



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

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MEMORANDUM

Date

October 15, 2021

Action Requested

For Your Information

To

Hon. Tani Cantil-Sakauye
Members of the Legislation Committee
Mr. Martin Hoshino
Ms. Millicent Tidwell
Mr. John Wordlaw
Mr. Robert Oyung

Deadline

N/A

Contact

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From

Cory T. Jasperson, Director

Subject

Final Status of 2021 Legislation considered by
the Legislation Committee

Following is the final status report on 2021 legislation considered by the Judicial Council's Legislation Committee during the 2021–2022 legislative session. The bills are listed in numerical order by house (Assembly and Senate) and are indexed by subject matter. The second “description” column summarizes the relevant provisions of the bill—and the version of the bill—on which the Legislation Committee's position is based. This column also includes an updated summary to reflect the most current version of the bill. The “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 at: 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.

JUDICIAL COUNCIL OF CALIFORNIA
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and Status of Bills

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Legislation Committee Action on 2021 Legislation
and Status of Bills

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 12, 2021
AB 256 (Sharon Reilly)	<p><u>AB 256 (Kalra) – Criminal procedure: discrimination</u></p> <p>As proposed to be amended Makes the Racial Justice Act (AB 2542, Stats. 2020, ch. 317) retroactive by authorizing a petition to be filed for a case in which a judgment was entered prior to January 1, 2021, as specified.</p>	Neutral as proposed to be amended	American Civil Liberties Union; California Action; American Friends Service Committee; Ella Baker Center for Human Rights; California Coalition for Women Prisoners; Californians United for a Responsible Budget; Coalition for Humane Immigrant Rights (CHIRLA); Initiate Justice; League of Women Voters of California; NextGen; and Silicon Valley De-Bug.	Senate Appropriations Committee— Suspense file. 2-year bill.
AB 282 (Sharon Reilly)	<p><u>AB 282 (Lackey) – Misdemeanor diversion</u></p> <p>As amended April 8, 2021 Limits the new prohibited offenses to various offenses relating to reckless operation of a vehicle and driving under the influence.</p>	No position	Author	Senate Public Safety Committee 2-year bill.
AB 333 (Sharon Reilly)	<p><u>AB 333 (Kamlager) – Participation in a criminal street gang: enhanced sentence</u></p> <p>As amended July 13, 2021 Among other things, 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.</p> <p>Extends until January 1, 2023 the requirement that the court, when applying a gang enhancement, select the sentence that best serves the interests of justice.</p>	Neutral if amended	Anti-Recidivism Coalition; NextGen; San Francisco Public Defender’s Office; and, Silicon Valley De-Bug.	Signed into law (Stats. 2021, ch. 699)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 12, 2021
<p>AB 621 (Kate Nitta)</p>	<p>AB 621 (Rivas, Robert) – California Environmental Quality Act: streamlined environmental review: standard of review: hospitals</p> <p>As amended March 25, 2021 Adds expedited judicial review provisions for CEQA review of “environmental leadership hospital projects,” as defined. Requires the Judicial Council to amend the Rules of Court for any action challenging the certification of an environmental impact report for an environmental leadership hospital project, including any appeals, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court.</p> <p>Requires the project applicant to pay the costs of the trial court and the court of appeal in hearing and deciding any case, including payment of the costs for the appointment of a special master, if necessary. The Judicial Council would specify the manner and form of such payments via Rules of Court.</p> <p>UPDATE: As amended April 21, 2021 Removed the expedited judicial review provision.</p>	<p>Oppose unless amended</p> <p>UPDATE: As amended April 21, 2021 No position</p>	<p>State Building and Construction Trades Council of California</p>	<p>Assembly Natural Resources Committee</p> <p>2-year bill.</p>
<p>AB 627 (Andi Liebenbaum)</p>	<p>AB 627 (Waldron) – Recognition of tribal court orders: rights in retirement plans or deferred compensation</p> <p>As introduced Ensures that valid divorce or dissolution judgments issued by tribal courts that include division of pension or other deferred compensation assets are effective and, in particular, are recognized as meeting the requirements of the Employee Retirement Income Security Act of 1974 (Public Law 93-406; 88 Stat. 829), and other similar statutes that restrict the transfer or division of such assets.</p>	<p>Sponsor</p>	<p>Judicial Council</p>	<p>Signed into law (Stats. 2021, ch. 58)</p>
<p>AB 693 (Kate Nitta)</p>	<p>AB 693 (Chau) – Proposition 65: enforcement</p> <p>As amended March 18, 2021 In a private action to enforce the Safe Drinking Water and Toxic Environment Act of 1986 (Health & Safety Code §§ 25249.5-25249.14) (Proposition 65), requires the same factual information sufficient to establish the basis for the certificate of merit to be served on the alleged violator at the time it is served on the Attorney General.</p> <p>Expands the types of settlements that courts must review and approve to include out-of-court settlements and adds to the list of findings a judge must make to approve any settlement a finding that neither the plaintiff nor the attorney representing the plaintiff received any compensation from the alleged violator unless that compensation is disclosed in the settlement.</p> <p>Allows a food importer or distributor facing an allegation of a Proposition 65 violation 14 days to take a number of actions to cure the violation in order to avoid filing of an enforcement action.</p>	<p>Oppose unless amended</p>	<p>Asian Food Trade Association</p>	<p>Assembly Environmental Safety and Toxic Materials Committee</p> <p>2-year bill.</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 12, 2021
AB 716 (Andi Liebenbaum)	<p>AB 716 (Bennett) – Court access</p> <p>As amended July 15, 2021 States that when a courthouse is physically closed, an audio stream or telephonic access must be available to the public, recognizing statutory exceptions. States that a court may not exclude the public from physical access solely because remote access is available, unless necessary to protect the health or safety of the public or court personnel. States that transcripts produced from remote access are not official verbatim records and are inadmissible for purposes of any court proceeding, including appeals, as specified, and specifies that this provision does not authorize the creation of an official court record by anyone other than a certified shorthand reporter present in person in the courtroom for the purpose of creating the official record.</p> <p>UPDATE: As amended September 3, 2021 <i>Removes references to court reporters, verbatim reports, and evidence. Adds language that defines remote access as including, but not limited to, an audio stream that is available in an internet website or telephonic means to listen to a court proceeding.</i></p>	<p>Oppose unless amended</p> <p>UPDATE: <i>As amended September 3, 2021</i> Remove opposition; No position</p>	<p>Author</p>	<p>Signed into law (Stats. 2021, ch. 526)</p>
AB 855 (Kate Nitta)	<p>AB 855 (Ramos) – Judicial holidays</p> <p>As amended June 24, 2021 Exchanges Native American Day (an existing state holiday), which is observed on the fourth Friday of September, as a judicial holiday in lieu of Columbus Day, which is observed on the second Monday of October.</p>	<p>Sponsor</p>	<p>Judicial Council</p>	<p>Signed into law (Stats. 2021, ch. 283)</p>
AB 898 (Sharon Reilly)	<p>AB 898 (Lee) – Criminal records: automatic conviction record relief</p> <p>As amended September 3, 2021 Ensures that expungements and reductions of felonies to misdemeanors are correctly represented on a person’s record if there are multiple courts involved. Currently, inaccurate publicly accessible information about a person’s conviction can linger after criminal record relief is granted, which can make it difficult to obtain employment and housing.</p>	<p>Sponsor</p>	<p>Judicial Council</p>	<p>Signed into law (Stats. 2021, ch. 202)</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 12, 2021
AB 1127 (Sharon Reilly)	<p>AB 1127 (Santiago) – Serious or violent felonies: enhancements: juveniles</p> <p>As amended May 4, 2021 Prohibits a prior juvenile adjudication from being considered a prior serious or violent felony conviction for purposes of sentence enhancement. Provides a means of vacating a prior juvenile conviction enhancement and resentencing a defendant on any remaining counts when specified conditions apply, including when the alleged prior conviction occurred when the defendant was a juvenile and the case was adjudicated in juvenile court. Places the burden of proof on the prosecution to prove, beyond a reasonable doubt, at the hearing to determine whether the petitioner is entitled to relief, that the petitioner is ineligible for resentencing.</p> <p>Requires the court to appoint counsel to represent the petitioner if the court determines that a prima facie case has been made and the petitioner has requested counsel. Provides that the court may, in its discretion, appoint counsel for the purpose of investigating the petitioner’s eligibility for relief pursuant to this section and to represent the petitioner in attendant proceedings if the court determines that a prima facie case has not been made and the petitioner has requested counsel.</p>	Neutral if amended	George Gascon, Los Angeles County District Attorney	Inactive file. 2-year bill.
AB 1224 (Sharon Reilly)	<p>AB 1224 (Levine) – Sentencing: special circumstances</p> <p>As introduced Repeals the provision of existing law prohibiting a judge from striking a special circumstance and, instead, authorizes a judge, on the judge’s own motion or upon the application of either party, and in the furtherance of justice, to order the dismissal of a special circumstance finding or admission. Authorizes a judge to order the dismissal of a special circumstance finding or admission retroactively when the trial court judgment has become final and the sentence has been executed, or the imposition of the sentence has been suspended, including when the sentence previously pronounced was life imprisonment without the possibility of parole or the death penalty.</p> <p>Creates a presumption in favor of dismissal unless the prosecution demonstrates beyond a reasonable doubt that the defendant would commit a future violent offense.</p> <p>Requires the court, in addition to stating its reasons on the record, to set forth the reasons in an order entered upon the minutes if requested by either party or when the proceedings are not being recorded electronically or reported by a court reporter.</p>	Neutral if amended	California Public Defenders Association	Assembly Appropriations Committee— Suspense file. 2-year bill.
AB 1228 (Sharon Reilly)	<p>AB 1228 (Lee) – Supervised persons: release</p> <p>As amended September 3, 2021 Among other things, specifies that persons released from custody prior to a probation violation hearing shall 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 in order to provide reasonable protection of the public and reasonable assurance of the person’s future appearance in court.</p>	No position	California Attorneys for Criminal Justice	Signed into law (Stats. 2021, ch. 533)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 12, 2021
AB 1245 (Sharon Reilly)	<p>AB 1245 (Cooley) – Resentencing</p> <p>As amended March 11, 2021 Among other things, allows a petition for resentencing to be filed by a defendant serving time for a realigned felony.</p> <p>Establishes procedural requirements for resentencing a defendant, including, among other things, by requiring a petition for resentencing to be filed with the presiding judge of the superior court in which the defendant was originally sentenced, requiring the presiding judge or a judge appointed by the presiding judge to act on the petition within 90 days of the petition having been filed, and requiring the court to specify the reason for its judgment on the petition.</p> <p>Prohibits the court from denying a petition to recall and resentence a defendant unless there is evidence beyond a reasonable doubt that the defendant is likely to commit a future violent crime.</p>	Neutral, if amended	Author	<p>Assembly Appropriations Committee— Suspense file.</p> <p>2-year bill.</p>
AB 1259 (Sharon Reilly)	<p>AB 1259 (Chiu) – Criminal procedure: motion to vacate</p> <p>As introduced Authorizes a person to make a motion to vacate a conviction or sentence 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 conviction or sentence instead of a plea of not guilty or no contendere.</p>	No position, but send letter of concerns	American Civil Liberties Union of CA; California Attorneys for Criminal Justice; and Immigrant Legal Resource Center	Signed into law (Stats. 2021, ch. 420)
AB 1277 (Kate Nitta)	<p>AB 1277 (Rubio, Blanca) – California Environmental Quality Act: student housing development projects: expedited judicial review</p> <p>As amended April 19, 2021 Adds expedited judicial review provisions for CEQA review of “student housing development projects,” as defined. Requires the Judicial Council, on or before July 1, 2022, to adopt rules of court for any action challenging the certification of an environmental impact report for a student housing development project, including any appeals, to be resolved, to the extent feasible, within 270 business days of the filing of the certified record of proceedings with the courts.</p>	Oppose unless amended	Associated Students of UC Davis	<p>Assembly Natural Resources Committee</p> <p>2-year bill.</p>
AB 1308 (Sharon Reilly)	<p>AB 1308 (Ting) – Arrest and conviction record relief</p> <p>As introduced Expands recently enacted law (AB 1076 (Ting), Stats. 2019, ch. 578) making individuals with arrests or convictions eligible for automatic relief if, among other criteria, the arrest or conviction occurred on or after January 1, 1973.</p>	Oppose unless funded	Author	<p>Senate Public Safety Committee</p> <p>2-year bill.</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 12, 2021
AB 1474 (Sharon Reilly)	<p><u>AB 1474 (Gabriel) – Sentencing: consideration of costs</u></p> <p>As introduced Among other things, requires a prosecuting attorney, at sentencing, to state on the record the estimated cost of incarceration or supervision for any proposed sentence. Requires a county probation department, if preparing a presentence report, to provide the court with specified information regarding the estimated and projected cost of incarceration or other supervision of the defendant as has been proposed in the recommended sentence. Requires the court, during sentencing, to state on the record, the estimated cost of the sentence imposed.</p> <p><i>*UPDATE: As proposed to be amended Provides that a court may, in its discretion, consider the estimated cost of the sentence as provided to the court by the prosecuting attorney or probation department, or both, as a factor when sentencing. If in choosing a sentence the court relies upon the cost of a sentence, the requires the court so include that rationale in its statement on the record, pursuant to subdivision (c) of Section 1170.</i></p>	<p>Oppose</p> <p>UPDATE: <i>As proposed to be amended Remove opposition; neutral if amended</i></p>	<p>Author</p>	<p>Senate Appropriations Committee— Suspense file.</p> <p>2-year bill.</p>
AB 1540 (Sharon Reilly)	<p><u>AB 1540 (Ting) – Criminal procedure: resentencing</u></p> <p>As amended September 3, 2021 Requires the court to appoint counsel for the defendant when there is recommendation from the Secretary of the Department of Corrections and Rehabilitation (CDCR), the Board of Parole Hearings (BPH), Sheriff, or the prosecuting agency, to recall a defendant’s sentence and resentence that defendant to a lesser sentence. Creates a presumption favoring recall and resentencing that may only be overcome by a showing of unreasonable risk to public safety, as defined, when the recommendation has been made by one of those agencies.</p>	<p>Neutral if amended</p>	<p>Author</p>	<p>Signed into law (Stats. 2021, ch. 719)</p>
AB 1576 (Mark Neuburger)	<p><u>AB 1576 (Committee on Judiciary) – Superior court: lactation rooms</u></p> <p>As amended September 9, 2021 Requires superior courts to provide any court user access to a lactation room in any courthouse in which a lactation room is also provided to court employees, as specified. Requires the lactation room for court users to be located within the court facility in an area that is accessible to the public or in any location that is reasonably accessible to the public using the court facility. Except as provided, requires the lactation room for court users to meet all of the requirements imposed upon an employer with respect to providing a lactation room for employees.</p>	<p>Support if funded</p>	<p>California Employment Lawyers Association; California Work & Family Coalition; Consumer Attorneys of California; East Bay La Raza Lawyers Association; Equal Rights Advocates; Legal Aid at Work; Pinay Powerhouse; and, Contra Costa Bar Association Women Section’s</p>	<p>Inactive file.</p> <p>2-year bill.</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 12, 2021
ACA 3 (Sharon Reilly)	ACA 3 (Kamlager) – Involuntary servitude As introduced Seeks to amend Section 6 of Article I of the California Constitution to provide that slavery and involuntary servitude are prohibited.	No position	Ella Baker Center for Human Rights Young Women's Freedom Center	Assembly Floor
SB 7 (Kate Nitta)	SB 7 (Atkins) – Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2021 As amended February 18, 2021 Revives the authority of the Governor, through January 1, 2026, to certify a project pursuant to the Jobs and Economic Improvement Through Environmental Leadership Act of 2021 (Leadership Act) and seeks to broaden the reach of the Leadership 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 Leadership 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.	Oppose	Author	Signed into law (Stats. 2021, ch. 19)
SB 44 (Kate Nitta)	SB 44 (Allen) – California Environmental Quality Act: streamlined judicial review: environmental leadership transit projects As amended August 30, 2021 Establishes specified procedures for the administrative and judicial review of the environmental review and approvals granted for environmental leadership transit projects, as defined, undertaken by a public agency. Requires the Judicial Council, on or before January 1, 2023, to adopt rules of court establishing procedures requiring actions or proceedings seeking judicial review pursuant to the California Environmental Quality Act (CEQA) or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court to be resolved, to the extent feasible, within 365 calendar days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to an environmental leadership transit project. Requires the project applicant 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.	Oppose unless amended	Los Angeles County Metropolitan Transportation Authority	Signed into law (Stats. 2021, ch. 633)
SB 71 (Mark Neuburger)	SB 71 (McGuire) – Infractions: community service: education programs As amended June 16, 2021 Permits a court in infraction cases to allow an individual to participate in educational programs to satisfy community service hours to address their total fine in lieu of payment. Additionally, this bill provides a definition of what constitutes an “educational program.”	Support	Author	Signed into law (Stats. 2021, ch. 598)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 12, 2021
SB 81 (Sharon Reilly)	<p>SB 81 (Skinner) – Sentencing: dismissal of enhancements</p> <p>As amended August 30, 2021 Requires a court, in exercising its discretion to dismiss an enhancement, to consider and afford great weight to evidence offered by the defendant to prove any of the mitigating circumstances enumerated by the bill. Provides that proof of the presence of one or more of the specified mitigating circumstances weighs greatly in favor of dismissing an enhancement, unless the court finds that dismissal would endanger public safety, as defined.</p>	Neutral as proposed to be amended	Author	Signed into law (Stats. 2021, ch. 721)
SB 241 (Kate Nitta)	<p>SB 241 (Umberg) – Civil actions</p> <p>As amended September 3, 2021 Among other things, authorizes the California Court Reporters Board to regulate out-of-state court reporters, authorizes the use of remote technology in civil proceedings, requires electronic service of documents by the courts, and requires a hearing on a minor’s compromise petition to be scheduled within 30 days.</p>	Support	Author Consumer Attorneys of California California Defense Counsel	Signed into law (Stats. 2021, ch. 214)
SB 262 (Sharon Reilly)	<p>SB 262 (Hertzberg) – Bail</p> <p>As amended September 2, 2021 Commencing January 1, 2023 requires courts to set bail pursuant to the statewide bail schedule adopted by the Judicial Council; requires the Judicial Council to adopt the statewide bail schedule by January 1, 2023 and annually thereafter; and provides that county bail schedules continue in operation until the council adopts the statewide bail schedules at which time, they will become inoperative.</p> <p>Requires the court to order a return of money or property paid to a bail bond licensee if the action or proceeding against the arrestee is dismissed, no charges are filed within 60 days of arrest, or the arrestee has made all court appearances during the pendency of the action or proceeding against the arrestee, as specified.</p>	Neutral	Californians for Safety and Justice	Inactive file. 2-year bill.
SB 340 (Sharon Reilly)	<p>SB 340 (Stern) – Lanterman-Petris-Short Act: hearings</p> <p>As amended April 26, 2021 Amends Welfare and Institutions Code section 5276 of the Lanterman-Petris-Short Act (LPS Act) to permit a family member, friend, or acquaintance with personal knowledge of a person detained for evaluation and treatment under the act to make a request to testify in a judicial challenge to the person’s certification for intensive treatment under the act. Requires the request to be submitted in writing to the counsel of either party. Requires the counsel or their designee to determine whether the testimony will assist in the proceedings, and, within a reasonable time, respond to the requester, in writing, with an approval or denial. Provides that these changes to the LPS Act do not affect or alter the court’s ability to determine the admissibility of testimony.</p>	Support if amended	Author	Assembly Rules 2-year bill.

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 12, 2021
SB 354 (Andi Liebenbaum)	<p><u>SB 354 (Skinner) – Foster youth: relative placement</u></p> <p>As amended September 1, 2021 Permits the Department of Social Services or other approving entity such as a tribe to grant an exemption for a relative or nonrelative extended family member, and any other adult living in the home, who has been convicted of an offense, as described, if the applicant is seeking placement of a child or children with whom the applicant has a family-like relationship, the applicant is of present good character necessary to justify granting the exemption pursuant to the factors as described, and placement with the relative or nonrelative extended family member would not pose a health and safety risk to a child.</p> <p>Permits the court, regardless of an exemption, to order the temporary placement of the child in the home of a relative or nonrelative extended family member regardless of the status of any criminal exemption or resource family approval if the court finds that the placement does not pose a risk to the health and safety of the child.</p>	Support	Alliance for Children’s Rights; A New Way of Life Re-entry Project; Children’s Law Center; County Welfare Directors Association of California; Legal Services for Prisoners with Children; Starting Over, Inc.; and Underground Scholars Initiative at UC Riverside.	Signed into law (Stats. 2021, ch. 687)
SB 357 (Sharon Reilly)	<p><u>SB 357 (Wiener) – Crimes: loitering for the purpose of engaging in a prostitution offense</u></p> <p>As amended September 1, 2021 Among other things: (1) authorizes a person currently serving a sentence for a conviction of the repealed section pertaining to loitering for the purpose of engaging in a prostitution offense to petition the trial court for a recall or dismissal of sentence; (2) authorizes a person who has completed their sentence for a conviction of the repealed section to file an application before the trial court to have their conviction dismissed and sealed because the prior conviction is legally invalid ; (3) specifies that unless requested by the applicant, no hearing is necessary to grant or deny an application and (4) requires the Judicial Council to promulgate and make available all necessary forms to enable the filing of the petitions and applications authorized by the provisions in this bill.</p>	Neutral if amended	American Civil Liberties Union of California Asian Pacific Islander Legal Outreach; Equality California; Positive Women’s Network; St. James Infirmary; SWOP LA; and Trans Latin@ Coalition.	Held at desk 2-year bill
SB 481 (Sharon Reilly)	<p><u>SB 481 (Durazo) – Sentencing: special circumstances</u></p> <p>As amended May 20, 2021 Allows a judge, in the furtherance of justice, to order the dismissal of a special circumstance finding or admission in cases in which the sentence is life imprisonment without the possibility of parole (LWOP) and creates a presumption in favor of dismissal for people who were age 25 or younger at the time of the offense and have been incarcerated for at least 15 years and established procedures for doing so.</p> <p>Requires a judge, when exercising this discretion, to consider and put great weight on the hallmark features of youth, as defined, and other specified factors.</p> <p>Requires the court, upon dismissal of a special circumstance, to offer the survivor or survivors and surviving family members information about services to address their needs as related to the crime and case process.</p>	Neutral if amended	Anti-Recidivism Coalition; Healing Dialogue and Action Human Rights Watch Post-Conviction Justice Project Young Women’s Freedom Center	Inactive file. 2-year bill.

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 12, 2021
SB 483 (Sharon Reilly)	<p>SB 483 (Allen) – Sentencing: resentencing to remove sentencing enhancements</p> <p>As amended July 7, 2021 Provides an accelerated mechanism for retroactively eliminating from prior sentences two sentencing enhancements that had, in prior legislation, been declared invalid except in narrow circumstances (that is, the enhancements for having suffered a prior drug-related conviction).</p> <p>Requires the Secretary of the Department of Corrections and Rehabilitation (CDCR) and the county correctional administrator of each county to, by no later than March 1, 2022, identify those persons in their custody who are currently serving time for the enhancement and by July 1, 2022, for all others. Requires CDCR to provide this information to the sentencing court. Requires the court, after verifying specified information, to administratively amend the abstract of judgment to remove any invalid sentence enhancements for those who are currently serving the enhancement July 1, 2022, and all other individuals by December 31, 2023.</p> <p>UPDATE: As amended July 15, 2021 <i>Addresses and removes provision that required courts to “administratively amend” abstracts of judgements relating to certain enhancements and instead requires a recall and resentencing process.</i></p> <p>UPDATE: As amended September 1, 2021 <i>Extends the date by which courts must recall and resentence under the bill from July 1, 2022 to October 1, 2022. Allows the required hearings to be held remotely.</i></p>	<p>Oppose</p> <p>UPDATE: <i>As amended July 15, 2021</i> <i>Remove opposition; neutral if amended.</i></p> <p>UPDATE: <i>As amended September 1, 2021</i> <i>Neutral</i></p>	<p>CURB, Californians United for a Responsible Budget; CHIRLA, The Coalition for Humane Immigrant Rights; and, Drug Policy Alliance; Ella Baker Center for Human Rights.</p>	<p>Signed into law (Stats. 2021, ch. 728)</p>
SB 507 (Sharon Reilly)	<p>SB 507 (Eggman Talamantes) – Mental health services: assisted outpatient treatment</p> <p>As amended June 28, 2021 Among other things, requires that the findings required by the Assisted Outpatient Treatment (AOT) Demonstration Program of 2002, commonly known as Laura’s Law, 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. Provides that the court may order AOT if the court determines that the facts in the verified petition are true and that the person meets the definition of an eligible conservatee.</p>	<p>Support if amended</p>	<p>Psychiatric Physicians Alliance of California</p>	<p>Signed into law (Stats. 2021, ch. 426)</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 12, 2021
SB 516 (Sharon Reilly)	<p>SB 516 (Eggman Talamantes) – Certification for intensive treatment: review hearing</p> <p>As amended June 10, 2021</p> <p>Authorizes, for the purposes of a. hold for psychiatric treatment under the Lanterman-Petris-Short Act the evidence considered in a certification for an intensive treatment review hearing to include information on the person’s medical condition, as defined, and how that condition bears on certifying the person as a danger to themselves or to others or as gravely disabled. Specifies that “medical condition” does not include: (1) a condition that predominantly involves a substance use disorder; (2) exposure to potential harms resulting from the person’s personal circumstances, including, but not limited to, lack of health care insurance, poverty, or homelessness; and (3) medical information that is more than four years old.</p>	Support	The Psychiatric Physicians Alliance of California	Assembly Health Committee 2-year bill.
SB 538 (Andi Liebenbaum)	<p>SB 538 (Rubio) – Domestic violence and gun violence restraining orders</p> <p>As amended May 25, 2021</p> <p>Requires, by July 1, 2023, a court or court facility that receives petitions for domestic violence restraining orders, gun violence restraining orders, or domestic violence temporary restraining orders to permit those petitions and any filings related to those petitions to be submitted electronically during and after normal business hours. States that the deadlines applicable to any action taken by the court with respect to a petition filed directly with the court shall apply to any action taken with respect to a petition submitted electronically. Requires courts to permit petitioners and witnesses to participate in proceedings remotely. Requires the superior court of each county to do the following: develop local rules and instructions for electronic filing that are to be posted on its internet website; provide and post on its internet website a telephone number for the public to call to obtain information about electronic filing to be staffed during regular business hours; provide and post on its internet website a telephone number for the public to call to obtain assistance regarding remote appearances to be staffed 30 minutes before the start of the court session at which the hearing will take place, and during the court session; and, develop local rules and instructions for remote appearances to be posted on its internet website.</p>	Oppose unless amended	City of San Diego	Signed into law (Stats. 2021, ch. 686)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 12, 2021
<p>SB 567 (Sharon Reilly)</p>	<p><u>SB 567 (Bradford) – Criminal procedure: sentencing</u></p> <p>As amended July 1, 2021 Provides that when a judgment of imprisonment is to be imposed and the statute specifies three possible terms, the court shall, in its sound discretion, order imposition of a sentence not to exceed the middle term, unless there are circumstances in aggravation that, in the case of a trial by jury, have been stipulated to by the defendant, or, at trial by the jury or by the judge in a court trial, have been found true beyond a reasonable doubt. Permits the court to consider prior convictions based on a certified record of conviction without a finding by the jury.</p> <p>Clarifies the requirements in existing law that the court shall set forth on the record the facts and reasons for choosing the sentence imposed, and that the court may not impose an upper term by using the fact of any enhancement upon which the sentence is imposed.</p> <p>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 in specified instances. Provides that the jury shall not be informed of the bifurcated allegations until there has been a conviction of a felony offense.</p> <p><i>UPDATE: As amended September 3, 2021</i> <i>Among other things, provides that except where an aggravating fact is admissible to prove or defend against the charged offense(s) or enhancement(s) at trial, or where it is otherwise authorized by law, upon request of a defendant, trial on the circumstances in aggravation alleged in the indictment or information shall be bifurcated from the trial of charges and enhancements.</i></p>	<p>Oppose unless amended</p> <p>UPDATE: <i>As amended September 3, 2021</i> <i>Neutral</i></p>	<p>California Attorneys for Criminal Justice; Communities United for Restorative Youth Justice (CURYJ); and Legal Services for Prisoners with Children.</p>	<p>Signed into law (Stats. 2021, ch. 731)</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 12, 2021
SB 578 (Sharon Reilly)	<p>SB 578 (Jones) – Lanterman-Petris-Short Act: hearings</p> <p>As amended March 5, 2021 Amends the Lanterman-Petris-Short (LPS) Act to:</p> <ul style="list-style-type: none"> • Clarify that hearings under the act are presumptively closed to the public; • Authorize an individual who is the subject of a proceeding under the act to demand that the hearing be public and be held in a place suitable for attendance by the public; • Allow attendance at the hearing of a family member or friend at the request of the subject of the proceeding without a waiver of the right to a closed hearing; • Authorize a judge, hearing officer, or other person conducting the hearing to grant a request by any other party to the proceeding to make the hearing public upon a finding that the public interest in an open hearing clearly outweighs the individual’s interest in privacy; • Require the judge, hearing officer, or other person conducting the hearing, before commencing the hearing, to inform the subject of the proceeding of their rights; and • Define “hearing” for these purposes to mean any proceeding conducted under the LPS Act, including, but not limited to, specified hearings and trials. <p>UPDATE: As amended August 30, 2021 <i>Provides that an LPS hearing is presumptively closed to the public if the hearing involves the disclosure of confidential information.</i></p>	<p>Note concerns</p> <p>UPDATE: <i>As amended August 30, 2021</i> <i>Neutral</i></p>	<p>Author</p>	<p>Signed into law (Stats. 2021, ch. 389)</p>
SB 586 (Mark Neuburger)	<p>SB 586 (Bradford) – Criminal fees</p> <p>As amended September 3, 2021 Gutted and amended to be double jointed to SB 2 and clarify whether a particular factual or legal determination in a prior appeal proceeding has preclusive effect in proceedings of the commission would be governed by the existing law of collateral estoppel.</p>	<p>No position</p>	<p>Anti-Recidivism Coalition, ACLU of California, East Bay Community Law Center, Homeboy Industries, Insight Center for Community Economic Development, Lawyer’s Committee for Civil Rights of the San Francisco Bay Area, Legal Services for Prisoners with Children, Legal Services of Northern California, PolicyLink, Western Center on Law and Poverty.</p>	<p>Signed into law (Stats. 2021, ch. 429)</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 12, 2021
SB 763 (Sharon Reilly)	<p><u>SB 763 (Min) – Sentencing: members of military: trauma</u></p> <p>As introduced</p> <p>Allows a defendant who is currently serving a felony sentence, and who is or was a member of the United States military who may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of the defendant’s military service, to petition for recall of sentence and resentencing without regard to whether the defendant was sentenced prior to January 1, 2015.</p>	Support	Author	Senate Appropriations Committee— Suspense file. 2-year bill.
SB 775 (Sharon Reilly)	<p><u>SB 775 (Becker) – Felony murder: resentencing</u></p> <p>As amended July 6, 2021</p> <p>Expands the right of an individual to petition the court for resentencing upon a conviction pursuant to the natural and probable consequences doctrine or other theory under which malice is imputed to a person based solely on that person’s participation in a crime to individuals convicted of attempted murder and manslaughter. Requires the court to determine whether the petitioner has made a prima facie case for relief. Permits the appointment of counsel in petitions for resentencing as specified. Authorizes a person convicted of murder, attempted murder, or manslaughter whose conviction is not final to challenge the validity of that conviction upon direct appeal.</p> <p>UPDATE: As amended September 1, 2021 <i>Clarifies that the admission of evidence in the hearing shall be governed by the Evidence Code, except that the court may consider evidence previously admitted at any prior hearing or trial that is admissible under current law, including witness testimony, stipulated evidence, and matters judicially noticed. Permits the court to also consider the procedural history of the case recited in any prior appellate opinion.</i></p>	Neutral if amended	California Public Defenders Association	Signed into law (Stats. 2021, ch. 551)
SB 782 (Sharon Reilly)	<p><u>SB 782 (Glazer) – Assisted outpatient treatment programs</u></p> <p>As amended May 5, 2021</p> <p>Amends the Assisted Outpatient Treatment Demonstration Project Act of 2002 (also known as Laura’s Law) to authorize the filing of a petition to obtain assisted outpatient treatment under the existing petition procedures for a conservatee or former conservatee who would benefit from assisted outpatient treatment to reduce the risk of deteriorating mental health while living independently.</p>	Support	Author	Assembly Rules 2-year bill.
SB 827 (Mark Neuburger)	<p><u>SB 827 (Committee on Public Safety) – Public Safety Omnibus</u></p> <p>As amended July 15, 2021</p> <p>Allows courts to offer the option of electronic delivery of “documents or the data contained in the documents” to attorneys, California Department of Corrections and Rehabilitation (CDCR), and county jails. Permits attorneys, CDCR, and county jails to opt-in and choose the electronic delivery option either orally or in writing. Finally, the proposal requires courts to continue to deliver the documents via U.S. mail if an attorney, CDCR, and county does not request electronic delivery.</p>	Support/Sponsor	Judicial Council	Signed into law (Stats. 2021, ch. 434)

Appendix
Status of 2021 Judicial Council-Sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of October 12, 2021
AB 627 (Andi Liebenbaum)	<u>AB 627 (Waldron) – Recognition of tribal court orders: rights in retirement plans or deferred compensation</u> As introduced Ensures that valid divorce or dissolution judgments issued by tribal courts that include division of pension or other deferred compensation assets are effective and, in particular, are recognized as meeting the requirements of the Employee Retirement Income Security Act of 1974 (Public Law 93-406; 88 Stat. 829), and other similar statutes that restrict the transfer or division of such assets.	Judicial Council	Signed into law (Stats. 2021, ch. 58)
AB 855 (Kate Nitta)	<u>AB 855 (Ramos) – Judicial holidays</u> As amended June 24, 2021 Exchanges Native American Day (an existing state holiday), which is observed on the fourth Friday of September, as a judicial holiday in lieu of Columbus Day, which is observed on the second Monday of October.	Judicial Council	Signed into law (Stats. 2021, ch. 283)
AB 898 (Sharon Reilly)	<u>AB 898 (Lee) – Criminal records: automatic conviction record relief</u> As amended September 3, 2021 Ensures that expungements and reductions of felonies to misdemeanors are correctly represented on a person’s record if there are multiple courts involved. Currently, inaccurate publicly accessible information about a person’s conviction can linger after criminal record relief is granted, which can make it difficult to obtain employment and housing.	Judicial Council	Signed into law (Stats. 2021, ch. 202)
SB 827 (Mark Neuburger)	<u>SB 827 (Committee on Public Safety) – Public Safety Omnibus</u> As amended July 15, 2021 Allows courts to offer the option of electronic delivery of “documents or the data contained in the documents” to attorneys, California Department of Corrections and Rehabilitation (CDCR), and county jails. Permits attorneys, CDCR, and county jails to opt-in and choose the electronic delivery option either orally or in writing. Finally, the proposal requires courts to continue to deliver the documents via U.S. mail if an attorney, CDCR, and county does not request electronic delivery.	Judicial Council	Signed into law (Stats. 2021, ch. 434)