.</p> <p><b>UPDATE: As amended September 1, 2017</b> <i>Deletes requirement that a court provide a secure waiting area to the victim and the victim’s family members, friends, and witnesses.</i></p>	<p>Oppose, unless amended to remove the provision requiring courts to provide a separate secure waiting area for victims of sexual assault, and the victims’ family members, friends, and witnesses, during a criminal proceeding relating to the alleged assault.</p> <p><b>UPDATE:</b> <i>As amended September 1, 2017</i> <i>No position</i></p>	Author	Signed into law (Stats. 2017, ch. 692)
<a href="#">AB 1443</a> (Sharon Reilly)	<p>AB 1443 (Levine) – Court records</p> <p>As introduced Specifies the statutory period for retaining court records in gun violence restraining order cases. Eliminates the requirement that superior courts report any court records that they have destroyed to the Judicial Council.</p>	Sponsor	Judicial Council	Signed into law (Stats. 2017, ch. 172)
<a href="#">AB 1450</a> (Alan Herzfeld)	<p>AB 1450 (Oberholte) – Court reporters: electronic transcripts</p> <p>As amended September 8, 2017 Requires court reporters to provide transcripts to appellate courts, parties, or any other person entitled to a transcript in an electronic format that complies with the California Rules of Court, unless a paper copy is requested. Provides a five-year grace period for courts and reporters to modernize their equipment and overall technical abilities.</p>	Support	California Court Reporters Association	Signed into law (Stats. 2017, ch. 532)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 17, 2017
<a href="#">AB 1541</a> (Sharon Reilly)	<p>AB 1541 (Kalra) – Examination of prospective jurors</p> <p>As amended May 30, 2017 Provides that: (1) counsel for each party shall have the right to examine, by oral and direct questioning, any of the prospective jurors in order to enable counsel to intelligently exercise challenges for cause; (2) the judge permit liberal and probing examination calculated to discover bias or prejudice with regard to the circumstances of the particular case or the parties before the court and provide that the fact that a topic was included in the judge’s examination shall not preclude appropriate questioning in the same area by counsel; (3) the scope of the examination conducted by counsel shall be within reasonable limits prescribed by the judge in the judge’s sound discretion; (4) the judge shall not impose specific unreasonable or arbitrary time limits or establish an inflexible time limit policy for voir dire; (5) as voir dire proceeds, the judge shall permit supplemental time for questioning, as specified; and (6) the court shall not arbitrarily or unreasonably refuse to submit reasonable questionnaires before oral questioning commences and that if a questionnaire is used that the parties be given reasonable time to evaluate the responses to the questionnaires before oral questioning commences. Requires the judge, to facilitate the jury selection process, to provide the parties with both the alphabetical list and the list of prospective jurors in the order in which the will be called.</p> <p><b>UPDATE: As amended August 22, 2017</b> <i>Deletes the provisions that would have required the court as part of voir dire in a criminal case, to use a written questionnaire, which may include questions approved by the Judicial Council, to be completed by all prospective jurors who are not excused for hardship. Models Code of Civil Procedure section 223 (CCP) (criminal voir dire) after the amendments to CCP 222.5 made in Senate Bill 658 (Weiner), as amended May 9, 2017 with modifications relating to criminal voir dire.</i></p>	<p>Oppose</p> <p><b>UPDATE:</b> <i>As amended August 22, 2017</i> <i>Withdrawal of opposition and No position</i></p>	<p>California Public Defenders Association</p>	<p>Signed into law (Stats. 2017, ch. 302)</p>
<a href="#">AB 1692</a> (Alan Herzfeld)	<p>AB 1692 (Committee on Judiciary) – Judiciary omnibus</p> <p>As amended September 1, 2017 Sponsored portion confirms Judicial Council authority to convert 10 additional subordinate judicial officer positions to judgeships if conversion will result in a net increase in judges in Family or Juvenile court.</p>	<p>Sponsor</p>	<p>Judicial Council</p>	<p>Signed into law (Stats. 2017, ch. 330)</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 17, 2017
<a href="#">SB 8</a> (Sharon Reilly)	<p>SB 8 (Beall) – Diversion: mental disorders</p> <p>As amended July 12, 2017            Authorizes a court, with the consent of the defendant and a waiver of the defendant’s speedy trial right, to postpone prosecution of a misdemeanor or a felony punishable in a county jail, and place the defendant in a pretrial diversion program for up to 2 years if the court is satisfied the defendant suffers from a mental disorder, that the defendant’s mental disorder played a significant role in the commission of the charged offense, and that the defendant would benefit from mental health treatment. Requires the defense to arrange, to the satisfaction of the court, for a program of mental health treatment utilizing existing inpatient or outpatient mental health resources. Requires the defense to provide reports on the defendant’s progress to the court and the prosecution not less than every 6 months.</p> <p><i>UPDATE: As amended August 21, 2017</i>  <i>Clarifies that in any case before the court on an accusatory pleading alleging the commission of a misdemeanor offense or felony offense punishable in a county jail pursuant to subdivision (h) of Section 1170, the court may, after considering the positions of the defense and prosecution, grant pretrial diversion to a defendant and that courts will continue to have access the arrest record of the defendant even if the defendant successfully completes the diversion program. Ensures ongoing monitoring by the court by requiring that reports be made to the court, as well as the defense and prosecution, by the diveree’s mental health provider on the diveree’s process in treatment at least every three months. Provides that a court may conclude that a diveree has performed satisfactorily if, in the court’s judgment, the diveree has substantially complied with the requirements of the treatment program, avoided significant new violations of law unrelated to the defendant’s mental health condition, and has a place in place for long-term mental health care.</i></p>	<p>Support, if amended to ensure collaboration with all parties involved.</p> <p><b>UPDATE:</b>  <i>As amended August 21, 2017</i>  <b>Support</b></p>	<p>California Public Defenders Association</p>	<p>Assembly Appropriations Committee</p> <p>2-year bill</p>
<a href="#">SB 10</a> (Sharon Reilly)	<p>SB 10 (Hertzberg) – Bail: pretrial release</p> <p>As amended September 6, 2017            Enacts major bail/pretrial release reform.</p>	<p>Concerns</p>	<p>American Civil Liberties Union of California, Anti-Recidivism Coalition, California Public Defenders Association, Californians for Safety and Justice, Ella Baker Center for Human Rights, Essie Justice Group, SEIU, California Silicon Valley De-Bug, and Western Center on Law &amp; Poverty</p>	<p>Assembly Appropriations Committee</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 17, 2017
<a href="#">SB 38</a> (Alan Herzfeld/Cory Jaspersen)	SB 38 (Roth) – Courts: judgeships  As introduced Seeks funding for 12 of the remaining 50 unfunded judgeships, assigned to the courts with the greatest need based on the most recently approved Judicial Needs Assessment.	Sponsor	Judicial Council	Senate Judiciary Committee  2-year bill
<a href="#">SB 39</a> (Alan Herzfeld/Cory Jaspersen)	SB 39 (Roth) – Suspension and allocation of judgeships  As amended March 20, 2017 Requires that up to four vacant judgeships be allocated from superior courts with more authorized judgeships than their assessed judicial need to superior courts with fewer authorized judgeships than their assessed judicial need. Also requires that the allocation of vacant judgeships be in accordance with a methodology approved by the Judicial Council.	Sponsor and Support	Judicial Council	Senate Appropriations Committee— Suspense file.  2-year bill
<a href="#">SB 142</a> (Sharon Reilly)	SB 142 (Beall) – Criminal offenders: mental health  As amended June 21, 2017 Authorizes the defendant to provide documentation to the court that he or she was eligible for public mental health services rather than requiring that information to be included in a probation report.	Support, if amended	NAACP Legal Defense Fund	Assembly Public Safety Committee  2-year bill
<a href="#">SB 170</a> (Alan Herzfeld)	SB 170 (Leyva) – Child custody: preferences of the child  As introduced Lowers the age, from 14 years of age to 10 years of age, at which a court is required to allow a child to address the court regarding custody and visitation, unless the court determines that it is not in the child’s best interests to do so.	Oppose	California Protective Parents Association and Center for Judicial Excellence	Senate Judiciary Committee  2-year bill
<a href="#">SB 238</a> (Sharon Reilly)	SB 238 (Hertzberg) – Evidence: disposition of exhibits: photographic or digital record  As amended September 8, 2017 Applies existing law relating to certified photographic records of exhibits to digital records of exhibits to: 1) allow any party to prepare a digital record of an exhibit before it is disposed of; 2) require that the clerk of the court observe the taking of a digital record of the exhibit and certify the copy of the digital record as being a true, unaltered, and unretouched print of the photographic record taken in the presence of the clerk; and, 3) require a duplicate of the photographic or digital record to be delivered to the clerk for certification and defines “photographic” and “duplicate” for these purposes.	Support	Los Angeles County District Attorney	Signed into law (Stats. 2017, ch. 566)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 17, 2017
<a href="#">SB 333</a> (Daniel Pone)	<p>SB 333 (Anderson) – Trusts: modification or termination</p> <p>As amended June 7, 2017</p> <p>Clarifies that if all beneficiaries of an irrevocable trust consent, they may petition the court for modification or termination of the trust. Provides that if a trust is subject to a valid restraint on the transfer of a beneficiary’s interest, as provided, the trust may not be terminated with the consent of all beneficiaries who are reasonably likely to take under circumstances. Provides that an irrevocable trust may be modified or terminated by the written consent of the settlor and all beneficiaries without court approval. Clarifies that if any beneficiary does not consent to the modification or termination of an irrevocable trust, with the consent of the settlor the court may modify or partially terminate the trust if the interests of the beneficiaries who do not consent are not substantially impaired.</p>	Support	Trusts and Estates Section and State Bar of California	Signed into law (Stats. 2017, ch. 61)
<a href="#">SB 339</a> (Sharon Reilly)	<p>SB 339 (Roth) – Veterans treatment courts: Judicial Council assessment and survey</p> <p>As amended June 22, 2017</p> <p>Requires the Judicial Council to report to the Legislature, on or before June 1, 2020, on a study of veterans and veterans treatment courts conducted by the council that includes a statewide assessment of veterans treatment courts currently in operation and a survey of counties that do not operate veterans treatment courts. The study shall identify barriers to program implementation and assesses the need for veterans treatment courts in those counties. The study is contingent on funding. Also, creates the Veterans Court Assessment Fund in the State Treasury, to be administered by the Judicial Council, and authorizes the fund to accept private donations.</p>	Support	Author	Signed into law (Stats. 2017, ch. 595)
<a href="#">SB 384</a> (Sharon Reilly)	<p>SB 384 (Wiener) – Sex offenders: registration: criminal offender record information systems</p> <p>As amended September 8, 2017</p> <p>Commencing January 1, 2021, establishes three tiers of registration for sex offenders based on specified criteria for two mandated minimum periods of registration of 10 years, and 20 years, and maintains lifetime registration as specified. Establishes new court procedures by authorizing a tier one or tier two offender to file a petition at the expiration of his or her minimum registration period, and provides that the district attorney may request a hearing on the petition on the basis that the petitioner has not fulfilled the requirements of successful tier completion, as specified. Authorizes a tier three offender who meets specified criteria to petition the court for placement into tier two. Requires offenders in tiers one and two to petition the court for removal from the registry at the end of their designated registration period. Gives courts discretion to deny termination when certain conditions of registration are not met, and allows the prosecution to request a hearing to oppose any petition for removal.</p>	Support, if funded	California Sex Offender Management Board. Los Angeles County District Attorney’s Office, California Coalition Against Sexual Assault, and Equality California	Signed into law (Stats. 2017, ch. 541)
<a href="#">SB 403</a> (Cory Jaspersen/Laura Speed)	<p>SB 403 (Canella) – Sale of county courthouses</p> <p>As introduced</p> <p>Authorizes the Judicial Council to dispose of the Chico, Corning, Clovis, Firebaugh, Reedley, Avenal, and Corcoran superior courthouses. Requires the net proceeds from the disposition to be deposited into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund.</p>	Sponsor	Judicial Council	Signed into law (Stats. 2017, ch. 358)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 17, 2017
<a href="#">SB 421</a> (Sharon Reilly)	<p>SB 421 (Wiener) – Sex offenders: registration: criminal offender record information systems</p> <p>As amended August 21, 2017 Commencing January 1, 2021, establishes three tiers of registration for sex offenders based on specified criteria for two mandated minimum periods of registration of 10 years, and 20 years, and maintains lifetime registration as specified. Establishes new court procedures by authorizing a tier one or tier two offender to file a petition at the expiration of his or her minimum registration period, and provides that the district attorney may request a hearing on the petition on the basis that the petitioner has not fulfilled the requirements of successful tier completion, as specified. Authorizes a tier three offender who meets specified criteria to petition the court for placement into tier two. Requires offenders in tiers one and two to petition the court for removal from the registry at the end of their designated registration period. Gives courts discretion to deny termination when certain conditions of registration are not met, and allows the prosecution to request a hearing to oppose any petition for removal.</p> <p>*[NOTE: This provision is identical to the provisions in SB 384.]</p>	Support, if funded	California Sex Offender Management Board. Los Angeles County District Attorney’s Office, California Coalition Against Sexual Assault, and Equality California	Assembly Appropriations Committee— Suspense file.  2-year bill
<a href="#">SB 545</a> (Sharon Reilly)	<p>SB 545 (Beall) – Vehicles: 24/7 Sobriety program</p> <p>As amended March 20, 2017 Authorizes a court to order a person convicted of a DUI to enroll and participate in, and successfully complete, a qualified “24/7 Sobriety program,” as defined, as a condition of probation, parole, sentence, or work permit, if the program is available and deemed appropriate, and the person committed the crime within 10 years of one or more separate crimes described above that resulted in a conviction. Requires the 24/7 Sobriety methodology to be evidence-based. Provides that a participant’s ability to maintain employment, schooling, or family life due to lack of proximity to a testing location may be considered a hardship. Requires a person participating in the program to pay the program costs, commensurate with the person’s ability to pay, as specified. Requires the Department of Motor Vehicles to establish uniform collection and reporting of certain information relating to 24/7 Sobriety programs.</p>	Support	Author	Senate Appropriations Committee— Suspense file.  2-year bill
<a href="#">SB 658</a> (Daniel Pone)	<p>SB 658 (Wiener) – Jury selection: civil voir dire</p> <p>As amended August 22, 2017 Makes various changes to the civil voir dire statute. Among other things, maintains the provision that specifies that the scope of the examination conducted by counsel shall be within reasonable limits prescribed by the trial judge in the judge’s sound discretion. Requires a judge, in the exercise of their sound discretion over the scope of voir dire, to give due consideration to all of the following: (a) the amount of time requested by trial counsel; (b) any unique or complex elements, legal or factual, in the case; (c) length of the trial; (d) number of parties; (e) number of witnesses; and (f) whether the case is designated as a complex or long cause. Requires a judge to provide the parties with both the alphabetical list and the list of prospective jurors in the order in which they will be called. Clarifies that a judge shall not impose specific unreasonable or arbitrary time limits, or establish an inflexible time limit policy for voir dire.</p>	No position	Consumer Attorneys of California	Signed into law (Stats. 2017, ch. 337)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 17, 2017
<a href="#">SB 670</a> (Sharon Reilly)	SB 670 (Jackson) – Sentencing: county of incarceration and supervision  As amended August 24, 2017 Promotes uniformity and clarifies judicial sentencing authority when imposing concurrent or consecutive judgments under Penal Code section 1170(h) implicating multiple counties. Requires the Judicial Council to adopt rules providing criteria for courts to use for those purposes.	Sponsor	Judicial Council	Signed into law (Stats. 2017, ch. 287)
<a href="#">SB 699</a> (Daniel Pone)	SB 699 (Galgiani) – Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2011  As amended August 31, 2017 Extends for two years the expedited California Environmental Quality Act (CEQA) judicial review procedures established by AB 900 (Stats. 2011, ch. 354).	Oppose	California State Building and Construction Trades Council, AFL-CIO	In Assembly  2-year bill
<a href="#">SB 785</a> (Daniel Pone)	SB 785 (Wiener) – Evidence: immigration status  As amended August 22, 2017 Among other things, seeks to prevent irrelevant information about a person’s immigration status from being divulged in open court and included in specified public court records. Prohibits parties to a civil or criminal action from disclosing evidence regarding the immigration status of any other party or witness in open court, unless the party first requests a confidential, in camera hearing and ruling by the judicial officer presiding over the case as to whether the evidence is relevant and not inadmissible. Prohibits <i>in criminal cases</i> evidence of a person’s immigration status from being included in public court records, except as authorized by the court pursuant to the above-described confidential, in camera hearing procedure.	No position	San Francisco District Attorney George Gascón	Assembly Public Safety Committee and Assembly Judiciary Committee
<a href="#">SB 789</a> (Daniel Pone)	SB 789 (Bradford) – California Environmental Quality Act: sports and entertainment project.  As amended September 12, 2017 Among other things, requires the Judicial Council, on or before July 1, 2018, to adopt a rule of court to establish procedures applicable to actions or proceedings brought pursuant to the California Environmental Quality Act (CEQA) seeking judicial review of an environmental impact report and approvals granted for a project related to the development of a specified sports and entertainment project in the City of Inglewood. Requires the actions or proceedings, including any appeals therefrom, be resolved, to the extent feasible, within 270 days of certification of the record of proceeding. Prohibits a court from staying or enjoining the construction or operation of the project unless the court finds either of the following: (i) the continued construction or operation of the project presents an imminent threat to the public health and safety; or (ii) the project site contains unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values that would be materially, permanently, and adversely affected by the continued construction or operation of the project.	Oppose	Author	Assembly Natural Resources  2-year bill



**Appendix**  
**Status of 2017 Judicial Council-Sponsored Legislation**

<b>Bill No. (Advocate)</b>	<b>Bill No. (Author) Description and Updates</b>	<b>Sponsor</b>	<b>Status as of October 17, 2017</b>
AB 414 (Cory Jasperson)	<u>AB 414 (Medina) – Suspension and allocation of judgeships</u>  As amended March 16, 2017 Requires that up to four vacant judgeships be allocated from superior courts with more authorized judgeships than their assessed judicial need to superior courts with fewer authorized judgeships than their assessed judicial need. Also, requires that the allocation of vacant judgeships be in accordance with a methodology approved by the Judicial Council.	Support and Sponsor	Senate Judiciary Committee  2-year bill
AB 452 (Laura Speed)	<u>AB 452 (Bloom) – Courts</u>  As introduced Changes references to the Clerk of the Supreme Court to the Clerk/Executive Officer of the Supreme Court, and changes references to the Clerk/Administrator of the Court of Appeal to the Clerk/Executive Officer of the Court of Appeal. Changes reference in state law to the Administrative Office of the Courts instead to the Judicial Council.	Sponsor	Signed into law (Stats. 2017, ch. 36)
AB 689 (Alan Herzfeld)	<u>AB 689 (Oberholte) – Juvenile proceedings: competency</u>  As amended March 16, 2017 Authorizes the district attorney or minor’s counsel to retain or seek the appointment of additional qualified experts with regard to determining competency. Requires the Judicial Council to adopt a rule of court relating to the qualifications of those experts.	Sponsor	Assembly Appropriations Committee—Suspense file.  2-year bill
AB 745 (Sharon Reilly)	<u>AB 745 (Reyes) – Commissioners: criminal proceedings</u>  As amended May 2, 2017 Until January 1, 2021, authorizes a presiding judge of a superior court located within the County of Riverside or the County of San Bernardino, if certain conditions are met, to direct a commissioner to perform certain specified duties performed by magistrates, including on-call magistrate duties. Requires the Judicial Council to report to the Governor and Legislature on this expanded authority.	Sponsor	Assembly Appropriations Committee—Suspense file.  2-year bill

**Appendix**  
**Status of 2017 Judicial Council-Sponsored Legislation**

<b>Bill No. (Advocate)</b>	<b>Bill No. (Author) Description and Updates</b>	<b>Sponsor</b>	<b>Status as of October 17, 2017</b>
AB 789 (Sharon Reilly)	<p><u>AB 789 (Rubio) – Criminal procedure: release on own recognizance</u></p> <p>As amended July 17, 2017            Allows a court to approve own recognizance release under a court-operated or court-approved pretrial release program for certain arrestees with three or more prior failures to appear.</p>	Sponsor	Signed into law (Stats. 2017, ch. 554)
AB 976 (Daniel Pone)	<p><u>AB 976 (Berman) – Electronic filing and service</u></p> <p>As amended September 7, 2017            Among other things, the civil procedure provisions of the bill: (1) authorizes the use of electronic signatures for signatures made under penalty of perjury on electronically filed documents, (2) provides for a consistent effective date of electronic filing and service across courts and case types, (3) consolidates the mandatory electronic filing provisions, (4) clarifies the application of section 1010.6's electronic service provisions in sections 664.5 and 1011, and (5) codifies provisions that are currently in the California Rules of Court on mandatory electronic service, effective date of electronic service, protections for self-represented persons, and proof of electronic service.</p>	Sponsor	Signed into law (Stats. 2017, ch. 319)
AB 1443 (Sharon Reilly)	<p><u>AB 1443 (Levine) – Court records</u></p> <p>As introduced            Specifies the statutory period for retaining court records in gun violence restraining order cases. Eliminates the requirement that superior courts report any court records that they have destroyed to the Judicial Council.</p>	Sponsor	Signed into law (Stats. 2017, ch. 172)
AB 1692 (Alan Herzfeld)	<p><u>AB 1692 (Committee on Judiciary) – Judiciary omnibus</u></p> <p>As amended September 1, 2017            Sponsored portion confirms Judicial Council authority to convert 10 additional subordinate judicial officer positions to judgeships if conversion will result in a net increase in judges in Family or Juvenile court.</p>	Sponsor	Signed into law (Stats. 2017, ch. 330)

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**Status of 2017 Judicial Council-Sponsored Legislation**

<b>Bill No. (Advocate)</b>	<b>Bill No. (Author) Description and Updates</b>	<b>Sponsor</b>	<b>Status as of October 17, 2017</b>
SB 38 (Alan Herzfeld/Cory Jaspersen)	<u>SB 38 (Roth) – Courts: judgeships</u>  As introduced Seeks funding for 12 of the remaining 50 unfunded judgeships, assigned to the courts with the greatest need based on the most recently approved Judicial Needs Assessment.	Sponsor	Senate Judiciary Committee  2-year bill
SB 39 (Alan Herzfeld/Cory Jaspersen)	<u>SB 39 (Roth) – Suspension and allocation of judgeships</u>  As amended March 20, 2017 Requires that up to four vacant judgeships be allocated from superior courts with more authorized judgeships than their assessed judicial need to superior courts with fewer authorized judgeships than their assessed judicial need. Both bills also require that the allocation of vacant judgeships be in accordance with a methodology approved by the Judicial Council.	Sponsor and Support	Senate Appropriations Committee—Suspense file.  2-year bill
SB 403 (Cory Jaspersen/Laura Speed)	<u>SB 403 (Canella) – Disposition of county courthouses</u>  As introduced Authorizes the Judicial Council to dispose of the Chico, Corning, Clovis, Firebaugh, Reedley, Avenal, and Corcoran superior courthouses. Requires the net proceeds from the disposition to be deposited into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund.	Sponsor	Signed into law (Stats. 2017, ch. 358)
SB 670 (Sharon Reilly)	<u>SB 670 (Jackson) – Sentencing: county of incarceration and supervision</u>  As amended August 24, 2017 Promotes uniformity and clarifies judicial sentencing authority when imposing concurrent or consecutive judgments under Penal Code section 1170(h) implicating multiple counties. Requires the Judicial Council to adopt rules providing criteria for courts to use for those purposes.	Sponsor	Signed into law (Stats. 2017, ch. 287)