ASSEMBLY COMMITTEE ON PUBLIC SAFETY

2024
Legislative Summary

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CALIFORNIA LEGISLATURE

Assembly Public Safety Committee

2024 Legislative Bill Summary

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Child Abuse

AB-1831 (Berman) - Crimes: child pornography.

Existing law defines “obscene matter,” as it pertains to crimes related to child pornography, as “any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, or any other computer-related equipment or computer-generated image that contains or incorporates in any manner, any film, filmstrip, photograph, negative, slide, photocopy, videotape, or video laser disc.”

As explained by the author, “currently, prosecution of the possession of child sexual abuse material (CSAM) and related crimes, require proof that the material in question depicts a real child. However, advances in artificial intelligence (AI) and computer technology have made it possible, cheap, and easy to create highly realistic deepfake content, including CSAM. For example, websites available to the general public offer services that modify images of real people, including children, to make them appear nude. Other websites will generate artificial images of children in any position or situation the user demands. The images are often so realistic that the human eye cannot tell they are fake. Numerous free applications utilize generative AI technology to produce images and videos of humans that appear real.”

AB 1831 (Berman) adds to the definition of “obscene matter” and "matter," any "digitally-altered or artificial-intelligence-generated matter," as it pertains to images of persons under the age of 18 engaged in sexual conduct.

Status: Chapter 926, Statutes of 2024

AB-2295 (Addis) - Crimes: commencement of prosecution.

For many survivors, disclosing abuse is a long and painful process. Numerous factors prevent survivors, especially those abused as children, from reporting their abuse including: feelings of shame, lacking trusted adults and opportunities to disclose, and fear of additional victimization or not being believed. Even when survivors become adults, various societal, institutional, and psychological barriers impede their ability to report their abuser. Many survivors miss the deadline to obtain justice because trauma affects them in a way that causes them to delay disclosure of their abuse until they are older.

AB 2295 (Addis) provides that, if prosecution for specified sex crimes alleged to have been committed when the victim was under 18 years of age did not commence prior to the victim's 40th birthday, the prosecuting agency may provide victim assistance to the

victim, including support with restorative justice.

Status: Chapter 825, Statutes of 2024

SB-1381 (Wahab) - Property crimes: regional property crimes task force.

With the rapid advancement of AI, this technology is being used to create highly realistic images of child sexual abuse, which can be virtually indistinguishable from a real child. The process of creating AI-generated sexually explicit images of minors victimizes thousands of children because an AI program must first learn what these images look like by using existing real images of children. Law enforcement officers in California have already encountered instances of people in possession of AI-generated child sexual abuse material (CSAM) that could not be prosecuted due to the deficiency in current law.

SB 1381 (Wahab) adds to the definition of "obscene matter" and "matter," any "digitally-altered or artificial-intelligence-generated matter," as it pertains to images of persons under the age of 18 engaged in sexual conduct, as specified.

Status: Chapter 929, Statutes of 2024

Controlled Substances

AB-1859 (Alanis) - Coroners: duties.

The California Department of Public Health's (DPH) Overdose Prevention Initiative (OPI) collects and shares data on fatal and non-fatal drug related overdoses, overdose risk factors, prescriptions, and substance use. The OPI works with local and state partners to address the complex and evolving nature of the drug overdose epidemic by data collection and analysis, prevention programs, public awareness and education campaigns, and safe prescribing and treatment practices. One of the five recommendations it makes to local and statewide partners is to improve rapid identification of drug overdose outbreaks by partnering with coroner and medical examiner offices, healthcare facilities, and emergency medical services to obtain overdose data to form a timely response. (Ibid.)

In January of 2017, the Washington/Baltimore HIDTA launched the Overdose Detection Mapping Application Program (ODMAP) as a response to the lack of a consistent methodology to track overdoses, which limited the ability to understand and mobilize against the crisis. According to the Washington/Baltimore HIDTA, ODMAP is an overdose mapping tool that allows first responders to log an overdose in real time into a centralized database in order to support public safety and public health efforts to

mobilize an immediate response to a sudden increase, or spike, in overdose events. ODMAP is only available to government agencies serving the interest of public safety and health.

AB 1859 (Alanis) authorizes coroners to test deceased persons for xylazine in certain circumstances; and requires coroners, if they do test for xylazine, to report positive results indicating the presence of xylazine to ODMAP and DPH. AB 1859 also requires DPH to post, in addition to the total number of xylazine-positive results, the number of xylazine-positive results by county and the number of xylazine-positive overdose deaths per 100,000 people on the California Overdose Surveillance Dashboard on DPH's website.

Status: Chapter 684, Statutes of 2024

AB-2018 (Rodriguez) - Controlled substances: fenfluramine.

Fenfluramine is drug prescribed to people suffering seizures as a result of Dravet syndrome and Lennox-Gastaut syndrome, severe forms of epilepsy. The federal government recently removed fenfluramine from Schedule IV of the federal Controlled Substances Act (CSA). However, under existing law, fenfluramine is a Schedule IV controlled substance under California's Uniform Controlled Substances Act. As such, existing law prohibits possession of fenfluramine for personal use, without a valid prescription, an offense punishable as either an infraction or a misdemeanor. (Health & Saf. Code, § 11375, subd. (b)(2).) The penalty is up to six months in county jail or a fine of $250. (Pen. Code, § 19; Pen. Code, § 19.8, subd. (b).) Possession for sale or sale of fenfluramine is also proscribed, punishable by imprisonment in county jail for up to one year or in state prison for 16 months, 2 years, or 3 years. (Health & Saf. Code, § 11375, subd. (b)(1); Pen. Code, § 18, subd. (a).)

AB 2018 (Rodriguez) removes fenfluramine from the California's list of controlled substances, aligning state law with the federal CSA, thereby eliminating criminal penalties for possession for personal use, possession for sale, or sale of the drug.

Status: Chapter 98, Statutes of 2024

AB-2106 (McCarty) - Probation.

Probation is the suspension of a custodial sentence and a conditional release of a defendant into the community. Probation can include a sentence in county jail before the conditional release to the community. Defendants convicted of misdemeanors, and most felonies, are eligible for probation based on the discretion of the court. When considering the imposition of probation, the court evaluates the safety of the public, the nature of the offense, the interests of justice, the loss to the victim, and the needs of the

defendant. (Pen. Code, § 1202.7.) The court also has broad discretion to impose conditions that foster the defendant's rehabilitation and protect public safety. (People v. Carbajal (1995) 10 Cal.4th 1114, 1120.) A valid condition must be reasonably related to the offense and aimed at deterring misconduct in the future. (Id. at 1121.)

Existing law requires a trial court to order a person granted probation subsequent to a conviction for any controlled substance offense to secure education or treatment in a local community agency. (Health & Saf. Code, § 11373, subd. (a).) Under Proposition 36, any person convicted of a nonviolent drug possession offense must be granted probation, unless otherwise precluded by law. (Pen. Code, § 1210.1, subd. (a).) A person convicted of drug trafficking may be granted probation if the trial court determines that there are circumstances in mitigation of the punishment prescribed by law or that the ends of justice would be served by granting probation to the person, and that person is not otherwise precluded by law from receiving probation. (Pen. Code, § 1203, subd. (b)(3).)

AB 2106 (McCarty) requires a court to order drug treatment or drug education when a defendant is charged with a controlled substance offense and granted probation, if there is an appropriate program with capacity to accept the defendant.

Status: Chapter 1007, Statutes of 2024

AB-2136 (Jones-Sawyer) - Controlled substances: analyzing and testing.

The number of deaths involving opioids, and fentanyl in particular, has increased significantly over the course of the last decade. In California, between 2019 and 2022, the number of opioid-related deaths in the state increased by 121 percent. (Ibarra et al., California's opioid deaths increased 121% in 3 years. What's driving the crisis?, CalMatters.org (July 25, 2023) <https://calmatters.org/explainers/california-opioid-crisis/> [last visited Feb. 21, 2024].) In 2022, the year for which the most recent data is available, there were 21,316 emergency room visits resulting from an opioid overdose, 7,385 opioid-related overdose deaths, and 6,473 overdose deaths from fentanyl. (CDPH, Overdose Surveillance Dashboard <https://skylab.cdph.ca.gov/ODdash/?tab=Home> [last visited Feb. 21, 2024].) The consumer is often unaware of the contents of, or make up of, the drug they possess.

AB 2136 (Jones-Sawyer) makes it lawful for controlled substance checking service providers to provide controlled substance checking services, and prohibits arrest and criminal prosecution for the operation of or use of those services. "Controlled substance checking service provider" means an eligible entity that provides the service of identifying, analyzing, or testing a substance, controlled or otherwise, or residue on drug paraphernalia or controlled substance packaging, to determine its chemical composition

to assist in determining whether the substance contains contaminants, toxic substances, hazardous compounds, or other adulterants within a substance.

Status: Chapter 701, Statutes of 2024

SB-910 (Umberg) - Treatment court program standards.

Existing law authorizes counties to provide drug court programs, subject to legislative intent that such drug court programs be designed and operated in accordance with "Defining Drug Courts: The Key Components," developed by the National Association of Drug Court Professionals (NADCP) and Drug Court Standards Committee (reprinted 2004). (Health and Saf. Code, §§ 11970.5, 11971, 11972.)

SB 910 (Umberg) requires counties and courts that have treatment court programs to ensure the programs are designed and operated in accordance with the state and national guidelines incorporating the "Adult Treatment Court Best Practice Standards" and "Family Treatment Court Best Practice Standards" developed by All Rise, with consideration for the distinct court system within which the program operates. Among other things, it also requires Judicial Council, no later than January 1, 2026, to revise the standards of judicial administration to reflect state and nationally recognized best practices and guidelines for collaborative programs, including treatment court programs.

Status: Chapter 641, Statutes of 2024

Corrections

AB-1810 (Bryan) - Incarcerated persons: menstrual products.

While current law requires that all incarcerated persons must have, upon request, access to personal care and hygiene products, such as tampons and sanitary napkins, a recent report by the California Department of Justice (DOJ) found a wide range of access throughout most of the counties. Counties were evaluated by their jail detention policies.

According to the DOJ report, "Of the 53 manuals evaluated, only 10 were 'fully compliant' with California law. Notably, 25 county manuals were 'not compliant' with the law. 'Fully compliant' manuals had clear language about sanitary napkins, tampons, and panty liners and specified that they were available on request as needed and at no charge for all inmates. Some manuals improperly imposed indigence requirements for cost-free access to menstrual products or only provided them for inmates incarcerated for longer than 24 hours."

Among other things, AB 1810 (Bryan) requires a person in a state prison, local detention facility, or state or local juvenile facility to have direct access to personal hygiene products and reproductive care without needing to request them. The bill also removes the requirement that an incarcerated person in state prison who menstruates or experiences uterine or vaginal bleeding must ask for personal hygiene products relating to their menstrual cycle and reproductive system.

Status: Chapter 939, Statutes of 2024

AB-1986 (Bryan) - State prisons: banned books.

CDCR's Division of Adult Institutions (DAI) is required to distribute to each institution a Centralized List of Disapproved Publications (Centralized List) that are prohibited as contraband. Examples of publications that would be included on the Centralized List include, but are not limited to, publications that contain obscene material, sexually explicit images that depict frontal nudity, warfare or weaponry, and bomb making instructions. Publications that are enumerated on the Centralized List are not allowed in any CDCR institution. (Cal. Code Regs., tit. 15, § 3134.1.)

The most recent Centralized List includes over one thousand publications. For some of these, it is obvious based on the title of the publication alone that there is a legitimate penological reason for prohibiting the publication in a prison environment. However, other publications on the Centralized List, such as "Color For Painters: A Guide to Traditions and Practice, Drawing Made Easy, the Concise Atlas of the World, Fifth Edition and Health-The Basics, 11th Edition,may deserve further consideration of the reason for censorship and whether the ban actually supports a legitimate penological objective.

AB 1986 (Bryan) requires CDCR to notify the Office of the Inspector General (OIG) each time a change is made to the Centralized List, and it requires the OIG to post the Centralized List on its website. The bill requires the Centralized List to include the title, author, publisher, year of publication, and stated violation of CDCR regulations that caused a publication to be prohibited. It would further authorize, but not require, the OIG to review a publication on the Centralized List to determine if the office concurs with CDCR's determination that the publication is in violation of CDCR regulations, and to notify CDCR if it does not concur.

Status: Chapter 620, Statutes of 2024

AB-2176 (Berman) - Juveniles: access to education.

California court schools have recently experienced an increase in chronic absenteeism rates – rising from 12.9% in the 2018-2019 school year to 16.8% in the 2021-2022

school year. (Youth Law Center, Out of Sight, Out of Mind (Nov. 15, 2023) p. 3, available at: https://www.ylc.org/resource/out-of-sight-out-of-mind/.)

AB 2176 (Berman) requires the Office of Youth and Community Restoration (OYCR) to develop an annual report on chronic absenteeism rates in juvenile court schools at juvenile facilities, and authorizes OYCR to work with the Department of Education and county offices of education to include data for all juvenile court schools. Additionally, this bill requires OYCR, subject to available funding, to investigate the reasons for absenteeism at juvenile court schools with chronic absenteeism rates of 15% or more and to include a summary of the findings of any investigation in the annual report. It also requires OYCR, subject to available funding, to provide technical assistance to ameliorate the identified causes of the chronic absenteeism.

Status: Chapter 385, Statutes of 2024

AB-2310 (Hart) - Parole hearings: language access.

The Dymally-Alatorre Bilingual Services Act of 1973 requires every state agency involved in the furnishing of information or the rendering of services to the public whereby contact is made with a substantial number of non-English-speaking people to employ a sufficient number of qualified bilingual persons in public contact positions to ensure provision of information and services to the public in the language of the non-English-speaking person.

AB 2310 (Hart) requires the Board of Parole Hearings to translate specified notices and forms used by incarcerated persons into the five most common languages spoken by incarcerated persons who are eligible for a parole hearing.

Status: Chapter 826, Statutes of 2024

AB-2527 (Bauer-Kahan) - Incarceration: pregnant persons.

Recent estimates indicate that eight to ten percent of women who enter prison are pregnant. (Legal Services for Prisoners with Children, Pregnant Women in California Prisons and Jails: A Guide for Prisoners and Legal Advocates, <https://www.courts.ca.gov/documents/BTB_23_4K_5.pdf>.) State law provides incarcerated pregnant individuals a minimal level of pre-and-post partum services, such as access to a social worker, regular prenatal care visits with a health care provider, and the right to have delivery take place in a hospital outside of the institution. (Pen. Code, §§ 3408, 4203.8.)

AB 2527 (Bauer-Kahan) makes severals changes to existing law regarding the provision of care to pregnant incarcerated individuals confined in state prisons and local detention

faculties. Among other things, it prohibits incarcerated pregnant persons in state prisons from being placed in solitary confinement or restrictive housing units during their pregnancy or for 12 weeks postpartum, as specified. It also provides nutritional guidelines for incarcerated pregnant persons.

Status: Chapter 722, Statutes of 2024

AB-2531 (Bryan) - Deaths while in law enforcement custody: reporting.

Under existing law, law enforcement agencies must report in-custody deaths within 10 days of the date of the death. (Pen. Code, § 10008, subds. (a) & (b).) However, this reporting requirement does not specifically include juveniles who die in custody or define what constitutes an "in-custody death."

AB 2531 (Bryan) clarifies that the requirement that agencies with jurisdiction over state or local correctional facilities report specified in-custody death information on the agency's website within 10 days of the date of the death also applies to juveniles who die in custody. This bill also defines "in-custody death" and provides that the date of death is the date of death according to a medical examiner or similar entity.

Status: Chapter 968, Statutes of 2024

AB-2624 (Waldron) - Prisoners: employment: bereavement.

Existing law requires private employers, with five or more employees, and public sector employers to provide employees, with at least 30 days of service, up to five unpaid days of bereavement leave upon the death of a family member. (Gov. Code, § 12945.7.) This requirement does not include incarcerated persons employed in correctional facilities.

AB 2624 (Waldron) authorizes persons incarcerated in state prisons to be given bereavement leave from any prison employment or educational programs in the event of a death of an immediate family member, as defined. To receive such relief, the incarcerated person must provide substantiation to support the request and the warden must approve or deny the relief as soon as practicable. When relief is granted, the incarcerated person must be paid their regular compensation for the time the person is scheduled to work during the period of relief. However, the bereavement relief shall not exceed three days for any one occurrence and does not authorize an incarcerated person to leave the prison facility. A warden may deny relief if the incarcerated person is employed in a position requiring emergency response and there is an exigent circumstance requiring their employment during the period requested by the incarcerated person. Additionally, AB 2624 prohibits retaliation against inarcerated persons who request such relief.

Status: Chapter 727, Statutes of 2024

AB-2740 (Waldron) - Incarcerated persons: prenatal and postpartum care.

Current law provides incarcerated pregnant individuals a minimal level of pre-and-postpartum services, such as access to a social worker, regular prenatal care visits with a health care provider, and the right to have delivery take place in a hospital outside of the institution. (Pen. Code, § 3408.) In addition, some incarcerated women are eligible for the Community Prison Mother Program (CPMP). The CPMP provides an opportunity for pregnant individuals and mothers with one or more children who are six years of age or younger, the opportunity to be housed with their children in a supervised facility away from the prison setting. The primary focus of the CPMP is to reunite mothers with their children and re-integrate them back into society as productive citizens by providing a safe, stable, wholesome and stimulating environment. CPMP also seeks to establish stability in the parent-child relationship, provide the opportunity for mothers who are incarcerated individuals to bond with their children, and strengthen the family unit. (CDCR, Community Participant Mother Program, available at <https://www.cdcr.ca.gov/rehabilitation/pre-release-community-programs/community-prisoner-mother-program/>.)

Under existing law, pregnant individuals who are incarcerated in prisons are referred to a social worker. (Pen. Code, § 3408, subd. (k).) The social worker is required to discuss with the incarcerated person the options available for feeding, placement, and care of the child after birth, including the benefits of lactation; assist the incarcerated pregnant person with access to a phone in order to contact relatives regarding newborn placement; and, oversee the placement of the newborn child. (Ibid.)

AB 2740 (Waldron) requires an incarcerated individual in state prison and the person's newborn child to remain at a medical facility following delivery for no fewer than three days after delivery for recovery and postpartum medical care; requires an incarcerated mother to be permitted to breastfeed the newborn and pump breast milk to be stored and provided to the child upon removal from the medical facility; requires the California Department of Corrections and Rehabilitation (CDCR) to expedite a family visitation application for incarcerated pregnant persons in order to prevent delays for visitation for the incarcerated mother and newborn child following delivery; requires a plan of care for an incarcerated pregnant person to include a meal plan with additional meals and beverages; and requires that incarcerated pregnant individuals in state prison be referred to a social worker to discuss options for parenting classes and other classes relevant to caring for newborns and options for placement and visiting the newborn.

Status: Chapter 738, Statutes of 2024

AB-3092 (Ortega) - Attorney General: law enforcement agencies: reporting requirements: deaths.

Under existing law, specified law enforcement agencies must report in-custody deaths to the California Department of Justice (DOJ) within 10 days of the death, and must also post information on their website related to the in-custody death within 10 days of the death. (Gov. Code, § 12525; Pen. Code, § 10008, subds. (a) & (b).) However, while agencies are required to update the in-custody death information that is posted on their website when necessary, there is no such requirement to affirmatively update the reports provided to the DOJ, which can result in vague and inaccurate reporting. (Pen. Code, § 10008, subd. (b).)

AB 3092 (Ortega) requires law enforcement agencies or agencies in charge of correctional facilities required to submit in-custody death information to the DOJ within 10 days after a death to update their initial written report to the DOJ if any of the previously provided information changes or if new information becomes available regarding the death. This update must be made within 10 days of the date that the in-custody death information that was previously provided changes or the date new information becomes available.

Status: Chapter 69, Statutes of 2024

SB-1069 (Menjivar) - State prisons: Office of the Inspector General.

Existing law states the Office of Inspector General (OIG) is responsible for contemporaneous oversight of internal affairs investigations and the disciplinary process of the Department of Corrections and Rehabilitation (CDCR) under policies to be developed by the OIG.

SB 1069 (Menjivar) grants the OIG investigatory authority over all staff misconduct cases that involve sexual misconduct with an incarcerated person, and authorizes the OIG to monitor and investigate a complaint that involves sexual misconduct with an incarcerated person.

Status: Chapter 1012, Statutes of 2024

Court Hearings

AB-2483 (Ting) - Postconviction proceedings.

In recent years, California has significantly expanded resentencing eligibility, allowing thousands of incarcerated persons to have their sentences reconsidered. However, given the different types of resentencing reforms that have been enacted, there is often

inconsistency and ambiguity surrounding the rules and procedures for handling resentencing.

AB 2483 (Ting), among other things, requires the following in postconviction proceedings, except in cases where there is a conflict with a more specific statute: 1) upon receiving a petition to begin a postconviction proceeding, the court to consider whether to appoint counsel to represent the defendant; 2) the court to consider any pertinent circumstances that have arisen since the sentence was imposed and may modify every aspect of the defendant's sentence; 3) that any changes to a sentence not be a basis for a prosecutor or court to rescind a plea agreement; 4) the court to state on the record the reasons for its decision to grant or deny the initial request to begin a postconviction proceeding and to provide notice to the defendant of its decision; and 5) after ruling on a petition, the court to advise the defendant of their right to appeal. Additionally, by March 1, 2025, the presiding judge of each county superior court must convene a meeting to develop a plan for fair and efficient handling of postconviction proceedings.

Status: Chapter 964, Statutes of 2024

AB-2985 (Hart) - Courts: mental health advisement.

"Jury service is stressful. Jurors internalize both the difficulty of deciding another's fate, as well as the emotional toll of bearing witness to tragic events. A National Center for State Courts report found that 70 percent of all jurors feel some stress. Yet the greatest difficulty often lies in homicide and death penalty trials, in which jurors not only share the burden of imposing guilt (or even death), but are necessarily confronted with the loss of life that led to the case. Some jurors even report physical ailments, including headaches, nightmares, and symptoms consistent with post-traumatic stress disorder." (A. Ferguson, The Atlantic, May 17, 2015, The Trauma of Jury Duty, available at: https://www.theatlantic.com/politics/archive/2015/05/the-trauma-of-jury-duty/393479/ [as of March 26, 2024].)

AB 2985 (Hart) requires a court to provide jurors serving in a criminal case or proceeding alleging a violent felony with information about mental health services. Additionally, it requires Judicial Council to develop the written information that the courts shall print and distribute, which shall include, but is not limited to, the signs and symptoms of distress, healthy coping mechanisms, and how to seek help for exposure to trauma, if needed.

Status: Chapter 204, Statutes of 2024

SB-1005 (Ashby) - Juveniles.

Many youth court programs already exist throughout the state but range in implementation. Programs are under the supervision of a presiding judge and are part of a restorative justice system. Youth courts are used for juveniles who have been charged with minor violations or any other violation the probation officer determines to be appropriate. These programs keep low-level youth out of a formal juvenile justice courtroom and instead empowers youth and their peers to engage in restorative justice opportunities.

SB 1005 (Ashby) authorizes a probation officer with the consent of the minor and the minor's parent or guardian to refer a minor to a youth, peer, or teen court that is established and maintained by the probation officer or by a community-based organization, Indian tribe, tribal court, or public agency, to implement restorative justice practices.

Status: Chapter 179, Statutes of 2024

SB-1323 (Menjivar) - Criminal procedure: competence to stand trial.

According to the author, "SB 1323 aligns with the recommendations of experts at the Council of State Governments Justice Center (CSG) and the Committee on Revision of the Penal Code (CRPC) to improve state competency to stand trial procedures for those charged with felonies. It will do this by expediting treatment-based solutions for these vulnerable people who become system-involved through felony convictions due to mental illness. "

Under existing law, people accused of a felony who are found incompetent to stand trial (IST) must be sent for competency restoration. These individuals are funneled through California's Department of State Hospitals. As a result of insufficient bed space, defendants frequently wait months in jail prior to placement at a state hospital.

SB 1323 (Menjivar) requires a court, if a defendant is found to be IST and is not charged with a crime that is statutorily unsuitable for mental health diversion, to: (a) determine whether restoring the person to mental competence is in the interests of justice; and (b) in exercising its discretion, consider the relevant circumstances of the charged offense, the defendant's mental health condition and history of treatment, whether the defendant is likely to face incarceration if convicted, the likely length of any term of incarceration, whether the defendant has previously been found incompetent to stand trial, whether restoring the person to mental competence will enhance public safety, and any other relevant considerations.

Status: Chapter 646, Statutes of 2024

Criminal Justice Programs

AB-2215 (Bryan) - Criminal procedure: arrests.

The 2016 public safety budget trailer bill created the LEAD Pilot Program. The program aims “to improve public safety and reduce recidivism by increasing the availability and use of social service resources while reducing costs to law enforcement agencies and courts stemming from repeated incarceration.” (Pen. Code, § 1001.85, subd. (a).) LEAD programs fund intensive case management services, housing services, and help coordinate human and social services and law enforcement to improve individual and community public safety outcomes. (Pen Code, § 1001.85, subd. (b)(1)-(3).) In 2020, researchers at the California State University Long Beach, School of Criminology submitted a report to the Board of State and Community Corrections (BSCC) on the LEAD Pilot Program in San Francisco. The researchers found at the 12-month follow-up period that clients had significantly lower rates of misdemeanor and felony arrests, and of felony cases, than individuals in the comparison group. They concluded that LEAD is "a promising alternative to the criminal justice system as usual."

AB 2215 (Bryan) provides that a peace officer statewide, not just those participating in LEAD pilot programs, may release a person arrested without a warrant from custody, instead of taking the person before a magistrate, by delivering or referring that person to a public health or social service organization that provides services including, but not limited to, housing, medical care, treatment for alcohol or substance use disorders, psychological counseling, or employment training and education, and no further proceedings are desired.

Status: Chapter 954, Statutes of 2024

SB-910 (Umberg) - Treatment court program standards.

Existing law authorizes counties to provide drug court programs, subject to legislative intent that such drug court programs be designed and operated in accordance with “Defining Drug Courts: The Key Components,” developed by the National Association of Drug Court Professionals (NADCP) and Drug Court Standards Committee (reprinted 2004). (Health and Saf. Code, §§ 11970.5, 11971, 11972.)

SB 910 (Umberg) requires counties and courts that have treatment court programs to ensure the programs are designed and operated in accordance with the state and national guidelines incorporating the "Adult Treatment Court Best Practice Standards" and "Family Treatment Court Best Practice Standards" developed by All Rise, with consideration for the distinct court system within which the program operates. Among other things, it also requires Judicial Council, no later than January 1, 2026, to revise the standards of judicial administration to reflect state and nationally recognized best

practices and guidelines for collaborative programs, including treatment court programs.

Status: Chapter 641, Statutes of 2024

SB-1025 (Eggman) - Pretrial diversion for veterans.

Military diversion is a form of pretrial diversion available to a criminal defendant who is an active member or veteran of the United States military. If such a defendant is referred to military diversion, the criminal proceedings against them are suspended while the defendant completes a program intended to address the underlying factors that contributed to the commission of the offense. If the defendant successfully completes the diversion program, the criminal charges against them are dismissed. If the defendant does not successfully complete the diversion program, criminal proceedings resume and the defendant may proceed to trial or enter a plea.

Under existing law, a qualifying defendant charged with a misdemeanor may be referred to military diversion.

SB 1025 (Eggman) adds felony offenses, except for specified very serious felonies, to the military diversion program for a defendant who was, or currently is, a member of the Armed Forces of the United States.

Status: Chapter 924, Statutes of 2024

SB-1317 (Wahab) - Inmates: psychiatric medication: informed consent.

Existing law authorizes, until January 1, 2025, the administration of psychotropic medication on an involuntary basis to county jail inmates who are awaiting arraignment, trial, or sentencing if a psychiatrist determines that the inmate should be treated with psychiatric medication and specified procedures are followed.

SB 1317 (Wahab) extends the sunset date for the involuntary administration of pychotropic medication, as specified, until January 1, 2030. SB 1317 also requires each county that administers involuntary medication to any inmate awaiting arraignment, trial, or sentencing to prepare and submit a written report about any instances of involuntary medication occuring between January 1, 2025 and July 1, 2028, to the Assembly Committee on Public Safety and the Senate Committee on Public Safety no later than January 1, 2029.

Status: Chapter 326, Statutes of 2024

Criminal Offenses

AB-1779 (Irwin) - Theft: jurisdiction.

Under existing law, a case must generally be tried in the jurisdiction where the offense was committed, subject to certain exemptions, such as when a defendant commits multiple offenses across different jurisdictions. (Pen. Code, §§ 777 & 784.7, subd. (a).)

AB 1779 (Irwin) expands the jurisdiction for charging theft and receipt of stolen property to include the county where an offense involving the theft or receipt of the stolen merchandise occurred, the county in which the merchandise was recovered, or the county where any act was done by the defendant in instigating or aiding in the commission of those offenses. If multiple offenses of theft or receipt of stolen property, either all involving the same defendant or defendants and the same merchandise, or all involving the same defendant or defendants and the same scheme or substantially similar activity, occur in multiple jurisdictions, then any of those jurisdictions would be a proper jurisdiction for all of the offenses. Jurisdiction would also extend to all associated offenses connected together in their commission to the underlying theft offenses.

Status: Chapter 165, Statutes of 2024

AB-1874 (Sanchez) - Crimes: disorderly conduct.

Existing law makes it a misdemeanor to secretly record or photograph an identifiable person, without their knowledge or consent, in a place where that person has a reasonable expectation of privacy, and with intent to invade that person's privacy. (Pen. Code, § 647, subd. (j)(3)(A).) Whether a person has a "reasonable expectation of privacy" in a place is an inquiry that takes into account the specific circumstances surrounding the intrusion, societal understanding about the place where the intrusion occurred, and the severity of the intrusion. (See e.g., Trujillo v. City of Ontario (9th Cir. 2006) 428 F.Supp.2d 1094, 1103; Hill v. Nat'l Collegiate Athletic Assn. (1994) 7 Cal.4th 1, 36-37.)

The penalty for a violation when the victim is not a minor is punishment of up to six months in county jail, a fine of up to $1,000, or both. (Pen. Code, § 647; Pen. Code, § 19.) Any subsequent offense is subject to a punishment of up to one year in county jail, a fine of up to $2,000, or both. (Pen. Code, § 647, subd. (k)(1).)

The penalty for an initial violation doubles when the victim was a minor at the time of the offense—up to one year in county jail, a fine of up to $2,000, or both. (Pen. Code, § 647, subd. (k)(2).) Existing law does not provide for harsher punishment for a second or subsequent offense when the victim was a minor at the time of the offense.

AB 1874 (Sanchez) increases the penalty for a second or subsequent violation from a misdemeanor to a wobbler when the person recorded was a minor, with punishment by a fine of up to $2,000, by imprisonment in county jail for up to one year or imprisonment in county jail for 16 months, 2 years, or 3 years, or by both a fine and imprisonment. The increased penalty does not apply to a person who was under 18 years old when he or she committed the offense.

Status: Chapter 554, Statutes of 2024

AB-1960 (Rivas) - Sentencing enhancements: property loss.

Until January 1, 2018, California law required courts to impose an additional term of imprisonment, as specified, when any person takes, damages, or destroys any property in the commission or attempted commission of a felony, as specified. This additional penalty was known as the “great takings” enhancement and was repealed in 2018.

AB 1960 (Rivas) increases the penalties for certain theft offenses by re-enacting a new "great takings" enhancement. Specifically, the bill creates, until January 1, 2030, new sentencing enhancements of 1, 2, 3, or 4 years, respectively, for taking, damaging or destroying any property in the commission or attempted commission of a felony or commission of a felony violation of receiving stolen property, if the loss or property value exceeds $50,000, $200,000, $1,000,000, or $3,000,000. Such enhancements may be imposed if the aggregate losses to the victims, or the aggregate property values from all felonies, exceed the specified triggering amounts.

Status: Chapter 220, Statutes of 2024

AB-1962 (Berman) - Crimes: disorderly conduct.

Existing law makes it a misdemeanor to intentionally distribute an image of another identifiable person’s intimate body parts or depicting the person engaged in one of several specified sex acts, under circumstances in which the persons agree or understand that the image shall remain private, when the person distributing the image knows, or should know, that its distribution will cause serious emotional distress, and where the person depicted suffers that distress (also known as "revenge porn").

AB 1962 (Berman) expands the crime of revenge porn to include the distribution of images recorded, captured, or otherwise obtained by the person distributing the image without the authorization of the person depicted and the image was recorded under circumstances in which the person depicted had a reasonable expectation of privacy, or the person distributing the image exceeded authorized access from the property, accounts, messages, files, or resources of the person depicted.

Status: Chapter 367, Statutes of 2024

AB-2018 (Rodriguez) - Controlled substances: fenfluramine.

Fenfluramine is drug prescribed to people suffering seizures as a result of Dravet syndrome and Lennox-Gastaut syndrome, severe forms of epilepsy. The federal government recently removed fenfluramine from Schedule IV of the federal Controlled Substances Act (CSA). However, under existing law, fenfluramine is a Schedule IV controlled substance under California's Uniform Controlled Substances Act. As such, existing law prohibits possession of fenfluramine for personal use, without a valid prescription, an offense punishable as either an infraction or a misdemeanor. (Health & Saf. Code, § 11375, subd. (b)(2).) The penalty is up to six months in county jail or a fine of $250. (Pen. Code, § 19; Pen. Code, § 19.8, subd. (b).) Possession for sale or sale of fenfluramine is also proscribed, punishable by imprisonment in county jail for up to one year or in state prison for 16 months, 2 years, or 3 years. (Health & Saf. Code, § 11375, subd. (b)(1); Pen. Code, § 18, subd. (a).)

AB 2018 (Rodriguez) removes fenfluramine from the California's list of controlled substances, aligning state law with the federal CSA, thereby eliminating criminal penalties for possession for personal use, possession for sale, or sale of the drug.

Status: Chapter 98, Statutes of 2024

AB-2021 (Bauer-Kahan) - Crimes: selling or furnishing tobacco or related products and paraphernalia to underage persons.

Existing law states that any person or business knowingly or under circumstances in which it has knowledge, or should otherwise have grounds for knowledge, sells, gives, or in any way furnishes to another person who is under 21 years of age any tobacco, cigarette papers, or blunt wraps is subject to either a misdemeanor or a civil action punishable by a fine of $200 for the first offense, $500 for the second offense, and $1,000 for the third offense.

The Stop Tobacco Access to Kids Enforcement (STAKE) Act also includes a wide range of fines on business owners that are caught selling tobacco products to people under the age of 21. The California Department of Public Health (CDPH) may assess fines for any violation of the STAKE Act, as follows: (1) a civil penalty of $400 to $600 for the first violation, (2) a civil penalty of $900 to $1,000 for the second violation within a five-year period, (3) a civil penalty of $1,200 to $1,800 for a third violation within a five-year period, (4) a civil penalty of $3,000 to $4,000 for a fourth violation within a five-year period, or (5) a civil penalty of $5,000 to $6,000 for a fifth violation within a five-year period.

AB 2021 (Bauer-Kahan) creates a separate fine for any retailer, wholesaler, or business to sell or furnish tobacco to a person under the age of 21 of $500 for the first offense, $1,000 for the second offense, and $5,000 for any subsequent offense.

Status: Chapter 371, Statutes of 2024

AB-2099 (Bauer-Kahan) - Crimes: reproductive health services.

In 2001, the Legislature enacted the California Freedom of Access to Clinic and Church Entrances (FACCE) Act, mirroring the federal Freedom of Access to Clinic Entrances (FACE) Act. California's FACCE Act provides state criminal and civil penalties for interference with rights to reproductive health services and religious worship. As stated by the author, "Since the overturning of Roe vs. Wade, reproductive health clinics like Planned Parenthood have become the very last line for women seeking critical reproductive health care. These vulnerable patients and providers are facing an onslaught of organized harassment, being attacked online and in person. Current penalties are insufficient to deter extremist anti-abortion groups from attacking clinics and providers."

AB 2099 (Bauer-Kahan) increases various penalties in the FACCE Act, including increasing the penalty for posting on the internet or social media threats of violence, with the intent that another person imminently use that information to commit a violent crime against a reproductive health care worker, from a misdemeanor to an alternate misdemeanor-felony punishable by up to one year in the county jail or 16 months, 2 years or 3 years in county jail, in addition to the existing $10,000 fine plus penalty assessments.

AB 2099 also increases the penalty for posting on the internet or social media threats of violence against a reproductive healthcare worker where it leads to bodily injury from a misdemeanor to a felony punishable by 16 months, 2 years or 3 years in county jail, in addition to the existing $50,000 plus penalty assessments and existing community service; and increases the penalty for willfully interfering with, injuring, intimidating, oppressing, or threatening, by use of force or threat of force, any person's ability in the free exercise of any right or privilege, ensured by the state and federal constitutional law or statutes because of one or more actual or perceived characteristics, from a misdemeanor to an alternate misdemeanor-felony punishable by up to one year in county jail, or 16 months, 2 years or 3 years in county jail, plus the existing $5,000 fine plus penalty assessments and the existing mandatory community service.

Status: Chapter 821, Statutes of 2024

AB-2136 (Jones-Sawyer) - Controlled substances: analyzing and testing.

The number of deaths involving opioids, and fentanyl in particular, has increased significantly over the course of the last decade. In California, between 2019 and 2022, the number of opioid-related deaths in the state increased by 121 percent. (Ibarra et al., California's opioid deaths increased 121% in 3 years. What's driving the crisis?, CalMatters.org (July 25, 2023) <https://calmatters.org/explainers/california-opioid-crisis/> [last visited Feb. 21, 2024].) In 2022, the year for which the most recent data is available, there were 21,316 emergency room visits resulting from an opioid overdose, 7,385 opioid-related overdose deaths, and 6,473 overdose deaths from fentanyl. (CDPH, Overdose Surveillance Dashboard <https://skylab.cdph.ca.gov/ODdash/?tab=Home> [last visited Feb. 21, 2024].) The consumer is often unaware of the contents of, or make up of, the drug they possess.

AB 2136 (Jones-Sawyer) makes it lawful for controlled substance checking service providers to provide controlled substance checking services, and prohibits arrest and criminal prosecution for the operation of or use of those services. "Controlled substance checking service provider" means an eligible entity that provides the service of identifying, analyzing, or testing a substance, controlled or otherwise, or residue on drug paraphernalia or controlled substance packaging, to determine its chemical composition to assist in determining whether the substance contains contaminants, toxic substances, hazardous compounds, or other adulterants within a substance.

Status: Chapter 701, Statutes of 2024

AB-2807 (Villapudua) - Vehicles: sideshows and street takeovers.

Under existing law, a sideshow is an event in which two or more persons block or impede traffic on a highway or in an offstreet parking facility for the purposes of performing for spectators motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving. (Veh. Code, § 23109.)

AB 2807 (Villapudua) clarifies what meets the definition of a sideshow by recognizing that sideshows are also referred to as "street takeovers."

Status: Chapter 503, Statutes of 2024

AB-2943 (Zbur) - Crimes: shoplifting.

Retail theft and related offenses have been the subject of significant public and legislative discussion in recent years. During the COVID-19 pandemic, property crime rose, including shoplifting and other types of theft. Following the pandemic, property crime appears to have returned to normal levels, but retailers, law enforcement agencies, and members of the public have expressed impassioned concerns about the

incidence of these crimes.

AB 2943 (Zbur) provides that a person who possesses property unlawfully that was acquired through certain theft activities, where the value of the property exceeds $950, the property is not possessed for personal use, and the person has the intent to sell the property for value, is guilty of criminal deprivation of a retail business opportunity punishible either as a misdemeanor or a felony. AB 2943 also increases the allowable term of probation for petty theft and shoplifing by authorizing courts to impose up to two years of probation for persons convicted of shoplifing or petty theft. If a court imposes a term of probation that exceeds one year, the court, as a condition of probation, shall consider referring the defendant to a collaborative court or rehabilitation program that is relevant to the underlying factor or factors that led to the commission of the offense, and the court shall discharge the defendant from probation upon successfull completion of the program. This bill also extends the sunset date on provisions of law that authorize cities and counties to establish diversion and deferred entry of judgment programs for theft and repeat theft crimes, and authorize non-release for arrests relating to repeat thefts and organized retail theft, until January 1, 2031.

This bill also permits a peace officer to arrest a person for misdemeanor shoplifing, without a warrant, when the violation was not committed in the officer's presence if the officer has probable cause; the arrest is made without undue delay; and the officer either obtains a sworn statement from a person who witnessed the person committing the violation, observes video footage showing the person committing the violation, the person possesses a quantity of goods inconsistent with personal use and the goods bear specified security devices, or the person confesses the violation to the arresting officer.

Status: Chapter 168, Statutes of 2024

AB-2984 (Gipson) - Fleeing the scene of an accident.

Existing law states that if a person flees the scene of an accident that caused death or permanent, serious injury, as defined in the Vehicle Code, a criminal complaint may be filed within the applicable time period for offenses punishable in state prison or one year after the person is initially identified by law enforcement as a suspect in the commission of the offense, whichever is later, but in no case later than six years after the commission of the offense.

AB 2984 (Gipson) provides that if a person who fled the scene of the accident and left the state for the purpose of evading prosecution for fleeing the scene of an accident resulting in death or permanent injury, the statute of limitations will be tolled for up to

three years during the time the person is out of the state.

Status: Chapter 750, Statutes of 2024

AB-3209 (Berman) - Crimes: theft: retail theft restraining orders.

There are several different types of restraining orders, including domestic violence restraining orders, civil harassment restraining orders, elder abuse restraining orders, gun violence restraining orders, workplace violence protective orders, and school violence protective orders.

AB 3209 (Berman) creates a new type of restraining order known as a "retail crime restraining order," which authorizes a court, when sentencing a person for an offense involving theft of, vandalism of, or battery of an employee of a retail establishment, to issue a criminal protective order prohibiting a person from being present on the grounds of, or any parking lot adjacent to and used to service, a retail establishment and any other retail establishments in that chain or franchise, as specified, for up to two years. In determining whether to impose a retail crime restraining order, the court must consider whether the retail establishment is the only place that sells food, pharmaceuticals, or other basic life necessities within one mile of where the individual resides, or otherwise creates undue hardship for the individual.

AB 3209 also authorizes specified parties to file a petition for a restraining order against an individual who has been arrested twice, but not charged or convicted, with any of the qualifying offenses at the same retail establishment, and authorizes the court to issue an order restraining the respondent from entering the premises of the retail establishment for a period not to exceed two years if the court finds by a preponderance of the evidence that the person committted the qualifying offenses and there is a substantial likelihood the individual will return to the retail establishment. Lastly, AB 3209 provides that an officer arresting a person for a violation of a retail crime restraining order is not required to cite and release the person. A violation of a retail crime restraining order is a misdemeanor punishable by six months in county jail.

Status: Chapter 169, Statutes of 2024

SB-905 (Wiener) - Crimes: theft from a vehicle.

Existing law states that any person who enters any house, room, apartment,…shop, warehouse, store, or other building, tent, vessel, or vehicle when the doors are locked with the intent to commit grand or petty larceny or any other felony is guilty of burglary. Burglary of an inhabited dwelling is first degree burglary, and that all other kinds of burglary are of the second degree. The punishment for second degree burglary is either confinement of up to one year in the county jail, or confinement in the county jail for 16

months, 2 years, or 3 years pursuant to criminal justice realignment.

SB 905 (Wiener) creates a new alternate felony-misdemeanor, punishable as a misdemeanor by up to one year in the county jail or as a felony by confinement in county jail for 16 months, two, or three years in county jail pusuant to criminal justice realignment for any person who forcibly enters a vehicle, with the intent to commit a theft or any felony therein, without reference to whether the doors are locked.

Status: Chapter 170, Statutes of 2024

SB-926 (Wahab) - Crimes: distribution of intimate images.

Existing law makes it a misdemeanor to intentionally distribute an image of another identifiable person's intimate body parts or depicting the person engaged in one of several specified sex acts, under circumstances in which the persons agree or understand that the image shall remain private, when the person distributing the image knows, or should know, that its distribution will cause serious emotional distress, and where the person depicted suffers that distress.

SB 926 (Wahab) creates a new misdemeanor for a person who intentionally creates and distributes any sexually explicit image of another identifiable person, where one party is unaware of the image or did not consent to the image, where the image was created in a manner that would cause a reasonable person to believe the image is an authentic image of the person depicted, under circumstances in which the person distributing the image knows or should know that distribution of the image will cause serious emotional distress, and the person depicted suffers that distress.

Status: Chapter 289, Statutes of 2024

SB-1242 (Min) - Crimes: fires.

Under existing law, a person may be convicted of reckless arson if they recklessly set fire to a structure, forest, land, or other property. The type of criminal charge and punishment depend on the circumstances of the offense. Reckless arson is punishable as a misdemeanor by up to six months in county jail, or as a felony by 16 months, 2 years, or 3 years in state prison. If the defendant caused great bodily injury, reckless arson is punishable as a misdemeanor by up to one year in county jail, or as a felony by 2, 4, or 6 years in state prison. If the defendant causes an inhabited structure or property to burn, reckless arson is punishable as a misdemeanor by up to one year in county jail, or as a felony by two, three, or four years in state prison.

Where three possible sentences are prescribed by statute, the court must determine which sentence to impose. Generally, the court must impose the lower or middle term

unless there are circumstances in aggravation of the crime that justify imposing the upper term. The court may impose the upper term only if the defendant admits an aggravating circumstance or the aggravating circumstance is found true beyond a reasonable doubt at trial.

SB 1242 (Min) specifies that, for the crime of reckless arson, the fact that the offense was carried out within a merchant's premises in order to facilitate organized retail theft shall be a factor in aggravation at sentencing.

Status: Chapter 173, Statutes of 2024

SB-1328 (Bradford) - Elections.

Existing law states that it is a felony, punishable by two, three, or four years in state prison for anyone who interferes with, attempts to interfere with, tampers with, knowingly, or willingly with, including but not limited to: voting machines, ballots, keys, voting tally software.

SB 1328 (Bradford), among other things, clarifies what it means to interfere with the secrecy of voting or ballot tally software program source codes, the act of which is already a felony under existing law, by providing that those prohibited acts include knowingly, and without authorization, providing unauthorized access to, or breaking the chain of custody to, either: a) certified voting technology during the lifecycle of that certified voting technology or b) any finished or unfinished ballot cards.

Status: Chapter 605, Statutes of 2024

SB-1414 (Grove) - Crimes: solicitation of a minor.

In California, it is a criminal offense to accept compensation for sex or pay for the services of a sex worker. This offense is commonly known as "solicitation of prostitution" regardless of which part of the transaction the defendant participated in. Human trafficking offenses are distinct from solicitation of prostitution and are punished much more harshly under existing law. There are different criminal penalties for solicitation depending on the severity of the conduct involved. If the solicitation involved a defendant who knew or should have known the person they solicited was under the age of 18, the offense is a misdemeanor punishable by up to one year in county jail, a fine, or both. Where there is no showing that the defendant knew or should have known the person they solicited was a minor, the offense is punishable by up to six months in the county jail and a fine.

SB 1414 (Grove) makes solicitation of a minor a wobbler, meaning it may be charged as a misdemeanor or a felony, and increases the punishments for the offense. A

defendant will face the bill's increased penalties for soliciting a minor under the age of 16 or soliciting a minor under the age of 18 if the minor is a victim of human trafficking, as defined; and a second or subsequent offense is a straight felony.

Status: Chapter 617, Statutes of 2024

SB-1416 (Newman) - Sentencing enhancements: sale, exchange, or return of stolen property.

Until the law sunset in 2018, California had an "excessive takings" enhancement that applied to the taking or damaging of property that exceeded specified value thresholds. (Former Pen. Code, § 12022.6.) The law was enacted in 1977 and subsequently a sunset provision was included in the statute for the purpose of allowing the Legislature to consider the effects of inflation on the property value thresholds in the law. The sunset was extended several times through legislation until the law was allowed to sunset in 2018.

The law as it read in 2017 required the court to apply an enhancement of 1, 2, 3, or 4 years respectively whenever any person was convicted of a felony involving taking or damaging property that exceeded losses of $65,000, $200,000, $1,300,000 and $3,200,000.

SB 1416 (Newman) creates new enhancements that apply to some of the same conduct that would have been covered by former Penal Code section 12022.6. Specifically, it creates new sentencing enhancements of 1, 2, 3, or 4 years respectively for selling, exchanging, or returning for value, or attempting to sell, exchange, or return for value, any property acquired through one or more acts of shoplifting, theft, or burglary from a retail business, if the property value exceeds $50,000, $200,000, $1,000,000, or $3,000,000.

Status: Chapter 174, Statutes of 2024

Criminal Procedure

AB-2483 (Ting) - Postconviction proceedings.

In recent years, California has significantly expanded resentencing eligibility, allowing thousands of incarcerated persons to have their sentences reconsidered. However, given the different types of resentencing reforms that have been enacted, there is often inconsistency and ambiguity surrounding the rules and procedures for handling resentencing.

AB 2483 (Ting), among other things, requires the following in postconviction proceedings, except in cases where there is a conflict with a more specific statute: 1) upon receiving a petition to begin a postconviction proceeding, the court to consider whether to appoint counsel to represent the defendant; 2) the court to consider any pertinent circumstances that have arisen since the sentence was imposed and may modify every aspect of the defendant's sentence; 3) that any changes to a sentence not be a basis for a prosecutor or court to rescind a plea agreement; 4) the court to state on the record the reasons for its decision to grant or deny the initial request to begin a postconviction proceeding and to provide notice to the defendant of its decision; and 5) after ruling on a petition, the court to advise the defendant of their right to appeal. Additionally, by March 1, 2025, the presiding judge of each county superior court must convene a meeting to develop a plan for fair and efficient handling of postconviction proceedings.

Status: Chapter 964, Statutes of 2024

AB-2645 (Lackey) - Electronic toll collection systems: information sharing: law enforcement.

Existing law limits when transportation agencies can share electronic toll collection system data with law enforcement. Existing law provides that a transportation agency may make personally identifiable information of a person available to a law enforcement agency only pursuant to a search warrant. (Sts. & Hy Code, § 31490, subd. (e)(1).) It provides, however, that the search warrant requirement does not prohibit law enforcement, when conducting a criminal or traffic collision investigation, from obtaining personally identifiable information of a person if the officer has good cause to believe that a delay in obtaining this information by seeking a search warrant would cause an adverse result. (Sts. & Hy. Code, § 31490, subd. (e)(2).) Adverse results exist when delay would result in, among other things, danger to the life or physical safety of an individual; a flight from prosecution; the destruction of or tampering with evidence; the intimidation of potential witnesses; or the serious jeopardy to an investigation. (Ibid.; Pen. Code, § 1524.2, subd. (a)(2).)

AB 2645 (Lackey) authorizes a transportation agency that employs an electronic toll collection system to provide the date, time, and location of a vehicle license plate read captured by the system to a peace officer in response to a special alert, as specified (e.g. Amber Alert).

Status: Chapter 730, Statutes of 2024

AB-2943 (Zbur) - Crimes: shoplifting.

Retail theft and related offenses have been the subject of significant public and legislative discussion in recent years. During the COVID-19 pandemic, property crime rose, including shoplifting and other types of theft. Following the pandemic, property crime appears to have returned to normal levels, but retailers, law enforcement agencies, and members of the public have expressed impassioned concerns about the incidence of these crimes.

AB 2943 (Zbur) provides that a person who possesses property unlawfully that was acquired through certain theft activities, where the value of the property exceeds $950, the property is not possessed for personal use, and the person has the intent to sell the property for value, is guilty of criminal deprivation of a retail business opportunity punishible either as a misdemeanor or a felony. AB 2943 also increases the allowable term of probation for petty theft and shoplifing by authorizing courts to impose up to two years of probation for persons convicted of shoplifing or petty theft. If a court imposes a term of probation that exceeds one year, the court, as a condition of probation, shall consider referring the defendant to a collaborative court or rehabilitation program that is relevant to the underlying factor or factors that led to the commission of the offense, and the court shall discharge the defendant from probation upon successfull completion of the program. This bill also extends the sunset date on provisions of law that authorize cities and counties to establish diversion and deferred entry of judgment programs for theft and repeat theft crimes, and authorize non-release for arrests relating to repeat thefts and organized retail theft, until January 1, 2031.

This bill also permits a peace officer to arrest a person for misdemeanor shoplifing, without a warrant, when the violation was not committed in the officer's presence if the officer has probable cause; the arrest is made without undue delay; and the officer either obtains a sworn statement from a person who witnessed the person committing the violation, observes video footage showing the person committing the violation, the person possesses a quantity of goods inconsistent with personal use and the goods bear specified security devices, or the person confesses the violation to the arresting officer.

Status: Chapter 168, Statutes of 2024

AB-2984 (Gipson) - Fleeing the scene of an accident.

Existing law states that if a person flees the scene of an accident that caused death or permanent, serious injury, as defined in the Vehicle Code, a criminal complaint may be filed within the applicable time period for offenses punishable in state prison or one year after the person is initially identified by law enforcement as a suspect in the commission of the offense, whichever is later, but in no case later than six years after the

commission of the offense.

AB 2984 (Gipson) provides that if a person who fled the scene of the accident and left the state for the purpose of evading prosecution for fleeing the scene of an accident resulting in death or permanent injury, the statute of limitations will be tolled for up to three years during the time the person is out of the state.

Status: Chapter 750, Statutes of 2024

SB-1001 (Skinner) - Death penalty: intellectually disabled persons.

Existing law establishes court procedures during death penalty cases regarding the issue of intellectual disability. Existing law also requires that if a jury is unable to reach a unanimous verdict as to whether a defendant is a person with an intellectual disability the courts shall dismiss the jury and order a new jury impaneled to try the issue of intellectual disability.

SB 1001 (Skinner) declares, in the Penal Code, that a person with an intellectual disability is ineligible for the death penalty and makes other clarifying changes to ensure persons with intellectual disabilities are not subject to the death penalty. SB 1001 also states that if the jury cannot reach a unanimous verdict on whether the defendant has an intellectual disability, the court shall enter a finding that the defendant is ineligible for the death penalty.

Status: Chapter 908, Statutes of 2024

SB-1400 (Stern) - Criminal procedure: competence to stand trial.

The Due Process Clause of the United States Constitution prohibits the criminal prosecution of a defendant who is not mentally competent to stand trial. Existing law provides that if a person has been charged with a crime and is not able to understand the nature of the criminal proceedings and/or is not able to assist counsel in his or her defense, the court may determine that the offender is IST. (Pen. Code § 1367.) For defendants charged with a misdemeanor, if the defendant is found IST, the proceedings shall be suspended and the court may do either of the following: 1) conduct a hearing to determine whether the defendant is eligible for mental health diversion; or 2) dismiss the charges pursuant to Penal Code section 1385.

If a misdemeanor defendant is found eligible for diversion, the court may grant diversion for a period not to exceed one year from the date the individual is accepted into diversion or the maximum term of imprisonment provided by law for the most serious offense charged in the complaint, whichever is shorter. (Pen. Code, § 1370.01, subd. (b)(1)(A).) If the court finds that the defendant is not eligible for diversion, the court may,

after notice to the defendant, defense counsel, and the prosecution, hold a hearing to determine whether to do any of the following: 1) order modification of the treatment plan in accordance with a recommendation from the treatment provider; 2) refer the defendant to assisted outpatient treatment (AOT); if the defendant is accepted into AOT, the charges shall be dismissed; 3) refer the defendant to the county conservatorship investigator for possible conservatorship if the defendant appears to be gravely disabled, as defined; if a conservatorship is established, the charges shall be dismissed; or 4) refer the defendant to the Community Assistance, Recovery, and Empowerment (CARE) Act program; if the defendant is accepted into CARE the charges shall be dismissed. (Pen. Code, § 1370.01, subd. (b)(1)(D).)

SB 1400 (Stern) removes the express statutory authority for a court to dismiss a case where a misdemeanor defendant has been found incompetent to stand trial (IST) without first considering whether the defendant is eligible for other programs or treatment; extends the period when a misdemeanor remains pending after the defendant is referred to treatment; and expands the data required to be reported by counties in the Department of Health Care Services (DHCS) annual CARE Act program report. It also clarifies that nothing in the bill's provisions limit a court's discretion pursuant to Penal Code section 1385.

Status: Chapter 647, Statutes of 2024

Domestic Violence

AB-2308 (Davies) - Domestic violence: protective orders.

Under existing law, a person convicted of domestic violence involving willful corporal injury to a spouse, cohabitant, fiancé, or parent of the offender’s child can be subject to a 10-year protective order restraining the defendant from any contact with the victim. (Pen. Code, § 273.5, subd. (j).)

AB 2308 (Davies) extends the maximum duration of this type of criminal protective order from 10 to 15 years. Additionally, this bill authorizes the court issuing a criminal protective order, upon a written petition by the prosecuting attorney, defendant, or victim, to modify or terminate a protective order for good cause provided the prosecuting attorney, defendant, and victim are notified at least 15 days before the hearing on the petition.

Status: Chapter 649, Statutes of 2024

AB-2822 (Gabriel) - Domestic violence.

Current law requires law enforcement agencies to develop an incident report that includes a domestic violence identification code. The report shall be written and identified as a domestic violence incident and should include specified notations, which include, but are not limited to: whether the officer or officers who responded to the call observed any signs that the alleged abuser was under the influence of alcohol or a controlled substance; and whether the officer of officers who responded to the call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or deadly weapon was present at the location, and, if there is an inquiry, whether that inquire disclosed the presence of the firearm or other deadly weapon.

AB 2822 (Gabriel) requires a law enforcement officer to make a notation in a domestic violence incident report if they remove a firearm or other deadly weapon from the location of the domestic violence call.

Status: Chapter 536, Statutes of 2024

AB-2907 (Zbur) - Firearms: restrained persons.

Under existing law, individuals convicted of domestic violence felonies and specified domestic violence misdemeanors are subject to a lifetime or 10-year ban (respectively) on the purchase, possession and ownership of firearms. However, even if an individual has not yet been convicted of a domestic violence offense, if they become subject to any domestic violence restraining order (DVRO), existing law prohibits them from acquiring or possessing firearms, firearm parts and ammunition for the entire duration that the order is in effect, and requires them to relinquish any firearms currently in their possession, as specified.

Among other things, AB 2907 (Zbur) requires courts and law enforcement agencies to take additional steps to determine whether an arrestee or defendant in a domestic violence case owns or possesses a firearm and, if so, to ensure the firearm is relinquished. Specifically, it requires the court, in a case against a defendant for domestic violence where there is evidence the defendant owns or possesses a firearm and the court has issued a protective order against the defendant, to document whether the defendant has relinquished the firearm; requires an arresting officer for an offense involving an act of domestic violence to query the Automated Firearms System (AFS) and ask involved parties to determine whether the arrestee owns or possesses a firearm, and provide a copy of the AFS report when filing the case with the district attorney or prosecuting city attorney; requires the court, when issuing a protective order, to order the restrained person to relinquish any firearm in that person's immediate possession or control within 24 hours of being served with the order; and prohibits a

person from possessing a firearm if they are restrained by a protective order issued for inflicting corporal injury resulting in a traumatic injury against certain victims, elder abuse, or stalking, or a protective order issued upon a grant of probation for domestic violence.

Status: Chapter 538, Statutes of 2024

AB-3083 (Lackey) - Domestic violence: protective orders: background checks.

Existing law mandates a court, before ruling on a domestic violence restraining oprder (DRVO) to search the following databases for information about the respondent: (a) The California Sex and Arson Registry (CSAR); (b) the Supervised Release File; (c) Department of Justice (DOJ) state summary criminal history information; (d) the Federal Bureau of Investigation's nationwide criminal database; and (e) any locally maintained criminal history records or databases.

AB 3083 (Lackey) requires a court to also conduct a search of the DOJ's Automated Firearms System (ASF) to determine whether a person subject to a proposed DVRO owns a firearm.

Status: Chapter 541, Statutes of 2024

SB-989 (Ashby) - Domestic violence: deaths.

Intimate partner violence (IPV) is a significant public health issue that has many individual and societal costs. Recent data suggests that about 1 in 5 homicide victims are killed by an intimate partner, and over half of female homicide victims in the United States are killed by a current or former male intimate partner. A recent study exploring a rare yet appalling phenomenon of staged suicides stated: "Current criminological analysis fails to recognize homicide cases of women with characteristics typical to women's life experience. This failure helps conceal the fact of their homicide-induced death, rendering these cases 'concealed femicide.' […] The elusive nature of concealed femicides, which do not display external physiological signs that might suggest a homicidal cause of death (such as cutting/shooting/strangulation wounds), assign them, almost automatically, a non-criminal classification. Unless such deaths are known or suspected to be unnatural, they normally go uninvestigated." (Bitton, et. al "'The Perfect Murder': An Exploratory Study of Staged Murder Scenes and Concealed Femicide." The British Journal of Criminology, Volume 59, Issue 5, September 2019, Pages 1054–1075.)

SB 989 (Ashby) authorizes families of decedents, in cases where the deceased individual has an identifiable history of being victimized by domestic violence, as

specified, and where the investigating agency determines that a death is not a homicide and closes the case, to request records of the investigation. Among other things, the bill also requires law enforcement investigators, prior to making any findings as to the manner and cause of death of a deceased individual with an identifiable history of being victimized by domestic violence, in specified circumstances to interview family members, such as parents, siblings, or other close friends or relatives of the decedent with relevant information regarding that history of domestic violence. And, if the circumstances surrounding a death known or suspected as due to suicide afford a reasonable basis to suspect that the death was caused by or related to the domestic violence of another, it authorizes the coroner to conduct an inquiry into the death in consultation with a board-certified forensic pathologist certified by the American Board of Pathology.

Status: Chapter 654, Statutes of 2024

Evidence

AB-2730 (Lackey) - Sexual assault: medical evidentiary examinations.

Under existing law, the Office of Emergency Services (OES) is responsible for establishing protocol for the sexual assault forensic medical examination (SAFME) and treatment for the victims of sexual assault and attempted sexual assault. OES was required to establish an advisory committee, which OES works with to establish a protocol for the examination and treatment of victims of sexual assault and attempted sexual assault, including child molestation, and the collection and preservation of evidence therefrom. As part of these protocols, existing law provides that only a "qualified health care professional," may conduct a SAFME. The health care professionals who are qualified to perform sexual assault exams has been carefully expanded over the last two decades to include a nurse, nurse practitioner, and a physician assistant.

According the California Medical Board, "The profession of midwifery also has another designation, that of 'certified nurse-midwife' (CNM). CNMs are licensed by the California Board of Registered Nursing. CNMs are registered nurses who acquired additional training in the field of obstetrics and are certified by the American College of Nurse Midwives (ACNM). They commonly work in hospitals and birthing centers that are also licensed by the state."

AB 2730 (Lackey) adds certified nurse midwife to the list of health care professionals who can perform a sexual assault exam in consultation with a physician or surgeon currently licensed, as specified. In addition, this new law makes technical changes for

physicians and surgeons working with a physician assistant who performs sexual assault exams.

Status: Chapter 113, Statutes of 2024

Fines and Fees

AB-2021 (Bauer-Kahan) - Crimes: selling or furnishing tobacco or related products and paraphernalia to underage persons.

Existing law states that any person or business knowingly or under circumstances in which it has knowledge, or should otherwise have grounds for knowledge, sells, gives, or in any way furnishes to another person who is under 21 years of age any tobacco, cigarette papers, or blunt wraps is subject to either a misdemeanor or a civil action punishable by a fine of $200 for the first offense, $500 for the second offense, and $1,000 for the third offense.

The Stop Tobacco Access to Kids Enforcement (STAKE) Act also includes a wide range of fines on business owners that are caught selling tobacco products to people under the age of 21. The California Department of Public Health (CDPH) may assess fines for any violation of the STAKE Act, as follows: (1) a civil penalty of $400 to $600 for the first violation, (2) a civil penalty of $900 to $1,000 for the second violation within a five-year period, (3) a civil penalty of $1,200 to $1,800 for a third violation within a five-year period, (4) a civil penalty of $3,000 to $4,000 for a fourth violation within a five-year period, or (5) a civil penalty of $5,000 to $6,000 for a fifth violation within a five-year period.

AB 2021 (Bauer-Kahan) creates a separate fine for any retailer, wholesaler, or business to sell or furnish tobacco to a person under the age of 21 of $500 for the first offense, $1,000 for the second offense, and $5,000 for any subsequent offense.

Status: Chapter 371, Statutes of 2024

AB-2432 (Gabriel) - Corporations: criminal enhancements.

Restitution fines are a major source of funding for the Restitution Fund. In addition to victim restitution, a convicted defendant must pay a restitution fine. (Pen. Code, § 1202.4, subd. (b).) The fine can only be waived if the court finds compelling and extraordinary reasons not to impose it, and inability to pay does not qualify as a compelling and extraordinary reason to waive the fine. (Pen. Code, § 1202.4, subd. (c).) Similar to victim restitution, a defendant's obligation to pay a restitution fine does not expire once the sentence is completed or probation has ended. (Pen. Code, § 1202.4,

subd. (f); Pen. Code, § 1214.) The California Victim Compensation Board is authorized with collecting any restitution fines that the defendant is ordered to pay. (Pen. Code, § 1214.)

AB 2432 (Gabriel) establishes a criminal restitution fine and separate corporate criminal enhancement for corporations, as defined, convicted of a misdemeanor or felony.

Status: Chapter 651, Statutes of 2024

AB-3042 (Stephanie Nguyen) - County penalties.

Existing law requires levying a fine of an additional $1 for every $10 assessed for any criminal offenses, including vehicle code violations, to be deposited into the DNA Identification Fund pursuant to Proposition 69, the DNA Fingerprint, Unsolved Crime and Innocence Protection Act (2004). Any deposit into the DNA Identification Fund may continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects.

AB 3042 (Nguyen) extends the sunset date from January 1, 2025 to January 1, 2028 to collect and deposit funds into the DNA Identification Fund pursuant to Proposition 69, or a longer period of time if necessary to make payments on any lease or leaseback arrangement utilized to finance any specific projects.

Status: Chapter 428, Statutes of 2024

AB-3064 (Maienschein) - Firearms.

Under existing law, manufacturers are not required to physically mark firearm safety devices (FSDs) with identifying information (e.g. model name and number), making it difficult to determine if an FSD has been approved for use by the California Department of Justice (DOJ) or has been recalled due to a defect.

Among other things, AB 3064 (Maienschein) 1) authorizes the DOJ, commencing January 1, 2026, to charge a fee for devices newly listed on the DOJ's roster of FSDs to cover costs related to the approval of the device, and to charge each entity that manufactures or imports into the state for sale any firearm safety device that is listed on the DOJ's roster of approved FSDs, an annual fee to cover the cost of storage of prototype devices; 2) requires any device newly added to the roster to have certain information engraved or otherwise permanently affixed to the device; 3) establishes a process for the relisting of a device that has been removed from the roster due to nonpayment; and 4) requires manufactures of any FSD listed on the roster that becomes subject to a recall to notify the DOJ, and authorizes the DOJ to remove that

FSD from the roster.

Status: Chapter 540, Statutes of 2024

SB-1416 (Newman) - Sentencing enhancements: sale, exchange, or return of stolen property.

Until the law sunset in 2018, California had an “excessive takings” enhancement that applied to the taking or damaging of property that exceeded specified value thresholds. (Former Pen. Code, § 12022.6.) The law was enacted in 1977 and subsequently a sunset provision was included in the statute for the purpose of allowing the Legislature to consider the effects of inflation on the property value thresholds in the law. The sunset was extended several times through legislation until the law was allowed to sunset in 2018.

The law as it read in 2017 required the court to apply an enhancement of 1, 2, 3, or 4 years respectively whenever any person was convicted of a felony involving taking or damaging property that exceeded losses of $65,000, $200,000, $1,300,000 and $3,200,000.

SB 1416 (Newman) creates new enhancements that apply to some of the same conduct that would have been covered by former Penal Code section 12022.6. Specifically, it creates new sentencing enhancements of 1, 2, 3, or 4 years respectively for selling, exchanging, or returning for value, or attempting to sell, exchange, or return for value, any property acquired through one or more acts of shoplifting, theft, or burglary from a retail business, if the property value exceeds $50,000, $200,000, $1,000,000, or $3,000,000.

Status: Chapter 174, Statutes of 2024

Firearms

AB-1982 (Mathis) - Firearm safety certificate: exemptions.

Existing law exempts specified classes of persons from the requirement to either successfully take a course or challenge a course with a specified exam before obtaining a firearm safety cetriciate. As pertinent to this bill, one of the exemptions is for an active or honorably-retired member of the United States Armed Forces, the National Guard, the Air National Guard, or the other active reserve components of the United States, where individuals of those organizations are properly identified. (Pen. Code, § 317000, subd. (a)(10).) Proper identification includes the Armed Forces Identification Card, specifically, “or other written documentation identifying that the individual is an active or

honorably retired member." (Ibid.)

AB 1982 (Mathis) specifies that a veteran health identification card is proper identification for purposes of documenting active military or honorably retired veteran status to seek an exemption from the firearm safety certificate requirement.

Status: Chapter 146, Statutes of 2024

AB-2629 (Haney) - Firearms: prohibited persons.

Existing law prohibits any person who has been found not guilty by reason of insanity from purchasing or receiving, or attempting to purchase or receive, or have in their possession, custody, or control any firearm or any other deadly weapon unless the court of commitment has found the person to have recovered sanity.

AB 2629 (Haney) specifies, commencing September 1, 2025, that any person who is determined to be incompetent to stand trial (IST) on a misdemeanor offense, or in a post-release community supervision (PRCS) proceeding, or in a parole revocation hearing, may not possess or own a firearm, as specified.

Status: Chapter 527, Statutes of 2024

AB-2739 (Maienschein) - Firearms.

Existing law requires any firearm used in the commission of an offense for which a defendant is convicted to be surrendered to law enforcement. In most cases, that weapon will be destroyed or ordered destroyed by the court.

AB 2739 (Maienschein) provides that any loaded firearm unlawfully carried in public, or any unloaded handgun openly and unlawfully carried in public, constitutes a public nuisance and must be surrendered to law enforcement, except under specified circumstances.

Status: Chapter 534, Statutes of 2024

AB-2759 (Petrie-Norris) - Domestic violence protective orders: possession of a firearm.

Existing law authorizes a court, as part of a firearms relinquishment order, to grant an exemption from the relinquishment if the respondent can show that a particular firearm or ammunition is necessary as a condition of continued employment and that the current employer is unable to reassign the respondent to another position where a firearm or ammunition is unnecessary.

AB 2759 (Petrie-Norris) revises this firearms relinquishment exemption in existing law to clarify and expand the standard considered by the court in making determinations for any sworn peace officer carrying a firearm, either on or off duty, as a condition of employment.

Status: Chapter 535, Statutes of 2024

AB-2842 (Papan) - Firearms.

Under existing law, specified prohibited firearms and crime guns (i.e. guns defined as a "nuisance") must be surrendered to a law enforcement agency, which in turn must destroy the weapon. (Pen. Code, § 18005.) However, existing law does not clearly define "destroy," making it possible for California law enforcement agencies to dispose of firearms using companies that only destroy parts of a firearm, while re-selling the rest of the parts as a gun kit.

AB 2842 (Papan) requires a law enforcement agency, if it contracts with a third party for the destruction of firearms or other weapons, to ensure that any the contract explicitly prohibits the sale of any firearm or weapon, or any part or attachment thereof. This bill exempts certain firearms and materials from this destruction requirement. Additionally, a firearm acquired pursuant to a buyback program may, in lieu of destruction, be donated to a public or private nonprofit historical society, museum, or institutional collection, as specified.

Status: Chapter 537, Statutes of 2024

AB-2907 (Zbur) - Firearms: restrained persons.

Under existing law, individuals convicted of domestic violence felonies and specified domestic violence misdemeanors are subject to a lifetime or 10-year ban (respectively) on the purchase, possession and ownership of firearms. However, even if an individual has not yet been convicted of a domestic violence offense, if they become subject to any domestic violence restraining order (DVRO), existing law prohibits them from acquiring or possessing firearms, firearm parts and ammunition for the entire duration that the order is in effect, and requires them to relinquish any firearms currently in their possession, as specified.

Among other things, AB 2907 (Zbur) requires courts and law enforcement agencies to take additional steps to determine whether an arrestee or defendant in a domestic violence case owns or possesses a firearm and, if so, to ensure the firearm is relinquished. Specifically, it requires the court, in a case against a defendant for domestic violence where there is evidence the defendant owns or possesses a firearm and the court has issued a protective order against the defendant, to document whether

the defendant has relinquished the firearm; requires an arresting officer for an offense involving an act of domestic violence to query the Automated Firearms System (AFS) and ask involved parties to determine whether the arrestee owns or possesses a firearm, and provide a copy of the AFS report when filing the case with the district attorney or prosecuting city attorney; requires the court, when issuing a protective order, to order the restrained person to relinquish any firearm in that person's immediate possession or control within 24 hours of being served with the order; and prohibits a person from possessing a firearm if they are restrained by a protective order issued for inflicting corporal injury resulting in a traumatic injury against certain victims, elder abuse, or stalking, or a protective order issued upon a grant of probation for domestic violence.

Status: Chapter 538, Statutes of 2024

AB-2917 (Zbur) - Firearms: restraining orders.

California's gun violence restraining order (GVRO) law, modeled after domestic violence restraining order laws, was signed into law on September 30, 2014, with a delayed implementation date of January 1, 2016. (AB 1014 (Skinner), Ch. 872, Stats. 2014.) A GVRO prohibits the restrained person from purchasing or possessing firearms or ammunition and authorizes law enforcement to remove any firearms or ammunition already in the individual's possession. A court is required to notify the Department of Justice (DOJ) when a GVRO is issued, renewed, dissolved, or terminated.

Persons who are prohibited from owning or possessing a firearm or ammunition due to a valid order issued out-of-state that is similar or equivalent to California's GVRO law are also prohibited from owning or possessing a firearm or ammunition within the state. (AB 2617 (Gabriel), Ch. 286, Stats. 2020.)

AB 2917 (Zbur) authorizes a court to consider additional information when determining whether to issue a GVRO. Specifically, it authorizes a court, when considering whether there exists grounds for granting a GVRO, to consider evidence of stalking, evidence of animal cruelty, evidence of threats toward a person or group based on a protected characteristic, and evidence of threats of violence or destruction of property for the purpose of interfering with the free exercise of constitutional rights.

Status: Chapter 539, Statutes of 2024

AB-3064 (Maienschein) - Firearms.

Under existing law, manufacturers are not required to physically mark firearm safety devices (FSDs) with identifying information (e.g. model name and number), making it difficult to determine if an FSD has been approved for use by the California Department

of Justice (DOJ) or has been recalled due to a defect.

Among other things, AB 3064 (Maienschein) 1) authorizes the DOJ, commencing January 1, 2026, to charge a fee for devices newly listed on the DOJ's roster of FSDs to cover costs related to the approval of the device, and to charge each entity that manufactures or imports into the state for sale any firearm safety device that is listed on the DOJ's roster of approved FSDs, an annual fee to cover the cost of storage of prototype devices; 2) requires any device newly added to the roster to have certain information engraved or otherwise permanently affixed to the device; 3) establishes a process for the relisting of a device that has been removed from the roster due to nonpayment; and 4) requires manufactures of any FSD listed on the roster that becomes subject to a recall to notify the DOJ, and authorizes the DOJ to remove that FSD from the roster.

Status: Chapter 540, Statutes of 2024

SB-899 (Skinner) - Protective orders: firearms.

Under existing law there are specific procedures for issuing and serving domestic violence protective orders (DVROs), and enforcing the firearm relinquishment requirements associated with such orders. (Fam. Code, § 6389.) However, the procedures for enforcing and ensuring firearm relinquishment compliance for other types of protective orders are less clear.

SB 899 (Skinner) extends the firearm and ammunition relinquishment procedures that currently apply to DVROs to gun violence restraining orders, civil harassment, workplace violence or postsecondary violence temporary restraining orders and injunctions, elder abuse restraining orders, and protective orders issued during the pendency of criminal proceedings and following specified criminal convictions. This includes, among other things, outlining procedures to be followed when a court receives evidence a restrained person has a firearm; requiring the court to provide a restrained person with information on how firearms or ammunition still in that person's possession must be relinquished; requiring the court, if a restrained person does not file a receipt with the court within 48 hours after receiving an order, to immediately notify appropriate law enforcement entities; and, adding ammunition to the provision authorizing the issuance of a search warrant when the property or things to be seized include a firearm possessed or owned by a prohibited person who has failed to relinquish the firearm as required.

Status: Chapter 544, Statutes of 2024

SB-902 (Roth) - Firearms: public safety.

Some available research indicates a link between animal mistreatment and violence against humans. According to a recent publication by the U.S. Department of Justice, "animal cruelty crimes can serve as a precursor to more violent crimes, as a co-occurring crime to other types of offenses, and as an interrelated crime to offenses such as domestic violence and elder abuse." Indeed, some research has shown that 41% of intimate partner violence offenders had histories of animal cruelty, which, in addition to mental health issues, low education levels, and substance abuse issues, ranks as a top risk factor for becoming a batterer.

California has several laws that prohibit certain persons from purchasing firearms. Misdemeanors that result in a 10-year firearm prohibition include the crimes of stalking, sexual battery, assault with a deadly weapon, battery with serious bodily injury, brandishing a firearm or deadly weapon, assault with force likely to produce great bodily injury, battery on a peace officer, and threats of bodily injury or death. (Penal Code Section 29805, subdivision (a).)

SB 902 (Roth) adds misdemeanor convictions for animal cruelty to that list.

Status: Chapter 545, Statutes of 2024

SB-965 (Min) - Firearms.

Existing California law requires the Department of Justice (DOJ) to conduct inspections of licensed firearms dealers every three years to ensure compliance with applicable state law related to firearm dealers. Data collected in these inspections is currently used within DOJ for compliance efforts.

SB 965 (Min) requires DOJ to add additional information to an existing report requirement analyzing and summarizing specified data received from law enforcement agencies pertaining to firearms that have been stolen, lost, found, or recovered, have been used in a crime or suspected of having been used in a crime. For example, the DOJ now has to report to the Legislature, among other things, the total number of firearm dealer inspections conducted, the number of hours spent to complete the inspection, and specified information gathered during those inspections; a list of violations identified through the inspection, whether those violations were subsequently resolved and, if so, the date they were resolved, and any fines or penalties assessed; the number of Dealer Record of Sale (DROS) background checks submitted in the one-year period prior to the inspection, and the outcome of those background checks; and the total number of firearms used in crimes that were traced back to the dealer during the one-year period prior to the inspection, and the percentage of total sales by the

dealer in the same period of time that the traced firearms represent.

Status: Chapter 546, Statutes of 2024

SB-1002 (Blakespear) - Firearms: prohibited persons.

Existing law contains several mental illness-related firearms prohibitions for individuals, depending on their mental illness, most of which are lifetime bans on the ownership, possession or purchase of firearms. (Welf. & Inst. Code, § 8103.) However, persons newly prohibited from possessing firearms due to mental illness-related firearm prohibitions may not always be aware of that prohibition or when and how to relinquish a firearm.

SB 1002 (Blakespear), among other things, requires the relinquishment of firearms and ammunition possessed by certain individuals subject to mental illness-related firearms prohibitions, makes various changes to the notices that must be provided to individuals subject to these prohibitions, and authorizes the issuance of a search warrant for firearms and ammunition subject to relinquishment under these provisions.

Status: Chapter 526, Statutes of 2024

SB-1019 (Blakespear) - Firearms: destruction.

Law enforcement agencies frequently take possession of firearms for a variety of reasons. For example, an agency may seize firearms during an enforcement action, purchase a firearm through a buyback program, or take possession of a firearm that must be surrendered by its owner by law. Generally, a law enforcement agency must destroy a firearm in its possession if or when it cannot be returned to its owner. Some law enforcement agencies contract with third-party companies to fulfill this obligation. In December 2023, the New York Times published an investigation that found some companies that purported to destroy firearms on behalf of law enforcement agencies were instead destroying only a single part of each firearm and selling the remaining parts as a kit to be reassembled by a future buyer.

SB 1019 (Blakespear) requires law enforcement agencies to destroy firearms subject to destruction in their entirety, including attachments; and requires those agencies to develop and maintain a written policy on the destruction of firearms and other weapons.

Status: Chapter 547, Statutes of 2024

Gun Violence Restraining Orders

AB-2621 (Gabriel) - Law enforcement training.

Under existing law, the Commission on Peace Officer Standards and Training (POST) is required to provide hate crimes guidelines and course of instruction to peace officers. (Pen. Code, § 13519.6, subd. (a).) Separately, law enforcement agencies must generally adopt policies and standards pertaining to gun violence restraining orders (GVRO). (Pen. Code, § 18108.)

AB 2621 (Gabriel) adds new requirements to the POST hate crimes guidelines and course of instruction, and revises the policies and standards that law enforcement agencies must adopt pertaining to GVROs. Specifically, this bill modifies POST's hate crimes guidelines, instruction, and training by expanding the requirement that the POST course of instruction include preparation for, and response to, specified hate crime waves to also include anti-LGBTQ, anti-Black, anti-Native American, anti-immigrant, anti-Asian American and Pacific Islander, and anti-Jewish hate crime waves. It also specifies that the POST course of instruction shall include instruction pertaining to identifying when a GVRO may be an appropriate tool for preventing hate crimes and the procedures for seeking a GVRO.

Additionally, the bill modifies the policies and standards that specified law enforcement agencies must adopt relating to GVROs, including, among other things, requiring such policies and standards to be updated to reflect changes in GVRO laws; requiring that officers be instructed on the use of GVROs in appropriate situations to prevent future violence involving a firearm and encouraged to use de-escalation practices when responding to incidents involving a firearm; requiring officers to be instructed on the types of evidence a court considers in determining whether to issue a GVRO; and, requiring officers to be informed about the different procedures and protections afforded by different types of firearm-prohibiting emergency protective orders.

Status: Chapter 532, Statutes of 2024

AB-2917 (Zbur) - Firearms: restraining orders.

California’s gun violence restraining order (GVRO) law, modeled after domestic violence restraining order laws, was signed into law on September 30, 2014, with a delayed implementation date of January 1, 2016. (AB 1014 (Skinner), Ch. 872, Stats. 2014.) A GVRO prohibits the restrained person from purchasing or possessing firearms or ammunition and authorizes law enforcement to remove any firearms or ammunition already in the individual’s possession. A court is required to notify the Department of Justice (DOJ) when a GVRO is issued, renewed, dissolved, or terminated.

Persons who are prohibited from owning or possessing a firearm or ammunition due to a valid order issued out-of-state that is similar or equivalent to California's GVRO law are also prohibited from owning or possessing a firearm or ammunition within the state. (AB 2617 (Gabriel), Ch. 286, Stats. 2020.)

AB 2917 (Zbur) authorizes a court to consider additional information when determining whether to issue a GVRO. Specifically, it authorizes a court, when considering whether there exists grounds for granting a GVRO, to consider evidence of stalking, evidence of animal cruelty, evidence of threats toward a person or group based on a protected characteristic, and evidence of threats of violence or destruction of property for the purpose of interfering with the free exercise of constitutional rights.

Status: Chapter 539, Statutes of 2024

AB-3083 (Lackey) - Domestic violence: protective orders: background checks.

Existing law mandates a court, before ruling on a domestic violence restraining oprder (DRVO) to search the following databases for information about the respondent: (a) The California Sex and Arson Registry (CSAR); (b) the Supervised Release File; (c) Department of Justice (DOJ) state summary criminal history information; (d) the Federal Bureau of Investigation's nationwide criminal database; and (e) any locally maintained criminal history records or databases.

AB 3083 (Lackey) requires a court to also conduct a search of the DOJ's Automated Firearms System (ASF) to determine whether a person subject to a proposed DVRO owns a firearm.

Status: Chapter 541, Statutes of 2024

SB-899 (Skinner) - Protective orders: firearms.

Under existing law there are specific procedures for issuing and serving domestic violence protective orders (DVROs), and enforcing the firearm relinquishment requirements associated with such orders. (Fam. Code, § 6389.) However, the procedures for enforcing and ensuring firearm relinquishment compliance for other types of protective orders are less clear.

SB 899 (Skinner) extends the firearm and ammunition relinquishment procedures that currently apply to DVROs to gun violence restraining orders, civil harassment, workplace violence or postsecondary violence temporary restraining orders and injunctions, elder abuse restraining orders, and protective orders issued during the pendency of criminal proceedings and following specified criminal convictions. This

includes, among other things, outlining procedures to be followed when a court receives evidence a restrained person has a firearm; requiring the court to provide a restrained person with information on how firearms or ammunition still in that person's possession must be relinquished; requiring the court, if a restrained person does not file a receipt with the court within 48 hours after receiving an order, to immediately notify appropriate law enforcement entities; and, adding ammunition to the provision authorizing the issuance of a search warrant when the property or things to be seized include a firearm possessed or owned by a prohibited person who has failed to relinquish the firearm as required.

Status: Chapter 544, Statutes of 2024

Juveniles

AB-1877 (Jackson) - Juveniles: sealing records.

Current law does not consider the financial cost for a former juvenile (or current juvenile/youth) to file a petition to seal their criminal records where eligible. For example, in a 2014, San Jose State University published a cost-benefit analysis on expungement of criminal records and found the average costs for expungement was $3,412 per client (in 2014 dollars).

AB 1877 (Jackson) requires, commencing January 1, 2027 and contingent upon appropriation, a county probation officer to petition a juvenile court to seal the records of any person previously adjudicated a ward of the court, who has reached the age of 18, and who is no longer under the jurisdiction of the juvenile court.

AB 1877 also requires, rather than just authorizes, county probation departments to petition a juvenile court to seal juvenile records when the person of record has a petition filed against them or is otherwise adjudicated a ward of the court and is over the age of 18. Additionally, AB 1877 requires, on a monthly basis, county probation departments to review state summary criminal history information and identify arrests of juveniles under 18 and which did not result in a sustained charge and do not have related pending juvenile delinquency matters; to provide a list of those arrests to all agencies associated with the record of arrest; and to require each arresting agency to review that list and seal its records of the arrest if the agency’s records do not indicate that the arrest is not eligible to be sealed.

Status: Chapter 811, Statutes of 2024

AB-2176 (Berman) - Juveniles: access to education.

California court schools have recently experienced an increase in chronic absenteeism rates – rising from 12.9% in the 2018-2019 school year to 16.8% in the 2021-2022 school year. (Youth Law Center, Out of Sight, Out of Mind (Nov. 15, 2023) p. 3, available at: https://www.ylc.org/resource/out-of-sight-out-of-mind/.)

AB 2176 (Berman) requires the Office of Youth and Community Restoration (OYCR) to develop an annual report on chronic absenteeism rates in juvenile court schools at juvenile facilities, and authorizes OYCR to work with the Department of Education and county offices of education to include data for all juvenile court schools. Additionally, this bill requires OYCR, subject to available funding, to investigate the reasons for absenteeism at juvenile court schools with chronic absenteeism rates of 15% or more and to include a summary of the findings of any investigation in the annual report. It also requires OYCR, subject to available funding, to provide technical assistance to ameliorate the identified causes of the chronic absenteeism.

Status: Chapter 385, Statutes of 2024

AB-2531 (Bryan) - Deaths while in law enforcement custody: reporting.

Under existing law, law enforcement agencies must report in-custody deaths within 10 days of the date of the death. (Pen. Code, § 10008, subds. (a) & (b).) However, this reporting requirement does not specifically include juveniles who die in custody or define what constitutes an "in-custody death."

AB 2531 (Bryan) clarifies that the requirement that agencies with jurisdiction over state or local correctional facilities report specified in-custody death information on the agency's website within 10 days of the date of the death also applies to juveniles who die in custody. This bill also defines "in-custody death" and provides that the date of death is the date of death according to a medical examiner or similar entity.

Status: Chapter 968, Statutes of 2024

SB-1005 (Ashby) - Juveniles.

Many youth court programs already exist throughout the state but range in implementation. Programs are under the supervision of a presiding judge and are part of a restorative justice system. Youth courts are used for juveniles who have been charged with minor violations or any other violation the probation officer determines to be appropriate. These programs keep low-level youth out of a formal juvenile justice courtroom and instead empowers youth and their peers to engage in restorative justice opportunities.

SB 1005 (Ashby) authorizes a probation officer with the consent of the minor and the minor's parent or guardian to refer a minor to a youth, peer, or teen court that is established and maintained by the probation officer or by a community-based organization, Indian tribe, tribal court, or public agency, to implement restorative justice practices.

Status: Chapter 179, Statutes of 2024

SB-1161 (Becker) - Juveniles.

Under existing law, the processes for sealing juvenile adjudication and arrest records are governed by a patchwork of statutes, some of which require a petition by the probation department or person of record. Whether juvenile record relief may be requested or granted depends on a number of factors including the disposition of each juvenile matter and the offense at issue. There is currently no comprehensive system for identifying and sealing qualifying juvenile adjudication, arrest, and citation records.

SB 1161 (Becker) makes numerous changes to California law relating to juvenile record sealing, juvenile case files, eligibility for informal probation, and appellate court jurisdiction. Among other things, it 1) requires a juvenile court, if the person whose case has been certified to a juvenile court has their records sealed in juvenile court, to order all criminal court records associated with that juvenile record sealed; 2) prohibits defense counsel for the minor from being ordered to seal their records; 3) provides that a person who has been convicted of a felony, or misdemeanor involving moral turpitude, may obtain specified record sealing relief if those convictions have subsequently been dismissed, vacated, pardoned, or reduced, as specified; and, 4) requires the probation department, DOJ, and law enforcement agencies to seal the citation, arrest, or other records in their custody in specified situations.

Status: Chapter 782, Statutes of 2024

SB-1353 (Wahab) - Youth Bill of Rights.

Data shows that juvenile justice-involved youth have a higher prevalence of trauma and Adverse Childhood Experiences than their peers. Diagnoses often include behavior disorders, substance use disorders, anxiety disorder, attention deficit/hyperactivity disorder (ADHD), and mood disorders. We also know that African American and Hispanic children are least likely to be referred for services until they display major behavioral problems, meaning they go undiagnosed and untreated until their disorder becomes unmanageable and unbearable. Incarceration may be the first opportunity a youth has to receive the mental health support and services they need to live whole, healthy, and productive lives. If we want to reduce the long-term interactions youth have with the justice systems as adults, we have to prioritize mental and behavioral health.

SB 1353 (Wahab) adds behavioral health services to the list of medical and mental health rights of confined youth in the Youth Bill of Rights.

Status: Chapter 163, Statutes of 2024

SB-1484 (Smallwood-Cuevas) - Jurisdiction of juvenile court.

The Expedited Youth Accountability Program authorized peace officers and probation officers in Los Angeles County to cite minors accused of specified misdemeanors directly to juvenile court in lieu of filing a petition or informal probation proceeding. Unlike the regular juvenile court procedures, the Expedited Youth Accountability Program required that the initial juvenile court hearing be held within 60 days of a minor's arrest. The Informal and Juvenile Traffic Court deals mostly with infractions, misdemeanor traffic offenses not including DUIs, and specified misdemeanors associated with young people, such as skateboarding in a public transit facility or parking garage, playing music too loudly on public transit, possession of spray paint in a prohibited place, trespassing, loitering, public intoxication, and using a fake ID to obtain alcohol, among others.

SB 1484 (Smallwood-Cuevas) clarifies that a minor must be between 12 and 17 years of age, inclusive, to be within the jurisdiction of the Informal Juvenile and Traffic Court and Expedited Youth Accountability Program.

Status: Chapter 193, Statutes of 2024

Mental Health

AB-2629 (Haney) - Firearms: prohibited persons.

Existing law prohibits any person who has been found not guilty by reason of insanity from purchasing or receiving, or attempting to purchase or receive, or have in their possession, custody, or control any firearm or any other deadly weapon unless the court of commitment has found the person to have recovered sanity.

AB 2629 (Haney) specifies, commencing September 1, 2025, that any person who is determined to be incompetent to stand trial (IST) on a misdemeanor offense, or in a post-release community supervision (PRCS) proceeding, or in a parole revocation hearing, may not possess or own a firearm, as specified.

Status: Chapter 527, Statutes of 2024

AB-2985 (Hart) - Courts: mental health advisement.

“Jury service is stressful. Jurors internalize both the difficulty of deciding another’s fate, as well as the emotional toll of bearing witness to tragic events. A National Center for State Courts report found that 70 percent of all jurors feel some stress. Yet the greatest difficulty often lies in homicide and death penalty trials, in which jurors not only share the burden of imposing guilt (or even death), but are necessarily confronted with the loss of life that led to the case. Some jurors even report physical ailments, including headaches, nightmares, and symptoms consistent with post-traumatic stress disorder.” (A. Ferguson, The Atlantic, May 17, 2015, The Trauma of Jury Duty, available at: https://www.theatlantic.com/politics/archive/2015/05/the-trauma-of-jury-duty/393479/ [as of March 26, 2024].)

AB 2985 (Hart) requires a court to provide jurors serving in a criminal case or proceeding alleging a violent felony with information about mental health services. Additionally, it requires Judicial Council to develop the written information that the courts shall print and distribute, which shall include, but is not limited to, the signs and symptoms of distress, healthy coping mechanisms, and how to seek help for exposure to trauma, if needed.

Status: Chapter 204, Statutes of 2024

SB-1001 (Skinner) - Death penalty: intellectually disabled persons.

Existing law establishes court procedures during death penalty cases regarding the issue of intellectual disability. Existing law also requires that if a jury is unable to reach a unanimous verdict as to whether a defendant is a person with an intellectual disability the courts shall dismiss the jury and order a new jury impaneled to try the issue of intellectual disability.

SB 1001 (Skinner) declares, in the Penal Code, that a person with an intellectual disability is ineligible for the death penalty and makes other clarifying changes to ensure persons with intellectual disabilities are not subject to the death penalty. SB 1001 also states that if the jury cannot reach a unanimous verdict on whether the defendant has an intellectual disability, the court shall enter a finding that the defendant is ineligible for the death penalty.

Status: Chapter 908, Statutes of 2024

SB-1002 (Blakespear) - Firearms: prohibited persons.

Existing law contains several mental illness-related firearms prohibitions for individuals, depending on their mental illness, most of which are lifetime bans on the ownership, possession or purchase of firearms. (Welf. & Inst. Code, § 8103.) However, persons

newly prohibited from possessing firearms due to mental illness-related firearm prohibitions may not always be aware of that prohibition or when and how to relinquish a firearm.

SB 1002 (Blakespear), among other things, requires the relinquishment of firearms and ammunition possessed by certain individuals subject to mental illness-related firearms prohibitions, makes various changes to the notices that must be provided to individuals subject to these prohibitions, and authorizes the issuance of a search warrant for firearms and ammunition subject to relinquishment under these provisions.

Status: Chapter 526, Statutes of 2024

SB-1317 (Wahab) - Inmates: psychiatric medication: informed consent.

Existing law authorizes, until January 1, 2025, the administration of psychotropic medication on an involuntary basis to county jail inmates who are awaiting arraignment, trial, or sentencing if a psychiatrist determines that the inmate should be treated with psychiatric medication and specified procedures are followed.

SB 1317 (Wahab) extends the sunset date for the involuntary administration of pychotropic medication, as specified, until January 1, 2030. SB 1317 also requires each county that administers involuntary medication to any inmate awaiting arraignment, trial, or sentencing to prepare and submit a written report about any instances of involuntary medication occuring between January 1, 2025 and July 1, 2028, to the Assembly Committee on Public Safety and the Senate Committee on Public Safety no later than January 1, 2029.

Status: Chapter 326, Statutes of 2024

SB-1323 (Menjivar) - Criminal procedure: competence to stand trial.

According to the author, "SB 1323 aligns with the recommendations of experts at the Council of State Governments Justice Center (CSG) and the Committee on Revision of the Penal Code (CRPC) to improve state competency to stand trial procedures for those charged with felonies. It will do this by expediting treatment-based solutions for these vulnerable people who become system-involved through felony convictions due to mental illness. "

Under existing law, people accused of a felony who are found incompetent to stand trial (IST) must be sent for competency restoration. These individuals are funneled through California's Department of State Hospitals. As a result of insufficient bed space, defendants frequently wait months in jail prior to placement at a state hospital.

SB 1323 (Menjivar) requires a court, if a defendant is found to be IST and is not charged with a crime that is statutorily unsuitable for mental health diversion, to: (a) determine whether restoring the person to mental competence is in the interests of justice; and (b) in exercising its discretion, consider the relevant circumstances of the charged offense, the defendant's mental health condition and history of treatment, whether the defendant is likely to face incarceration if convicted, the likely length of any term of incarceration, whether the defendant has previously been found incompetent to stand trial, whether restoring the person to mental competence will enhance public safety, and any other relevant considerations.

Status: Chapter 646, Statutes of 2024

SB-1353 (Wahab) - Youth Bill of Rights.

Data shows that juvenile justice-involved youth have a higher prevalence of trauma and Adverse Childhood Experiences than their peers. Diagnoses often include behavior disorders, substance use disorders, anxiety disorder, attention deficit/hyperactivity disorder (ADHD), and mood disorders. We also know that African American and Hispanic children are least likely to be referred for services until they display major behavioral problems, meaning they go undiagnosed and untreated until their disorder becomes unmanageable and unbearable. Incarceration may be the first opportunity a youth has to receive the mental health support and services they need to live whole, healthy, and productive lives. If we want to reduce the long-term interactions youth have with the justice systems as adults, we have to prioritize mental and behavioral health.

SB 1353 (Wahab) adds behavioral health services to the list of medical and mental health rights of confined youth in the Youth Bill of Rights.

Status: Chapter 163, Statutes of 2024

SB-1400 (Stern) - Criminal procedure: competence to stand trial.

The Due Process Clause of the United States Constitution prohibits the criminal prosecution of a defendant who is not mentally competent to stand trial. Existing law provides that if a person has been charged with a crime and is not able to understand the nature of the criminal proceedings and/or is not able to assist counsel in his or her defense, the court may determine that the offender is IST. (Pen. Code § 1367.) For defendants charged with a misdemeanor, if the defendant is found IST, the proceedings shall be suspended and the court may do either of the following: 1) conduct a hearing to determine whether the defendant is eligible for mental health diversion; or 2) dismiss the charges pursuant to Penal Code section 1385.

If a misdemeanor defendant is found eligible for diversion, the court may grant diversion

for a period not to exceed one year from the date the individual is accepted into diversion or the maximum term of imprisonment provided by law for the most serious offense charged in the complaint, whichever is shorter. (Pen. Code, § 1370.01, subd. (b)(1)(A).) If the court finds that the defendant is not eligible for diversion, the court may, after notice to the defendant, defense counsel, and the prosecution, hold a hearing to determine whether to do any of the following: 1) order modification of the treatment plan in accordance with a recommendation from the treatment provider; 2) refer the defendant to assisted outpatient treatment (AOT); if the defendant is accepted into AOT, the charges shall be dismissed; 3) refer the defendant to the county conservatorship investigator for possible conservatorship if the defendant appears to be gravely disabled, as defined; if a conservatorship is established, the charges shall be dismissed; or 4) refer the defendant to the Community Assistance, Recovery, and Empowerment (CARE) Act program; if the defendant is accepted into CARE the charges shall be dismissed. (Pen. Code, § 1370.01, subd. (b)(1)(D).)

SB 1400 (Stern) removes the express statutory authority for a court to dismiss a case where a misdemeanor defendant has been found incompetent to stand trial (IST) without first considering whether the defendant is eligible for other programs or treatment; extends the period when a misdemeanor remains pending after the defendant is referred to treatment; and expands the data required to be reported by counties in the Department of Health Care Services (DHCS) annual CARE Act program report. It also clarifies that nothing in the bill's provisions limit a court's discretion pursuant to Penal Code section 1385.

Status: Chapter 647, Statutes of 2024

Peace Officer Standards and Training - POST

AB-2020 (Bonta) - Survivors of Human Trafficking Support Act.

Law enforcement encounters with survivors of human trafficking often result in the survivor being detained, cited, or arrested, subjecting that survivor to potential penalties, rather than treating the survivor as a victim and connecting them to supportive services. (Polaris, In Harm’s Way: How Systems Fail Human Trafficking Survivors, (Jan. 25, 2023), available at: https://polarisproject.org/resources/in-harms-way-how-systems-fail-human-trafficking-survivors/.)

AB 2020 (Bonta) requires the Commission on Peace Officer Standards and Training (POST), in collaboration with specified organizations, to develop guidelines for law enforcement personnel interactions with survivors of human trafficking. Additionally, AB 2020 requires law enforcement agencies to establish a written policy regarding

interactions with survivors of human trafficking based on the POST guidelines. Among other things, the written policy must include 1) that an officer contacting a survivor of human trafficking inform the survivor that they have the right to have an advocate present during any interviews with law enforcement; 2) that, if the survivor requests an advocate, the officer arrange for an advocate to be present; 3) that an officer obtain a waiver in writing if a survivor refuses an advocate; and 4) that an officer provide referrals to organizations that provide services to survivors of human trafficking.

Status: Chapter 615, Statutes of 2024

AB-2541 (Bains) - Peace officer training: wandering.

As the nation's population continues to age, the incidence of Alzheimer's and other forms of dementia has increased as well. The number of children diagnosed with autism spectrum disorder (ASD) has also risen consistently and dramatically since the 1990s. Given that over 60% of those living with Alzheimer's disease will wander at some point and an estimated 49% of children with autism will engage in wandering behavior there will be more and more opportunities for these individuals to wander from home and come into contact with local law enforcement and public safety officials.

Finding people quickly is key because the survival rate drops dramatically the longer it takes to find the missing person. It is imperative that our law enforcement agencies are effectively trained to help families prevent wandering and to respond effectively and quickly when these individuals do wander.

AB 2541 (Bains) requires the Commission on Peace Officer Standards and Training (POST) to develop guidelines to address wandering individuals who have Alzeheimer's disease, autism, and dementia.

Status: Chapter 333, Statutes of 2024

AB-2621 (Gabriel) - Law enforcement training.

Under existing law, the Commission on Peace Officer Standards and Training (POST) is required to provide hate crimes guidelines and course of instruction to peace officers. (Pen. Code, § 13519.6, subd. (a).) Separately, law enforcement agencies must generally adopt policies and standards pertaining to gun violence restraining orders (GVRO). (Pen. Code, § 18108.)

AB 2621 (Gabriel) adds new requirements to the POST hate crimes guidelines and course of instruction, and revises the policies and standards that law enforcement agencies must adopt pertaining to GVROs. Specifically, this bill modifies POST's hate crimes guidelines, instruction, and training by expanding the requirement that the POST

course of instruction include preparation for, and response to, specified hate crime waves to also include anti-LGBTQ, anti-Black, anti-Native American, anti-immigrant, anti-Asian American and Pacific Islander, and anti-Jewish hate crime waves. It also specifies that the POST course of instruction shall include instruction pertaining to identifying when a GVRO may be an appropriate tool for preventing hate crimes and the procedures for seeking a GVRO.

Additionally, the bill modifies the policies and standards that specified law enforcement agencies must adopt relating to GVROs, including, among other things, requiring such policies and standards to be updated to reflect changes in GVRO laws; requiring that officers be instructed on the use of GVROs in appropriate situations to prevent future violence involving a firearm and encouraged to use de-escalation practices when responding to incidents involving a firearm; requiring officers to be instructed on the types of evidence a court considers in determining whether to issue a GVRO; and, requiring officers to be informed about the different procedures and protections afforded by different types of firearm-prohibiting emergency protective orders.

Status: Chapter 532, Statutes of 2024

Peace Officers

AB-2215 (Bryan) - Criminal procedure: arrests.

The 2016 public safety budget trailer bill created the LEAD Pilot Program. The program aims “to improve public safety and reduce recidivism by increasing the availability and use of social service resources while reducing costs to law enforcement agencies and courts stemming from repeated incarceration.” (Pen. Code, § 1001.85, subd. (a).) LEAD programs fund intensive case management services, housing services, and help coordinate human and social services and law enforcement to improve individual and community public safety outcomes. (Pen Code, § 1001.85, subd. (b)(1)-(3).) In 2020, researchers at the California State University Long Beach, School of Criminology submitted a report to the Board of State and Community Corrections (BSCC) on the LEAD Pilot Program in San Francisco. The researchers found at the 12-month follow-up period that clients had significantly lower rates of misdemeanor and felony arrests, and of felony cases, than individuals in the comparison group. They concluded that LEAD is "a promising alternative to the criminal justice system as usual."

AB 2215 (Bryan) provides that a peace officer statewide, not just those participating in LEAD pilot programs, may release a person arrested without a warrant from custody, instead of taking the person before a magistrate, by delivering or referring that person to a public health or social service organization that provides services including, but not

limited to, housing, medical care, treatment for alcohol or substance use disorders, psychological counseling, or employment training and education, and no further proceedings are desired.

Status: Chapter 954, Statutes of 2024

AB-2822 (Gabriel) - Domestic violence.

Current law requires law enforcement agencies to develop an incident report that includes a domestic violence identification code. The report shall be written and identified as a domestic violence incident and should include specified notations, which include, but are not limited to: whether the officer or officers who responded to the call observed any signs that the alleged abuser was under the influence of alcohol or a controlled substance; and whether the officer of officers who responded to the call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or deadly weapon was present at the location, and, if there is an inquiry, whether that inquire disclosed the presence of the firearm or other deadly weapon.

AB 2822 (Gabriel) requires a law enforcement officer to make a notation in a domestic violence incident report if they remove a firearm or other deadly weapon from the location of the domestic violence call.

Status: Chapter 536, Statutes of 2024

AB-2974 (Megan Dahle) - Peace officers: deputy sheriffs.

Existing law generally does not confer peace officer status with the ability to affect arrests statewide to county custodial officers (also known as "jailers"). However, the law makes exceptions for custodial officers employed in the following counties: Butte, Calaveras, Colusa, Del Norte, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Mariposa, Mendocino, Merced, Mono, Plumas, Riverside, San Benito, San Diego, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, and Yuba.

AB 2974 (M. Dahle) grants peace officer status to custodial officers employed by Modoc County.

Status: Chapter 18, Statutes of 2024

Post Conviction Relief

AB-2483 (Ting) - Postconviction proceedings.

In recent years, California has significantly expanded resentencing eligibility, allowing thousands of incarcerated persons to have their sentences reconsidered. However, given the different types of resentencing reforms that have been enacted, there is often inconsistency and ambiguity surrounding the rules and procedures for handling resentencing.

AB 2483 (Ting), among other things, requires the following in postconviction proceedings, except in cases where there is a conflict with a more specific statute: 1) upon receiving a petition to begin a postconviction proceeding, the court to consider whether to appoint counsel to represent the defendant; 2) the court to consider any pertinent circumstances that have arisen since the sentence was imposed and may modify every aspect of the defendant's sentence; 3) that any changes to a sentence not be a basis for a prosecutor or court to rescind a plea agreement; 4) the court to state on the record the reasons for its decision to grant or deny the initial request to begin a postconviction proceeding and to provide notice to the defendant of its decision; and 5) after ruling on a petition, the court to advise the defendant of their right to appeal. Additionally, by March 1, 2025, the presiding judge of each county superior court must convene a meeting to develop a plan for fair and efficient handling of postconviction proceedings.

Status: Chapter 964, Statutes of 2024

SB-1161 (Becker) - Juveniles.

Under existing law, the processes for sealing juvenile adjudication and arrest records are governed by a patchwork of statutes, some of which require a petition by the probation department or person of record. Whether juvenile record relief may be requested or granted depends on a number of factors including the disposition of each juvenile matter and the offense at issue. There is currently no comprehensive system for identifying and sealing qualifying juvenile adjudication, arrest, and citation records.

SB 1161 (Becker) makes numerous changes to California law relating to juvenile record sealing, juvenile case files, eligibility for informal probation, and appellate court jurisdiction. Among other things, it 1) requires a juvenile court, if the person whose case has been certified to a juvenile court has their records sealed in juvenile court, to order all criminal court records associated with that juvenile record sealed; 2) prohibits defense counsel for the minor from being ordered to seal their records; 3) provides that a person who has been convicted of a felony, or misdemeanor involving moral turpitude, may obtain specified record sealing relief if those convictions have subsequently been

dismissed, vacated, pardoned, or reduced, as specified; and, 4) requires the probation department, DOJ, and law enforcement agencies to seal the citation, arrest, or other records in their custody in specified situations.

Status: Chapter 782, Statutes of 2024

SB-1254 (Becker) - CalFresh: enrollment of incarcerated individuals.

CalFresh in California is the largest food assistance program in the nation. Under federal law, incarcerated individuals become ineligible to receive CalFresh benefits after 30 days of confinement. The USDA allows for waivers to deviate from current provisions. Twelve states have applied for waivers to allow for the pre-enrollment of incarcerated people, with programs dating as far back to 2005 in some states.

While there is already an existing re-entry process for Medi-Cal, there are no equivalent enrollment processes for CalFresh, and various other supportive services. California has previously passed legislation for pre-enrollment of state health and human services. AB 3073 (Wicks, 2020) required the California Department of Social Services (CDSS) to issue an all-county letter with recommendations on pre-enrollment on incarcerated applicants for CalFresh. These recommendations included suggestions for collaboration between county prison, social services, and jails and steps to increase CalFresh access for incarcerated people.

SB 1254 (Becker) requires CDSS to partner with the California Department of Corrections and Rehabilitation (CDCR), state prisons, and county jails to pre-enroll eligible applicants for the CalFresh program. It also requires, by February 1, 2026, CDSS to establish a CalFresh workgroup to create recommendations for a state reentry process incorporating all of the necessary resources for transition from state prison or county jail to reentry into the community; and it requires the CalFresh workgroup, by August 31, 2026, and annually by August 31 thereafter, to create and submit a report to CDSS and the Legislature outlining the workgroup's recommendations.

Status: Chapter 465, Statutes of 2024

Privacy

AB-1874 (Sanchez) - Crimes: disorderly conduct.

Existing law makes it a misdemeanor to secretly record or photograph an identifiable person, without their knowledge or consent, in a place where that person has a reasonable expectation of privacy, and with intent to invade that person's privacy. (Pen. Code, § 647, subd. (j)(3)(A).) Whether a person has a "reasonable expectation of

privacy" in a place is an inquiry that takes into account the specific circumstances surrounding the intrusion, societal understanding about the place where the intrusion occurred, and the severity of the intrusion. (See e.g., Trujillo v. City of Ontario (9th Cir. 2006) 428 F.Supp.2d 1094, 1103; Hill v. Nat'l Collegiate Athletic Assn. (1994) 7 Cal.4th 1, 36-37.)

The penalty for a violation when the victim is not a minor is punishment of up to six months in county jail, a fine of up to $1,000, or both. (Pen. Code, § 647; Pen. Code, § 19.) Any subsequent offense is subject to a punishment of up to one year in county jail, a fine of up to $2,000, or both. (Pen. Code, § 647, subd. (k)(1).)

The penalty for an initial violation doubles when the victim was a minor at the time of the offense—up to one year in county jail, a fine of up to $2,000, or both. (Pen. Code, § 647, subd. (k)(2).) Existing law does not provide for harsher punishment for a second or subsequent offense when the victim was a minor at the time of the offense.

AB 1874 (Sanchez) increases the penalty for a second or subsequent violation from a misdemeanor to a wobbler when the person recorded was a minor, with punishment by a fine of up to $2,000, by imprisonment in county jail for up to one year or imprisonment in county jail for 16 months, 2 years, or 3 years, or by both a fine and imprisonment. The increased penalty does not apply to a person who was under 18 years old when he or she committed the offense.

Status: Chapter 554, Statutes of 2024

AB-1892 (Flora) - Interception of electronic communications.

Under existing law, a judge may issue an ex parte order for the interception of wire and electronic communications if there is probable cause to believe that 1) an individual has committed, is committing, or is going to commit a specified crime; 2) the communication relates to the illegal activity; 3) the communication device will be used by the person whose communications are to be intercepted; and, 4) normal investigative procedures have been tried and failed or reasonably appear to be unlikely to succeed or be too dangerous. (Pen. Code, § 629.52; People v. Leon (2007) 40 Cal.4th 376, 384.) The crimes for which a wiretap may be obtained include drug trafficking offenses, murder or solicitation to commit murder, a felony involving a destructive device or weapons of mass destruction, human trafficking, active participation in a street gang, and attempt or conspiracy to commit any of these crimes. (Pen. Code, § 629.52, subd. (a)(1)-(6).)

AB 1892 (Flora) adds specified felony offenses related to obscene materials involving minors to the list of crimes for which law enforcement may obtain an ex parte order for a

wiretap.

Status: Chapter 363, Statutes of 2024

AB-1962 (Berman) - Crimes: disorderly conduct.

Existing law makes it a misdemeanor to intentionally distribute an image of another identifiable person's intimate body parts or depicting the person engaged in one of several specified sex acts, under circumstances in which the persons agree or understand that the image shall remain private, when the person distributing the image knows, or should know, that its distribution will cause serious emotional distress, and where the person depicted suffers that distress (also known as "revenge porn").

AB 1962 (Berman) expands the crime of revenge porn to include the distribution of images recorded, captured, or otherwise obtained by the person distributing the image without the authorization of the person depicted and the image was recorded under circumstances in which the person depicted had a reasonable expectation of privacy, or the person distributing the image exceeded authorized access from the property, accounts, messages, files, or resources of the person depicted.

Status: Chapter 367, Statutes of 2024

SB-926 (Wahab) - Crimes: distribution of intimate images.

Existing law makes it a misdemeanor to intentionally distribute an image of another identifiable person's intimate body parts or depicting the person engaged in one of several specified sex acts, under circumstances in which the persons agree or understand that the image shall remain private, when the person distributing the image knows, or should know, that its distribution will cause serious emotional distress, and where the person depicted suffers that distress.

SB 926 (Wahab) creates a new misdemeanor for a person who intentionally creates and distributes any sexually explicit image of another identifiable person, where one party is unaware of the image or did not consent to the image, where the image was created in a manner that would cause a reasonable person to believe the image is an authentic image of the person depicted, under circumstances in which the person distributing the image knows or should know that distribution of the image will cause serious emotional distress, and the person depicted suffers that distress.

Status: Chapter 289, Statutes of 2024

Restraining Orders

AB-2308 (Davies) - Domestic violence: protective orders.

Under existing law, a person convicted of domestic violence involving willful corporal injury to a spouse, cohabitant, fiancé, or parent of the offender's child can be subject to a 10-year protective order restraining the defendant from any contact with the victim. (Pen. Code, § 273.5, subd. (j).)

AB 2308 (Davies) extends the maximum duration of this type of criminal protective order from 10 to 15 years. Additionally, this bill authorizes the court issuing a criminal protective order, upon a written petition by the prosecuting attorney, defendant, or victim, to modify or terminate a protective order for good cause provided the prosecuting attorney, defendant, and victim are notified at least 15 days before the hearing on the petition.

Status: Chapter 649, Statutes of 2024

AB-2759 (Petrie-Norris) - Domestic violence protective orders: possession of a firearm.

Existing law authorizes a court, as part of a firearms relinquishment order, to grant an exemption from the relinquishment if the respondent can show that a particular firearm or ammunition is necessary as a condition of continued employment and that the current employer is unable to reassign the respondent to another position where a firearm or ammunition is unnecessary.

AB 2759 (Petrie-Norris) revises this firearms relinquishment exemption in existing law to clarify and expand the standard considered by the court in making determinations for any sworn peace officer carrying a firearm, either on or off duty, as a condition of employment.

Status: Chapter 535, Statutes of 2024

AB-2907 (Zbur) - Firearms: restrained persons.

Under existing law, individuals convicted of domestic violence felonies and specified domestic violence misdemeanors are subject to a lifetime or 10-year ban (respectively) on the purchase, possession and ownership of firearms. However, even if an individual has not yet been convicted of a domestic violence offense, if they become subject to any domestic violence restraining order (DVRO), existing law prohibits them from acquiring or possessing firearms, firearm parts and ammunition for the entire duration that the order is in effect, and requires them to relinquish any firearms currently in their possession, as specified.

Among other things, AB 2907 (Zbur) requires courts and law enforcement agencies to take additional steps to determine whether an arrestee or defendant in a domestic violence case owns or possesses a firearm and, if so, to ensure the firearm is relinquished. Specifically, it requires the court, in a case against a defendant for domestic violence where there is evidence the defendant owns or possesses a firearm and the court has issued a protective order against the defendant, to document whether the defendant has relinquished the firearm; requires an arresting officer for an offense involving an act of domestic violence to query the Automated Firearms System (AFS) and ask involved parties to determine whether the arrestee owns or possesses a firearm, and provide a copy of the AFS report when filing the case with the district attorney or prosecuting city attorney; requires the court, when issuing a protective order, to order the restrained person to relinquish any firearm in that person's immediate possession or control within 24 hours of being served with the order; and prohibits a person from possessing a firearm if they are restrained by a protective order issued for inflicting corporal injury resulting in a traumatic injury against certain victims, elder abuse, or stalking, or a protective order issued upon a grant of probation for domestic violence.

Status: Chapter 538, Statutes of 2024

AB-3083 (Lackey) - Domestic violence: protective orders: background checks.

Existing law mandates a court, before ruling on a domestic violence restraining oprder (DRVO) to search the following databases for information about the respondent: (a) The California Sex and Arson Registry (CSAR); (b) the Supervised Release File; (c) Department of Justice (DOJ) state summary criminal history information; (d) the Federal Bureau of Investigation's nationwide criminal database; and (e) any locally maintained criminal history records or databases.

AB 3083 (Lackey) requires a court to also conduct a search of the DOJ's Automated Firearms System (ASF) to determine whether a person subject to a proposed DVRO owns a firearm.

Status: Chapter 541, Statutes of 2024

AB-3209 (Berman) - Crimes: theft: retail theft restraining orders.

There are several different types of restraining orders, including domestic violence restraining orders, civil harassment restraining orders, elder abuse restraining orders, gun violence restraining orders, workplace violence protective orders, and school violence protective orders.

AB 3209 (Berman) creates a new type of restraining order known as a "retail crime restraining order," which authorizes a court, when sentencing a person for an offense involving theft of, vandalism of, or battery of an employee of a retail establishment, to issue a criminal protective order prohibiting a person from being present on the grounds of, or any parking lot adjacent to and used to service, a retail establishment and any other retail establishments in that chain or franchise, as specified, for up to two years. In determining whether to impose a retail crime restraining order, the court must consider whether the retail establishment is the only place that sells food, pharmaceuticals, or other basic life necessities within one mile of where the individual resides, or otherwise creates undue hardship for the individual.

AB 3209 also authorizes specified parties to file a petition for a restraining order against an individual who has been arrested twice, but not charged or convicted, with any of the qualifying offenses at the same retail establishment, and authorizes the court to issue an order restraining the respondent from entering the premises of the retail establishment for a period not to exceed two years if the court finds by a preponderance of the evidence that the person committted the qualifying offenses and there is a substantial likelihood the individual will return to the retail establishment. Lastly, AB 3209 provides that an officer arresting a person for a violation of a retail crime restraining order is not required to cite and release the person. A violation of a retail crime restraining order is a misdemeanor punishable by six months in county jail.

Status: Chapter 169, Statutes of 2024

SB-899 (Skinner) - Protective orders: firearms.

Under existing law there are specific procedures for issuing and serving domestic violence protective orders (DVROs), and enforcing the firearm relinquishment requirements associated with such orders. (Fam. Code, § 6389.) However, the procedures for enforcing and ensuring firearm relinquishment compliance for other types of protective orders are less clear.

SB 899 (Skinner) extends the firearm and ammunition relinquishment procedures that currently apply to DVROs to gun violence restraining orders, civil harassment, workplace violence or postsecondary violence temporary restraining orders and injunctions, elder abuse restraining orders, and protective orders issued during the pendency of criminal proceedings and following specified criminal convictions. This includes, among other things, outlining procedures to be followed when a court receives evidence a restrained person has a firearm; requiring the court to provide a restrained person with information on how firearms or ammunition still in that person's possession must be relinquished; requiring the court, if a restrained person does not file a receipt

with the court within 48 hours after receiving an order, to immediately notify appropriate law enforcement entities; and, adding ammunition to the provision authorizing the issuance of a search warrant when the property or things to be seized include a firearm possessed or owned by a prohibited person who has failed to relinquish the firearm as required.

Status: Chapter 544, Statutes of 2024

Search and Seizure

AB-1892 (Flora) - Interception of electronic communications.

Under existing law, a judge may issue an ex parte order for the interception of wire and electronic communications if there is probable cause to believe that 1) an individual has committed, is committing, or is going to commit a specified crime; 2) the communication relates to the illegal activity; 3) the communication device will be used by the person whose communications are to be intercepted; and, 4) normal investigative procedures have been tried and failed or reasonably appear to be unlikely to succeed or be too dangerous. (Pen. Code, § 629.52; People v. Leon (2007) 40 Cal.4th 376, 384.) The crimes for which a wiretap may be obtained include drug trafficking offenses, murder or solicitation to commit murder, a felony involving a destructive device or weapons of mass destruction, human trafficking, active participation in a street gang, and attempt or conspiracy to commit any of these crimes. (Pen. Code, § 629.52, subd. (a)(1)-(6).)

AB 1892 (Flora) adds specified felony offenses related to obscene materials involving minors to the list of crimes for which law enforcement may obtain an ex parte order for a wiretap.

Status: Chapter 363, Statutes of 2024

AB-1978 (Sanchez) - Vehicles: speed contests.

Under existing law, a vehicle can be impounded if a peace officer arrests a person who is driving or in control of a vehicle for an alleged offense, and the officer, by law, is required or permitted to take, and does take, that person into custody. (Veh. Code, § 22651.)

AB 1978 (Sanchez) authorizes peace officers to impound a vehicle, without taking the driver into custody, for obstructing or placing a barricade upon a highway, or an offstreet parking facility, for the purpose of facilitating or aiding a speed contest or exhibition of speed.

Status: Chapter 501, Statutes of 2024

AB-2645 (Lackey) - Electronic toll collection systems: information sharing: law enforcement.

Existing law limits when transportation agencies can share electronic toll collection system data with law enforcement. Existing law provides that a transportation agency may make personally identifiable information of a person available to a law enforcement agency only pursuant to a search warrant. (Sts. & Hy Code, § 31490, subd. (e)(1).) It provides, however, that the search warrant requirement does not prohibit law enforcement, when conducting a criminal or traffic collision investigation, from obtaining personally identifiable information of a person if the officer has good cause to believe that a delay in obtaining this information by seeking a search warrant would cause an adverse result. (Sts. & Hy. Code, § 31490, subd. (e)(2).) Adverse results exist when delay would result in, among other things, danger to the life or physical safety of an individual; a flight from prosecution; the destruction of or tampering with evidence; the intimidation of potential witnesses; or the serious jeopardy to an investigation. (Ibid.; Pen. Code, § 1524.2, subd. (a)(2).)

AB 2645 (Lackey) authorizes a transportation agency that employs an electronic toll collection system to provide the date, time, and location of a vehicle license plate read captured by the system to a peace officer in response to a special alert, as specified (e.g. Amber Alert).

Status: Chapter 730, Statutes of 2024

Sex Offenses

AB-1831 (Berman) - Crimes: child pornography.

Existing law defines “obscene matter,” as it pertains to crimes related to child pornography, as “any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, or any other computer-related equipment or computer-generated image that contains or incorporates in any manner, any film, filmstrip, photograph, negative, slide, photocopy, videotape, or video laser disc.”

As explained by the author, “currently, prosecution of the possession of child sexual abuse material (CSAM) and related crimes, require proof that the material in question depicts a real child. However, advances in artificial intelligence (AI) and computer technology have made it possible, cheap, and easy to create highly realistic deepfake content, including CSAM. For example, websites available to the general public offer

services that modify images of real people, including children, to make them appear nude. Other websites will generate artificial images of children in any position or situation the user demands. The images are often so realistic that the human eye cannot tell they are fake. Numerous free applications utilize generative AI technology to produce images and videos of humans that appear real."

AB 1831 (Berman) adds to the definition of "obscene matter" and "matter," any "digitally-altered or artificial-intelligence-generated matter," as it pertains to images of persons under the age of 18 engaged in sexual conduct.

Status: Chapter 926, Statutes of 2024

AB-1874 (Sanchez) - Crimes: disorderly conduct.

Existing law makes it a misdemeanor to secretly record or photograph an identifiable person, without their knowledge or consent, in a place where that person has a reasonable expectation of privacy, and with intent to invade that person's privacy. (Pen. Code, § 647, subd. (j)(3)(A).) Whether a person has a "reasonable expectation of privacy" in a place is an inquiry that takes into account the specific circumstances surrounding the intrusion, societal understanding about the place where the intrusion occurred, and the severity of the intrusion. (See e.g., Trujillo v. City of Ontario (9th Cir. 2006) 428 F.Supp.2d 1094, 1103; Hill v. Nat'l Collegiate Athletic Assn. (1994) 7 Cal.4th 1, 36-37.)

The penalty for a violation when the victim is not a minor is punishment of up to six months in county jail, a fine of up to $1,000, or both. (Pen. Code, § 647; Pen. Code, § 19.) Any subsequent offense is subject to a punishment of up to one year in county jail, a fine of up to $2,000, or both. (Pen. Code, § 647, subd. (k)(1).)

The penalty for an initial violation doubles when the victim was a minor at the time of the offense—up to one year in county jail, a fine of up to $2,000, or both. (Pen. Code, § 647, subd. (k)(2).) Existing law does not provide for harsher punishment for a second or subsequent offense when the victim was a minor at the time of the offense.

AB 1874 (Sanchez) increases the penalty for a second or subsequent violation from a misdemeanor to a wobbler when the person recorded was a minor, with punishment by a fine of up to $2,000, by imprisonment in county jail for up to one year or imprisonment in county jail for 16 months, 2 years, or 3 years, or by both a fine and imprisonment. The increased penalty does not apply to a person who was under 18 years old when he or she committed the offense.

Status: Chapter 554, Statutes of 2024

AB-1962 (Berman) - Crimes: disorderly conduct.

Existing law makes it a misdemeanor to intentionally distribute an image of another identifiable person's intimate body parts or depicting the person engaged in one of several specified sex acts, under circumstances in which the persons agree or understand that the image shall remain private, when the person distributing the image knows, or should know, that its distribution will cause serious emotional distress, and where the person depicted suffers that distress (also known as "revenge porn").

AB 1962 (Berman) expands the crime of revenge porn to include the distribution of images recorded, captured, or otherwise obtained by the person distributing the image without the authorization of the person depicted and the image was recorded under circumstances in which the person depicted had a reasonable expectation of privacy, or the person distributing the image exceeded authorized access from the property, accounts, messages, files, or resources of the person depicted.

Status: Chapter 367, Statutes of 2024

AB-2295 (Addis) - Crimes: commencement of prosecution.

For many survivors, disclosing abuse is a long and painful process. Numerous factors prevent survivors, especially those abused as children, from reporting their abuse including: feelings of shame, lacking trusted adults and opportunities to disclose, and fear of additional victimization or not being believed. Even when survivors become adults, various societal, institutional, and psychological barriers impede their ability to report their abuser. Many survivors miss the deadline to obtain justice because trauma affects them in a way that causes them to delay disclosure of their abuse until they are older.

AB 2295 (Addis) provides that, if prosecution for specified sex crimes alleged to have been committed when the victim was under 18 years of age did not commence prior to the victim's 40th birthday, the prosecuting agency may provide victim assistance to the victim, including support with restorative justice.

Status: Chapter 825, Statutes of 2024

SB-1381 (Wahab) - Property crimes: regional property crimes task force.

With the rapid advancement of AI, this technology is being used to create highly realistic images of child sexual abuse, which can be virtually indistinguishable from a real child. The process of creating AI-generated sexually explicit images of minors victimizes thousands of children because an AI program must first learn what these images look like by using existing real images of children. Law enforcement officers in California have already encountered instances of people in possession of AI-generated child

sexual abuse material (CSAM) that could not be prosecuted due to the deficiency in current law.

SB 1381 (Wahab) adds to the definition of "obscene matter" and "matter," any "digitally-altered or artificial-intelligence-generated matter," as it pertains to images of persons under the age of 18 engaged in sexual conduct, as specified.

Status: Chapter 929, Statutes of 2024

SB-1414 (Grove) - Crimes: solicitation of a minor.

In California, it is a criminal offense to accept compensation for sex or pay for the services of a sex worker. This offense is commonly known as “solicitation of prostitution” regardless of which part of the transaction the defendant participated in. Human trafficking offenses are distinct from solicitation of prostitution and are punished much more harshly under existing law. There are different criminal penalties for solicitation depending on the severity of the conduct involved. If the solicitation involved a defendant who knew or should have known the person they solicited was under the age of 18, the offense is a misdemeanor punishable by up to one year in county jail, a fine, or both. Where there is no showing that the defendant knew or should have known the person they solicited was a minor, the offense is punishable by up to six months in the county jail and a fine.

SB 1414 (Grove) makes solicitation of a minor a wobbler, meaning it may be charged as a misdemeanor or a felony, and increases the punishments for the offense. A defendant will face the bill’s increased penalties for soliciting a minor under the age of 16 or soliciting a minor under the age of 18 if the minor is a victim of human trafficking, as defined; and a second or subsequent offense is a straight felony.

Status: Chapter 617, Statutes of 2024

Sexually Violent Predators

AB-1954 (Alanis) - Sexually violent predators.

Enacted in 1996, the Sexually Violent Predator Act (SVPA) authorizes an involuntary civil commitment of any person who has been convicted of a sexually violent offense and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in future sexually violent criminal behavior. The SVPA was designed to accomplish the dual goals of protecting the public, by confining violent sexual predators likely to reoffend, and providing treatment to those offenders.

People committed pursuant to the SVPA are treated as "sick persons," not as criminals. Sexually violent predators (SVP) receive treatment for their disorders and must be released when they no longer constitute a threat to society. The release of an SVP only occurs if a court finds the person no longer meets the requirement of an SVP. The SVP may be released either unconditionally or conditionally. Existing law also requires a conditionally released SVP to be returned to their county of domicile unless extraordinary circumstances exist requiring placement in another county.

AB 1954 (Alanis) requires a county sheriff or police chief, district attorney, and county counsel of any alternative locality or county, meaning where a potential placement location has been identified and is being considered by the Department of State Hospitals (DSH) for potential recommendation to the court for placement of a SVP provide consultation and assistance in DSH's process of locating housing for a conditionally released SVP. AB 1954 also states that the sheriff or chief of police of, and the county counsel and district attorney of, an alternative placement locality shall provide appropriate contact information for their respective office to DSH at least 60 days before the date of the potential or expected release date.

Status: Chapter 816, Statutes of 2024

Supervision

AB-2106 (McCarty) - Probation.

Probation is the suspension of a custodial sentence and a conditional release of a defendant into the community. Probation can include a sentence in county jail before the conditional release to the community. Defendants convicted of misdemeanors, and most felonies, are eligible for probation based on the discretion of the court. When considering the imposition of probation, the court evaluates the safety of the public, the nature of the offense, the interests of justice, the loss to the victim, and the needs of the defendant. (Pen. Code, § 1202.7.) The court also has broad discretion to impose conditions that foster the defendant’s rehabilitation and protect public safety. (People v. Carbajal (1995) 10 Cal.4th 1114, 1120.) A valid condition must be reasonably related to the offense and aimed at deterring misconduct in the future. (Id. at 1121.)

Existing law requires a trial court to order a person granted probation subsequent to a conviction for any controlled substance offense to secure education or treatment in a local community agency. (Health & Saf. Code, § 11373, subd. (a).) Under Proposition 36, any person convicted of a nonviolent drug possession offense must be granted probation, unless otherwise precluded by law. (Pen. Code, § 1210.1, subd. (a).) A

person convicted of drug trafficking may be granted probation if the trial court determines that there are circumstances in mitigation of the punishment prescribed by law or that the ends of justice would be served by granting probation to the person, and that person is not otherwise precluded by law from receiving probation. (Pen. Code, § 1203, subd. (b)(3).)

AB 2106 (McCarty) requires a court to order drug treatment or drug education when a defendant is charged with a controlled substance offense and granted probation, if there is an appropriate program with capacity to accept the defendant.

Status: Chapter 1007, Statutes of 2024

AB-2310 (Hart) - Parole hearings: language access.

The Dymally-Alatorre Bilingual Services Act of 1973 requires every state agency involved in the furnishing of information or the rendering of services to the public whereby contact is made with a substantial number of non-English-speaking people to employ a sufficient number of qualified bilingual persons in public contact positions to ensure provision of information and services to the public in the language of the non-English-speaking person.

AB 2310 (Hart) requires the Board of Parole Hearings to translate specified notices and forms used by incarcerated persons into the five most common languages spoken by incarcerated persons who are eligible for a parole hearing.

Status: Chapter 826, Statutes of 2024

Theft

AB-1779 (Irwin) - Theft: jurisdiction.

Under existing law, a case must generally be tried in the jurisdiction where the offense was committed, subject to certain exemptions, such as when a defendant commits multiple offenses across different jurisdictions. (Pen. Code, §§ 777 & 784.7, subd. (a).)

AB 1779 (Irwin) expands the jurisdiction for charging theft and receipt of stolen property to include the county where an offense involving the theft or receipt of the stolen merchandise occurred, the county in which the merchandise was recovered, or the county where any act was done by the defendant in instigating or aiding in the commission of those offenses. If multiple offenses of theft or receipt of stolen property, either all involving the same defendant or defendants and the same merchandise, or all involving the same defendant or defendants and the same scheme or substantially

similar activity, occur in multiple jurisdictions, then any of those jurisdictions would be a proper jurisdiction for all of the offenses. Jurisdiction would also extend to all associated offenses connected together in their commission to the underlying theft offenses.

Status: Chapter 165, Statutes of 2024

AB-1802 (Jones-Sawyer) - Crimes: organized theft.

Retail theft has been growing concern in California and is an increasingly frequent topic of discussion in the Legislature. Last year, the Public Policy Institute of California (PPIC) reported a 5.8% increase in commercial burglary and a 9.1% increase in commercial robbery compared to the year prior.

AB 1802 (Jones-Sawyer) eliminates the sunset date for the crime of organized retail theft and for the existence of a taskforce established by the California Highway Patrol to analyze organized retail theft and vehicle burglary and to assist local law enforcement in counties identified as having elevated property crime.

Status: Chapter 166, Statutes of 2024

AB-1960 (Rivas) - Sentencing enhancements: property loss.

Until January 1, 2018, California law required courts to impose an additional term of imprisonment, as specified, when any person takes, damages, or destroys any property in the commission or attempted commission of a felony, as specified. This additional penalty was known as the “great takings” enhancement and was repealed in 2018.

AB 1960 (Rivas) increases the penalties for certain theft offenses by re-enacting a new "great takings" enhancement. Specifically, the bill creates, until January 1, 2030, new sentencing enhancements of 1, 2, 3, or 4 years, respectively, for taking, damaging or destroying any property in the commission or attempted commission of a felony or commission of a felony violation of receiving stolen property, if the loss or property value exceeds $50,000, $200,000, $1,000,000, or $3,000,000. Such enhancements may be imposed if the aggregate losses to the victims, or the aggregate property values from all felonies, exceed the specified triggering amounts.

Status: Chapter 220, Statutes of 2024

AB-1972 (Alanis) - Organized retail theft: cargo.

Under Penal Code section 13899, the California Highway Patrol (CHP) is required to, in coordination with the Department of Justice (DOJ), convene a regional property crimes task force to assist local law enforcement in counties with elevated levels of property crime, including, but not limited to, organized retail theft, vehicle burglary, and theft of

vehicle parts and accessories.

The Union Pacific Police Department is the law enforcement agency of Union Pacific's (UP) railroad. (Union Pacific Special Agents: The Badges Behind the Shield, UP (April 2016). https://www.up.com/aboutup/community/inside_track/badges-04-11-2016.htm [as of March 8, 2023].) According to UP, the Union Pacific Police Department has primary jurisdiction over crimes committed against the railroad. The department is responsible for all UP locations across 32,000 miles of track in 23 states. (Ibid.) UP police have full police authority and are responsible for crimes that include trespassing on railroad rights of way, theft of railroad property, threats of terrorism and derailments, as well as investigate public safety incidents which occur on railroad property.

AB 1972 (Alanis) expands the regional property crimes tasks force within CHP to include railroad police and cargo theft.

Status: Chapter 167, Statutes of 2024

AB-2943 (Zbur) - Crimes: shoplifting.

Retail theft and related offenses have been the subject of significant public and legislative discussion in recent years. During the COVID-19 pandemic, property crime rose, including shoplifting and other types of theft. Following the pandemic, property crime appears to have returned to normal levels, but retailers, law enforcement agencies, and members of the public have expressed impassioned concerns about the incidence of these crimes.

AB 2943 (Zbur) provides that a person who possesses property unlawfully that was acquired through certain theft activities, where the value of the property exceeds $950, the property is not possessed for personal use, and the person has the intent to sell the property for value, is guilty of criminal deprivation of a retail business opportunity punishible either as a misdemeanor or a felony. AB 2943 also increases the allowable term of probation for petty theft and shoplifing by authorizing courts to impose up to two years of probation for persons convicted of shoplifing or petty theft. If a court imposes a term of probation that exceeds one year, the court, as a condition of probation, shall consider referring the defendant to a collaborative court or rehabilitation program that is relevant to the underlying factor or factors that led to the commission of the offense, and the court shall discharge the defendant from probation upon successfull completion of the program. This bill also extends the sunset date on provisions of law that authorize cities and counties to establish diversion and deferred entry of judgment programs for theft and repeat theft crimes, and authorize non-release for arrests relating to repeat thefts and organized retail theft, until January 1, 2031.

This bill also permits a peace officer to arrest a person for misdemeanor shoplifing, without a warrant, when the violation was not committed in the officer's presence if the officer has probable cause; the arrest is made without undue delay; and the officer either obtains a sworn statement from a person who witnessed the person committing the violation, observes video footage showing the person committing the violation, the person possesses a quantity of goods inconsistent with personal use and the goods bear specified security devices, or the person confesses the violation to the arresting officer.

Status: Chapter 168, Statutes of 2024

AB-3209 (Berman) - Crimes: theft: retail theft restraining orders.

There are several different types of restraining orders, including domestic violence restraining orders, civil harassment restraining orders, elder abuse restraining orders, gun violence restraining orders, workplace violence protective orders, and school violence protective orders.

AB 3209 (Berman) creates a new type of restraining order known as a "retail crime restraining order," which authorizes a court, when sentencing a person for an offense involving theft of, vandalism of, or battery of an employee of a retail establishment, to issue a criminal protective order prohibiting a person from being present on the grounds of, or any parking lot adjacent to and used to service, a retail establishment and any other retail establishments in that chain or franchise, as specified, for up to two years. In determining whether to impose a retail crime restraining order, the court must consider whether the retail establishment is the only place that sells food, pharmaceuticals, or other basic life necessities within one mile of where the individual resides, or otherwise creates undue hardship for the individual.

AB 3209 also authorizes specified parties to file a petition for a restraining order against an individual who has been arrested twice, but not charged or convicted, with any of the qualifying offenses at the same retail establishment, and authorizes the court to issue an order restraining the respondent from entering the premises of the retail establishment for a period not to exceed two years if the court finds by a preponderance of the evidence that the person committted the qualifying offenses and there is a substantial likelihood the individual will return to the retail establishment. Lastly, AB 3209 provides that an officer arresting a person for a violation of a retail crime restraining order is not required to cite and release the person. A violation of a retail crime restraining order is a misdemeanor punishable by six months in county jail.

Status: Chapter 169, Statutes of 2024

SB-1242 (Min) - Crimes: fires.

Under existing law, a person may be convicted of reckless arson if they recklessly set fire to a structure, forest, land, or other property. The type of criminal charge and punishment depend on the circumstances of the offense. Reckless arson is punishable as a misdemeanor by up to six months in county jail, or as a felony by 16 months, 2 years, or 3 years in state prison. If the defendant caused great bodily injury, reckless arson is punishable as a misdemeanor by up to one year in county jail, or as a felony by 2, 4, or 6 years in state prison. If the defendant causes an inhabited structure or property to burn, reckless arson is punishable as a misdemeanor by up to one year in county jail, or as a felony by two, three, or four years in state prison.

Where three possible sentences are prescribed by statute, the court must determine which sentence to impose. Generally, the court must impose the lower or middle term unless there are circumstances in aggravation of the crime that justify imposing the upper term. The court may impose the upper term only if the defendant admits an aggravating circumstance or the aggravating circumstance is found true beyond a reasonable doubt at trial.

SB 1242 (Min) specifies that, for the crime of reckless arson, the fact that the offense was carried out within a merchant's premises in order to facilitate organized retail theft shall be a factor in aggravation at sentencing.

Status: Chapter 173, Statutes of 2024

SB-1416 (Newman) - Sentencing enhancements: sale, exchange, or return of stolen property.

Until the law sunset in 2018, California had an "excessive takings" enhancement that applied to the taking or damaging of property that exceeded specified value thresholds. (Former Pen. Code, § 12022.6.) The law was enacted in 1977 and subsequently a sunset provision was included in the statute for the purpose of allowing the Legislature to consider the effects of inflation on the property value thresholds in the law. The sunset was extended several times through legislation until the law was allowed to sunset in 2018.

The law as it read in 2017 required the court to apply an enhancement of 1, 2, 3, or 4 years respectively whenever any person was convicted of a felony involving taking or damaging property that exceeded losses of $65,000, $200,000, $1,300,000 and $3,200,000.

SB 1416 (Newman) creates new enhancements that apply to some of the same conduct that would have been covered by former Penal Code section 12022.6. Specifically, it

creates new sentencing enhancements of 1, 2, 3, or 4 years respectively for selling, exchanging, or returning for value, or attempting to sell, exchange, or return for value, any property acquired through one or more acts of shoplifting, theft, or burglary from a retail business, if the property value exceeds $50,000, $200,000, $1,000,000, or $3,000,000.

Status: Chapter 174, Statutes of 2024

Vehicles

AB-1978 (Sanchez) - Vehicles: speed contests.

Under existing law, a vehicle can be impounded if a peace officer arrests a person who is driving or in control of a vehicle for an alleged offense, and the officer, by law, is required or permitted to take, and does take, that person into custody. (Veh. Code, § 22651.)

AB 1978 (Sanchez) authorizes peace officers to impound a vehicle, without taking the driver into custody, for obstructing or placing a barricade upon a highway, or an offstreet parking facility, for the purpose of facilitating or aiding a speed contest or exhibition of speed.

Status: Chapter 501, Statutes of 2024

AB-2807 (Villapudua) - Vehicles: sideshows and street takeovers.

Under existing law, a sideshow is an event in which two or more persons block or impede traffic on a highway or in an offstreet parking facility for the purposes of performing for spectators motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving. (Veh. Code, § 23109.)

AB 2807 (Villapudua) clarifies what meets the definition of a sideshow by recognizing that sideshows are also referred to as "street takeovers."

Status: Chapter 503, Statutes of 2024

SB-905 (Wiener) - Crimes: theft from a vehicle.

Existing law states that any person who enters any house, room, apartment,…shop, warehouse, store, or other building, tent, vessel, or vehicle when the doors are locked with the intent to commit grand or petty larceny or any other felony is guilty of burglary. Burglary of an inhabited dwelling is first degree burglary, and that all other kinds of burglary are of the second degree. The punishment for second degree burglary is either confinement of up to one year in the county jail, or confinement in the county jail for 16

months, 2 years, or 3 years pursuant to criminal justice realignment.

SB 905 (Wiener) creates a new alternate felony-misdemeanor, punishable as a misdemeanor by up to one year in the county jail or as a felony by confinement in county jail for 16 months, two, or three years in county jail pusuant to criminal justice realignment for any person who forcibly enters a vehicle, with the intent to commit a theft or any felony therein, without reference to whether the doors are locked.

Status: Chapter 170, Statutes of 2024

Victims

AB-1962 (Berman) - Crimes: disorderly conduct.

Existing law makes it a misdemeanor to intentionally distribute an image of another identifiable person's intimate body parts or depicting the person engaged in one of several specified sex acts, under circumstances in which the persons agree or understand that the image shall remain private, when the person distributing the image knows, or should know, that its distribution will cause serious emotional distress, and where the person depicted suffers that distress (also known as "revenge porn").

AB 1962 (Berman) expands the crime of revenge porn to include the distribution of images recorded, captured, or otherwise obtained by the person distributing the image without the authorization of the person depicted and the image was recorded under circumstances in which the person depicted had a reasonable expectation of privacy, or the person distributing the image exceeded authorized access from the property, accounts, messages, files, or resources of the person depicted.

Status: Chapter 367, Statutes of 2024

AB-2020 (Bonta) - Survivors of Human Trafficking Support Act.

Law enforcement encounters with survivors of human trafficking often result in the survivor being detained, cited, or arrested, subjecting that survivor to potential penalties, rather than treating the survivor as a victim and connecting them to supportive services. (Polaris, In Harm's Way: How Systems Fail Human Trafficking Survivors, (Jan. 25, 2023), available at: https://polarisproject.org/resources/in-harms-way-how-systems-fail-human-trafficking-survivors/.)

AB 2020 (Bonta) requires the Commission on Peace Officer Standards and Training (POST), in collaboration with specified organizations, to develop guidelines for law enforcement personnel interactions with survivors of human trafficking. Additionally, AB

2020 requires law enforcement agencies to establish a written policy regarding interactions with survivors of human trafficking based on the POST guidelines. Among other things, the written policy must include 1) that an officer contacting a survivor of human trafficking inform the survivor that they have the right to have an advocate present during any interviews with law enforcement; 2) that, if the survivor requests an advocate, the officer arrange for an advocate to be present; 3) that an officer obtain a waiver in writing if a survivor refuses an advocate; and 4) that an officer provide referrals to organizations that provide services to survivors of human trafficking.

Status: Chapter 615, Statutes of 2024

AB-2295 (Addis) - Crimes: commencement of prosecution.

For many survivors, disclosing abuse is a long and painful process. Numerous factors prevent survivors, especially those abused as children, from reporting their abuse including: feelings of shame, lacking trusted adults and opportunities to disclose, and fear of additional victimization or not being believed. Even when survivors become adults, various societal, institutional, and psychological barriers impede their ability to report their abuser. Many survivors miss the deadline to obtain justice because trauma affects them in a way that causes them to delay disclosure of their abuse until they are older.

AB 2295 (Addis) provides that, if prosecution for specified sex crimes alleged to have been committed when the victim was under 18 years of age did not commence prior to the victim's 40th birthday, the prosecuting agency may provide victim assistance to the victim, including support with restorative justice.

Status: Chapter 825, Statutes of 2024

Miscellaneous

AB-1863 (Ramos) - California Emergency Services Act: notification systems: Feather Alert.

In January 2023, CHP launched the Feather Alert System to aid in locating involuntarily abducted or kidnapped Indigenous people. This bill makes changes to the existing Feather Alert System.

Specifically, AB 1863 requires the California Highway Patrol (CHP) to develop policies and procedures on how a Feather Alert (Alert) is activated, authorizes specified entities to directly request Alert activations, expands the criteria for determining whether to

request and activate an Alert, and outlines how decisions about activations are communicated.

Status: Chapter 659, Statutes of 2024

AB-1888 (Arambula) - Division of Labor Standards Enforcement: Labor Trafficking Unit.

Trafficked employees face threats from their employers relating to documentation status, harm to their families, and loss of wages that prevent them from trying to escape and seek help. Traffickers often target vulnerable populations such as foster children, homeless and runaway youth, foreign nationals, and individuals living in poverty. Unfortunately, the current fragmented enforcement structure means that no single entity holds the mandate to specifically investigate and enforce labor trafficking laws. By establishing a dedicated labor trafficking unit within the Department of Industrial Relations (DIR), a department with expertise in labor rights and laws, the state can take the necessary steps to stop the abuses of workers.

AB 1888 (Arambula) establishes the Labor Trafficking Unit (LTU) within the Department of Justice (DOJ) to receive labor trafficking reports from law enforcement agencies and other entities and refer these reports to appropriate agencies for investigation, prosecution, or other remedies.

Status: Chapter 614, Statutes of 2024

AB-1899 (Cervantes) - Courts.

In response to the widespread calls for change in the early 1990s, former California Supreme Court Chief Justice Ron George and the Judicial Council of California (JCC) created the Blue Ribbon Commission on Jury System Improvement in 1995. The JCC directed the Commission to "undertake a thorough and comprehensive review of all aspects of the jury system." (Judicial Council of California, Task Force on Jury System Improvements- Final Report, Apr. 15, 2003, p. 1.) While use of the questionnaires (as written and in a courtroom) is strongly recommended, it is not mandated by either statute or rule of court. It appears that some courts alter or modify the JCC's model questionnaires and use them for purposes that are not recommended.

AB 1899 (Cervantes) requires the Judicial Council to adopt a standard of judicial administration to ensure that juror identification and any juror questionnaire is inclusive, including allowing a juror the ability to express their gender identity or gender expression, if applicable.

Status: Chapter 812, Statutes of 2024

AB-2475 (Haney) - Parole.

An offender with a mental health disorder (OMHD) commitment, formerly known as a mentally disordered offender commitment, is a post-prison civil commitment to further detain a person with a severe mental health disorder. The OMHD Act is designed to confine as mentally ill an incarcerated person who is about to be released on parole when it is deemed that that their mental illness not only contributed to the commission of a violent crime, but also continues to make them dangerous to others. Rather than release the person to the community, CDCR paroles the incarcerated person to the supervision of the state hospital, and the individual remains under hospital supervision throughout the parole period.

The incarcerated person may request a hearing before the BPH to require proof that they qualify as an OMHD. If the BPH determines that the person meets the criteria of an OMHD, the person may file a petition in the superior court of the county in which they are incarcerated or are being treated for a hearing on whether they, as of the date of the board hearing, meet the criteria. The person is entitled to a jury trial, which can be waived. The jury must unanimously agree that the allegations of the petition were proven beyond a reasonable doubt. If the superior court or jury reverses the determination of the BPH, the court is required to stay the execution of the decision for five working days to allow for an orderly release of the prisoner. (Penal Code, Section 2966, subd. (b).)

Right now, there is an unrealistic expectation that all agencies involved have the resources and bandwidth to safely place a parolee back to the community within five days. However, it is nearly impossible for this to happen given the level of coordination involved in getting the person situated with their medication, housing, and mental health treatment plan. This short timeframe creates safety concerns for the patient as well as for the community in which they are placed.

AB 2475 (Haney) requires the court to stay the execution of the decision determining an incarcerated person is not an OMHD for up to 30 days, instead of five working days, in order to allow for their orderly release.

Status: Chapter 963, Statutes of 2024

AB-2521 (Waldron) - Criminal procedure: confidentiality and DNA testing.

Approved by California voters in November 2016, Death Penalty Reform and Savings Act of 2016 was “intended to facilitate the enforcement of judgments and achieve cost savings in capital cases.” (Briggs v. Brown (2017) 3 Cal.5th 808, 822.) As part of the effort to expedite review of capital cases, Proposition 66 shifted responsibility for habeas proceedings from the California Supreme Court to county courts.

Existing law provides that the “Attorney General has direct supervision over the district attorneys of the several counties of the state.” (Cal. Const., art. 5, § 13; Gov. Code, § 12550.) Under this authority, the Attorney General has delegated some responsibility for post-conviction litigation to district attorneys.

AB 2521 (Waldron) clarifies that a court may grant any prosecuting agency representing the state on appeal in a capital case access to the application and contents of the application for specified funds by an indigent defendant when relevant to an issue raised by the defendant.

Status: Chapter 153, Statutes of 2024

AB-2546 (Rendon) - Law enforcement and state agencies: military equipment: funding, acquisition, and use.

Current law requires a law enforcement agency to obtain approval from the governing body that oversees it before acquiring or using military equipment. (Gov. Code, § 7071, subd. (a), et seq.) "Military equipment" includes, among other things, robots and drones, battering rams, command and control vehicles, tracked armored vehicles that provide ballistic protection to their occupants, and firearms and firearm accessories that can launch explosive projectiles. (Gov. Code, § 7070, subd. (c).) The definition also includes the Taser Shockwave and the Long Range Acoustic Device (LRAD), two systems made by Taser and Genasys Corporation, respectively. (Gov. Code, § 7070, subd. (c)(13).) However, there may be other companies that make virtually the same or very similar systems; yet, because existing law requires law enforcement to seek approval for devices made by just two companies, these systems would not fall under existing law and law enforcement would be free to fund, acquire, and use them without local government approval.

AB 2546 (Rendon) clarifies that technologies similar to Taser Shockwave and Genasys’s LRAD system but manufactured by other companies fall under the definition of military equipment.

Status: Chapter 408, Statutes of 2024

AB-2695 (Ramos) - Law enforcement: tribal affiliation.

Existing law requires the California Department of Justice (DOJ) to collect specified incident data from local law enforcement agencies. (Pen. Code, §§ 13020 & 13730.) However, there is no explicit requirement that reporting agencies identify whether an incident occured on Indian land.

AB 2695 (Ramos) requires records and data reported in alignment with the federal National Incident-Based Reporting System to be disaggregated by whether an incident occurred in Indian Country.

Status: Chapter 662, Statutes of 2024

AB-3108 (Jones-Sawyer) - Business: mortgage fraud.

AB 3108 (Jones-Sawyer) aims to prevent situations when a lender tricks or otherwise deceives a homeowner into taking out a high-cost, short-term loan that is supported by improper or misleading documentation. Supporters of this measure argue that, in such cases, a lack of clarity in statute makes it difficult for victims to find recourse.

In one example provided by the author's office, an elderly homeowner contacted a nonprofit advertising mortgage payment relief for help with his mortgage, which he was struggling to make payments on. This nonprofit promised the victim he could save his home through a reverse mortgage. However, the organization connected the senior to a short-term loan he did not understand and could not pay, resulting in $65,000 in up-front origination fees and a $300,000 balloon payment after one year.

The above case is so problematic and predatory, it is unclear how it was able to happen in the first place. According to legal aid attorneys, one strategy being deployed by unscrupulous actors is having the loan described as a "bridge loan" in accompanying documentation, thus ensuring the loan is not covered by existing consumer protection laws. A bridge loan is a short-term loan used to construct or purchase a new home while the existing home is being sold, and in cases like the one described above, the broker convinces the homeowner to sign a document saying the homeowner does not live at the property. The broker will also list the borrower's primary residence as a different address to give the impression that the loan will be used to secure a new primary residence.

AB 3108 (Jones-Sawyer) expands the types of situations when a person may be convicted of mortgage fraud to include when a person who originates a loan, with intent to defraud, instructs or otherwise deliberately causes a borrower (1) to sign documents reflecting the terms of a business, commercial, or agricultural loan, with knowledge that the borrower intends to use the loan proceeds primarily for personal, family, or household use; or (2) to sign documents reflecting the terms of a bridge loan, with knowledge that the loan proceeds will be not used to acquire or construct a new dwelling.

Status: Chapter 517, Statutes of 2024

AB-3235 (Bryan) - Fingerprint rollers and custodians of records.

Current law prohibits the Department of Justice (DOJ) from certifying any applicant for a position as a fingerprint roller or custodian of records if the applicant has any felony convictions. It also limits DOJ's authority to certify applicants with misdemeanor convictions involving moral turpitude, fraud, or dishonesty. In the past, this has resulted in applications being denied based on criminal convictions dating back decades, or where the applicant has presented significant evidence of rehabilitation.

AB 3235 (Bryan) grants the DOJ the discretion to determine if a criminal conviction is substantially related to the qualifications functions or duties of a fingerprint roller or custodian of records.

Status: Chapter 254, Statutes of 2024

SB-1132 (Durazo) - County health officers.

Current law states the federal government may contract with private detention facilities across the country to house immigration detainees. There are currently six private detention facilities operating in California in four counties—San Bernardino County, Kern County, San Diego County, and Imperial County.

Local health officials (LHOs) serve a number of public health functions at the local level, including managing infectious disease control, implementing emergency preparedness and response, and overseeing public health services. There are 61 appointed physician LHOs in California—one for each of the 58 counties and the cities of Berkeley, Long Beach, and Pasadena.

SB 1132 (Durazo) authorizes a LHO to investigate the health and sanitary conditions of private detention facilities.

Status: Chapter 183, Statutes of 2024

SB-1518 (Committee on Public Safety) - Public safety omnibus.

Existing law often contains technical and non-substantive errors due to newly enacted legislation. These provisions need to be updated in order to correct those deficiencies.

SB 1518 (Comm. on Public Safety) makes technical and non-controversial changes to various code sections relating to criminal laws. Among other changes, this bill: 1) makes technical changes in Penal Code section 2620 to reflect the unification of the superior and municipal courts; 2) provides that the certification from the California Department of Justice (DOJ) required under Penal Code section 13511.5 shall state that the applicant is eligible to possess, receive, own and purchase a firearm under state and federal law;

3) corrects a drafting error describing the penalty for repeat offenses for possessing nine or more catalytic converters; and 4) corrects a number of cross-reference and errors in various codes.

Status: Chapter 495, Statutes of 2024