Judicial Council of California
Administrative Office of the Courts
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MEMORANDUM

TO: Honorable Ronald M. George
Members of the Policy Coordination and Liaison Committee

FROM: Kathleen Howard, Director
Office of Governmental Affairs

DATE: December 20, 2004

RE: Status of 2004 legislation considered by the Policy Coordination and Liaison Committee - Final

Following is the status report on 2004 legislation considered by the Judicial Council's Policy Coordination and Liaison Committee (PCLC) during the 2003-2004 legislative session. The bills are listed in numerical order by house (Assembly and Senate) and are indexed by subject matter. The second column, "description and updates," describes the bill on which the PCLC position was based and subsequent updates and amendments. 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://www.leginfo.ca.gov/bilinfo.html

The Office of Governmental Affairs staff member assigned to the bill is designated below the bill number as follows: Ray LeBov (RL); Kathleen Howard (KH); June Clark (JC); Tracy Kenny (TK); Eraina Ortega (EO); Dan Pone (DP); Martin Riley (MR); Ray Sardo (RS)

JUDICIAL COUNCIL OF CALIFORNIA
Status of 2004 Legislation Considered by the
Policy Coordination and Liaison Committee

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Status of 2004 Legislation Considered by the
Policy Coordination and Liaison Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of December 20, 2004
AB 44 (TK)	AB 44 (Pacheco) – Dependency proceedings: notice requirements As amended February 6, 2003 Corrects statutory errors made last year regarding notice provisions in dependency cases.	Support	Los Angeles County	Signed into law (Stats. 2004, ch. 20)
AB 129 (TK)	AB 129 (Cohn) – Juvenile court: children with dual status As amended March 30, 2004 Authorizes counties to implement dual status (dependency and delinquency) protocol for children in juvenile court.	Sponsor	Judicial Council	Signed into law (Stats. 2004, ch. 468)
AB 155 (JC)	AB 155 (Kehoe) – Criminal procedure: continuance: pending DNA analysis As amended March 5, 2003 Provides that good cause for a continuance in a homicide or forcible sex case includes, but is not limited to, the temporary unavailability of requested forensic DNA analysis results and reports, when the DNA evidence at issue is pending analysis at a laboratory at the time a motion for continuance is made. ***UPDATE:* As amended June 10, 2003** ***Provides that good cause for a continuance in a homicide or forcible sex crime may include the temporary unavailability of requested forensic DNA analysis results and reports, when the DNA evidence at issue is pending analysis at a laboratory at the time a motion for continuance is made.***	Original position: Oppose Update: ***As amended June 10, 2003*** ***No position***	California District Attorneys Association, San Diego District Attorney	Dead – 2003
AB 270 (JC)	AB 270 (Bates) – Jury service: peace officer exemption As introduced Exempts harbor and port police from criminal and civil jury duty.	Oppose	California Association of Harbor Masters and Port Captains	Dead – 2004

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of December 20, 2004
AB 623 (JC)	AB 623 (Lieber) – Hazardous chemicals: discharge: punishment As introduced Among other things, requires the judge, upon sentencing a defendant found guilty of certain hazardous chemical discharge violations without first providing warning to exposed individuals, to consider whether the defendant has expressed remorse for the acts underlying the conviction. It also requires the judge to consider whether the defendant has made an appropriate public apology that reflects the nature of the violation and the number of potential victims.	No position	Author	Dead – 2004
AB 688 (EO)	AB 688 (Nakanishi) – Amador Courthouse As introduced AB 688 requires that the Amador County courthouse and hospital transfer to the state on January 1, 2004, and relieves Amador County of its responsibility to provide court facilities pursuant to SB 1732 (Escutia), Stats. 2002, ch. 1082. ***UPDATE: As amended April 28, 2003*** ***Amendments provide that in establishing the recommended priorities for funding of projects under the California Court Facilities Construction and Renovation Bond Act of 2004, the Judicial Council shall consider all relevant factors bearing on the priority of each proposed project, including a proposal for matching funds.***	Original position: Oppose Update: ***As amended April 28, 2003*** ***No position***	Amador County	Dead – 2004

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of December 20, 2004
AB 782 (TK)	AB 782 (Kehoe) – Court records: family law As introduced Grants to the Public Employment Relations Board authority to process claims involving violations of statutes or rules relating to employment relations between trial courts and recognized employee organizations. ***UPDATE*: As amended April 1, 2004** ***Addresses family law issues and deletes the previous provisions.*** ***UPDATE*: As amended May 5, 2004** ***Provides that parties may request the sealing of documents in a family law file that contain financial or asset information. Eliminates a form in dissolution matters containing the social security numbers of the parties. Authorizes parties to redact their social security numbers from documents filed with the court, with specified exceptions. Requires the Judicial Council to make form changes to effectuate these changes.***	Original position: Oppose unless amended to delete the Public Employment Relations Board provision and to address concerns related to the improvement of the existing process for dispute resolution and unfair labor practice claims. Updates: ***As amended April 1, 2004*** ***No position – under review by advisory committee*** ***As amended May 5, 2004*** ***No position***	California Independent Public Employees Legislative Council Privacy Rights Clearinghouse	Signed into law (Stats. 2004, ch. 45) The enacted bill relates to family law. Provisions similar to those relating to PERB in the original version of AB 782 were enacted in budget trailer bill SB 1101 (Stats. 2004, ch. 227)
AB 865 (JC)	AB 865 (Matthews) – Criminal procedure: jury instructions: juror misconduct As introduced Requires the court to instruct the jury, after the jury has been sworn and before the people's opening address, that the integrity of a trial requires that jurors conduct themselves as required by the court's instructions, and that accordingly, if any juror refuses to deliberate, or expresses an intention to disregard the law or to decide the case based on any improper basis, the other jurors shall immediately advise the court of that fact.	No position	California District Attorneys Association	Dead – 2004
AB 1108 (TK)	AB 1108 (Bermudez) – Child custody: drug testing As introduced Authorizes the court in a child custody proceeding to order a parent to undergo testing if the court has determined, by a preponderance of evidence, that there is "the illegal use of controlled substance." ***UPDATE*: As amended September 2, 2003** ***Addresses technical and clarifying concerns.***	Original position: No position, but seek technical and clarifying amendments. Update: ***As amended September 2, 2003*** ***No position***	Author	Signed into law (Stats. 2004, ch. 19)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of December 20, 2004
AB 1155 (DP)	AB 1155 (Liu) – Conservators and guardians: educational requirements As amended June 29, 2004 As proposed to be amended, requires the Judicial Council to adopt a rule of court that does all of the following: (1) specifies the qualifications of a private professional conservator or private professional guardian; (2) requires a private professional conservator or private professional guardian to complete 15 hours of education each year in classes related to the duties of a conservator or guardian; (3) specifies the particular subject matter that may be included in the 15 hours of education required each year; (4) requires a private professional conservator or private professional guardian to certify to the court the completion of the yearly 15 hours of education. ***UPDATE: As amended August 23, 2004*** ***Allows the council to get the number of hours required. Exempts from the educational requirements individuals appointed to the court as guardians of the person only. Allows courts to waive the educational requirements in individual cases where compliance would results in an undue hardship.***	Original position: Support if amended Update: ***As amended August 23, 2004*** ***Support***	Author	Signed into law (Stats. 2004, ch. 625)
AB 1249 (JC)	AB 1249 (Pacheco) – Criminal procedure: subpoenas As amended March 28, 2003 Prohibits a subpoenaing party to a criminal action from directing a witness to make subpoenaed records available for inspection or copying at the witness' business address. Further precludes a subpoenaing party to a criminal action from making an oral or written request that a custodian of records provide records directly to the person serving the subpoena.	Support	California District Attorneys Association	Signed into law (Stats. 2004 ch. 162)
AB 1306 (JC)	AB 1306 (Leno) – Substance Abuse and Crime Prevention Act (Prop.36): transfer of jurisdiction As amended August 18, 2003 Provides that if a person is sentenced pursuant to the Substance Abuse and Crime Prevention Act (Proposition 36), probation and jurisdiction shall be transferred to the defendant's county of permanent residence at the discretion of the sentencing judge.	Sponsor	Judicial Council	Signed into law (Stats. 2004, ch. 30)
AB 1346 (JC)	AB 1346 (Bermudez) – Court records: confidentiality As introduced Requires the court to make confidential any law enforcement report containing personal identifying information that is read or considered by the court.	Support in concept	Los Angeles District Attorney, Orange County District Attorney	Dead – 2004

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of December 20, 2004
AB 1435 (JC)	AB 1435 (Koretz) – Criminal proceedings: sanctions As introduced Authorizes a court in a criminal case to order a party who has violated discovery disclosure requirements or any lawful court order to pay a monetary sanction.	No position	Judge Quentin Kopp, Superior Court of San Mateo County	Dead – 2004
AB 1653 (JC)	AB 1653 (Mullin) – Appeals: attorneys: contempt As introduced Allows an attorney for a party to a criminal proceeding to appeal a sanction order or finding of contempt against him or her to the court authorized to hear an appeal of the judgment in the main action. Requires the court to stay the execution of the order or imposition of punishment pending appeal, unless it finds on the record that a stay would frustrate the interests of justice.	Oppose	Los Angeles District Attorney	Dead – 2004
AB 1848 (DP)	AB 1848 (Harman) – Certification of trusts: change of trustee As introduced Authorizes a successor trustee to execute and record an affidavit of change of trustee if title to an interest in real property is affected by a change of trustee. Requires the county recorder to index the document.	Support	State Bar of California, Trusts and Estates Section	Signed into law (Stats. 2004, ch. 136)
AB 1851 (DP)	AB 1851 (Harman) – Incapacity: protective proceedings As amended April 16, 2004 Revises and recasts the law concerning the court's responsibility to approve compromises of claims of minors, and settlements of actions or disposition of judgments in favor of minors or "incompetent persons." Among other things, the bill replaces the term "incompetent person" with the more modern term "person with a disability," and defines that term by reference to federal law applicable to disabled persons eligible for public benefits. The bill also clarifies the disposition alternatives available to the court for the proceeds of a judgment or settlement for a minor disabled adult where no guardian or conservator has been appointed, and permits the court to establish a special needs trust for a disabled minor that will continue under court supervision after the minor reaches age 18. The bill provides that a court may not make an order with respect to an adult who is disabled but who has the capacity to consent to the order, and who has no conservator of the estate with authority to make that decision on behalf of the person, without the express consent of the disabled adult.	Support	State Bar of California, Trusts and Estates Section	Signed into law (Stats. 2004, ch. 67)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of December 20, 2004
AB 1883 (DP)	AB 1883 (Harman) – Trustees: bonds As introduced Permits a court to require a bond where it is necessary to protect the interests of persons having an interest in a trust estate. Allows a court to excuse the requirement of a bond in specified circumstances. ***UPDATE: As amended April 1, 2004*** ***Amendments prevent routine waivers but allow court discretion in waiving bond requirement where it is warranted.***	Original position: Oppose unless amended Update: ***As amended April 1, 2004*** ***Support***	State Bar of California, Trusts and Estates Section	Signed into law (Stats. 2004, ch. 75)
AB 1910 (DP)	AB 1910 (Harman) Decedents' estates: posthumously conceived children As amended June 29, 2004 Establishes procedures regarding the inheritance rights of posthumously conceived children.	Neutral	Author	Signed into law (Stats. 2004, ch. 775)
AB 1978 (JC)	AB 1978 (Haynes) Juror exemptions: mothers with custody of children under six years of age As introduced Exempts from jury service mothers with custody of minor children under six years of age.	Oppose	California Family Council	Dead – 2004
AB 2011 (JC)	AB 2011 (Firebaugh) – Bail: guilty plea As introduced When determining whether to allow a defendant who has pleaded guilty or no contest to be admitted to or to remain out on bail, requires a court to consider the same factors that must be considered after a verdict has been rendered against a defendant.	Oppose	Author	Dead – 2004

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of December 20, 2004
AB 2018 (TK)	AB 2018 (Chu) – Community property: domestic violence convictions As introduced States the intent of the Legislature to create a rebuttable presumption that a spouse who has been convicted of an act of domestic violence against the other spouse during the five-year period prior to the filing of a petition for dissolution of marriage, or any time thereafter, is not entitled to any share of the victim spouse's retirement or pension benefits. ***UPDATE: As amended April 15, 2004*** ***Provides that the court can enforce a civil judgment for domestic violence against a spouse's state of community property in a dissolution proceeding. Requires the court to notify the witness and the defendant in a criminal proceeding involving specified acts of domestic violence that civil remedies are available.*** ***UPDATE: As amended June 28, 2004*** ***Notice provision removed.***	Original position: Oppose Update: ***As amended April 15, 2004*** ***Oppose*** Update: ***As amended June 28, 2004*** ***No position***	Author	Signed into law (Stats. 2004, ch. 299)
AB 2148 (TK)	AB 2148 (Diaz) – Domestic Violence Prevention Act\: attorney's fees and required orders As introduced Makes attorney's fees awards mandatory in family law matters where there is an ability to pay. Restricts the court from holding custody or visitation proceedings until "a reasonable time" after it has ruled on an application for attorney's fees. Requires the court to make orders for child custody and visitation, child support, and spousal support in an action brought under the DVPA. ***UPDATE: As amended April 28, 2004*** ***Establishes new structure for ordering a party to pay the costs of the other party's legal costs in specified family law proceedings. Authorizes the court to make spousal support orders under the Domestic Violence Protection Act (DVPA). Requires the court when determining whether to make custody, visitation, or support orders under the DVPA to consider whether failure to make the order will affect the safety of the petitioner.***	Original position: Oppose Update: ***As amended April 28, 2004*** ***No position***	California Alliance Against Domestic Violence	Signed into law (Stats. 2004, ch. 472)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of December 20, 2004
AB 2173 (JC)	AB 2173 (Parra) – Driving under the influence: statement As introduced Provides that the court must require a person convicted of a DUI to sign and date a statement that indicates that the person is aware that individuals who drive under the influence pose a serious threat to the lives of innocent persons. Requires the court to include on the abstract of judgment that the person has signed and dated the statement, or attach the statement to the abstract. ***UPDATE: As amended May 20, 2004*** ***Amendments eliminate requirement that court get statement signed by defendant. Requires instead that court, give advisement.***	Original position: Oppose unless amended; neutral if amended. Update: ***As amended May 20, 2004*** ***Neutral***	Author	Signed into law (Stats. 2004, ch. 502)
AB 2228 (TK and DP)	AB 2228 (Garcia) – Minors: release of information As introduced Requires a state agency, county welfare department, child protective services agency, law enforcement agency, county probation office, or another court, to provide to the family court, juvenile court, or probate court, or to a court-connected evaluator or court-appointed investigator, in child custody and probate guardianship proceedings, upon request, all available information the court deems necessary to make a determination regarding the best interest of a child. ***UPDATE: As amended April 28, 2004*** ***Requires family, juvenile, and probate courts in child custody, welfare, and guardianship proceedings, to share upon request, all available information the court deems necessary to make a determination regarding the best interest of a child, as specified. Authorizes the release of juvenile court file information to probate investigators and court appointed child custody evaluators.***	Original position: Support Update: ***As amended April 28, 2004*** ***Support***	Riverside Superior Court	Signed into law (Stats. 2004, ch. 574)
AB 2253 (JC)	AB 2253 (Mountjoy) – Juror exemptions: person who is 75 years or older As introduced Exempts from jury service a prospective juror who is 75 years of age or older, if that person wishes to be excused.	Oppose	Author	Dead – 2004
AB 2271 (JC)	AB 2271 (Parra) – Juror exemptions: parole, probation, and correctional officers As introduced Prohibits parole, probation, and correctional officers from being selected for voir dire in civil or criminal matters.	Oppose	Author	Dead – 2004

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of December 20, 2004
AB 2288 (JC)	AB 2288 (Pacheco) – Criminal procedure: continuances As introduced Adds fraud and embezzlement cases alleging the taking of more than $100,000, and cases alleging a pattern of conduct involving a taking of more than $100,000, to those cases in which a continuance must be granted in a criminal proceeding under the good cause exception. ***UPDATE: As amended April 28, 2004 addresses another subject.***	Original position: Oppose Update: ***As amended April 28, 2004*** ***No position***	Los Angeles District Attorney	Signed into law (Stats. 2004, ch. 780)
AB 2472 (DP)	AB 2472 (Wolk) – California Tax Court As amended, April 1, 2004 AB 2472, and an identical companion measure, SB 1424, would create the California Tax Court, which would replace the State Board of Equalization (BOE) as the forum that would hear and determine appeals from taxpayers with respect to sales and use tax determinations, specified insurance tax determinations, personal income tax deficiency assessments, and corporation tax deficiency assessments. The bills prescribe the qualifications for, the term of office of, and the manner in which a judge is appointed to the California Tax Court. The legislation also sets forth the procedures to be followed by the California Tax Court with respect to these appeals and provides that a taxpayer's option to file an appeal with the California Tax Court would be in lieu of filing an appeal in the California Superior Court. The bills provide further that, within 90 days of the date a determination by the California Tax Court becomes final, a taxpayer or the applicable state agency may appeal the determination of the California Tax Court to the Court of Appeal. ***UPDATE: As amended April 12, 2004*** ***Amendments replaced appeal with writ of review process and clarified substantial evidence test. Sole remaining area of concern is "court" and "judge" terminology, which the author has agreed to change.***	Original position: Oppose unless amended; neutral if amended. Update: ***As amended April 12, 2004*** ***Neutral if amended***	Author	Dead – 2004

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of December 20, 2004
AB 2627 (TK)	AB 2627 (Steinberg) – Dependency proceedings: public access As introduced Provides that juvenile dependency proceedings shall be open to the public unless an objection is made, and the court determines that admitting the public would cause harm to the child's best interests. Requires that the child be advised of his or her right to request that the hearing be closed. Requires the court to admonish and order court attendees not to disclose personally identifiable information about the child and other family members that is mentioned during the proceedings. ***UPDATE: As amended March 23, 2004*** ***Clarifies responsibilities of the court.*** ***UPDATE: As amended May 4, 2004*** ***Provides for pilot implementation of open dependency proceedings in courts selected by the Judicial Council.***	Original position: Support in concept Updates: ***As amended March 23, 2004*** ***Support*** ***As amended May 4, 2004*** ***Support***	Author	Dead – 2004
AB 2795 (TK)	AB 2795 (Wolk) – Child welfare services: case plan: family maintenance As introduced Extends to 60 days the time period available to the child welfare worker to complete a written case plan for family maintenance services to afford child welfare caseworkers the opportunity to solicit input from the child and family. Allows family maintenance services to be provided for multiple six-month periods until the child reaches 18 years of age.	Support	Dept. of Social Services	Signed into law (Stats. 2004, ch. 332)
AB 2905 (JC)	AB 2905 (Spitzer) – Public safety officials: relocation expenses As amended May 20, 2004 Expands existing provisions regarding relocation costs to include judges, court commissioners, and specified others. Requires that an employing governmental entity reimburse moving and relocation expenses if it is necessary to move because the judge or court commissioner has received a credible threat that a life threatening action may be taken against him or her or his or her immediate family as a result of his or her employment.	Support	Author	Signed into law (Stats. 2004, ch. 248)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of December 20, 2004
AB 2986 (JC)	AB 2986 (Benoit) – Search warrants: confidentiality As introduced Requires that records of the court relating to a search warrant remain closed to the public until the earliest of any of several specified events or one year if, at the time of application, the affiant submits a supplemental affidavit stating that opening the records to the public will prejudice an ongoing investigation. Permits access to these records to a person from whom property was seized, after a hearing at which a court has balanced competing interests and found in favor of that access, subject to reasonable court conditions that may include a prohibition on further disclosure. ***UPDATE: as amended April 1, 2004*** ***Amended to require affiant to submit a supplemental affidavit setting forth facts demonstrating to the court's satisfaction that opening the records will interfere with an on-going investigation.***	Original position: Neutral if amended. Update: ***As amended April 1, 2004*** ***Neutral***	CA District Attorneys Association	Dead - 2004
AB 3049 (RS)	AB 3049 (Asm. Transp. Comm.) – Motor vehicles: commercial As amended, August 23, 2004 Specifies that a court may not order or permit a commercial driver's license holder to complete traffic violator school (TVS) in lieu of adjudicating any traffic offense. And, similarly specifies that a court may not order or permit a person who commits a Vehicle Code violation in a commercial vehicle to complete TVS in lieu of adjudicating any traffic offense, regardless of driver's license class.	Oppose unless amended and funded; no position if amended and funded.	Author	Signed into law (Stats. 2004, ch. 952)
AB 3078 (DP)	AB 3078 (Asm. Jud. Comm.) – Civil Omnibus As introduced Makes several non-controversial changes to the statute governing the times for service and filing of motion papers, as well as clarifying the cutoff date for discovery in civil cases. Also clarifies standing of emancipated minors in small claims court, and clarifies to whom a clerk must provide notice when a check for filing fees has been returned for non-payment. ***UPDATE: As amended June 10, 2004*** ***Provides prospective relief to a party who pays an incorrect filing fee.***	Sponsor	Judicial Council	Signed into law (Stats. 2004, ch. 171)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of December 20, 2004
AB 3079 (TK)	AB 3079 (Asm. Jud. Comm.) – Court Operations As introduced Allows retired SJOs to serve on assignment subject to the applicable limits of the SJO's retirement plan. ***UPDATE:* As amended April 22, 2004** ***Authorizes the compensation of retired subordinate judicial officers sitting on assignment in a manner analogous to retired judges. Eliminates appellate filing fees in specified mental health and juvenile cases. Provides Court Appointed Special Advocates with access to a social worker's complete report to the court. Clarifies the scope of a Rule of Court concerning attorney contact information in dependency cases. Corrects obsolete statutory references.*** ***UPDATE:* As amended June 10, 2004** ***In addition to the provisions above, allows extension of temporary restraining orders during court emergencies.***	Original position: Co-sponsor Updates: ***As amended April 22, 2004*** ***Co-sponsor*** ***As amended June 10, 2004*** ***Co-sponsor***	Judicial Council and California Judges Association	Signed into law (Stats. 2004, ch. 811)
SB 58 (JC)	SB 58 (Johnson) – Court records: confidentiality As introduced Requires the court to seal a police report, arrest report, or investigative report, and any item attached to it, submitted to the court by a prosecutor in support of a criminal complaint, indictment, or information, or by a prosecutor or law enforcement officer in support of a search warrant or an arrest warrant.	Support in concept	Orange County District Attorney	Signed into law (Stats. 2004, ch. 507)
SB 131 (JC)	SB 131 (Sher) – Marijuana possession: penalty As amended March 27, 2003 Reclassifies as an infraction the possession of not more than 28.5 grams of marijuana for the first offense and as infraction or misdemeanor for subsequent offenses. Provides that if the defendant has been previously convicted two or more times of similar offense during the two-year period immediately preceding the date of commission of the violation to be charged, the previous convictions shall also be charged in the accusatory pleading.	Support	Judge Quentin Kopp, San Mateo County Superior Court	Dead – 2004
SB 246 (EO)	SB 246 (Escutia) – Courts: fines and penalties As amended, January 22, 2004 Allows courts, in addition to counties to refer delinquent fines to the Franchise Tax Board.	Sponsor	Judicial Council	Signed into law (Stats. 2004, ch. 380)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of December 20, 2004
SB 254 (EO)	SB 254 (Dunn) – Court security As introduced Prohibits the use of court attendants in civil courtrooms.	Oppose unless amended to clarify only that court attendants can be used in civil courtrooms.	California State Sheriffs' Association; Association of Orange County Deputy Sheriffs	Dead – 2004
SB 324 (EO)	SB 324 (Florez) – Tulare County: remittance of court revenues As introduced Validates the incorrect distribution of fines, fees, forfeitures, and penalties made by the County of Tulare to the State Treasurer for deposit in the Trial Court Improvement Fund in the 1996-97 to 1999-2000 fiscal years.	Oppose unless amended to include a General Fund appropriation.	Tulare County	Dead – 2004
SB 328 (EO)	SB 328 (Senate Jud. Comm.) – Trial Court Facilities Act: clean-up As introduced Makes technical changes to the Trial Court Facilities Act. ***UPDATE:* As amended September 9, 2003** ***Addresses another subject.***	Original position: Co-Sponsor Update: ***As amended September 9, 2003*** ***No position***	Judicial Council and California State Association of Counties	Vetoed by the Governor after being amended to address unrelated subject. – 2003
SB 655 (EO)	SB 655 (Escutia) – California Court Facilities Construction & Renovation Bond Act of 2004 As introduced Authorizes the issuance, pursuant to the State General Obligation Bond Law, of up to $1,850,000,000 in bonds, the proceeds of which would be deposited in the State Court Facilities Construction Fund for the purposes specified in existing law.	Sponsor	Judicial Council	Dead – 2004
SB 718 (JC)	SB 718 (Dunn) – Criminal procedure: motion to suppress As introduced Limits the evidentiary hearing concerning a motion alleging unlawful search or seizure to the law enforcement or other governmental conduct that has been precisely identified in the defendant's motion.	Support if amended to clarify that the motion must describe the "challenged conduct" rather than "precise conduct."	California District Attorneys Association	Dead – 2004

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of December 20, 2004
SB 730 (TK)	SB 730 (Burton) – Child custody: residency As amended August 9, 2004 Establishes presumptive rights for the custodial parent to relocate with the child when the noncustodial parent requests that the court restrain that the move, or change the custody order in response to the move.	Oppose	Coalition for Family Equity	Dead – 2004
SB 734 (TK/KH)	SB 734 (Ortiz) – Child custody: supervised visitation As amended April 30, 2003 Prohibits a court from granting unsupervised visitation to a parent who has perpetrated domestic violence, except as specified; prohibits a court from imposing supervised visitation on a parent who is deemed a flight risk if that parent was attempting to protect himself or herself or his or her child from harm perpetrated by the other parent; requires a court to impose supervised visitation, notwithstanding a stipulation to the contrary by the parties or recommendations by the mediator, when the court has determined that supervised visitation is necessary to protect the child from abuse.	Oppose	Legislative Coalition to Prevent Child Abuse	Dead – 2004
SB 749 (EO)	SB 749 (Escutia) – Facilities Clean-up As amended February 24, 2004 Establishes the architecture revolving fund. ***UPDATE:* As amended June 7, 2004** ***Amends the process for calculating utilities costs as part of the Court Facilities Payment (CFP). Extends timeline for the Judicial Council to adopt a rule of court concerning appeals of specified placement decisions in dependency proceedings.***	Sponsor	Judicial Council	Signed into law (Stats. 2004, ch. 249)
SB 761 (JC)	SB 761 (McPherson) – Insurance: bail services As introduced Among other provisions, prohibits a court, magistrate, or jail from accepting an undertaking of bail from a bail agent or bail agency if any summary judgment entered against an undertaking issued by the bail agent or agency remains unpaid for the period applicable to sureties. ***UPDATE:* As amended April 30, 2003** ***Amended to eliminate requirement that court determine solvency of bail agency.***	Original position: Oppose unless amended to eliminate requirement that court determine solvency of bail surety. Update: ***As amended April 30, 2003*** ***No Position***	California Bail Agents Association	Signed into law (Stats. 2004, ch. 104)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of December 20, 2004
SB 977 (JC)	SB 977 (Johnson) – Criminal actions: televised broadcasting As introduced Prohibits the live or delayed broadcasting of any criminal action until a verdict is rendered.	Oppose	Judge Quentin L. Kopp, San Mateo County Superior Court	Dead – 2004
SB 1151 (JC)	SB 1151 (Kuehl) – Juvenile crime: fitness hearing As introduced Adds to the factors to be considered by the juvenile court in a fitness hearing the actual alleged behavior of the minor, the minor's degree of involvement in the crime, the level of harm actually caused by the minor, and any other matter that may affect the circumstances and gravity of the offenses.	Support	Author	Vetoed by the Governor – 2004
SB 1246 (EO)	SB 1246 (Burton) – Former judges: court appearances As introduced Requires the Supreme Court and the State Bar to develop standards and rules of professional conduct governing the propriety of an attorney appearing before a court where that individual previously served as a judicial officer.	No Position	Author	Vetoed by the Governor – 2004
SB 1249 (DP)	SB 1249 (Morrow) – Civil procedure: hearings As introduced Amends Code of Civil Procedure section 17 to add a new definition of "hearing" as follows: The word "hearing," when applied to any demurrer, motion, or order to show cause, signifies oral argument by moving and opposing parties on a record amenable to written transcription which shall be had unless affirmatively waived by the parties.	Oppose	Conference of Delegates of California Bar Associations	Dead – 2004

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of December 20, 2004
SB 1269 (RS)	SB 1269 (Morrow) – Traffic violators: court services fees As amended March 22, 2004 Requires that the fee a court may charge a traffic violator who attends traffic violator school (TVS) to defray the costs incurred by a Court Assistance Program (CAP) to provide services to the court for the administration and monitoring services of a court's TVS program may not exceed $6 or the actual costs incurred, whichever is less. Requires courts to report annually to the Judicial Council financial data showing the specific functions, activities and the amount expended from the fees collected. Permits a court to seek approval from the Judicial Council for fees in excess of $6. Provides that all documentation submitted to the council in the annual reporting process and in the approval process be made available to interested parties at the parties' cost. ***UPDATE:* As amended August 24, 2004** ***Requires the Judicial Council, by June 1, 2005, to collect information and compile a report on how courts work with traffic violator schools, home study programs, and Court Assistance Programs (CAPs), and the fees charged by CAPs. Also requires the council, by June 1, 2005, to recommend approaches to setting the fiscal policy for CAP fees charged to traffic violators who attend DMV licensed traffic schools or court-approved programs of driving instruction.***	Original position: Oppose unless amended Update: ***As amended August 24, 2004*** ***Neutral***	California Traffic Violator Schools Association	Signed into law (Stats. 2004, ch. 665)
SB 1287 (JC)	SB 1287 (Kuehl) – Prisoners: incarcerated parents As introduced Prior to the acceptance of a plea, requires the court to advise the defendant that if the defendant is a custodial parent, conviction may have consequences for the defendant's parental rights. Requires the court to allow the defendant additional time to consider the appropriateness of the plea in light of the advisement. Also requires the court to vacate the judgment and allow withdrawal of the plea if, at any time following the judgment, the defendant petitions the court on the grounds that the advisement was not given. Creates a presumption that the advisement was not given in the absence of a record that the court provided the advisement. ***UPDATE:* As amended August 4, 2004** ***Requires court to give advisement at time of arraignment rather than at acceptance of plea.***	Oppose unless amended Update: ***As amended August 4, 2004*** ***Neutral***	Author	Vetoed by the Governor – 2004

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of December 20, 2004
SB 1305 (TK)	SB 1305 (Vasconcellos) – Elder and dependent adult abuse As amended, March 22, 2004 To the extent that funds are available, requires the Judicial Council to establish a unit within the Administrative Office of the Courts to assess the treatment of elder and dependent adult abuse cases and devise administrative strategies for improving the handling and coordination of these cases. Requires the Judicial Council to pursue available grant funding to support these activities. Additionally, it requires the Judicial Council to the extent that resources are available, to incorporate elder and dependent adult abuse issues into its existing educational programs, and report annually to the Legislature on its activities under these sections.	Support	Author	Dead – 2004
SB 1424 (DP)	SB 1424 (Burton) – California Tax Court As amended, March 24, 2004 SB 1424, and an identical companion measure, AB 2472, would create the California Tax Court, which would replace the State Board of Equalization (BOE) as the forum that would hear and determine appeals from taxpayers with respect to sales and use tax determinations, specified insurance tax determinations, personal income tax deficiency assessments, and corporation tax deficiency assessments. The bills prescribe the qualifications for, the term of office of, and the manner in which a judge is appointed to the California Tax Court. The legislation also sets forth the procedures to be followed by the California Tax Court with respect to these appeals and provides that a taxpayer's option to file an appeal with the California Tax Court would be in lieu of filing an appeal in the California Superior Court. The bills provide further that, within 90 days of the date a determination by the California Tax Court becomes final, a taxpayer or the applicable state agency may appeal the determination of the California Tax Court to the Court of Appeal. ***UPDATE: As amended April 15, 2004*** ***Amendments replaced appeal with writ of review process and clarified substantial evidence test. Sole remaining area of concern is "court" and "judge" terminology, which the author has agreed to change.***	Original position: Oppose unless amended; neutral if amended Update: ***As amended April 15, 2004*** ***Neutral if amended***	Author	Dead – 2004

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of December 20, 2004
SB 1616 (TK)	SB 1616 (Knight) – Spousal support As amended March 22, 2004 SB 1616 would change the law governing the award of spousal support to require the court to find a party to be self-supporting if that party currently has an annual income that equals or exceeds 50 percent of the highest total annual income of the parties during the marriage. In addition, the bill would require the court to state its reasons for making any spousal support order on the record and in writing and to detail how the order conforms with new requirements concerning a determination that a party is self-supporting.	Oppose	Author	Dead – 2004
SB 1655 (RL)	SB 1655 (Kuehl) – Judicial opinions: citation As introduced Provides that all appellate opinions maybe cited for persuasive value.	Oppose	Michael and Kenneth Schmier, Private Attorneys	Dead – 2004
SB 1697 (MR)	SB 1697 (Torlakson) – Driving under the influence: consolidation of driver's license sanctions As introduced Consolidates administration of all sanctions related to the driving privilege imposed as a result of a driving-under-the influence conviction with the Department of Motor Vehicles.	Support	Author	Signed into law (Stats. 2004 ch. 551)
SB 1744 (JC)	SB 1744 (Dunn) – Bail services: reform As amended April 1, 2004 Enacts numerous reforms to the bail system. Specifies that when a forfeited bond is not paid within the permitted timeframe, and a summary judgment is entered against the bondsman by the court, the amount of the summary judgment issued is due and payable within 30 days of the judgment. On appeal of the summary judgment, the bill requires the full amount of the summary judgment to be deposited with and placed in escrow by the superior court, to be returned within 30 days of the reversal of that judgment. Interest accrued on the deposited amount would be retained by the court. Also, requires the clerk of the court to file a notice of a surety's failure to pay a summary judgment with the Department of Insurance within 30 days following the entry of notice of summary judgment. ***UPDATE:* As amended August 17, 2004** ***Amendments authorize court to collect administrative fee of up to $50 for the cost of maintaining the escrow account, and eliminate the requirement that the court retain the interest that accrues on the account.***	Neutral, but amend Update: ***As amended August 17, 2004 Neutral***	Los Angeles District Attorney	Vetoed by the Governor

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of December 20, 2004
SB 1801 (EO)	SB 1801 (Bowen) – Credit card processing fees As introduced Prohibits any state or local agency or court that accepts a credit card or debit card as payment from imposing any processing fee or charge for the use of that card that is not also imposed upon persons who pay by cash or check. ***UPDATE:* As amended April 16, 2004** ***Eliminates impact on court operations***	Original position: Oppose Update: ***As amended April 16, 2004*** ***No position***	Author	Dead – 2004
SB 1902 (TK)	SB 1902 (Florez) – Dependent children: reunification services As introduced Prohibits the court from returning a dependent child to his or her parent or guardian until the social worker completes a home visit and determines in a written report that the home is safe, and the parent or guardian completes a parenting class. Removes the court's discretion to order reunification services on a subsequent dependency case where the child has previously been adjudged a dependent and removed from the home. Requires in these cases that a 366.26 hearing be ordered. ***UPDATE:* As amended April 13, 2004** ***Dependency provisions deleted, now concerns Political Reform Act***	Original position: Oppose Update: ***As amended April 13, 2004*** ***No position***	Author	Dead – 2004

Appendix
Status of 2004 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status As of December 20, 2004
AB 129 (TK)	AB 129 (Cohn) – Juvenile court: children with dual status As amended March 8, 2004 Authorizes counties to implement dual status (dependency and delinquency) protocol for children in juvenile court.	Judicial Council	Signed into law (Stats. 2004, ch. 468)
AB 1306 (JC)	AB 1306 (Leno) – Substance Abuse and Crime Prevention Act (Prop. 36): transfer of jurisdiction As amended August 18, 2003 Provides that if a person is sentenced pursuant to the Substance Abuse and Crime Prevention Act (Proposition 36), probation and jurisdiction shall be transferred to the defendant's county of permanent residence at the discretion of the sentencing judge.	Judicial Council	Signed into law (Stats. 2004, ch. 30)
AB 3078 DP	AB 3078 (Asm. Jud. Comm.) – Civil Omnibus As introduced Makes several non-controversial changes to the statute governing the times for service and filing of motion papers, as well as clarifying the cutoff date for discovery in civil cases. Also clarifies standing of emancipated minors in small claims court, and clarifies to whom a clerk must provide notice when a check for filing fees has been returned for non-payment. ***UPDATE: As amended June 10, 2004*** ***Provides prospective relief to a party who pays an incorrect filing fee.***	Judicial Council	Signed into law (Stats. 2004, ch. 171)

Appendix
Status of 2004 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status As of December 20, 2004
AB 3079 (TK)	AB 3079 (Asm. Jud. Comm.) – Court Operations As introduced Allows retired SJOs to serve on assignment subject to the applicable limits of the SJO's retirement plan. ***UPDATE:* As amended April 22, 2004** ***Authorizes the compensation of retired subordinate judicial officers sitting on assignment in a manner analogous to retired judges. Eliminates appellate filing fees in a specified mental health and juvenile cases. Provides Court Appointed Special Advocates with access to a social worker's complete report to the court. Clarifies the scope of a Rule of Court concerning attorney contact information in dependency cases. Corrects obsolete statutory references.*** ***UPDATE:* As amended June 10, 2004** ***In addition to above, allows extension of temporary restraining orders during court emergencies.***	Judicial Council and California Judges Association	Signed into law (Stats. 2004, ch. 811)
SB 246 (EO)	SB 246 (Escutia) – Courts: fines and penalties As amended, January 22, 2004 Allows courts, in addition to counties, to refer delinquent fines to the Franchise Tax Board.	Judicial Council	Signed into law (Stats. 2004, ch. 380)
SB 328 (EO)	SB 328 (Senate Jud. Comm.) – Trial Court Facilities Act: clean-up As introduced Makes technical changes to the Trial Court Facilities Act. ***UPDATE:* As amended September 9, 2003** Addresses another subject. As amended no position.	Judicial Council and CA State Assoc. of Counties	Vetoed by the Governor after being amended to address unrelated subject. – 2003
SB 655 (EO)	SB 655 (Escutia) – California Court Facilities Constr.& Renovation Bond Act of 2004 As introduced Authorizes the issuance, pursuant to the State General Obligation Bond Law, of up to $1,850,000,000 in bonds, the proceeds of which would be deposited in the State Court Facilities Construction Fund for the purposes specified in existing law.	Judicial Council	Dead – 2004

Appendix
Status of 2004 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status As of December 20, 2004
SB 749 (EO)	SB 749 (Escutia) – Facilities Clean-Up As amended February 24, 2004 Establishes the architecture revolving fund. ***UPDATE:* As amended June 7, 2004** ***Amends the process for calculating utilities costs as part of the Court Facilities Payment (CFP). Extends timeline for the Judicial Council to adopt a rule of court concerning appeals of specified placement decisions in dependency proceedings.***	Judicial Council	Signed into law (Stats. 2004, ch. 249)