ASSEMBLY COMMITTEE ON PUBLIC SAFETY

2019 Legislative Summary

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CALIFORNIA LEGISLATURE

Assembly Committee on Public Safety

2019 Legislative Bill Summary

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Animal Abuse

AB-611 (Nazarian) - Sexual abuse of animals.

California created a statute to criminalize animal sexual assault in 1975. That prohibition is codified in Penal Code section 286.5 which makes it a crime for "any person who sexually assaults specified animals for the purpose of arousing or gratifying the sexual desire of the person." That law has not been amended since it was enacted in 1975.

The phrase "sexual assault" is not a phrase which is generally used in California law to describe and delineate criminal conduct. As such, the use of the phrase “sexual assault” in the existing statute does not provide effective guidance in terms of the type of conduct which is prohibited.

AB 611 (Nazarian), Chapter 613, prohibits sexual contact, as defined, with any animal, and provides for seizure and forfeiture of animals involved in such violations. Specifically, this new law:

• States that every person who has sexual contact with an animal is guilty of a misdemeanor.

• Defines "sexual contact" as "any act, committed for the purpose of sexual arousal or gratification, abuse, or financial gain, between a person and an animal involving contact between the sex organs or anus of one and the mouth, sex organs, or anus of the other, or, without a bona fide veterinary or animal husbandry purpose, the insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, or the insertion of any part of the body of an animal into the vaginal or anal opening of a person."

• Specifies that any authorized officer investigating a violation of sexual contact with an animal may seize the animal that has been used in the commission of an offense.

• Requires any animal seized be promptly taken to a shelter facility or veterinary clinic to be examined by a veterinarian for evidence of sexual contact.

• States that upon the conviction for sexual contact with an animal, all animals lawfully seized and impounded with respect to the violation shall be forfeited and transferred to the impounding officer or appropriate public entity for proper adoption or other disposition.

• Specifies that a person convicted of a violation of sexual contact with an animal is

personally liable to the seizing agency for all costs of impoundment from the time of seizure to the time of proper disposition.

Status: Chapter 613, Statutes of 2019

Background Checks

AB-880 (Obernolte) - Transportation network companies: participating drivers: criminal background checks.

In 2016, the Legislature imposed a requirement in statute that transportation network companies (TNC) conduct background checks on drivers, and identified a list of offenses that disqualify individuals from operating as a TNC driver. (See Pub. Util. Code, § 5445.2.) The background check must include a search of the United States Department of Justice National Sex Offender Public Web site and a multi-state and multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation. TNCs are prohibited from contracting with or employing a driver that has been convicted of certain offenses within seven years, including, but not limited to, domestic violence, assault, and battery.

AB 880 (Obernolte), Chapter 618, adds human trafficking convictions to the list of felonies that automatically disqualify a person from driving for a TNC, and it deletes two erroneous cross-references to Penal Code sections in existing law related to disqualifying crimes.

Status: Chapter 618, Statutes of 2019

AB-1076 (Ting) - Criminal records: automatic relief.

An estimated eight million Californians have a criminal record. Getting a job with a criminal record can be very difficult. According to the U.S. Equal Employment Opportunity Commission (EEOC), as many as 92 percent of employers subject their applicants to criminal background checks. Some employers ask applicants whether they have been convicted of any crimes up front on the application and turn away anyone who checks the box. Others run background checks and reject anyone who turns up with a criminal history, without further review. The refusal to consider job applicants with a criminal history may perpetuate an unfortunate cycle: individuals who have been involved in criminal activity seek to come clean and refocus their lives on productive, non-criminal endeavors, but find it nearly impossible to land employment. Unable to earn a steady income, people with criminal histories sometimes drift back toward criminal endeavors, resulting in increased recidivism.

Many arrest and conviction records are eligible to be withheld from public disclosure, thereby “clearing” a person’s record for purposes such as most forms of employment. This process is currently done through the court with jurisdiction over the case and requires the person who is seeking to have their arrest or conviction record withheld from disclosure to file a petition or motion with that court. Often times, people do not obtain such relief, even if they are eligible, due to lack of understanding the legal

process or a lack of resources.

AB 1076 (Ting), Chapter 578, requires the Department of Justice (DOJ), as of January 1, 2021, to review its criminal justice databases on a monthly basis to identify persons who are eligible for relief by having either their arrest records or conviction records withheld from disclosure, with specified exceptions, and requires the DOJ to grant that relief to the eligible person without a petition or motion being filed on the person's behalf. Specifically, this new law:

• Requires, as of January 1, 2021, and subject to an appropriation in the annual Budget Act, that the DOJ, on a monthly basis, to review the records in the statewide criminal justice databases and to identify persons who are eligible for relief by having their arrest records, or their criminal conviction records, withheld from disclosure, as specified.

• Requires the DOJ to automatically grant such relief without a petition or motion being filed by the person.

• Specifies that petitions, motions, or other orders for relief are not limited by this new law.

• Requires the state summary criminal history information database to be updated in order to document the relief granted.

• Requires the DOJ to submit electronic notice to the superior court with jurisdiction over the case on a monthly basis, informing the court of all cases for which relief was granted.

• Prohibits the court from disclosing information concerning an arrest or conviction granted relief, with specified exceptions.

• Authorizes the prosecuting attorney or probation department, no later than 90 calendar days before the date of a person’s eligibility for relief, to file a petition to prohibit the DOJ from granting automatic relief for criminal conviction records.

• Requires the DOJ to annually publish statistics regarding relief granted pursuant to this new law.

• Requires a court, at the time of sentencing, to advise each defendant of their right to relief pursuant to the provisions of this new law.

Status: Chapter 578, Statutes of 2019

Child Abuse

AB-189 (Kamlager-Dove) - Child abuse or neglect: mandated reporters: autism service personnel.

The Child Abuse and Neglect Reporting Act requires a mandated reporter, as defined, to report, whenever they, in their professional capacity or within the scope of their employment, have knowledge of, or observe, a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure of a mandated reporter to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor punishable by up to six months in a county jail, by a fine not to exceed $1,000, or by both that imprisonment and fine.

AB 189 (Kamlager-Dove), Chapter 189, provides that a qualified autism service provider, a qualified autism service professional, or a qualified autism service paraprofessional provider, as defined, is a mandated reporter of known or suspected child abuse and neglect for the purposes of the Child Abuse and Neglect Reporting Act.

Status: Chapter 674, Statutes of 2019

Controlled Substances

AB-127 (Lackey) - Driving under the influence: research.

In 2016, Californians voted to approve Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA). Prop. 64 legalized the recreational use of marijuana by adults age 21 and over, imposed taxes on the retail sale and cultivation of marijuana, and took a number of other steps to establish a regulatory and administrative scheme for the product. In addition, Prop. 64 allocated three million dollars annually for five years to the Department of California Highway Patrol (CHP) in order to develop internal protocols for detection, testing, and enforcing laws against driving under the influence. However, existing law does not include a statutory exemption which permits a person to be lawfully under the influence of a drug while driving a vehicle, even for the purposes of research.

AB 127 (Lackey), Chapter 68, allows a person who is under the supervision and on the property of the CHP, to drive a vehicle while under the influence of a drug, or while under the combined influence of a drug and alcohol, for the purpose of conducting research on impaired driving.

Status: Chapter 68, Statutes of 2019

AB-397 (Chau) - Vehicles: driving under the influence: cannabis.

After cannabis legalization, the states of Colorado and Washington both experienced an increase in cannabis-involved accidents including fatalities, with Washington State experiencing an 81% increase in these accidents, and Colorado experiencing a 145% increase in these accidents between the years 2013 and 2016. Currently cannabis DUI's in the state are charged as "driving under the influence of drugs" without specifying which drug the accused is under the influence of. Because of this, the state currently has no way to determine how many cannabis DUI's occur annually.

AB 397 (Chau), Chapter 610, requires, beginning January 1, 2022, the disposition for a conviction of DUI, when the sole drug was cannabis, to indicate that fact when reporting data regarding criminal convictions to the Department of Justice.

Status: Chapter 610, Statutes of 2019

AB-484 (Jones-Sawyer) - Crimes: probation.

Existing law requires a judge to impose six months in the county jail for anyone who is sentenced to probation on specified controlled substance offenses. The judge, in an unusual case, can absolve a person from spending the sixmonth sentence in the county jail if the court specifies on the record and enters into the minutes the circumstances

indicating that the interests of justice would best be served by such a disposition. The law that requires the six month period of imprisonment is one of many mandatory minimum sentences that was established during the 1980s and 1990s. In the past decade or so, the Legislature has moved away from mandatory sentencing schemes and harsh prison sentences in general. AB 109, criminal justice realignment, and voter initiatives such as proposition 36 in 2012, and proposition 47, in 2014 have all been aimed at reducing California's reliance on severe terms of incarceration as a method of dealing with criminal punishment.

AB 484 (Jones-Sawyer), Chapter 574, makes the imposition of the 180-day confinement condition that is currently required when a defendant is granted probation after being convicted of specified controlled substances offenses permissive rather than mandatory.

Status: Chapter 574, Statutes of 2019

AB-1261 (Jones-Sawyer) - Controlled substances: narcotics registry.

Existing law requires a person who is convicted of a specified drug offense to register with the chief of police in the city in which they reside, or with the sheriff of the county if the person resides in an unincorporated area. (Health & Saf. Code, § 11590 subd. (a).) The duty to register lasts five years after release from incarceration or probation or parole supervision, whichever is later. (Health & Saf. Code, § 11594.) Failure to knowingly comply with registration requirements is a misdemeanor. (Ibid.)

Notably, nothing in statute requires that the registrant's information be removed from the registry once the obligation to register ends. In other words, the registry permits law enforcement to keep track of the identity of individuals with drug convictions indefinitely, which could permanently brand someone as a drug abuser. While information in the narcotics registry is not available to the public, arguably this raises privacy concerns for rehabilitated individuals with old records of drug convictions.

Moreover, the narcotics registry, a remnant of the war on drugs, is based on an outdated approach to drug crimes. The registry conflicts with efforts in California to decrease the penalties for drug offenses and to focus more on providing treatment.

AB 1261 (Jones-Sawyer), Chapter 580, eliminates the requirement that individuals convicted of specified drug offenses register with local law enforcement. Specifically, this new law:

• Repeals all provisions of law requiring persons convicted of specified drug offenses to register with local law enforcement.

• Maintains law enforcement duties regarding the reporting of school employees who are arrested for specified controlled substances currently requiring registration upon conviction.

• Provides that all statements, photographs, and fingerprints obtained under previous provisions of law requiring registration for controlled substances offenses are not open to the public and are only subject to inspection by law enforcement officers.

Status: Chapter 580, Statutes of 2019

Corrections

AB-32 (Bonta) - State prisons: private, for-profit administration services.

In 2016, the U.S. Department of Justice's Office of the Inspector General conducted an investigation of private prisons and issued a report. The investigation found that private prisons were less safe than federal prisons, poorly administered, and provided limited long-term savings for the federal government. For example, the contract prisons confiscated eight times as many contraband cell phones annually as the federal institutions. Private prisons also had higher rates of assaults, both by inmates on other inmates and by inmates on staff. Additionally, two of the three contract prisons inspected by the Inspector General's Office were improperly housing new inmates in Special Housing Units (SHU), which are normally used for disciplinary or administrative segregation, until beds became available in general population housing. (See Review of the Federal Bureau of Prisons' Monitoring of Contract Prisons, August 2016, p. 2.)

AB 32 (Bonta), Chapter 739, prohibits the California Department of Corrections and Rehabilitation (CDCR) from entering into, or renewing contracts with private for-profit prisons after January 1, 2020, and eliminates their use by January 1, 2028. Also prohibits the operation of a private detention facility within the state, except as specified. Specifically, this new law:

• Prohibits CDCR from entering into a contract with any private, for-profit prison, on or after January 1, 2020. Applies to both in-state and out-of-state facilities.

• Prohibits CDCR from renewing contracts with any private, for-profit prison on or after January 1, 2020. Applies to both in-state and out-of-state facilities.

• Requires all state prison inmates under the jurisdiction of CDCR to be removed from private, for-profit prison facilities on or before January 1, 2028.

• Prohibits the operation of a "private detention facility" within the state, as defined.

• States that the prohibition does not apply to: (1) a facility providing rehabilitative, counseling, treatment, mental health, educational, or medical services to a juvenile court ward; (2) a facility providing evaluation or treatment services to a person who has been detained, or is subject to an order of commitment by a court; (3) a facility providing educational, vocational, medical, or other ancillary services to an inmate under the custody of CDCR or a county sheriff or other law enforcement agency; (4) a residential care facility; (5) a school facility used for the disciplinary detention of a pupil; (6) a facility used to quarantine people for public health reasons; or, (7) a facility used to temporarily detain someone stopped or arrested by a merchant, private security guard,

or other private person.

• Exempts any privately owned property or facility that is leased and operated by CDCR, a county sheriff, or other law enforcement agency.

• States that this prohibition does not apply to: (1) any private detention facility operating pursuant to a valid contract with a governmental entity that was in effect before January 1, 2020, for the duration of that contract, not to include any extensions made to or authorized by that contract; and, (2) renewed contracts between a private detention facility and CDCR in order to comply with court-ordered population caps.

• Provides that the provisions of this law are severable; if any provision is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision.

Status: Chapter 739, Statutes of 2019

AB-45 (Mark Stone) - Inmates: medical care: fees.

Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation (CDCR) to charge a $5 fee for each inmate initiated medical visit of an inmate confined in the state prison, and requires that that the moneys received be expended to reimburse the department for direct provision of inmate health care services.

Current law also authorizes a sheriff, director of corrections, or chief of police to charge a fee in the amount of $3 for each inmate initiated medical visit of an inmate confined in a county or city jail, and requires that the money received be transferred to the county or city general fund.

While a $5.00 copayment may seem small to persons outside the prison system, an incarcerated person working for 8 cents per hour would need to work for over 60 hours just to afford one medical appointment. Limiting access to care in this way leads to unnecessary suffering, the development of more chronic conditions, and the spread of infectious diseases. Fair and just access to healthcare is a human right, and that right doesn't go away when a person is incarcerated.

AB 45 (Stone), Chapter 570, repeals the authorization that allows the Secretary of the California Department of Corrections and Rehabilitation (CDCR), a sheriff, chief or director of corrections, or chief of police to charge a fee for an inmate initiated medical visit, or for durable medical equipment or medical supplies.

Status: Chapter 570, Statutes of 2019

AB-701 (Weber) - Prisoners: exoneration: housing costs.

Wrongfully-convicted exonerees face many challenging obstacles when entering back into society, including difficulty locating and obtaining secure housing. Exonerees are owed extensive support for the injustice of wrongfully serving a prison term. Existing law provides an exoneree compensation at a rate of $140 per day of wrongful incarceration served subsequent to the claimant's conviction, and requires that California Department of Corrections and Rehabilitation (CDCR) provide transitional services for at least six months from the date of release, including housing assistance. However, many exonerees do not have access to immediate funds in order to secure independent housing. Despite their innocence, exonerees face significant burdens and obstacles upon their release, particularly with respect to housing assistance, which may be mitigated by prompt access to funds upon release.

AB 701 (Weber), Chapter 435, provides a person who is exonerated of a crime $5,000 upon release from prison to be used to pay for housing, and entitles the exoneree to receive direct payment or reimbursement for reasonable housing costs for up to four years thereafter. Specifically, this new law:

• States that in addition to any other payment to which the person is entitled to by law, a person who is exonerated shall be paid $5,000 upon release, to be used for housing, including, but not limited to, hotel costs, mortgage expenses, a down payment, security deposit, or any payment necessary to secure and maintain rental or other housing accommodations.

• Defines reasonable housing costs, as specified.

• Requires CDCR to disburse payments or reimbursements for these purposes from funds to be made available upon appropriation by the Legislature for this purpose.

Status: Chapter 435, Statutes of 2019

SB-136 (Wiener) - Sentencing.

Existing law contains a variety of sentencing enhancements that can be used to increase the term of imprisonment a defendant will serve. Enhancements add time to a person's sentence for factors relevant to the defendant, such as prior criminal history, or for specific facts related to the crime. Multiple enhancements can be imposed in a single case and can range from adding a specified number of years to a person's sentence, or doubling a person's sentence or even converting a determinate sentence into a life sentence. There are literally hundreds of enhancements in the California

criminal justice system.

One such enhancement is a one-year enhancement that applies for each prior felony prison term or felony county jail term an individual has served. The one-year enhancement appears to be one of the most commonly used enhancements in California criminal courts today. According to data provided by the California Departmet of Corrections (CDCR), as of March 31, 2019, there were 10,995 offenders in CDCR facilities who had been assessed the one-year enhancement.

Beginning in 2011, with AB 109 ("Realignment"), California began a series of reforms aimed at reducing the state's reliance on imprisonment as punishment for criminal offenses. Realignment, among other things, restructured the State's sentencing procedure such that many felony offenses resulted in jail time rather than prison sentences. In 2012, Californians voted to enact Proposition 36, which revised the Three Strikes law so that mandatory life sentences would only be imposed for "violent" or "serious" felonies. In 2014, voters approved Proposition 47, which reclassified numerous drug and property crimes that had previously been felonies, as misdemeanors. In 2016, the people passed Proposition 57 which provided earlier parole dates for nonviolent felons and allowed judges, rather than prosecutors, to determine whether a juvenile should be tried in adult court.

SB 136 (Wiener), Chapter 590, narrows the one-year sentence enhancement for each prior prison or county jail felony term that applies to a defendant sentenced on a new felony by imposing the enhancement on a defendant sentenced on a new felony only if the defendant has a prior conviction for a sexually violent offense.

Status: Chapter 590, Statutes of 2019

SB-591 (Galgiani) - Incarcerated persons: health records.

A Mentally Disordered Offender (MDO) commitment is a post-prison civil commitment. The MDO Act is designed to confine an inmate as mentally ill who is about to be released on parole when it is deemed that he or she has a mental illness which contributed to the commission of a violent crime. Rather than release the inmate to the community, the California Department of Corrections and Rehabilitation (CDCR) paroles the inmate to the supervision of the state hospital, and the individual remains under hospital supervision throughout the parole period.

CDCR inmates are generally housed in CDCR facilities. However, a CDCR inmate might be temporarily transported to a county jail to deal with an unresolved case. There have been complaints that CDCR MDO evaluators are not always granted prompt access to inmates that are temporarily at a county jail. CDCR psychologists and

psychiatrists are feeling time pressure to get evaluations done, particularly with the passage of Prop. 57 and the changes it made to an inmates' ability to earn time credits against their sentence.

SB 591 (Galgiani), Chapter 649, requires, for the evaluation of inmates temporarily housed at a county correctional facility, a county medical facility, or a state-assigned mental health provider, that a practicing psychiatrist or psychologist from the Department of State Hospitals, CDCR, or the Board of Parole Hearings be afforded prompt and unimpeded access to the inmate as well as their records for the period of confinement at that facility upon submission of current and valid proof of state employment and a departmental letter or memorandum arranging the appointment.

Status: Chapter 649, Statutes of 2019

Court Hearings

AB-1493 (Ting) - Gun violence restraining order: petition.

AB 1014 (Skinner), Chapter 872, Statutes of 2014, created the system for gun violence restraining orders (GVRO). In the three years since the program has been implemented, 424 GVROs have been issued. As people recognize the protections that GVROs can provide, it is important that we continue to improve the process. In complying with a GVRO, people have a few options such as selling the firearms, storing them with an approved facility, or relinquishing them to law enforcement. However, the availability and clarity of these options can change from county to county. The GVRO process can be streamlined by creating a form that the subject of the GVRO can submit to the court, expressing their willingness to cooperate.

AB 1493 (Ting), Chapter 733, authorizes the subject of a GVRO petition to submit a form to the court voluntarily relinquishing the subject's firearm rights and stating that the subject is not contesting the petition.

Status: Chapter 733, Statutes of 2019

AB-1600 (Kalra) - Discovery: personnel records: peace officers and custodial officers.

In California, a criminal defendant's right to access relevant records regarding prior misconduct by a law enforcement officer was established by the California Supreme Court's ruling in Pitchess v. Superior Court (1974) 11 Cal.3d 531. Following the Pitchess decision, the Legislature enacted statutes specifying the procedures by which a criminal defendant may seek access to those records.

The Pitchess statutes require a criminal defendant to file a written motion that identifies and demonstrates good cause for the discovery sought. If such a showing is made, the trial court then reviews the law enforcement personnel records in camera with the custodian, and discloses to the defendant any relevant information from the personnel file. (People v. Mooc (2001) 26 Cal.4th 1216, 1226.) Absent compliance with these procedures, peace officer personnel files, and information from them, are confidential and cannot be disclosed in any criminal or civil proceeding. Any records disclosed are subject to a mandatory order that they be used only for the purpose of the court proceeding for which they were sought. (Id. at p. 1042.)

As part of those procedures, there is a requirement that the party seeking discovery of the records provide notice to the agency 16 days before the date of the court hearing on discovery of the law enforcement personnel records. The 16 day notice requirement applies in criminal cases as well as in civil cases. In criminal cases, when a defendant

is in custody, and time to investigate a case is at a premium, a16-day notice requirement can impose a significant hurdle. Such a notice requirement is particularly challenging on a misdemeanor charge where a defendant has a right to have a trial within 30 days of entry of a plea of not guilty. A 16-day notice requirement forces an in-custody defendant to choose between taking the time to seek discovery regarding law enforcement personnel records or asserting their right to have a trial within 30 days.

AB 1600 (Kalra), Chapter 585, shortens the notice requirement in criminal cases when a defendant files a motion to discover police officer misconduct from 16 days to 10 days. Specifically, this new law:

• Requires a written motion for discovery of peace officer personnel records or information from those records, to be served and filed, as specified, at least 10 court days before the hearing, by the party seeking the discovery in a criminal matter.

• Requires all papers opposing a motion described above, to be filed with the court at least five court days, and all reply papers at least two court day, before the hearing.

• Requires proof of service of the notice to the agency in possession of the records, to be filed no later than five court days before the hearing.

• Creates an exception to the prohibition on release of records of officers who were not present during an arrest, had no contact with the party seeking disclosure, or were not present at the time of contact by permitting the disclosure of records of a supervisorial officer if the supervisorial officer issued command directives or had command influence over the circumstances at issue and had direct oversight of a peace officer or a custodial officer who was present during the arrest, had contact with the party seeking disclosure from the time of the arrest until the time of booking, or was present at the time the conduct at issue is alleged to have occurred within a jail facility.

Status: Chapter 585, Statutes of 2019

Criminal Justice Programs

AB-1296 (Gonzalez) - Tax Recovery in the Underground Economy Criminal Enforcement Program.

The underground economy is comprised of individuals and businesses that use various schemes to conceal their activities and evade their tax liabilities by avoiding licensing, regulatory, labor, and tax agencies. Businesses in the underground economy may deliberately fail to report work to appropriate government agencies, obtain proper permits, secure the appropriate insurance, provide sufficient safety and skills training to workers, or pay fees, taxes, or minimum wages. Other evasive practices include paying workers a lower wage than stated on payroll reports, misclassifying workers as independent contractors to avoid paying employee-level fees and taxes, and misreporting profits and material costs to avoid taxes. In the underground economy many workers go without basic rights and workplace protections. As a result, law-abiding businesses are put in a competitive disadvantage and the well-being of consumers are put at risk. Furthermore, due to the nature of underground activities, tax revenues that would fund education, public safety agencies and infrastructure projects are lost and uncollected. According to a 2013 report, the state's underground economy generates between $60 and $140 billion in revenue annually. It is estimated that billions of dollars are lost from uncollected corporate, personal, sales and use taxes each year.

A variety of agencies currently work together in partnership with local and federal agencies to combat the underground economy to ensure a level playing field for California businesses. The Joint Enforcement Strike Force, among other agencies, works to help restore economic stability and to improve working conditions and consure and worker protection.

In addition, AB 576 (V. Manuel Pérez) Chapter 614, Statutes of 2013, created the “Centralized Intelligence Partnership” pilot program consisting of specified agencies to collaborate in combating those engaged in the underground economy. AB 576 established a pilot program to create a multiagency team consisting of the Franchise Tax Board (FTB), the Department of Justice (DOJ), the State Board of Equalization, and the Employment Development Department (EDD), to be known as the Revenue Recovery and Collaborative Enforcement Team, to collaborate in combating criminal tax evasion associated with the underground economy by, among other activities, developing a plan for a central intake process and organizational structure to document, review, and evaluate data and complaints. AB 576 authorized other specified state entities to participate in the pilot program in an advisory capacity. The pilot program allowed team members to exchange information for the purpose of investigating criminal tax evasion associated with the underground economy. There was a sunset date of January 1, 2019 on the pilot program.

AB 1296 (Gonzalez), Chapter 626, expands the membership, duties, and authority of the Joint Enforcement Strike Force on the Underground Economy. Specifically, this new law:

• Adds the DOJ, the California Department of Tax and Fee Administration, and the FTB to the required membership of the Joint Enforcement Strike Force on the Underground Economy.

• Authorizes the Strike Force to invite other specified agencies to serve in an advisory capacity.

• Expands the duties of the Strike Force to include enforcement activities regarding labor, tax, insurance, and licensing law violators operating in the underground economy and authorize the provision of investigative leads to participating agencies.

• Provides for the exchange of certain information between strike force member agencies and the Labor Enforcement Task Force, and provides for the confidentiality of such information.

• Authorizes a member agency of the Strike Force to request specified information from the EDD, the California Department of Tax and Fee Administration, and the FTB, and would require those agencies to provide such information for specified enforcement purposes, and provides for the confidentiality of such information.

• Requires the DOJ to maintain two multi-agency Tax Recovery in the Underground Economy Criminal Enforcement Program investigative teams in Sacramento and Los Angeles and requires those teams to continue their collaboration for the recovery of lost revenues to the state by investigating and prosecuting criminal offenses in the state's underground economy.

Status: Chapter 626, Statutes of 2019

AB-1331 (Bonta) - Criminal justice data.

For many years, California has promoted the collection and dissemination of criminal justice data. However, significant gaps still exist in the State's criminal history records. Data limitations, as well as obstacles to accessing this data, undercut the government's ability to analyze criminal justice policy trends, implement proposals and interventions. California’s efforts to advance reforms to the criminal justice system are less effective when they are not supported by comprehensive data.

AB 1331 (Bonta), Chapter 581, expands the data that law enforcement entities are required to report to the Department of Justice (DOJ) related to every arrest to include the Criminal Investigation and Identification (CII) number and incident report number. Specifically, this new law:

• States that a person shall not be denied access to criminal data information pursuant to existing law, which permits access by every public agency or bona fide research body that works on criminal justice, based on that person's criminal record, unless that person has been convicted of a felony or any other offense that involves moral turpitude, dishonesty, or fraud.

• Expands the data that a superior court reports to the DOJ to include the CII number and court docket number.

• Delays implementation until July 1, 2020

Status: Chapter 581, Statutes of 2019

AB-1390 (Mark Stone) - Deferred entry of judgment pilot program.

SB 1004 (Hill) Chapter 865, Statutes of 2016, authorized five counties to operate a pilot program in which certain young adult offenders would serve their time in juvenile hall instead of the county jail. Specifically, the program permits young adults ages 18-21 to participate in the program and go to juvenile hall rather than jail. Although 18-21 year olds are legally considered to be adults, there is a scientific consensus that people between 18-25 years of age still undergoing significant brain development. Counties participating in the program are required to establish a multidisciplinary team made up of the local probation department, law enforcement, the public defender and other entities in order to periodically review and discuss the implementation, practices, and impact of the program.

AB 1390 (Stone) Chapter 129, expands the existing youth deferred entry of judgment pilot program to defendants who are 21 years of age or older, but under 25 years of age at the time of the offense with approval of the multidisciplinary team.

Status: Chapter 129, Statutes of 2019

AB-1454 (Jones-Sawyer) - Trauma-informed diversion programs for youth.

Existing law establishes the Youth Reinvestment Grant Program within the Board of State and Community Corrections to grant funds, upon appropriation, to local jurisdictions and Indian tribes for the purpose of implementing trauma-informed diversion programs for minors. The 2019-2020 budget includes an additional $5 million

for the Youth Reinvestment Grant and $10 million for tribal youth. However the existing program does not allow nonprofit organizations to apply for grants and there is a one million dollar cap on any one grant issued under the program.

AB 1454 (Jones-Sawyer), Chapter 584, revises and recasts the Youth Reinvestment Grant Program by increasing the maximum grant award from $1 million to $2 million and allowing nonprofit organizations to apply for grants through the program. Specifically, this new law:

•Specifies that funds appropriated to the Youth Reinvestment Grant Program shall be distributed pursuant to the following conditions: (1) A local governmental entity or nonprofit organization shall be awarded no less than $50,000 and no more than $2 million; (2) An applicant shall provide at least a 25% cash or in-kind match to the grant that it receives pursuant to this article. Funds used to provide the 25% match amount may include a combination of federal, other state, local, or private funds; however, an applicant entity may provide less than a 25% match, but at least a 10% cash or in-kind match, to the grant if the applicant identifies the service area as high need with low or no local infrastructure for diversion programming; (3) Services shall be community based, located in communities of local jurisdictions with high needs, evidence based or research supported, trauma informed, culturally relevant, and developmentally appropriate; (4) Direct service providers who receive funding from a grant pursuant to this article shall be nongovernmental and not law enforcement or probation entities, they shall have experience effectively serving at-risk youth populations; (5) Diversion programs shall include alternatives to arrest, incarceration, and formal involvement with the juvenile justice system and they shall also include educational, mentoring, behavioral health or mental health services.

•Require the Board of State Community Corrections to be responsible for administration oversight and accountability of the grant program, as specified.

Status: Chapter 584, Statutes of 2019

AB-1603 (Wicks) - California Violence Intervention and Prevention Grant Program.

From 2007 to 2017, California's Budget Acts appropriated over $9 million per year to operate the California Gang Reduction Intervention and Prevention Program (CalGRIP), which provided matching grants to cities for initiatives to reduce youth-and gang-related crime. The Budget Acts between 2007 and 2017 guaranteed one million dollars annually for the City of Los Angeles, with the remainder distributed to other cities of all sizes through a competitive application process, overseen by the Board of State and Community Corrections (BSCC). In the 2017 Budget Act, the CalGRIP program, which

was restructured to California Violence Intervention and Prevention Program (CalVIP), shifted the program away from initiatives targeting gang crime and affiliation toward a narrower and more objective focus on evidence-based violence prevention programs. CalVIP funds may be used for violence intervention and prevention activities, with preference given to applicants who (1) are from areas that are disproportionately affected by violence and (2) propose to fund activities that have been found to be effective in reducing violence.

AB 1603 (Wicks), Chapter 735, codifies the establishment of CalVIP and the authority and duties of BSCC in administering the program. Specifically, this new law:

• Codifies the establishment of CalVIP, to be administered by BSCC.

• States that the purpose of CalVIP is to improve public health and safety by supporting effective violence reduction initiatives in communities that are disproportionately impacted by violence, particularly group-member involved homicides, shootings, and aggravated assaults.

• Requires CalVIP grants to be used to support, expand, and replicate evidence-based violence reduction initiatives, including, without limitation, hospital-based violence intervention programs, evidence-based street outreach programs, and focused deterrence strategies that seek to interrupt cycles of violence and retaliation in order to reduce the incidence of homicides, shootings, and aggravated assaults. These initiatives shall be primarily focused on providing violence intervention services to the small segment of the population that is identified as having the highest risk of perpetrating or being victimized by violence in the near future.

• Requires CalVIP grants to be made on a competitive basis to cities that are disproportionately impacted by violence, and to community-based organizations that serve the residents of those cities.

• Provides that for purposes of these provisions, a city is disproportionately impacted by violence if any of the following are true: (1) The city experienced 20 or more homicides per calendar year during two or more of the three calendar years immediately preceding the grant application for which the Department of Justice (DOJ) has available data; (2) The city experienced 10 or more homicides per calendar year and had a homicide rate that was at least 50 percent higher than the statewide homicide rate during two or more of the three calendar years immediately preceding the grant application for which DOJ has available data; or (3) An applicant otherwise demonstrates a unique and compelling need for additional resources to address the impact of homicides, shootings, and

aggravated assaults in the applicant's community.

• Requires an applicant for a CalVIP grant to submit a proposal, in a form prescribed by BSCC, which shall include, but not be limited to, all of the following: (1) Clearly defined and measurable objectives for the grant; (2) A statement describing how the applicant proposes to use the grant to implement an evidence-based violence reduction initiative in accordance with the provisions of this bill; (3) A statement describing how the applicant proposes to use the grant will to enhance coordination of existing violence prevention and intervention programs and minimize duplication of services; and (4) Evidence indicating that the proposed violence reduction initiative would likely reduce the incidence of homicides, shootings, and aggravated assaults.

• Provides that in awarding CalVIP grants, BSCC shall give preference to applicants whose grant proposals demonstrate the greatest likelihood of reducing the incidence of homicides, shootings, and aggravated assaults in the applicant's community, without contributing to mass incarceration.

• States that the amount of funds awarded to an applicant shall be commensurate with the scope of the applicant's proposal and the applicant's demonstrated need for additional resources to address violence in the applicant's community.

• Provides that the competitive grant awarded may not exceed $1,500,000 per applicant per grant cycle, the duration of which shall be determined by BSCC.

• Requires BSCC to award at least two grants to cities with populations of 200,000 or less.

• Requires each grantee to commit a cash or in-kind contribution equivalent to the amount of the grant awarded.

• Requires each city that receives a CalVIP grant to distribute no less than 50% of the grant funds to one or more of any of the following types of entities: (1) Community-based organizations; and, (2) Public agencies or departments, other than law enforcement agencies or departments that are primarily dedicated to community safety or violence prevention.

• States that BSCC shall form a grant selection advisory committee including, without limitation, persons who have been impacted by violence, formerly incarcerated persons, and persons with direct experience in implementing evidence-based violence reduction initiatives, including initiatives that incorporate public health and community-based

approaches.

• Authorizes BSCC to use up to 5% of the funds appropriated for CalVIP each year for the costs of administering the program including, without limitation, the employment of personnel, providing technical assistance to grantees, and evaluation of violence reduction initiatives supported by CalVIP.

• Requires each grantee to report to BSCC, in a form and at intervals prescribed by BSCC, their progress in achieving the grant objectives.

• States that BSCC shall, no later than 90 days following the close of each grant cycle, prepare and submit a report to the Legislature regarding the impact of the violence prevention initiatives supported by CalVIP.

• Requires BSCC to make evaluations of the grant program available to the public.

• Sunsets on January 1, 2025.

Status: Chapter 735, Statutes of 2019

SB-394 (Skinner) - Criminal procedure: diversion for primary caregivers of minor children.

Diversion is the suspension of criminal proceedings for a prescribed time period with certain conditions, which if successfully completed, results in dismissal of the criminal charges and allows a person to legally answer that he or she has never been arrested or charged for the diverted offense.

Existing law established diversion programs for specified crimes, including: drug use (Pen. Code, §§ 1000 et seq.); misdemeanors generally (Pen. Code, § 1001 et. seq.); child abuse and neglect (Pen. Code, § 1001.12 et seq.); contributing to the delinquency of a minor (Pen. Code, §§ 1001.70 et seq.); writing bad checks (Pen. Code, §§ 1001.60 et seq.), and repeat theft crimes (Pen. Code, §§ 1001.81 et seq.).

There are other diversion programs that are focused on specific types of offenders including: veterans (Pen. Code, §§ 1001.80 et seq.); persons with cognitive developmental disabilities (Pen. Code, § 1001.20 et seq.); and persons with mental disorders (Pen. Code, §§ 1001.36 et seq.).

SB 394 (Skinner), Chapter 593, authorizes the superior court, in agreement with the district attorney and public defender, to establish a pretrial diversion program for primary caregivers of minor children. Specifically, this new law:

• Allows the superior court, or a judge designated by the presiding judge, together with the district attorney and the public defender or the contract public defender's office, to agree in writing to establish and conduct a pretrial diversion program for primary caregivers lasting between 6 and 24 months.

• Provides that the court may, after considering the positions of the defense and prosecution, grant pretrial diversion to a defendant if the defendant meets all specified requirements.

• Excludes persons convicted of serious or violent felonies or persons alleged to have committed a crime against his or her child.

• Provides that the court on its own motion, the prosecutor, or the probation department, may move to reinstate criminal proceedings if it appears that the defendant is either performing unsatisfactorily in the program, or if the defendant is convicted of a felony or any offense that reflects a propensity for violence subsequent to entering the program.

• Entitles a defendant who has performed satisfactorily on diversion to dismissal of the criminal charges.

• Provides that upon successful completion of diversion and dismissal of the charges, the arrest upon which the diversion was based shall be deemed to never have occurred and the court shall order access to the arrest record restricted, as specified.

Status: Chapter 593, Statutes of 2019

Criminal Offenses

AB-169 (Lackey) - Guide, signal, and service dogs: injury or death.

Existing law makes it a crime for a person to allow a dog owned or controlled by him or her to cause injury to or the death of any guide, signal, or service dog, while the dog is discharging its duties. (Pen. Code, § 600.2, subd. (a).)

AB 169 (Lackey), Chapter 604, expands the crime of causing injury to or the death of, any guide, signal, or service dog and adds the medical expenses and lost wages of the owner to the existing list of recoverable restitution costs. Specifically, this new law:

• Deletes from specified crimes against guide, signal, or service dogs the requirement that the dog be in discharge of its duties when the injury or death occurs.

• Makes these crimes applicable to the injury or death of dogs enrolled in a training school or program for guide, signal, or service dogs, as specified.

• Requires a defendant convicted of these crimes to pay restitution to the person for medical or medical-related expenses, or for loss of wages or income.

• Defines “replacement costs” for purposes of victim restitution as “all costs that are incurred in the replacement of the guide, signal, or service dog, including, but not limited to, the training costs for a new dog, if needed, the cost of keeping the now-disabled dog in a kennel while the handler travels to receive the new dog, and, if needed, the cost of the travel required for the handler to receive the new dog.”

Status: Chapter 604, Statutes of 2019

AB-611 (Nazarian) - Sexual abuse of animals.

California created a statute to criminalize animal sexual assault in 1975. That prohibition is codified in Penal Code section 286.5 which makes it a crime for "any person who sexually assaults specified animals for the purpose of arousing or gratifying the sexual desire of the person." That law has not been amended since it was enacted in 1975.

The phrase "sexual assault" is not a phrase which is generally used in California law to describe and delineate criminal conduct. As such, the use of the phrase “sexual assault” in the existing statute does not provide effective guidance in terms of the type of conduct which is prohibited.

AB 611 (Nazarian), Chapter 613, prohibits sexual contact, as defined, with any animal,

and provides for seizure and forfeiture of animals involved in such violations. Specifically, this new law:

• States that every person who has sexual contact with an animal is guilty of a misdemeanor.

• Defines "sexual contact" as "any act, committed for the purpose of sexual arousal or gratification, abuse, or financial gain, between a person and an animal involving contact between the sex organs or anus of one and the mouth, sex organs, or anus of the other, or, without a bona fide veterinary or animal husbandry purpose, the insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, or the insertion of any part of the body of an animal into the vaginal or anal opening of a person."

• Specifies that any authorized officer investigating a violation of sexual contact with an animal may seize the animal that has been used in the commission of an offense.

• Requires any animal seized be promptly taken to a shelter facility or veterinary clinic to be examined by a veterinarian for evidence of sexual contact.

• States that upon the conviction for sexual contact with an animal, all animals lawfully seized and impounded with respect to the violation shall be forfeited and transferred to the impounding officer or appropriate public entity for proper adoption or other disposition.

• Specifies that a person convicted of a violation of sexual contact with an animal is personally liable to the seizing agency for all costs of impoundment from the time of seizure to the time of proper disposition.

Status: Chapter 613, Statutes of 2019

AB-662 (Cunningham) - Crimes against minors.

The current law regarding “inveigling and enticing” a person to engage in specified unlawful sexual acts makes a distinction on the basis of sex by requiring the victim to be female. Current law has not been challenged on the basis of the equal protection clause of the 14th Amendment to the U.S. Constitution, but such a challenge is possible. A challenge to the inveigling and entincing law would likely trigger “intermediate scrutiny” of the law based on the requirement that the victim be female. It is possible that if a court did find that men and women were similarly situated with respect to such a crime, that limiting the crime to female victims served and “important” objective that might satisfy intermediate scrutiny. As a general matter, California law

does not predicate the status of a victim based on their gender.

AB 662 (Cunningham), Chapter 615, changes the elements of the crime of enticing a female under the age of 18 into a house of prostitution to make the crime gender neutral. Specifically, this new law:

• Changes the crime of enticing a female into a house of prostitution to allow the victim to be a person of any gender.

• Deletes the element from that crime that requires the victim be "unmarried."

• Deletes the element from that crime that requires the victim be "of previous chaste character."

• Deletes the element from that crime that requires the solicitor be "any man."

Status: Chapter 615, Statutes of 2019

AB-1129 (Chau) - Stalking.

The California Constitution explicitly deems privacy an inalienable right. (Cal. Const. art. I, § 1.) As such, the Legislature has criminalized the intrusion of privacy by looking into places where a person has a reasonable expectation of privacy. (Pen. Code, § 647, subd. (j)(1).)

The use of drones, and other devices, to follow and take photos, or capture video, makes it easier to harass and invade the privacy of individuals. But while existing state laws and federal regulations restrict the operation of drones, those laws and regulations do not clearly address personal privacy issues.

AB 1129 (Chau), Chapter 749, clarifies existing law to add electronic devices and unmanned aircraft systems (drones) to the list of instruments that may not be used to invade an individual's privacy.

Status: Chapter 749, Statutes of 2019

AB-1294 (Salas) - Criminal profiteering.

The California Control of Profits of Organized Crime Act was established to punish and deter criminal activities of organized crime through the forfeiture of profits acquired and accumulated as a result of such criminal activities. Certain gambling operations fall within the Act, while other gambling activity remains legal or, even if it is unlawful, remains outside the bounds of the Act's heightened enforcement rights. According to

the Orange County Register, illegal gambling establishments have been on the rise in recent years, and draw in other illicit gang and drug activity. (Fausto, Alma, Santa Ana Police Raid Lucky 999 Cyber Cafe, Seize 19 Gambling Machines, Orange County Register (April 10, 2019).) Because these establishments do not fall within the Act, these operations cannot be treated as organized crime. As a result, law enforcement cannot seize funds from bank accounts holding illegal profits, but instead can only impose small fines and seize equipment, providing little deterrent to stop the activity.

AB 1294 (Rodriguez), Chapter 268, expands the list of specified crimes that fall within the definition of gambling for purposes of providing a procedure for the forfeiture of property and proceeds acquired through a pattern of criminal profiteering activity.

Status: Chapter 268, Statutes of 2019

AB-1563 (Santiago) - Census: interference with the census: California Census Bill of Rights and Responsibilities.

According to the 2018 Legislative Analyst's "The 2020 Census: Potential Impacts on California" report, immigrants are considered a hard to count group, stating that immigrant households may be even harder to count in 2020 than they were in the past. In particular, there is concern that households with undocumented immigrants may be less likely to respond to the Census as a result of the added citizenship question and/or due to concerns about confidentiality or the possibility of Immigration and Customs Enforcement (ICE) personating census workers. These changes could also affect response rates among immigrant households more broadly.

The rise of anti-immigrant rhetoric and increased immigration enforcement under the Trump Administration has set the upcoming national census on a path to an undercount of undocumented immigrants and their families. The possibility of ICE, police, or any public employee impersonating a census worker in order to obtain information that may be used for deportations is a real threat to undocumented immigrants. This threat discourages census participation and would lead to inaccurate counting.

AB 1563 (Santiago), Chapter 831, makes it a misdemeanor for any person to falsely represent that they are a census taker, interfere with the operation of the census, or to interfere with the right of another to participate in the census, as specified. Specifically, this new law:

• Makes a person guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding $1,000, or by both that fine and imprisonment, who does either of the following: (1) Falsely represents that they are a census taker with the intent to interfere with the operation of the census or with the

intent to obtain information or consent to an otherwise unlawful search or seizure; or (2) Falsely assumes some or all of the activities of a census taker with the intent to interfere with the operation of the census or with the intent to obtain information or consent to an otherwise unlawful search or seizure.

• Authorizes the Secretary of State to work with the California Census Office and the California Complete Count Committee to promulgate a Census Bill of Rights and Responsibilities, as specified, no later than February 1, 2020.

• Requires the Secretary of State to translate the California Census Bill of Rights in languages other than English consistent with the Federal Voting Rights Act.

Status: Chapter 831, Statutes of 2019

SB-192 (Hertzberg) - Posse comitatus.

"Posse comitatus" refers to the ability of law enforcement to recruit able-bodied adults to make arrests, recapture a suspect that escaped custody, or help keep the peace. In California, citizens who refuse to join a posse can be held criminally liable for a misdemeanor, for which they can be fined up to $1,000. The California Posse Comitatus Act was passed in 1872, when California was still a territory. This law is a vestige of a bygone era, and when invoked, subjects citizens to an untenable moral dilemma: join and potentially put one's life at risk, or refuse and become a criminal.

SB 192 (Hertzberg), Chapter 204, repeals the posse comitatus provision of the Penal Code, which makes an able-bodied person 18 years of age or older who neglects or refuses to assist a peace officer or a judge in making an arrest, retaking an escaped person into custody, or preventing the breach of the peace, subject to a fine between $50 and $1000.

Status: Chapter 204, Statutes of 2019

SB-224 (Grove) - Grand theft: agricultural equipment.

California first authorized the Central Valley Rural Crimes Prevention Program in Tulare County in 1995. It was expanded in 1999 to include Fresno, Kern, Kings, Madera, Merced, San Joaquin and Stanislaus counties.

This program, along with the Central Coast Rural Crime Prevention Program which was established in 2003 and includes the counties of Monterey, San Benito, Santa Barbara, Santa Cruz, and San Luis Obispo, provides participating law enforcement agencies with partners and resources to combat agriculture and rural-based crimes. They also allow local law enforcement agencies to effectively combine their efforts in developing crime

prevention, problem solving, and crime control techniques, while also encouraging timely reporting and evaluation of these crimes over a larger geographic area.

Theft of agriculture equipment not only affects the ability of farmers and agriculture business owners to make a living, it also paralyzes their production of commercial goods in the form of food, textile materials and water. Through the work of local law enforcement, loss recovery has increased but there should be efforts to stop the crime before it happens.

SB 224 (Grove), Chapter 119, makes the theft of agricultural equipment in excess of $950 grand theft punishable as an alternate felony misdemeanor, and requires the proceeds of the fine imposed following a conviction of the crime to be allocated to the Central Valley Rural Crime Prevention Program or the Central Coast Rural Crime Prevention Program. Specifically, this new law:

• Provides that a person that steals, takes, or carries away tractors, all-terrain vehicles or other agricultural equipment, or any portion thereof, used in the acquisition or production of food for public consumption, which are of a value exceeding $950 is guilty of grand theft.

• States that in a county participating in a rural crime prevention program, the proceeds of any fine imposed for conviction of stealing agricultural equipment shall be allocated to the Central Valley Rural Crime Prevention Program or the Central Coast Rural Crime Prevention Program.

Status: Chapter 119, Statutes of 2019

Criminal Procedure

AB-304 (Jones-Sawyer) - Wiretapping: authorization.

Existing law authorizes the Attorney General (AG), chief deputy attorney general, chief assistant attorney general, district attorney or the district attorney's designee to apply to the presiding judge of the superior court for an order authorizing the interception of wire, electronic digital pager, or electronic cellular telephone communications under specified circumstances. The provisions governing wiretap authorizations sunset on January 1, 2020.

The continuation of the California State Wiretap Statute, which includes both telephone and electronic communication technologies, will permit law enforcement to continue wiretap investigations under specified circumstances with judicial approval. California and federal law enforcement agencies and multi-agency task forces have used the law with great success since its enactment in 1989 to solve the most serious and difficult crimes, such as organized crime and drug trafficking, while maintaining an emphasis on the protection of individual privacy.

AB 304 (Jones-Sawyer), Chapter 607, extends the sunset date until January 1, 2025 on provisions of California law which authorize the AG, chief deputy attorney general, chief assistant attorney general, district attorney or the district attorney's designee to apply to the presiding judge of the superior court for an order authorizing the interception of wire or electronic communications under specified circumstances.

Status: Chapter 607, Statutes of 2019

AB-965 (Mark Stone) - Youth offender and elderly parole hearings: credits.

SB 260 (Hancock), Chapter 312, Statutes of 2013, established a parole eligibility mechanism for individuals sentenced to lengthy determinate or life terms for crimes committed when they were juveniles. Under the youth offender parole process created by SB 260, the person has an opportunity for a parole hearing before the Board of Parole Hearings (BPH), after having served 15, 20, or 25 years of incarceration depending on their controlling offense. SB 261 (Hancock), Chapter 471, Statutes of 2015, expanded those eligible for a youth offender parole hearing to those whose controlling offense occurred before they reached the age of 23. AB 1308 (Stone), Chapter 675, Statutes of 2017, raised the age to include those who committed their crimes when they were 25 years of age or younger.

Proposition 57, the “The Public Safety and Rehabilitation Act of 2016” of the November 2016 election changed the rules governing parole and the granting of custody credits to inmates in state prison. Prop. 57 authorized CDCR to award credits earned for good

behavior and approved rehabilitative or educational achievements. Before Prop. 57, the matter of conduct credits earned in prison was governed by statute

Proposition 57 was intended to incentivize incarcerated people to work towards their own rehabilitation by giving them access to sentence-reducing rehabilitative programs. The current California Department of Corrections and Rehabilition (CDCR) regulations exclude individuals with youth offender parole hearing dates from benefiting from the credit-earning opportunities established by Proposition 57.

AB 965 (Stone), Chapter 577, authorizes the Secretary of CDCR to allow persons eligible for youthful offender parole to obtain an earlier youth offender parole hearing by adopting regulations to award custody credits towards their youth offender parole eligibility date.

Status: Chapter 577, Statutes of 2019

AB-1390 (Mark Stone) - Deferred entry of judgment pilot program.

SB 1004 (Hill) Chapter 865, Statutes of 2016, authorized five counties to operate a pilot program in which certain young adult offenders would serve their time in juvenile hall instead of the county jail. Specifically, the program permits young adults ages 18-21 to participate in the program and go to juvenile hall rather than jail. Although 18-21 year olds are legally considered to be adults, there is a scientific consensus that people between 18-25 years of age still undergoing significant brain development. Counties participating in the program are required to establish a multidisciplinary team made up of the local probation department, law enforcement, the public defender and other entities in order to periodically review and discuss the implementation, practices, and impact of the program.

AB 1390 (Stone) Chapter 129, expands the existing youth deferred entry of judgment pilot program to defendants who are 21 years of age or older, but under 25 years of age at the time of the offense with approval of the multidisciplinary team.

Status: Chapter 129, Statutes of 2019

AB-1618 (Jones-Sawyer) - Plea bargaining: benefits of later enactments.

In April of this year, the San Diego Union Tribune reported about the San Diego District Attorney's new policy of making some defendants waive future unknown potential legislation that might be in their favor. The new policy, which was to be used in selected cases, was seen by some as a response to current criminal justice reform efforts by both the electorate and the Legislature. Regardless of the motive, criminal defense attorneys and criminal justice reform advocates argue this is an end run around the

legislative process. (See, G. Moran, After Waves of Criminal Justice Reforms, Prosecutors Now Want to Lock in Pleas, Ask Defendants to Give up Future Rights, San Diego Union Tribune, April 17, 2017.)

Such plea bargains raise constitutional concerns. Because significant constitutional rights are at stake and waived when entering a guilty plea, due process requires that a defendant's guilty plea be knowing, intelligent, and voluntary. (Boykin v. Alabama (1969) 395 U.S. 238, 243. fn. 5.) An effective waiver requires knowledge that the right exists. (Taylor v. United States (1973) 414 U.S. 17, 19.) Moreover, the California Supreme Court has held that plea agreements are deemed to incorporate the reserve power of the state to amend the law or enact additional laws for the public good and in pursuance of public policy. That the parties enter into a plea agreement does not have the effect of insulating them from changes in the law that the Legislature has intended to apply to them." (Doe v. Harris (2013) 57 Cal.4th 64.)

AB 1618 (Jones-Sawyer), Chapter 586, provides that a provision of a plea bargain requiring a general waiver of future benefits of legislative enactments, initiatives, appellate decisions, or other changes in the law that may retroactively apply after the date of the plea is void as against public policy. Specifically, this new law:

• Makes legislative findings citing United States and California Supreme Court case law on plea bargains, and declaring that a plea bargain which requires a defendant to generally waive unknown future potential benefits of legislative enactments, initiatives, judicial decisions, or other changes in the law that may occur after the date of the plea contradicts of case law and is not knowing and intelligent.

• Specifies that a provision of a plea bargain requiring a general waiver of future benefits of legislative enactments, initiatives, appellate decisions, or other changes in the law that may retroactively apply after the date of the plea is void as against public policy.

• Defines "plea bargain" as "any bargaining, negotiation, or discussion between a criminal defendant, or his or her counsel, and a prosecuting attorney or judge, whereby the defendant agrees to plead guilty or nolo contendere, in exchange for any promises, commitments, concessions, assurances, or consideration by the prosecuting attorney or judge relating to any charge against the defendant or to the sentencing of the defendant."

Status: Chapter 586, Statutes of 2019

SB-136 (Wiener) - Sentencing.

Existing law contains a variety of sentencing enhancements that can be used to increase the term of imprisonment a defendant will serve. Enhancements add time to a person's sentence for factors relevant to the defendant, such as prior criminal history, or for specific facts related to the crime. Multiple enhancements can be imposed in a single case and can range from adding a specified number of years to a person's sentence, or doubling a person's sentence or even converting a determinate sentence into a life sentence. There are literally hundreds of enhancements in the California criminal justice system.

One such enhancement is a one-year enhancement that applies for each prior felony prison term or felony county jail term an individual has served. The one-year enhancement appears to be one of the most commonly used enhancements in California criminal courts today. According to data provided by the California Department of Corrections (CDCR), as of March 31, 2019, there were 10,995 offenders in CDCR facilities who had been assessed the one-year enhancement.

Beginning in 2011, with AB 109 ("Realignment"), California began a series of reforms aimed at reducing the state's reliance on imprisonment as punishment for criminal offenses. Realignment, among other things, restructured the State's sentencing procedure such that many felony offenses resulted in jail time rather than prison sentences. In 2012, Californians voted to enact Proposition 36, which revised the Three Strikes law so that mandatory life sentences would only be imposed for "violent" or "serious" felonies. In 2014, voters approved Proposition 47, which reclassified numerous drug and property crimes that had previously been felonies, as misdemeanors. In 2016, the people passed Proposition 57 which provided earlier parole dates for nonviolent felons and allowed judges, rather than prosecutors, to determine whether a juvenile should be tried in adult court.

SB 136 (Wiener), Chapter 590, narrows the one-year sentence enhancement for each prior prison or county jail felony term that applies to a defendant sentenced on a new felony by imposing the enhancement on a defendant sentenced on a new felony only if the defendant has a prior conviction for a sexually violent offense.

Status: Chapter 590, Statutes of 2019

SB-273 (Rubio) - Domestic violence.

The statute of limitations requires commencement of a prosecution within a certain period of time after the commission of a crime. In California, the statute of limitations to prosecute a criminal case of felony domestic violence is three years. (People v. Sillas (2002) 100 Cal.App.4th Supp. 1, 5.) However, according to domestic violence

advocates, there are reasons why a victim may not come forward within the current allowable timeframe, including the victim's age at the time of abuse, ongoing trauma, threats from the perpetrator, or lack of evidence.

SB 273 (Rubio), Chapter 546, extends the statute of limitations for the crime of domestic violence to five years, and makes changes to domestic violence training requirements for peace officers. Specifically, this new law:

• States that, notwithstanding any other law, a prosecution for the crime domestic violence prosecuted under Penal Code section 273.5 may be commenced within five years of the crime.

• States that this new statute of limitations shall only apply to crimes that were committed on or after January 1, 2020, or to crimes for which the statute of limitations that was in effect before January 1, 2020 has not expired as of that date.

• States that the course of instruction for peace officers on domestic violence shall now include a brief current and historical context on communities of color impacted by incarceration and violence.

• Delineates additional training requirements for peace officers with respect to specified domestic violence related crimes.

Status: Chapter 546, Statutes of 2019

SB-304 (Hill) - Criminal procedure: prosecutorial jurisdiction in multi-jurisdictional elder abuse cases.

California defines an elder as a person over the age 65. As the baby boomer generation ages, more and more people fit into the elder category. According to the Public Policy Institute of California, California's over-65 population will nearly double over the next two decades. As this population grows, crimes against such persons are on the rise. One 2009 study found that as many as one million older Americans may be targeted yearly and that the related costs related to those crimes (e.g., for health care, social services, investigations, legal fees, prosecution, and lost income and assets) may exceed $2.9 billion annually. This has caused some organizations to describe financial elder abuse as "the crime of the 21st Century."

Financial crimes are unique in that they can be carried out across county boundaries with relative ease. Medicare and health insurance scams, reverse mortgage scams, fraudulent investment schemes, and telemarketing phone call scams are just some examples of financial fraud schemes that can target elders across the state from a

single location. Typically, jurisdictional rules require any such offense to be tried in the county where it occurred. This means that an elaborate mail fraud scheme may have to be tried in the county where the defendant perpetrated the scheme, requiring victims and witnesses to be transported to that county from around the state. Alternatively, a series of individual trials could be held in each county where a victim fell prey to the scheme.

SB 304 (Hill), Chapter 206, allows specified financial elder and dependent adult abuse offenses that occur in different jurisdictions to be consolidated in a single trial if all district attorneys in the counties with jurisdiction agree. Specifically, this new law:

• Provides that if more than one felonious theft, embezzlement, forgery, fraud, or identity theft occurs against an elder or dependent adult in more than one jurisdictional territory, the jurisdiction of any of those offenses, and for any offenses properly joinable with that offense, is in any jurisdiction where at least one of the offenses occurred.

• Provides that the consolidation of charges is subject to a hearing and other procedures established for the joinder of multiple offenses, within the jurisdiction of the proposed trial.

• Specifies that at the hearing, the prosecution shall present written evidence that all district attorneys in counties with jurisdiction of the offenses agree to the venue, and that charged offenses from any jurisdiction where there is not a written agreement from the district attorney shall be returned to that jurisdiction.

• Specifies that in determining whether all counts in the complaint should be joined in one county for prosecution, the court shall consider the location and complexity of the likely evidence, where the majority of the offenses occurred, the rights of the defendant and the people, and the convenience of, or hardship to, the victim or victims and witnesses.

Status: Chapter 206, Statutes of 2019

SB-439 (Umberg) - Criminal procedure: wiretapping: authorization and disclosure.

In 2011, a peace officer was fired for misconduct for committing a crime, the evidence for which was captured on a wiretap. However, when the officer appealed his firing, the court of appeal stated that the Legislature had not specifically authorized the use of information obtained in a wiretap in a police disciplinary hearing, which suggested that the Legislature might contemplate whether it should authorize the use of such evidence in those disciplinary hearings. The decision regarding whether to authorize the use of

this evidence of criminal activity is heightened by the fact that peace officers are in a unique public service role where the commission of a crime is substantially related to an officer's fitness to serve.

SB 439 (Umberg), Chapter 645, states that an agency that employs peace officers may use intercepted communications in an administrative or disciplinary hearing against a peace officer if the evidence relates to any crime involving a peace officer, and also expands the ability for prosecuting agencies to use intercepted communications related to additional crimes captured during the lawful execution of a wiretap in court, as specified. Specifically, this new law:

• Adds to the list of crimes for which intercepted wire or electronic communication may be used in a court proceeding: (1) Grand theft of a firearm; and (2) Exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem.

• Authorizes the use of an intercepted wire or electronic communication related to any crime involving the employment of a peace officer in an administrative or disciplinary hearing involving the employment of a peace officer.

• Prohibits the use of an intercepted wire or electronic communication as evidence in an administrative or disciplinary proceeding if the acts by a peace officer constitute only a violation of a departmental rule or guideline which is not a public offense under California law.

• States that if an agency employing peace officers utilizes an intercepted wire or electronic communication relating to a crime involving a peace officer in an administrative or disciplinary hearing, the agency shall, on an annual basis, report both of the following to the Attorney General: a) the number of administrative or disciplinary proceedings involving the employment of a peace officer in which the agency utilized evidence obtained from a wire interception or electronic communication; and, b) the specific offenses for which evidence obtained from a wire interception or electronic communication was used in those administrative or disciplinary proceedings.

• Provides that the Attorney General may issue regulations prescribing the form of the reports including information reported pursuant to this bill, and include the information in its annual report on wiretap usage.

Status: Chapter 645, Statutes of 2019

SB-471 (Stern) - Subpoenas: form and service.

Under existing law, a subpoena may be personally served or it may delivered by mail. Although traditional mail service of subpoenas is widely utilized, technology has evolved to the point where service of subpoenas via electronic mail is becoming more commonplace. The law already permits law enforcement officers to be served through electronic means. Arguably, it is time to extend that technology to civilian witnesses.

SB 471 (Stern), Chapter 851, allows the service of a subpoena by electronic mail or fax. Specifically, this new law:

• Authorizes delivery of a subpoena by electronic mail or facsimile transmission, as specified.

• Specifies that service of a subpoena on a peace officer in connection with a matter regarding an event the officer witnessed or investigated in the course of their duties is governed by existing law.

• Repeals provisions of law pertaining to service of subpoenas by telegraph or teletype.

Status: Chapter 851, Statutes of 2019

SB-557 (Jones) - Criminal proceedings: mental competence: expert reports.

If a person is charged with a crime and is suspected of being incompetent to stand trial, written reports prepared by psychiatrists or psychologists are submitted to the court. These reports detail extremely sensitive medical and mental health information about the person, including information about the person's mental health history, current functioning, symptoms of mental illness, current and prior medications, and mental health diagnosis. This confidential information is currently open to the public, since it is contained in a criminal file, which is not confidential.

SB 557 (Jones), Chapter 251, makes court documents related to a defendant's mental competency in criminal proceedings confidential. Specifically, this new law:

• Specifies that all documents submitted to the court related to specified proceedings regarding the defendant's mental competence are presumptively confidential, except as otherwise provided by law.

• Specifies that a motion, application, or petition to access the documents shall be decided in accordance with the rule of court regarding the unsealing of court records.

• States that the defendant, counsel for the defendant, and the prosecution may inspect,

copy, or utilize the documents, and any information contained therein, without an order by the court, for purposes related to the defense, treatment, prosecution, and safety of the defendant, and for the safety of the public.

Status: Chapter 251, Statutes of 2019

DNA

AB-538 (Berman) - Sexual assault: forensic examinations and reporting.

According to a National Intimate Partner and Sexual Violence Survey, one in three women and one in six men in the United States have experienced sexual violence. California has taken steps to ensure that evidence is properly collected through medical evidentiary examinations. These exams are highly sensitive and detailed, and the examiners that perform them have advanced knowledge and clinical skills required to provide appropriate forensic and medical care to patients. These examiners are skilled in proper evidence identification, collection, and management, all of which are critical for investigations and prosecutions by law enforcement and district attorneys. Access to medical evidentiary examinations is limited: currently, there are 49 sexual assault forensic examination teams serving all 58 counties in California.

AB 538 (Berman), Chapter 714, permits a nurse practitioner and a physician assistant to perform a medical evidentiary examination for evidence of sexual assault; and updates terminology, documentation procedures, and training curriculum for medical evidentiary examinations in cases of sexual assault. Specifically, this new law:

• Designates the California Clinical Forensic Medical Training Center (Center) as the center for training of qualified health care professionals, as defined, to perform a medical evidentiary exam.

• Expands training requirements to include training regarding child sexual abuse, and states that the Center will provide training and technical assistance for sexual assault forensic examination teams on the science of medical evidentiary examinations, emerging trends, and sound operational practices.

• Authorizes data from a medical evidentiary examination to be collected for health and forensic purposes in accordance with state and federal privacy laws.

• Authorizes a local law enforcement agency to seek reimbursement for the cost of conducting the medical evidentiary examination of a sexual assault victim who is undecided at the time of an examination whether to report to law enforcement.

• Repeals the provision limiting the amount that may be charged and reimbursed for performance of an evidentiary exam to $300, and instead requires the Office of Emergency Services (OES) to determine the amount that may be reimbursed to offset the cost of a medical evidentiary exam once every 5 years. Authorizes OES to redetermine the reimbursement amount at any time if the federal government reduces the amount of specified federal grants awarded to the office.

• Makes testing for sexually transmitted infection permissive, and strikes the requirement that slides be collected as evidence.

• Requires, on or before January 1, 2021, a facility at which medical evidentiary examinations are conducted to implement a system to maintain and release results, as required by law.

Status: Chapter 714, Statutes of 2019

SB-22 (Leyva) - Rape kits: testing.

After a sexual assault has occurred, victims of the crime may choose to be seen by a medical professional, who then conducts an examination to collect any possible biological evidence left by the perpetrator. To collect forensic evidence, many jurisdictions provide what is called a "sexual assault kit." Sexual assault kits often contain a range of scientific instruments designed to collect forensic evidence such as swabs, test tubes, microscopic slides, and evidence collection envelopes for hairs and fibers. Analyzing forensic evidence from sexual assault kits assists in linking the perpetrator to the sexual assault. Generally, once a hospital or clinic has conducted a sexual assault kit examination, it transfers the kit to a local law enforcement agency. From here, the law enforcement agency may send the kit to a forensic laboratory. Evidence collected from a kit can be analyzed by crime laboratories and could provide the DNA profile of the offender. Once law enforcement authorities have that genetic profile, they could then upload the information into the Combined DNA Index System (CODIS) in order to see if that DNA profile is connected to other cases of sexual assault.

California law currently encourages, but does not require, any agency to send a sexual assault kit to a crime lab. It is estimated that there are well over ten thousand untested sexual assault kits in California. While there may be legitimate reasons for not testing a kit in a particular case, law enforcement does not routinely document its reasons for not testing a kit and it is therefore difficult to ascertain whether kits are going untested that could be useful in unsolved cases.

SB 22 (Leyva), Chapter 588, requires law enforcement agencies to submit sexual assault forensic evidence to a crime lab and requires crime labs to either process the evidence for DNA profiles and upload them into CODIS or transmit the evidence to another crime lab for processing and uploading. Specifically, this new law:

• Provides that a law enforcement agency in whose jurisdiction a specified sex offense occurred, for any sexual assault forensic evidence received by the law enforcement

agency on or after January 1, 2016, shall either submit the sexual assault forensic evidence to a crime lab within 20 days after it is booked into evidence, or ensure that a rapid turnaround DNA program is in place to submit forensic evidence collected from the victim of a sexual assault directly from the medical facility where the victim is examined to the crime lab within five days after the evidence is obtained from the victim.

• Provides that a crime lab, for any sexual assault forensic evidence received by the crime lab on or after January 1, 2016, shall either process sexual assault forensic evidence, create DNA profiles when able, and upload qualifying DNA profiles into CODIS as soon as practically possible, but no later than 120 days after initially receiving the evidence, or transmit the sexual assault forensic evidence to another crime lab as soon as practically possible, but no later than 30 days after initially receiving the evidence, for processing of the evidence for the presence of DNA. If a DNA profile is created, the transmitting crime lab shall upload the profile into CODIS as soon as practically possible, but no later than 30 days after being notified.

Status: Chapter 588, Statutes of 2019

Domestic Violence

AB-164 (Cervantes) - Firearms: prohibited persons.

If a person is prohibited from possessing a firearm as a result of a felony conviction issued by any state, California recognizes that person is prohibited from possessing a firearm in California. However, this level of reciprocity has not existed with respect to court orders that result in a person being prohibited from possessing a firearm. For example, the San Diego District Attorney's office attempted to establish that a person subject to a domestic violence restraining order issued in Colorado, which included a prohibition on firearm possession in that state, should be prohibited from possessing a firearm in this state. A court disagreed because California law does not specifically recognize that there is reciprocity between states with respect to court orders prohibiting firearm ownership.

AB 164 (Cervantes), Chapter 726, recognizes the validity of an out-of-state order prohibiting the purchase or possession of a firearm, if that order is equivalent to an order prohibiting the possession or purchase of a firearm under California law, as specified. Specifically, this new law:

• Prohibits a person from purchasing or possessing a firearm in California if that person is subject to a similar valid restraining order, injunction, or protective order, as specified, issued by another state for acts including civil harassment, workplace violence, school violence, and domestic violence, if the out-of-state order includes a firearm prohibition.

• Requires the Judicial Council to notify individuals subject to specified restraining orders only issued within California that a person is prohibited from purchasing or possessing a firearm if subject to a specified order.

• Empowers the Attorney General to undertake actions necessary to implement these provisions to the extent that the Legislature appropriates funds for that purpose.

Status: Chapter 726, Statutes of 2019

SB-273 (Rubio) - Domestic violence.

The statute of limitations requires commencement of a prosecution within a certain period of time after the commission of a crime. In California, the statute of limitations to prosecute a criminal case of felony domestic violence is three years. (People v. Sillas (2002) 100 Cal.App.4th Supp. 1, 5.) However, according to domestic violence advocates, there are reasons why a victim may not come forward within the current allowable timeframe, including the victim's age at the time of abuse, ongoing trauma, threats from the perpetrator, or lack of evidence.

SB 273 (Rubio), Chapter 546, extends the statute of limitations for the crime of domestic violence to five years, and makes changes to domestic violence training requirements for peace officers. Specifically, this new law:

• States that, notwithstanding any other law, a prosecution for the crime domestic violence prosecuted under Penal Code section 273.5 may be commenced within five years of the crime.

• States that this new statute of limitations shall only apply to crimes that were committed on or after January 1, 2020, or to crimes for which the statute of limitations that was in effect before January 1, 2020 has not expired as of that date.

• States that the course of instruction for peace officers on domestic violence shall now include a brief current and historical context on communities of color impacted by incarceration and violence.

• Delineates additional training requirements for peace officers with respect to specified domestic violence related crimes.

Status: Chapter 546, Statutes of 2019

Driving Under the Influence

AB-127 (Lackey) - Driving under the influence: research.

In 2016, Californians voted to approve Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA). Prop. 64 legalized the recreational use of marijuana by adults age 21 and over, imposed taxes on the retail sale and cultivation of marijuana, and took a number of other steps to establish a regulatory and administrative scheme for the product. In addition, Prop. 64 allocated three million dollars annually for five years to the Department of California Highway Patrol (CHP) in order to develop internal protocols for detection, testing, and enforcing laws against driving under the influence. However, existing law does not include a statutory exemption which permits a person to be lawfully under the influence of a drug while driving a vehicle, even for the purposes of research.

AB 127 (Lackey), Chapter 68, allows a person who is under the supervision and on the property of the CHP, to drive a vehicle while under the influence of a drug, or while under the combined influence of a drug and alcohol, for the purpose of conducting research on impaired driving.

Status: Chapter 68, Statutes of 2019

AB-397 (Chau) - Vehicles: driving under the influence: cannabis.

After cannabis legalization, the states of Colorado and Washington both experienced an increase in cannabis-involved accidents including fatalities, with Washington State experiencing an 81% increase in these accidents, and Colorado experiencing a 145% increase in these accidents between the years 2013 and 2016. Currently cannabis DUI's in the state are charged as "driving under the influence of drugs" without specifying which drug the accused is under the influence of. Because of this, the state currently has no way to determine how many cannabis DUI's occur annually.

AB 397 (Chau), Chapter 610, requires, beginning January 1, 2022, the disposition for a conviction of DUI, when the sole drug was cannabis, to indicate that fact when reporting data regarding criminal convictions to the Department of Justice.

Status: Chapter 610, Statutes of 2019

Elder Abuse

SB-304 (Hill) - Criminal procedure: prosecutorial jurisdiction in multi-jurisdictional elder abuse cases.

California defines an elder as a person over the age 65. As the baby boomer generation ages, more and more people fit into the elder category. According to the Public Policy Institute of California, California's over-65 population will nearly double over the next two decades. As this population grows, crimes against such persons are on the rise. One 2009 study found that as many as one million older Americans may be targeted yearly and that the related costs related to those crimes (e.g., for health care, social services, investigations, legal fees, prosecution, and lost income and assets) may exceed $2.9 billion annually. This has caused some organizations to describe financial elder abuse as "the crime of the 21st Century."

Financial crimes are unique in that they can be carried out across county boundaries with relative ease. Medicare and health insurance scams, reverse mortgage scams, fraudulent investment schemes, and telemarketing phone call scams are just some examples of financial fraud schemes that can target elders across the state from a single location. Typically, jurisdictional rules require any such offense to be tried in the county where it occurred. This means that an elaborate mail fraud scheme may have to be tried in the county where the defendant perpetrated the scheme, requiring victims and witnesses to be transported to that county from around the state. Alternatively, a series of individual trials could be held in each county where a victim fell prey to the scheme.

SB 304 (Hill), Chapter 206, allows specified financial elder and dependent adult abuse offenses that occur in different jurisdictions to be consolidated in a single trial if all district attorneys in the counties with jurisdiction agree. Specifically, this new law:

• Provides that if more than one felonious theft, embezzlement, forgery, fraud, or identity theft occurs against an elder or dependent adult in more than one jurisdictional territory, the jurisdiction of any of those offenses, and for any offenses properly joinable with that offense, is in any jurisdiction where at least one of the offenses occurred.

• Provides that the consolidation of charges is subject to a hearing and other procedures established for the joinder of multiple offenses, within the jurisdiction of the proposed trial.

• Specifies that at the hearing, the prosecution shall present written evidence that all district attorneys in counties with jurisdiction of the offenses agree to the venue, and that charged offenses from any jurisdiction where there is not a written agreement from

the district attorney shall be returned to that jurisdiction.

• Specifies that in determining whether all counts in the complaint should be joined in one county for prosecution, the court shall consider the location and complexity of the likely evidence, where the majority of the offenses occurred, the rights of the defendant and the people, and the convenience of, or hardship to, the victim or victims and witnesses.

Status: Chapter 206, Statutes of 2019

SB-338 (Hueso) - Senior and disability victimization: law enforcement policies.

In 2014, the Legislature passed a law requiring police officers and deputy sheriffs to be trained in the legal rights and remedies available to victims of elder or dependent adult abuse, such as protective orders, simultaneous move-out orders, and temporary restraining orders. The legislation also requires Peace Officers Standards and Training Council to consult with local adult protective services offices and the Office of State Long-Term Care Ombudsman when producing new or updated training materials. In 2018, the Legislature approved another law to require local law enforcement and long-term care ombudsman programs to revise their policy manuals to include references to existing elder and dependent adult abuse laws. In line with these laws, the San Diego County District Attorney recently published a written set of goals and guidelines regarding best practices for collectively serving elders and dependent adults which specify best practices for elder and dependent adult issues like mandated reporting, suspicious death and homicide review teams, removal of firearms, suspected sexual or other abuse, and restraining orders. Similar guidelines are seen as an important protection for elders which should be implemented in all counties.

SB 338 (Hueso), Chapter 641, establishes the "Senior and Disability Justice Act" which requires a local law enforcement agency that adopts or amends its policy regarding senior and disability victimization after April 13, 2021 to include information and training on elder and dependent adult abuse as specified. Specifically, this new law:

• Authorizes local law enforcement agencies to adopt a policy regarding senior and disability victimization.

• Requires, that if a local law enforcement agency adopts or revises a policy regarding elder or dependent adult abuse or senior and disability victimization on or after April 13, 2021, that the policy include specified provisions, including those provisions related to enforcement and training.

• Requires a law enforcement agency that adopts or revises a policy on elder and dependent adult abuse on or after April 13, 2021, to make a copy available upon request to the state protection and advocacy agency.

Status: Chapter 641, Statutes of 2019

Evidence

AB-304 (Jones-Sawyer) - Wiretapping: authorization.

Existing law authorizes the Attorney General (AG), chief deputy attorney general, chief assistant attorney general, district attorney or the district attorney's designee to apply to the presiding judge of the superior court for an order authorizing the interception of wire, electronic digital pager, or electronic cellular telephone communications under specified circumstances. The provisions governing wiretap authorizations sunset on January 1, 2020.

The continuation of the California State Wiretap Statute, which includes both telephone and electronic communication technologies, will permit law enforcement to continue wiretap investigations under specified circumstances with judicial approval. California and federal law enforcement agencies and multi-agency task forces have used the law with great success since its enactment in 1989 to solve the most serious and difficult crimes, such as organized crime and drug trafficking, while maintaining an emphasis on the protection of individual privacy.

AB 304 (Jones-Sawyer), Chapter 607, extends the sunset date until January 1, 2025 on provisions of California law which authorize the AG, chief deputy attorney general, chief assistant attorney general, district attorney or the district attorney's designee to apply to the presiding judge of the superior court for an order authorizing the interception of wire or electronic communications under specified circumstances.

Status: Chapter 607, Statutes of 2019

AB-538 (Berman) - Sexual assault: forensic examinations and reporting.

According to a National Intimate Partner and Sexual Violence Survey, one in three women and one in six men in the United States have experienced sexual violence. California has taken steps to ensure that evidence is properly collected through medical evidentiary examinations. These exams are highly sensitive and detailed, and the examiners that perform them have advanced knowledge and clinical skills required to provide appropriate forensic and medical care to patients. These examiners are skilled in proper evidence identification, collection, and management, all of which are critical for investigations and prosecutions by law enforcement and district attorneys. Access to medical evidentiary examinations is limited: currently, there are 49 sexual assault forensic examination teams serving all 58 counties in California.

AB 538 (Berman), Chapter 714, permits a nurse practitioner and a physician assistant to perform a medical evidentiary examination for evidence of sexual assault; and updates terminology, documentation procedures, and training curriculum for medical

evidentiary examinations in cases of sexual assault. Specifically, this new law:

• Designates the California Clinical Forensic Medical Training Center (Center) as the center for training of qualified health care professionals, as defined, to perform a medical evidentiary exam.

• Expands training requirements to include training regarding child sexual abuse, and states that the Center will provide training and technical assistance for sexual assault forensic examination teams on the science of medical evidentiary examinations, emerging trends, and sound operational practices.

• Authorizes data from a medical evidentiary examination to be collected for health and forensic purposes in accordance with state and federal privacy laws.

• Authorizes a local law enforcement agency to seek reimbursement for the cost of conducting the medical evidentiary examination of a sexual assault victim who is undecided at the time of an examination whether to report to law enforcement.

• Repeals the provision limiting the amount that may be charged and reimbursed for performance of an evidentiary exam to $300, and instead requires the Office of Emergency Services (OES) to determine the amount that may be reimbursed to offset the cost of a medical evidentiary exam once every 5 years. Authorizes OES to redetermine the reimbursement amount at any time if the federal government reduces the amount of specified federal grants awarded to the office.

• Makes testing for sexually transmitted infection permissive, and strikes the requirement that slides be collected as evidence.

• Requires, on or before January 1, 2021, a facility at which medical evidentiary examinations are conducted to implement a system to maintain and release results, as required by law.

Status: Chapter 714, Statutes of 2019

AB-1537 (Cunningham) - Juvenile records: inspection: prosecutorial discovery.

In general, most juvenile records of arrests and adjudications are eligible to be sealed and treated as though they never occurred. For less serious offenses, the juvenile court will often seal the record automatically. For more serious cases, or when a juvenile does not satisfactorily complete probation or a deferred entry of judgment, he or she can still petition the juvenile court in order to have his or her records sealed. Once a

juvenile record has been sealed it is generally inaccessible and the arrest or adjudication of guilt is deemed to have never occurred.

While the juvenile sealing procedure is beneficial to juveniles in that it allows them move on from youthful mistakes, there are times when these records must be accessed in order to ensure a fair trial. Prosecutors are under a constitutional and statutory obligation to disclose material favorable to the defense, and in some cases that material may include sealed juvenile records. Existing law provides for such access for some, but not all sealed juvenile records.

AB 1537 (Cunningham), Chapter 50, expands a prosecutor's ability to request to access, inspect, or use specified sealed juvenile records if the prosecutor has reason to believe that the record may be necessary to meet a legal obligation to disclose favorable or exculpatory evidence to a defendant in a criminal case. Specifically, this new law:

• Allows a prosecutor to access, inspect, or use the sealed records of a minor who was arrested for a misdemeanor and subsequently no charges were brought against the minor, the proceedings were dismissed, or the minor was acquitted of the charge in order to meet a statutory or constitutional obligation to disclose favorable or exculpatory evidence to a defendant in a criminal case.

• Allows a prosecutor to access, inspect, or use the sealed records of a minor who performed satisfactorily in a deferred entry of judgment program in order to meet a statutory or constitutional obligation to disclose favorable or exculpatory evidence to a defendant in a criminal case.

• Requires that the prosecutor's request to the juvenile court to access information in the sealed juvenile record in order to meet the disclosure obligation include the prosecutor's rationale for believing that access to the information in the record may be necessary to meet the disclosure obligation and the date by which the records are needed.

• Requires the juvenile court to approve the prosecutor's request if it finds that the sealed record is necessary for the prosecutor to comply with a disclosure obligation and to state its reasons for approving the prosecutor's request on the record.

• Specifies that a ruling by the juvenile court to allow a prosecutor to access, inspect, or utilize a sealed juvenile record does not affect whether the information is admissible in a criminal proceeding and that the provisions of this bill do not impose any discovery obligations upon a prosecuting attorney that do not already exist.

• Provides that a prosecuting attorney's ability to access, inspect, or utilize a sealed juvenile record in order to meet its disclosure obligation does not apply to juvenile case files pertaining to matters within the jurisdiction of the juvenile dependency court.

Status: Chapter 50, Statutes of 2019

SB-233 (Wiener) - Immunity from arrest.

According to a 2014 study by the University of California, San Francisco and St. James Infirmary, sex workers are victims of violent crime at a disproportionately high rate. The study found that 60% of sex workers experience some form of violence while working. Specifically, 32% of sex workers reported a physical attack while engaging in sex work, and 29% reported being sexually assaulted while engaging in sex work. Unfortunately, this same report found that when a sex worker interacted with law enforcement as the victim of a violent crime, 40% of their interactions were negative experiences.

Additionally, condoms have often been confiscated from sex workers and used as evidence to prosecute prostitution offenses. This can result in sex workers largely not trusting law enforcement due to fear that they will be arrested or mistreated. This appears to be particularly true for people of color, street-based sex workers, and transgender women. If sex workers do not carry condoms out of fear that they will be arrested and charged with a crime, it can contribute to increased cases of HIV and other sexually transmitted diseases.

SB 233 (Wiener), Chapter 141, prohibits the arrest of a person for misdemeanor drug or prostitution related offenses when the person is reporting a violent crime and makes inadmissible evidence of possession of a condom to prove a violation of specified crimes related to prostitution. Specifically, this new law:

• Prohibits the arrest of a person for misdemeanor drug or prostitution related offenses if the person is reporting a serious felony, as specified, assault as specified, domestic violence, as specified, extortion, as specified, human trafficking, as specified, sexual battery, as specified, or stalking, as specified, if the person was engaged in such an offense at or around the time that they were a victim of, or witness to the crime they are reporting.

• Prohibits the use of evidence that a victim of, or a witness to, a serious felony, as specified, assault as specified, extortion, as specified, human trafficking, as specified, or stalking, as specified, was engaged in an act of prostitution at or around the time they were the witness or victim to the crime in a separate prosecution for the crime of prostitution.

• Repeals the procedure for introducing possession of condoms as evidence and instead provides that possession of a condom is not admissible in the prosecution of a violation of specified crimes related to prostitution.

Status: Chapter 141, Statutes of 2019

SB-651 (Glazer) - Discovery: postconviction.

From 1999 to 2018, the non-profit legal organizations in California have successfully demonstrated the innocence of over 60 wrongly imprisoned individuals. Collectively, those individuals spent over 750 years in prison for crimes they were ultimately shown not to have committed. It takes innocence projects, on average, 3 to 4 years to investigate these cases because they are often working with incomplete files to recreate what happened years prior. Access to discovery is a critical tool for post-conviction review.

"Post-conviction discovery" is generally understood in the legal community as the provision of materials and documents to defendants after they have been convicted at the trial level and exhausted their appeals. For many years, post-conviction discovery to only applied to those cases in which a person is sentenced to death or life without parole. For many years, California law only made post-conviction discovery available in cases in which a person was sentenced to death or life without parole. Last year, Governor Brown signed AB 1987 (Lackey) into law, which expanded post-conviction discovery to defendants convicted of serious and violent crimes and sentenced to more than 15 years in prison. However, the bill only applied prospectively to future cases—omitting any conviction prior to January 1, 2019.

SB 651 (Glazer), Chapter 483, clarifies that the right to post-conviction discovery applies retroactively and further clarifies that the law requiring attorneys to keep their files for the term of the client's incarceration is meant to apply prospectively. Specifically, this new law:

• Clarifies a provision of law in order to allow access to postconviction discovery materials for defendants who are serving time on a serious or violent felony conviction resulting in a sentence of 15 years or more without regard to when the conviction occurred.

• Provides that the requirement that in criminal matters involving a conviction for a serious or a violent felony resulting in a sentence of 15 years or more, trial counsel must retain a copy of a former client's files for the term of his or her that client's imprisonment,

only applies as of January 1, 2019.

Status: Chapter 483, Statutes of 2019

Fines and Fees

AB-1421 (Bauer-Kahan) - Supervised release: revocation.

Jailing a person for failure to pay a fine when the failure to pay stems from an inability to pay, rather than willfulness, implicates the constitutional rights to equal protection and due process. In re Antazo (1970) 3 Cal.3d 100, the California Supreme Court invalidated the practice of requiring convicted defendants to serve jail time if they were unable to pay a fines. (Id. at pp. 115-116.)

AB 1421 (Bauer-Kahan), Chapter 111, codifies case law prohibiting the revocation of any form of supervised release for failure of a person to pay fines, fees, or assessments, unless the court determines that the defendant has willfully failed to pay and has the ability to pay.

Status: Chapter 111, Statutes of 2019

SB-164 (McGuire) - Infractions: community service.

Although many infraction offenses are established in the Penal Code, they are typically far less serious than a felony or even a misdemeanor. The most common infractions are traffic tickets, such as speeding or failing to come to a complete stop at a stop sign. Infraction offenses do not subject a person to imprisonment or probation. Instead, persons who have committed infractions are normally required to pay a fine. Current law allows judges to provide alternative payment options for individuals who would face financial hardship in paying the traffic fines that result from an infraction offense. Options include paying in installments or completing community service hours in lieu of the total fine. The community service alternative provides an opportunity for both nonprofit service providers to benefit from the hours donated to their activities as well as for the individuals to give back to the community by offering up their time instead of their money. But in some cases this alternative becomes an unworkable option when the services must be performed in a jurisdiction far from where the person lives, works, or has other ties.

SB 164 (McGuire), Chapter 138, allows a person convicted of an infraction, who has demonstrated that payment of a fine would pose a hardship and has therefore elected to perform community service in lieu of paying the fine, to perform that community service in the county in which the infraction occurred, the county of the person's residence, or any other county to which the person has substantial ties, including employment, family, or education.

Status: Chapter 138, Statutes of 2019

Firearms

AB-12 (Irwin) - Firearms: gun violence restraining orders.

California's gun violence restraining order (GVRO) laws, modeled after domestic violence restraining order laws, prohibit a 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. The statutory scheme establishes three types of GVRO's: a temporary emergency GVRO, an ex parte GVRO, and a GVRO issued after notice and hearing. Existing law provides that if a GVRO is issued after the hearing, the order has a duration of one year, subject to termination by further order of the court at a hearing, or renewal by further order of the court. (Pen. Code, § 18175, subd. (d).)

AB 12 (Irwin), Chapter 724, extends the duration of a gun violence restraining order (GVRO) issued after notice and hearing and renewals to a maximum of five years. Specifically, this new law:

• Extends the duration of a GVRO issued after notice and a hearing and their renewals from one year to a period of time between one and five years.

• Specifies that in determining the duration of the GVRO and renewal of a GVRO, the court shall consider the length of time that the subject of the petition, or a person subject to the ex parte GVRO poses a significant danger of causing personal injury to themselves or another, and for how long a GVRO is necessary to prevent personal injury to self or to another because less restrictive alternatives either have been tried and found to be ineffective, or are inadequate or inappropriate for the circumstances.

• Entitles the restrained person to request a hearing for termination of the GVRO once yearly during the effective period of the order.

• Clarifies that when a GVRO is issued as an ex parte order or order after notice and hearing and is served by a person other than a law enforcement officer, and if no request is made by a law enforcement officer, the surrender shall occur within 24 hours of being served with the order by surrendering all firearms and ammunition in a safe manner to the control of a local law enforcement agency, selling all firearms and ammunition to a licensed firearms dealer, or transferring all firearms and ammunition to a licensed firearms dealer.

• Authorizes the employing law enforcement agency to be named in a GVRO petition filed by a law enforcement officer in place of the individual officer’s name.

• Delays implementation until September 1, 2020.

Status: Chapter 724, Statutes of 2019

AB-61 (Ting) - Gun violence restraining orders.

Family members, co-workers, employers, and teachers are often the most likely to see early warning signs if someone is becoming a danger to themselves or others. Existing law enables family members and law enforcement to prevent gun-related tragedies before they happen by pursuing a gun violence restraining order (GVRO) in court. If granted by a court, a GVRO results in a temporary seizure of firearms possessed by a dangerous individual and a prohibition of their ability to purchase new firearms.

AB 61 (Ting), Chapter 725, expands the category of persons that may file a petition requesting a court to issue an ex parte temporary GVRO, a one year GVRO, or a renewal of a GVRO, to include an employer, a coworker who has substantial and regular interactions with the subject of the petition for at least one year and has obtained the approval of the employer, and an employee or teacher of a secondary school, or postsecondary school the subject has attended in the last six months and has the approval of a school administrator or a school administration staff member with a supervisorial role.

Status: Chapter 725, Statutes of 2019

AB-164 (Cervantes) - Firearms: prohibited persons.

If a person is prohibited from possessing a firearm as a result of a felony conviction issued by any state, California recognizes that person is prohibited from possessing a firearm in California. However, this level of reciprocity has not existed with respect to court orders that result in a person being prohibited from possessing a firearm. For example, the San Diego District Attorney's office attempted to establish that a person subject to a domestic violence restraining order issued in Colorado, which included a prohibition on firearm possession in that state, should be prohibited from possessing a firearm in this state. A court disagreed because California law does not specifically recognize that there is reciprocity between states with respect to court orders prohibiting firearm ownership.

AB 164 (Cervantes), Chapter 726, recognizes the validity of an out-of-state order prohibiting the purchase or possession of a firearm, if that order is equivalent to an order prohibiting the possession or purchase of a firearm under California law, as specified. Specifically, this new law:

• Prohibits a person from purchasing or possessing a firearm in California if that person

is subject to a similar valid restraining order, injunction, or protective order, as specified, issued by another state for acts including civil harassment, workplace violence, school violence, and domestic violence, if the out-of-state order includes a firearm prohibition.

• Requires the Judicial Council to notify individuals subject to specified restraining orders only issued within California that a person is prohibited from purchasing or possessing a firearm if subject to a specified order.

• Empowers the Attorney General to undertake actions necessary to implement these provisions to the extent that the Legislature appropriates funds for that purpose.

Status: Chapter 726, Statutes of 2019

AB-339 (Irwin) - Gun violence restraining orders: law enforcement procedures.

California's Gun Violence Restraining Order (GVRO) laws, which went into effect in 2016, are modeled after restraining orders for domestic violence. Once a GVRO has been issued against a person it prohibits him or her from purchasing or possessing firearms or ammunition and authorizes law enforcement to remove any firearms or ammunition already in the individual's possession. The statutory scheme establishes three types of GVRO's: 1) a temporary emergency GVRO, 2) an ex-parte GVRO, and 3) a GVRO issued after notice and hearing. All three GVROs prohibit the subject of the order from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition, but each one has slightly different procedures in terms of how they are obtained and how long they remain in effect.

Since 2016, the number of GVROs issued in the State has been low, but there does appear to be increase in their use from year to year. According to data provided by the Department of Justice, fewer than 100 GVROs were issued statewide in 2016 and only slightly more than 100 were issued in 2017. Last year, approximately 420 GVROs issued throughout the state. San Diego County accounted for more than 200 GVROs; 31 were issued in Los Angeles, and exactly one was issued in San Francisco. As of March, 2019, a GVRO had never been used in 20 of California’s 58 counties.

AB 339 (Irwin), Chapter 727, requires specified law enforcement agencies to develop and adopt written policies and standards regarding the use of GVROs. Specifically, this new law:

• Requires each municipal police department and county sheriff’s department, the Department of the California Highway Patrol, and the University of California and

California State University Police Departments, on or before January 1, 2021, to develop, adopt, and implement written policies and standards relating to GVRO, as specified.

• Provides that the written policies and standards developed pursuant to these provisions shall be consistent with any GVRO training administered by the Commission on Peace Officer Standards and Training.

• Requires the policies to include standards and procedures for: (1) requesting and serving a temporary emergency GVRO, an ex parte GVRO; a GVRO issued after notice and hearing; (2) the seizure of firearms and ammunition at the time of issuance of a temporary emergency GVRO; (3) verifying the removal of firearms and ammunition from the subject of a GVRO; (4) obtaining and serving a search warrant for firearms and ammunition; (5) requesting renewals of expiring GVROs; and, (6) discussing the responsibility of officers to attend GVRO hearings.

• Provides that the specified law enforcement agencies are encouraged, but are not required, to train officers on standards and procedures implemented and may incorporate these standards and other procedures into an academy court, preexisting annual training, or other continuing education program.

• Encourages law enforcement agencies to consult with gun violence prevention experts and mental health professionals in developing these policies and standards.

Status: Chapter 727, Statutes of 2019

AB-521 (Berman) - Physician and surgeons: firearms: training.

California experiences high rates of firearm-related death and injury. In 2017, the Centers for Disease Control and Prevention reported 3,184 firearm-related deaths in California. Those included 1,610 suicides and 1,435 homicides. Furthermore, tragic mass shootings continue to occur, affecting public life in the state. In just the past year, mass shootings have taken place in Thousand Oaks, Tulare County, Poway, and Gilroy.

In 2016, the Legislature passed budget trailer bill AB 1602. Among other things, AB 1602 authorized the creation of a research center focused on firearm violence at the University of California. The Violence Prevention Research Program at UC Davis was designated as the home of the new research center. While we rely on health care providers to save lives after gun violence, they may also be able to help prevent these tragedies in the first place. Last year, the American College of Physicians published a position paper on reducing firearm injuries and deaths in the United States that recommends a public health approach to firearms-related violence and encourages

physicians to discuss with patients the risks that may be associated with having a firearm in the home and recommend ways to mitigate such risks.

AB 521 (Berman), Chapter 728, requires, to the extent the University of California (UC) Regents choose to do so, that the UC Firearm Violence Research Center develop education and training programs for medical and mental health providers on the prevention of firearm-related injury and death; and, requires the UC to annually report activities and financial information related to the program. Specifically, this new law:

• Requires, to the extent the Regents of the UC adopt a resolution making this requirement applicable, the UC Firearm Violence Research Center at UC Davis to develop multifaceted education and training programs for medical and mental health providers on the prevention of firearm-related injury and death.

• Requires that the center develop education and training programs that address all of the following: 1) The epidemiology of firearm-related injury and death, including the scope of the problem in California and nationwide, individual and societal determinants of risk, and effective prevention strategies for all types of firearm-related injury and death; 2) The role of health care providers in preventing firearm-related harm; 3) Best practices for conversations about firearm ownership, access and storage; 4) Appropriate tools for practitioner intervention with patients at risk for firearm-related injury or death; and, 5) Relevant laws and policies related to prevention of firearm-related injury and death and to the role of health care providers in preventing firearm-related harm.

• Requires the center to do all of the following: 1) Launch a comprehensive dissemination program to promote participation in education and training programs among practicing physicians, mental health care professionals, and other relevant professional groups in the state, as specified; 2) Develop curricular materials for medical and mental health care practitioners in practice and in training, as specified; 3) Develop education and training resources on firearm-related injury or death, as prescribed; 4) Serve as a resource for the many professional and educational organizations in the state whose members seek to advance their knowledge of firearm-related injury and death and effective prevention measures; and, 5) Conduct rigorous research to further identify specific gaps in knowledge and structural barriers that prevent counseling and other interventions and to evaluate the education and training program. This bill specifies that the center incorporate research findings into the design and implementation of the program to support the center's mission.

• Requires educators from the center to provide didactic education in person and by

remote link at medical education institutions and recruit and train additional health professionals to provide such education.

• Requires by December 31, 2020, and annually thereafter, the UC to transmit programmatic and financial reports on this program to the Legislature, including reporting on funding and expenditures by source, participation data, program accomplishments and the future direction of the program.

Status: Chapter 728, Statutes of 2019

AB-645 (Irwin) - Firearms: warning statements.

According to the Center for Disease Control and Prevention, firearm suicides occur at significantly greater rates than firearm homicides. Typically firearm homicides – especially mass shootings – attract more media attention, but for many years firearm suicides have been substantially more prevalent than firearm homicides. Currently, information on suicide prevention resources is not available at any point in process of obtaining a firearm. The decision to commit suicide is often made in a short timeframe with research has shown that many individuals who have survived a suicide attempt acted on the ideation within one hour.

AB 645 (Irwin), Chapter 729, requires, as of June 1, 2020, a specified statement regarding suicide to be printed on the packaging and descriptive materials accompanying the sale of any firearm, requires a licensed firearms dealer to conspicuously post a specified suicide warning statement on its premises, and requires the written test for the handgun safety certificate to cover the topic of suicide. Specifically, this new law:

• Requires, as of June 1, 2020, the label on the packaging of any firearm and any descriptive materials that accompany any firearm sold or transferred in this state, or delivered for sale in this state, by any licensed manufacturer or licensed dealer, bear the statement that “If you or someone you know is contemplating suicide, please call the national suicide prevention lifeline at 1-800-273-TALK (8255).”

• Requires a licensed firearms dealer to conspicuously post within the licensed premises the following warnings in block letters not less than one inch in height, an additional notice, including, but not limited to, a notice provided buy a suicide prevention program, containing the following statement:

IF YOU OR SOMEONE YOU KNOW IS CONTEMPLATING SUICIDE, PLEASE CALL THE NATIONAL SUICIDE PREVENTION LIFELINE AT 1-800-273-TALK (8255).

• Requires the handgun safety certificate test to cover issues associated with bringing a firearm into the home, including suicide.

• Requires, as of January 1, 2019, that an applicant for the handgun safety certificate be provided with, and acknowledge receipt of, the warning information that “If you or someone you know is contemplating suicide, please call the national suicide prevention lifeline at 1-800-273-TALK (8255).”

Status: Chapter 729, Statutes of 2019

AB-879 (Gipson) - Firearms.

Firearms: Precursor Parts

A necessary step in ensuring that firearms are not possessed by criminals and those combatting mental illness is to require background checks for the purchase of unfinished firearm frames, receivers, and other firearms parts similar to the background checks conducted before the purchase or sale of ammunition.

AB 879 (Gipson), Chapter 730, requires, commencing July 1, 2024, the sale of firearms precursor parts be conducted through licensed firearms precursor part vendor. Specifically, this new law:

• States that commencing July 1, 2024, the sale of a firearm precursor part by any party shall be conducted or processed through a licensed firearm precursor party vendor, and when neither party to a firearm precursor part sale is a licensed firearm precursor part vendor, the seller shall deliver the part to a vendor to process the transaction. The firearm precursor part vendor shall promptly and properly deliver the firearm precursor part to the purchaser, if the sale is not prohibited, as if the firearm precursor part were the vendor’s own merchandise. If the firearm precursor part vendor cannot legally deliver the firearm precursor part to the purchaser, the vendor shall forthwith return the firearm precursor part to the seller after the seller has their background checked by the department. The firearm precursor part vendor may charge the purchaser an administrative fee to process the transaction, in an amount to be set by the Department of Justice, in addition to any applicable fees that may be charged pursuant to the provisions of this title.

• Provides that commencing July 1, 2024, the sale, delivery, or transfer of a firearm precursor part may only occur in a face-to-face transaction with the seller, deliverer, or transferor, provided, however, that a firearm precursor part may be purchased over the Internet or through other means of remote ordering if a licensed firearm precursor part vendor initially receives the firearm precursor part and processes the transfer as

required by law, and a violation is a misdemeanor punishable by imprisonment in a county jail for a term of imprisonment not to exceed six months, by a fine not to exceed $1,000, or by both imprisonment and fine.

• Exempts the following entities from the requirement that the sale, delivery, or transfer of a firearm precursor part shall be conducted or processed through a licensed firearms precursor part vendor:

o An authorized law enforcement representative of a city, county, city and county, or state or federal government, if the sale, delivery, or transfer is for exclusive use by that government agency and, prior to the sale, delivery, or transfer of the firearm precursor part, written authorization from the head of the agency employing the purchaser or transferee is obtained, identifying the employee as an individual authorized to conduct the transaction, and authorizing the transaction for the exclusive use of the agency employing the individual;

o A sworn peace officer, as specified, or sworn federal law enforcement officer, who is authorized to carry a firearm in the course and scope of the officer's duties;

o An importer or manufacturer of ammunition or firearms who is federally licensed to engage in business;

o A person on the centralized list of exempted federal firearms licensees maintained by the California Department of Justice (DOJ).

o A person whose licensed premises are outside the state, and the person is federally licensed as a dealer or collector of firearms;

o A person who is a federally licensed as a collector of firearms whose licensed premises are within the state and who has a current Certificate of Eligibility (COE) issued by DOJ; and,

o A firearm precursor part vendor.

• States that commencing July 1, 2025, the DOJ shall electronically approve the purchase or transfer of firearm precursor parts through a vendor, except as otherwise specified. This approval shall occur at the time of purchase or transfer, prior to the purchaser or transferee taking possession of the firearm precursor parts.

• Allows the DOJ to recover the reasonable cost of regulatory and enforcement activities

related to this article by charging firearms precursor parts purchasers and transferees a per-transaction fee not to exceed one dollar ($1), provided, however, that the fees may be increased at a rate not to exceed any increases in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations, not to exceed the reasonable regulatory and enforcement costs. The fees shall be deposited in the Firearms Precursor Parts Special Fund, and are continuously appropriated for the purpose of implementing, operating, and enforcing the firearms precursor parts authorization program.

• Allows the DOJ to charge firearm precursor parts vendor license applicants a reasonable fee sufficient to reimburse the DOJ for the reasonable estimated costs of administering the license program, including the enforcement of this program, including the enforcement of the program and maintenance of the registry of firearm precursor parts vendors, and requires that the fees be deposited in the Firearm Precursor Parts Special Account. The revenue in the fund is continuously appropriated for use by the DOJ for the purpose of implementing, administering and enforcing the provisions of the firearm precursor parts program and for collecting and maintaining firearm precursor parts sale or transfer records information.

Status: Chapter 730, Statutes of 2019

AB-893 (Gloria) - 22nd District Agricultural Association: firearm and ammunition sales at the Del Mar Fairgrounds.

A gun show is a trade show for firearms. At gun shows, individuals may buy, sale, and trade firearms and firearms-related accessories. These events typically attract several thousand people, and a single gun show can have sales of over 1,000 firearms over the course of one weekend. Reports have suggested that gun shows have been identified as a source for illegally trafficked firearms. Although violent criminals do not appear to regularly purchase their guns directly from gun shows, gun shows have received criticism as being a place and time in which move from the regulated, legal market into the underground black market. In 1999, California enacted the broad legislation to increase oversight at gun shows.

The Del Mar Fairgrounds is one of several state-owned agricultural districts that is located within the jurisdiction of a county. For many years it has hosted gun shows. Last year, however, the Board of Directors for that agricultural district voted to not consider any contracts with producers of gun shows.

AB 893 (Gloria), Chapter 731, prohibits, as of January 1, 2021, the sale of firearms and ammunitions at the Del Mar Fairgrounds in the County of San Diego, the City of Del Mar, the City of San Diego and thereby creates a misdemeanor offense for a violation of

that prohibition. Specifically, this new law:

• Prohibits any officer, employee, operator, or lessee of the 22nd District Agricultural Association, as defined, from authorizing, or allowing the sale of any firearm or ammunition on the property or in the buildings that comprise the Del Mar Fairgrounds in the County of San Diego the City of Del Mar, the City of San Diego; or any successor or additional property owned, leased, or otherwise occupied or operated by the district.

• Provides that the term “ammunition” includes assembled ammunition for use in a firearm and components of ammunition, including smokeless and black powder, and any projectile capable of being fired from a firearm with deadly consequence.

• Provides that the prohibition on firearms and ammunitions sales at the Del Mar Fairgrounds does not apply to gun buy-back events held by a law enforcement agency.

Status: Chapter 731, Statutes of 2019

AB-1292 (Bauer-Kahan) - Firearms.

Current law provides exemptions to specified firearms laws when a firearm is transferred because the original owner has died and the firearm is part of the decedent’s estate. These transfers occur by operation of law. “By operation of law" is a legal outcome that automatically occurs whether or not the affected party intends it to. There is some ambiguity as to whether the exemptions provided by existing law apply to individuals involved in executing a decedent's estate.

AB 1292 (Bauer-Kahan), Chapter 110, specifies circumstances following the death of a firearm owner which allow a firearm to be transferred from one person to another by operation of law without the need to go through a firearms dealer. Specifically, this new law:

• Specifies that transfer by operation of law provisions and the exceptions apply to a decedent’s personal representative, a person acting pursuant to the person’s power of attorney, a trustee, a conservator, a guardian or guardian ad litem, or a special administrator, as specified.

• Exempts transporting a firearm by a person who took the firearm from a criminal, and is transporting it to a law enforcement agency for disposition according to law, if the person gives prior notice to the law enforcement agency that the person is transporting the firearm to the law enforcement agency for disposition according to law.

Status: Chapter 110, Statutes of 2019

AB-1297 (McCarty) - Firearms: concealed carry license.

Under existing law, a county sheriff or municipal police chief may issue a license carry a handgun capable of being concealed upon the person (CCW license). The licensing authority may, but is not required to, charge a fee for the actual cost of processing an application, not to exceed $100. The lack of clear guidelines in statute, as well as the permissible maximum fee have resulted in some issuing authorities charging inadequate fees to cover the cost of issuing and covering the CCW license. This has necessitated local governments to divert funds to cover the cost to cover the shortfall.

AB 1297 (McCarty), Chapter 732, requires the licensing authority for any city or county issuing concealed firearm licenses to charge an applicant a fee sufficient to cover the reasonable costs of processing, issuing enforcement of the license, and eliminates the existing $100 limit to process a new concealed carry license.

Status: Chapter 732, Statutes of 2019

AB-1669 (Bonta) - Firearms: gun shows and events.

Proposition 63, the Safety for All Act, passed in 2016, contained several provisions related to firearms and ammunition. Among other things, it required sales of ammunition to be conducted by or processed through a licensed dealer so that a background check could be conducted. Prop 63 also defined the term “ammunition vendor” and established that a current firearms dealer was to be automatically considered an “ammunition vendor.”

Currently, firearms dealers must adhere to a set of standards to be eligible vendors at gun shows or gun show events. Among other things, they are required to notify the Department of Justice (DOJ), provide identification and other information, and certify that any firearm transfer will be conducted through a licensed firearms dealer, ensuring that the purchaser undergoes a background check. Ammunition vendors who do not sell firearms, however, are not required to adhere to those requirements prior to participating in gun shows. This discrepancy has caused an inconsistency in the way in which firearms and ammunition vendors are treated at California gun shows. Independent ammunition vendors, those that only sell ammunition, are federally licensed, and based outside the state of California can sell ammunition at gun shows in California without being required to obtain the same state licenses that are required of California based vendors. Additionally, gun show organizers and promoters are exempted from having to include independent ammunition vendors in the list of expected dealers that must be reported to the DOJ within a week of the event. Knowing who is expected at a gun show gives DOJ the ability to prepare for possible enforcement actions against vendors that have a history of problematic practices such as allowing straw purchases.

The Dealer Record of Sale (DROS) fee was first established in 1982 in order to cover DOJ's cost of performing a background check on firearms purchasers. The initial DROS fee was $2.25. Over the years, the amount of the DROS Fee increased, and so did the number of activities that it funded. The DROS fee is one of several fees that is attached to the purchase of a new firearm. In addition, there is a $1 firearm safety fee, and a $5 firearms safety and enforcement fee. Over the last several years, program activities have been initiated and funded from the DROS Special Account (DROS Fund) that were unrelated to previous DROS responsibilities without a corresponding increase to the DROS Fund. There is concern that the DROS fund could be empty as early as the 2021-2020 fiscal year.

AB 1669 (Bonta), Chapter 736, updates existing law by applying the same gun show regulations that already apply to firearms dealers to independent ammunition vendors, reduces the amount of the DROS fee from $14 to $1, and authorizes the DOJ to charge a new fee of $31.19 for a firearms transaction which is to be deposited into the DROS Supplemental Subaccount.

Status: Chapter 736, Statutes of 2019

SB-61 (Portantino) - Firearms: transfers.

Firearms: Sale or Transfer

Existing law, subject to exceptions, prohibits a person from making more than one application to purchase a handgun in any thirty day period, and prohibits the sale or delivery of more than one handgun in any 30 day period.

Current law prohibits a licensed firearms dealer from selling a firearm to any person under 21 years of age. Existing law also provides an exemption to this prohibition for the sale of a firearm, other than a handgun, to a person 18 years of age or older who has a valid hunting license, is a law enforcement officer, as specified, or is an honorably discharged member of the Armed Forces, as specified.

SB 61(Portantino), Chapter 737, provides that no person shall make an application to purchase more than one semiautomatic centerfire rifle within any 30 day period, and allows a person 18 years of age or older to purchase a firearm that is not a handgun or centerfire semiautomatic rifle if specific conditions are met. Specifically, this new law:

• Provides that no person shall make an application to purchase more than one semiautomatic centerfire rifle within any 30 day period, and no delivery shall be made to any person that has made an application to purchase more than one centerfire rifle

within any 30 day period.

• Authorizes the sale of a firearm that is not a handgun or centerfire automatic rifle to a person that is 18 years of age or older if any of the following apply:

o The person possesses a valid, unexpired hunting license issued by the Department of Fish and Wildlife;

o A person that provides proper identification that the person is an active member of the United States Armed Forces, the National Guard, the Air national Guard, or the active reserve components of the United States, where the individuals in these organizations are properly identified. Proper identification includes the Armed Forces Identification Card or other written documentation certifying that the individual is an active or honorably retired member;

o An active peace officer, who is authorized to carry a firearm in the course and scope of his or her employment;

o An active federal officer, or law enforcement agent, who is authorized to carry a firearm in the course and scope of his or her employment; and,

o A reserve peace officer, who is authorized to carry a firearm in the course and scope of his or her employment.

Status: Chapter 737, Statutes of 2019

SB-172 (Portantino) - Firearms.

Residential care facilities house vulnerable populations, including people with declining cognitive ability. Despite this, there are no standard rules for care facilities when they admit resident who own firearms. This means that some residents—who, if armed, may pose a safety to themselves and others—have unfettered access to their firearms without any knowledge by the care facility that the resident possesses those firearms, posing a potential public safety risk.

SB 172 (Portantino), Chapter 840, enacts provisions related to firearm storage. Specifically, this new law:

• Broadens criminal storage crimes.

• Adds criminal storage offenses to those offenses that can trigger a 10-year firearm ban.

• Creates an exemption to firearm loan requirements for the purposes of preventing suicide.

• Imposes on residential care facilities for the elderly rules related to firearm and ammunition storage and reporting, and require the Department of Social Services to promulgate regulations regarding storage at residential care facilities.

Status: Chapter 840, Statutes of 2019

SB-376 (Portantino) - Firearms: transfers.

Current law exempts certain firearm transfers from the requirement that the transfer go through licensed gun dealers when the transfer between people is “infrequent.” The term “infrequent” is defined differently depending on whether the firearm is a handgun or a long gun. Existing law defines "infrequent" for purposes of handgun transactions as less than six transfers per calendar year. Existing law defines "infrequent" for purposes of long gun tansfers as "occasional and without regularity."

SB 376 (Portantino), Chapter 738, changes the definition of "infrequent" for purposes of specified firearms transfers to make them consistent for longuns and handguns. Specifically, this new law:

• Redefines "infrequent" to mean "less than six firearm transactions per calendar year, regardless of the type of firearm, and no more than 50 total firearms within those transactions."

• Exempts from the requirement that a person be a licensed dealer in order to transfer a firearm, specified transfers made by a formerly licensed dealer that is ceasing operations, transfers made to a specified government entity as part of a "gun-buyback" program, and transfers made by a person prohibited from possessing a firearm to a dealer for the purpose of storing that firearm.

Status: Chapter 738, Statutes of 2019

Gun Violence Restraining Orders

AB-12 (Irwin) - Firearms: gun violence restraining orders.

California's gun violence restraining order (GVRO) laws, modeled after domestic violence restraining order laws, prohibit a 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. The statutory scheme establishes three types of GVRO's: a temporary emergency GVRO, an ex parte GVRO, and a GVRO issued after notice and hearing. Existing law provides that if a GVRO is issued after the hearing, the order has a duration of one year, subject to termination by further order of the court at a hearing, or renewal by further order of the court. (Pen. Code, § 18175, subd. (d).)

AB 12 (Irwin), Chapter 724, extends the duration of a gun violence restraining order (GVRO) issued after notice and hearing and renewals to a maximum of five years. Specifically, this new law:

• Extends the duration of a GVRO issued after notice and a hearing and their renewals from one year to a period of time between one and five years.

• Specifies that in determining the duration of the GVRO and renewal of a GVRO, the court shall consider the length of time that the subject of the petition, or a person subject to the ex parte GVRO poses a significant danger of causing personal injury to themselves or another, and for how long a GVRO is necessary to prevent personal injury to self or to another because less restrictive alternatives either have been tried and found to be ineffective, or are inadequate or inappropriate for the circumstances.

• Entitles the restrained person to request a hearing for termination of the GVRO once yearly during the effective period of the order.

• Clarifies that when a GVRO is issued as an ex parte order or order after notice and hearing and is served by a person other than a law enforcement officer, and if no request is made by a law enforcement officer, the surrender shall occur within 24 hours of being served with the order by surrendering all firearms and ammunition in a safe manner to the control of a local law enforcement agency, selling all firearms and ammunition to a licensed firearms dealer, or transferring all firearms and ammunition to a licensed firearms dealer.

• Authorizes the employing law enforcement agency to be named in a GVRO petition filed by a law enforcement officer in place of the individual officer’s name.

• Delays implementation until September 1, 2020.

Status: Chapter 724, Statutes of 2019

AB-61 (Ting) - Gun violence restraining orders.

Family members, co-workers, employers, and teachers are often the most likely to see early warning signs if someone is becoming a danger to themselves or others. Existing law enables family members and law enforcement to prevent gun-related tragedies before they happen by pursuing a gun violence restraining order (GVRO) in court. If granted by a court, a GVRO results in a temporary seizure of firearms possessed by a dangerous individual and a prohibition of their ability to purchase new firearms.

AB 61 (Ting), Chapter 725, expands the category of persons that may file a petition requesting a court to issue an ex parte temporary GVRO, a one year GVRO, or a renewal of a GVRO, to include an employer, a coworker who has substantial and regular interactions with the subject of the petition for at least one year and has obtained the approval of the employer, and an employee or teacher of a secondary school, or postsecondary school the subject has attended in the last six months and has the approval of a school administrator or a school administration staff member with a supervisorial role.

Status: Chapter 725, Statutes of 2019

AB-339 (Irwin) - Gun violence restraining orders: law enforcement procedures.

California's Gun Violence Restraining Order (GVRO) laws, which went into effect in 2016, are modeled after restraining orders for domestic violence. Once a GVRO has been issued against a person it prohibits him or her from purchasing or possessing firearms or ammunition and authorizes law enforcement to remove any firearms or ammunition already in the individual's possession. The statutory scheme establishes three types of GVRO's: 1) a temporary emergency GVRO, 2) an ex-parte GVRO, and 3) a GVRO issued after notice and hearing. All three GVROs prohibit the subject of the order from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition, but each one has slightly different procedures in terms of how they are obtained and how long they remain in effect.

Since 2016, the number of GVROs issued in the State has been low, but there does appear to be increase in their use from year to year. According to data provided by the Department of Justice, fewer than 100 GVROs were issued statewide in 2016 and only slightly more than 100 were issued in 2017. Last year, approximately 420 GVROs

issued throughout the state. San Diego County accounted for more than 200 GVROs; 31 were issued in Los Angeles, and exactly one was issued in San Francisco. As of March, 2019, a GVRO had never been used in 20 of California's 58 counties.

AB 339 (Irwin), Chapter 727, requires specified law enforcement agencies to develop and adopt written policies and standards regarding the use of GVROs. Specifically, this new law:

• Requires each municipal police department and county sheriff's department, the Department of the California Highway Patrol, and the University of California and California State University Police Departments, on or before January 1, 2021, to develop, adopt, and implement written policies and standards relating to GVRO, as specified.

• Provides that the written policies and standards developed pursuant to these provisions shall be consistent with any GVRO training administered by the Commission on Peace Officer Standards and Training.

• Requires the policies to include standards and procedures for: (1) requesting and serving a temporary emergency GVRO, an ex parte GVRO; a GVRO issued after notice and hearing; (2) the seizure of firearms and ammunition at the time of issuance of a temporary emergency GVRO; (3) verifying the removal of firearms and ammunition from the subject of a GVRO; (4) obtaining and serving a search warrant for firearms and ammunition; (5) requesting renewals of expiring GVROs; and, (6) discussing the responsibility of officers to attend GVRO hearings.

• Provides that the specified law enforcement agencies are encouraged, but are not required, to train officers on standards and procedures implemented and may incorporate these standards and other procedures into an academy court, preexisting annual training, or other continuing education program.

• Encourages law enforcement agencies to consult with gun violence prevention experts and mental health professionals in developing these policies and standards.

Status: Chapter 727, Statutes of 2019

AB-1493 (Ting) - Gun violence restraining order: petition.

AB 1014 (Skinner), Chapter 872, Statutes of 2014, created the system for gun violence restraining orders (GVRO). In the three years since the program has been implemented, 424 GVROs have been issued. As people recognize the protections that GVROs can provide, it is important that we continue to improve the process. In

complying with a GVRO, people have a few options such as selling the firearms, storing them with an approved facility, or relinquishing them to law enforcement. However, the availability and clarity of these options can change from county to county. The GVRO process can be streamlined by creating a form that the subject of the GVRO can submit to the court, expressing their willingness to cooperate.

AB 1493 (Ting), Chapter 733, authorizes the subject of a GVRO petition to submit a form to the court voluntarily relinquishing the subject's firearm rights and stating that the subject is not contesting the petition.

Status: Chapter 733, Statutes of 2019

Immigration

AB-32 (Bonta) - State prisons: private, for-profit administration services.

In 2016, the U.S. Department of Justice's Office of the Inspector General conducted an investigation of private prisons and issued a report. The investigation found that private prisons were less safe than federal prisons, poorly administered, and provided limited long-term savings for the federal government. For example, the contract prisons confiscated eight times as many contraband cell phones annually as the federal institutions. Private prisons also had higher rates of assaults, both by inmates on other inmates and by inmates on staff. Additionally, two of the three contract prisons inspected by the Inspector General's Office were improperly housing new inmates in Special Housing Units (SHU), which are normally used for disciplinary or administrative segregation, until beds became available in general population housing. (See Review of the Federal Bureau of Prisons' Monitoring of Contract Prisons, August 2016, p. 2.)

AB 32 (Bonta), Chapter 739, prohibits the California Department of Corrections and Rehabilitation (CDCR) from entering into, or renewing contracts with private for-profit prisons after January 1, 2020, and eliminates their use by January 1, 2028. Also prohibits the operation of a private detention facility within the state, except as specified. Specifically, this new law:

• Prohibits CDCR from entering into a contract with any private, for-profit prison, on or after January 1, 2020. Applies to both in-state and out-of-state facilities.

• Prohibits CDCR from renewing contracts with any private, for-profit prison on or after January 1, 2020. Applies to both in-state and out-of-state facilities.

• Requires all state prison inmates under the jurisdiction of CDCR to be removed from private, for-profit prison facilities on or before January 1, 2028.

• Prohibits the operation of a "private detention facility" within the state, as defined.

• States that the prohibition does not apply to: (1) a facility providing rehabilitative, counseling, treatment, mental health, educational, or medical services to a juvenile court ward; (2) a facility providing evaluation or treatment services to a person who has been detained, or is subject to an order of commitment by a court; (3) a facility providing educational, vocational, medical, or other ancillary services to an inmate under the custody of CDCR or a county sheriff or other law enforcement agency; (4) a residential care facility; (5) a school facility used for the disciplinary detention of a pupil; (6) a facility used to quarantine people for public health reasons; or, (7) a facility used to temporarily detain someone stopped or arrested by a merchant, private security guard,

or other private person.

• Exempts any privately owned property or facility that is leased and operated by CDCR, a county sheriff, or other law enforcement agency.

• States that this prohibition does not apply to: (1) any private detention facility operating pursuant to a valid contract with a governmental entity that was in effect before January 1, 2020, for the duration of that contract, not to include any extensions made to or authorized by that contract; and, (2) renewed contracts between a private detention facility and CDCR in order to comply with court-ordered population caps.

• Provides that the provisions of this law are severable; if any provision is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision.

Status: Chapter 739, Statutes of 2019

AB-917 (Reyes) - Victims of crime: nonimmigrant status.

Under the current presidential administration, there have been several policies implemented for immigration courts aimed at prioritizing the removal of undocumented persons. Most notably, in an effort to speed up deportations, last year the administration imposed case quotas on immigration judges which are tied to the judges' annual performance reviews. The judges are required to process a minimum of 700 cases annually in order to obtain a "satisfactory" rating. "The system sets up additional bench marks, penalizing those who refer more than 15 percent of certain cases to higher courts, or judges who schedule hearing dates too far apart on their calendars." (See N. Miroff, Trump Administration, Seeking to Speed Deportations, to Impose Quotas on Immigration Judges, Washington Post, April 2, 2018.)

Existing law requires certifying agencies, upon the request of an immigrant victim of crime or his or her family member, to certify victim helpfulness on the applicable form so that he or she may apply for a U-visa or a T-visa. Current law mandates certifying entities to complete the certification within 90 days of the request, except in cases where the applicant is in immigration removal proceedings, in which case the certification must be completed within 14 days of the request. (Pen. Code, § 679.11, subd. (h).) However by not mirroring a timeline that matches the current immigration court system, the general public safety of California communities may be at-risk as individuals who can provide critical testimony to criminal prosecutions may be removed from the country prior to their testimony.

AB 917 (Reyes), Chapter 576, reduces the timeline for a certifying entity to process a

victim certification for an immigrant victim of a crime for the purposes of obtaining U-Visas and T-Visas. Specifically, this new law:

• Requires a certifying entity to process victim certification for purposes of obtaining a U-Visa or T-Visa within 30 days of the request rather than 90, unless the non-citizen is in removal proceedings, in which case the certification must be processed in seven days of the first business day following the day the request received, rather than the current 14 days.

• Requires the local law enforcement agency with whom the U-visa or T-visa applicant has filed a police report to provide a copy of the report to the victim, the victim's immigration attorney or representative fully accredited by the US Department of Justice within seven days of the first business day following the day of the request.

• Allows a victim's immigration attorney to request the necessary certification of victim helpfulness for purposes of obtaining a U-Visa or a T-Visa.

• Clarifies that a person who is fully accredited by the United Stated Department of Justice and authorized to represent the victim in immigration proceedings, as defined, can request the necessary certification of victim helpfulness.

• Defines "a representative fully accredited by the United States Department of Justice" as a person who is approved by the US Department of Justice to represent individuals before the Board of Immigration Appeals, the immigration courts, or the Department of Homeland Security. The representative shall be a person who works for a specific nonprofit, religious, and charitable, social service or similar organization that has been recognized by the US Department of Justice to represent those individuals and whose accreditation is in good standing.

Status: Chapter 576, Statutes of 2019

AB-1747 (Gonzalez) - Law enforcement: immigration.

Over the past few years, California has enacted several measures meant to prevent state resources from being entangled with federal immigration enforcement, including the California Values Act. The Act generally prohibits California law enforcement from using its resources or personnel to assist with federal immigration enforcement, unless an exception for serious criminal activity applies. Additionally, California passed a law to provide undocumented Californians the right to obtain a driver's license so they can be law abiding drivers. However, recent reports indicate that California law enforcement agencies are making their databases, which include immigration status information, available to federal authorities for the purpose of immigration enforcement. This has a

significant chilling effect, making undocumented drivers feel unsafe if they have obtained a license, and discouraging others from getting a license.

AB 1747 (Gonzalez), Chapter 789, limits the use of the state's telecommunications system containing criminal history information for immigration enforcement purposes, as defined, and for purposes of investigating immigration crimes solely because criminal history includes a violation of federal immigration law, as specified. Specifically, this new law:

• Requires, commencing July 1, 2021, that any inquiry submitted through the statewide telecommunications system for information other than criminal history information shall include a reason for the initiation of the inquiry.

• Prohibits, effective January 1, 2020, subscribers to the state's telecommunications system from using information other than criminal history information transmitted through the system for immigration enforcement purposes, as defined. Clarifies that this provision does not prohibit an agency from sharing information as dictated by federal law.

• Authorizes the Attorney General's office, commencing July 1, 2021, to conduct investigations as the Attorney General deems appropriate to monitor compliance with these provisions, including the right to inspect case files and any records identified in the investigation process, to substantiate a reason given for accessing information other than criminal history information in the system.

Status: Chapter 789, Statutes of 2019

Juveniles

AB-413 (Jones-Sawyer) - Education: at-promise youth.

Our education and justice systems have adopted the term "at-risk" to label youth living in difficult situations. This term comes from a mindset of deficit that focuses on these students' faults. As a state, we need to transition from a stigma-provoking label and move towards "at-promise." By using a more positive approach, we encourage individuals working with our most vulnerable youth to empower them and emphasize their immense potential to succeed.

AB 413 (Jones-Sawyer), Chapter 800, deletes the term "at-risk" to describe youth and replaces it with the term "at-promise" for purposes of various sections of the Education and Penal Codes, and makes other non-substantive technical changes.

Status: Chapter 800, Statutes of 2019

AB-439 (Mark Stone) - Juveniles: competency.

The Department of Developmental Services (DDS) currently operates three State developmental centers which are licensed and certified as General Acute Care hospitals with skilled nursing and intermediate care facility/intellectual disability services. In 2012, there was a statutory moratorium placed on developmental center admissions, and there are currently no provisions for the admission of a minor to a developmental center or to a state-operated community facility.

AB 439 (Stone), Chapter 161, eliminates references to developmental centers in the statute governing incompetency to stand trial of minors to make the statute consistent with current law regarding the use developmental centers. Specifically, this new bill:

• Removes developmental centers from the list of alternatives to juvenile hall that the court is directed to consider when the court finds a minor incompetent to stand trial.

• Deletes language which states that existing law does not authorize or require the placement of a minor who is incompetent in a developmental center or community facility operated by the State Department of Developmental Services (DDS) without a determination by a regional center director, or his or her designee, that the minor has a developmental disability and is eligible for services under the Lanterman Developmental Disabilities Services Act.

• Contains an urgency clause.

Status: Chapter 161, Statutes of 2019

AB-965 (Mark Stone) - Youth offender and elderly parole hearings: credits.

SB 260 (Hancock), Chapter 312, Statutes of 2013, established a parole eligibility mechanism for individuals sentenced to lengthy determinate or life terms for crimes committed when they were juveniles. Under the youth offender parole process created by SB 260, the person has an opportunity for a parole hearing before the Board of Parole Hearings (BPH), after having served 15, 20, or 25 years of incarceration depending on their controlling offense. SB 261 (Hancock), Chapter 471, Statutes of 2015, expanded those eligible for a youth offender parole hearing to those whose controlling offense occurred before they reached the age of 23. AB 1308 (Stone), Chapter 675, Statutes of 2017, raised the age to include those who committed their crimes when they were 25 years of age or younger.

Proposition 57, the "The Public Safety and Rehabilitation Act of 2016" of the November 2016 election changed the rules governing parole and the granting of custody credits to inmates in state prison. Prop. 57 authorized CDCR to award credits earned for good behavior and approved rehabilitative or educational achievements. Before Prop. 57, the matter of conduct credits earned in prison was governed by statute

Proposition 57 was intended to incentivize incarcerated people to work towards their own rehabilitation by giving them access to sentence-reducing rehabilitative programs. The current California Department of Corrections and Rehabilition (CDCR) regulations exclude individuals with youth offender parole hearing dates from benefiting from the credit-earning opportunities established by Proposition 57.

AB 965 (Stone), Chapter 577, authorizes the Secretary of CDCR to allow persons eligible for youthful offender parole to obtain an earlier youth offender parole hearing by adopting regulations to award custody credits towards their youth offender parole eligibility date.

Status: Chapter 577, Statutes of 2019

AB-1423 (Wicks) - Transfers to juvenile court.

Proposition 57, approved by the voters in the November 2016 election, among other things, repealed provisions of law permitting the prosecutor to directly file a juvenile case in adult criminal court.

Prior to the passage of Proposition 57, Penal Code Sections 1170.17 and 1170.19 provided a "reverse remand" process if the minor was ultimately not convicted of the crime that permitted direct filing in adult criminal court. Under this process, the adult criminal court could either itself conduct the fitness hearing or transfer the matter to the juvenile court for the hearing. Proposition 57 did not repeal the reverse remand

provisions of Penal Code Sections 1170.17 and 1170.19 to determine if a juvenile convicted in adult criminal court is fit for a juvenile court disposition. However, these provisions of law describe an “obsolete procedure” due to the fact that Proposition 57 eliminated direct filing and therefore, “no juvenile will be transferred to criminal court without the juvenile court first holding a hearing on the appropriateness of the transfer.” (See Judicial Council of California, Juvenile Law: Implementation of Proposition 57, The Public Safety and Rehabilitation Act of 2016, p. 3 [as of June 12, 2019].)

Now there appears to be no mechanism to return a case to the juvenile court. This is particularly necessary when the charges which were the basis for the transfer are either dismissed or found not to be true.

AB 1423 (Wicks), Chapter 583, creates a mechanism for the return of a case back to the juvenile court from the criminal court under certain circumstances. Specifically, this new law:

• Provides that in any case in which a person is transferred from juvenile court to criminal court, upon conviction or entry of a plea, the person may, under specified circumstances, request the criminal court to return the case to the juvenile court for disposition.

• Provides that upon motion by the person, the criminal court has the authority to return the case to juvenile court for disposition in the following circumstances: (1) If the person is convicted at trial in criminal court solely of a misdemeanor or misdemeanors, upon request by the defense, the case must be returned to juvenile court; (2) If any of the allegations in the juvenile court petition that were the basis for transfer involved a Section 707 (b) felony offense, and the person is convicted at trial in criminal court only of non-Section 707 (b) felony offenses, or a combination of non-Section 707 (b) felony offenses and misdemeanors, upon request by the defense, the court has the discretion to return the case to juvenile court for further proceedings; (3) If the allegations in the juvenile court petition that were the basis for transfer involved only non-707 (b) felony offenses, and pursuant to a plea agreement the persons pleads guilty only to a misdemeanor or misdemeanors, or if any of the allegations in the juvenile court petition that were the basis for transfer involved a Section 707 (b) felony offense, and pursuant to a plea agreement the person pleads guilty only to a misdemeanor or misdemeanors, non-Section 707 (b) felony offenses, or a combination of non-Section 707 (b) felony offenses and misdemeanors, upon agreement and request of the parties, and subject to the approval of the court, the case must be returned to juvenile court for further proceedings.

• Requires the court in determining whether the case should be returned to juvenile court pursuant, or in determining whether to approve the agreement between the defense attorney and prosecutor that the person should be returned to juvenile court, to make a finding by a preponderance of the evidence that a juvenile disposition is in the interests of justice and the welfare of the person.

• Requires the court to state its finding, including the reasons for making that finding, on the minute order. Requires the court, in making the determination, to consider the transcript and minute order of the transfer hearing, the time that the person has served in custody, the dispositions and services available to the person in the juvenile court, and any relevant evidence submitted by either party.

• Requires the court, upon determining that the case will be returned to the juvenile court, to return the entire case to the juvenile court and requires the matter to be calendared within two court days.

• Requires the juvenile court to order the probation department to prepare a social study on the questions of the proper disposition, and the case shall proceed to disposition as set forth in existing law.

• Requires that a conviction or guilty plea that is returned to juvenile court be considered an adjudication or admission before the juvenile court for all purposes.

• Requires the clerk of the criminal court to report the return to juvenile court to the probation department, the law enforcement agency that arrested the minor for the offense, and the Department of Justice. Requires the clerk of the criminal court to deliver to the clerk of the juvenile court all copies of the minor's record in criminal court and to obliterate the person's name for any index maintained in the criminal court. Requires the clerk of the juvenile court to maintain the criminal court records, as provided, until such time as the juvenile court may issue an order that the records be sealed.

Status: Chapter 583, Statutes of 2019

AB-1454 (Jones-Sawyer) - Trauma-informed diversion programs for youth.

Existing law establishes the Youth Reinvestment Grant Program within the Board of State and Community Corrections to grant funds, upon appropriation, to local jurisdictions and Indian tribes for the purpose of implementing trauma-informed diversion programs for minors. The 2019-2020 budget includes an additional $5 million for the Youth Reinvestment Grant and $10 million for tribal youth. However the existing program does not allow nonprofit organizations to apply for grants and there is a one

million dollar cap on any one grant issued under the program. .

AB 1454 (Jones-Sawyer), Chapter 584, revises and recasts the Youth Reinvestment Grant Program by increasing the maximum grant award from $1 million to $2 million and allowing nonprofit organizations to apply for grants through the program. Specifically, this new law:

• Specifies that funds appropriated to the Youth Reinvestment Grant Program shall be distributed pursuant to the following conditions: (1) A local governmental entity or nonprofit organization shall be awarded no less than $50,000 and no more than $2 million; (2) An applicant shall provide at least a 25% cash or in-kind match to the grant that it receives pursuant to this article. Funds used to provide the 25% match amount may include a combination of federal, other state, local, or private funds; however, an applicant entity may provide less than a 25% match, but at least a 10% cash or in-kind match, to the grant if the applicant identifies the service area as high need with low or no local infrastructure for diversion programming; (3) Services shall be community based, located in communities of local jurisdictions with high needs, evidence based or research supported, trauma informed, culturally relevant, and developmentally appropriate; (4) Direct service providers who receive funding from a grant pursuant to this article shall be nongovernmental and not law enforcement or probation entities, they shall have experience effectively serving at-risk youth populations; (5) Diversion programs shall include alternatives to arrest, incarceration, and formal involvement with the juvenile justice system and they shall also include educational, mentoring, behavioral health or mental health services.

• Require the Board of State Community Corrections to be responsible for administration oversight and accountability of the grant program, as specified.

Status: Chapter 584, Statutes of 2019

AB-1537 (Cunningham) - Juvenile records: inspection: prosecutorial discovery.

In general, most juvenile records of arrests and adjudications are eligible to be sealed and treated as though they never occurred. For less serious offenses, the juvenile court will often seal the record automatically. For more serious cases, or when a juvenile does not satisfactorily complete probation or a deferred entry of judgment, he or she can still petition the juvenile court in order to have his or her records sealed. Once a juvenile record has been sealed it is generally inaccessible and the arrest or adjudication of guilt is deemed to have never occurred.

While the juvenile sealing procedure is beneficial to juveniles in that it allows them move

on from youthful mistakes, there are times when these records must be accessed in order to ensure a fair trial. Prosecutors are under a constitutional and statutory obligation to disclose material favorable to the defense, and in some cases that material may include sealed juvenile records. Existing law provides for such access for some, but not all sealed juvenile records.

AB 1537 (Cunningham), Chapter 50, expands a prosecutor's ability to request to access, inspect, or use specified sealed juvenile records if the prosecutor has reason to believe that the record may be necessary to meet a legal obligation to disclose favorable or exculpatory evidence to a defendant in a criminal case. Specifically, this new law:

• Allows a prosecutor to access, inspect, or use the sealed records of a minor who was arrested for a misdemeanor and subsequently no charges were brought against the minor, the proceedings were dismissed, or the minor was acquitted of the charge in order to meet a statutory or constitutional obligation to disclose favorable or exculpatory evidence to a defendant in a criminal case.

• Allows a prosecutor to access, inspect, or use the sealed records of a minor who performed satisfactorily in a deferred entry of judgment program in order to meet a statutory or constitutional obligation to disclose favorable or exculpatory evidence to a defendant in a criminal case.

• Requires that the prosecutor's request to the juvenile court to access information in the sealed juvenile record in order to meet the disclosure obligation include the prosecutor's rationale for believing that access to the information in the record may be necessary to meet the disclosure obligation and the date by which the records are needed.

• Requires the juvenile court to approve the prosecutor's request if it finds that the sealed record is necessary for the prosecutor to comply with a disclosure obligation and to state its reasons for approving the prosecutor's request on the record.

• Specifies that a ruling by the juvenile court to allow a prosecutor to access, inspect, or utilize a sealed juvenile record does not affect whether the information is admissible in a criminal proceeding and that the provisions of this bill do not impose any discovery obligations upon a prosecuting attorney that do not already exist.

• Provides that a prosecuting attorney's ability to access, inspect, or utilize a sealed juvenile record in order to meet its disclosure obligation does not apply to juvenile case

files pertaining to matters within the jurisdiction of the juvenile dependency court.

Status: Chapter 50, Statutes of 2019

SB-485 (Beall) - Driving privilege: suspension or delay.

Suspending an individual's driver's license became a popular method of legal punishment in the 1990's, even in cases where the crime did not have anything to do with operating a vehicle. A driver's license is essential for people's everyday lives. Suspending licenses for non-vehicle related crimes is unlikely to increase public safety. Such suspensions deter a person's ability to care for their children, work, maintain employment and pay restitution. It adds workload to the Department of Motor Vehicles (DMV), and financial burden on low-income families and people of color. In fact, financial burden may be the leading factor individuals drive with a suspended license. Because most people's livelihoods depend on having a valid driver's license, it increases the likelihood individuals will violate the law by driving with a suspended license. This leads to incarceration, fines and fees, and impounding vehicles, which all disproportionately affect low-income families and communities of color.

SB 485 (Beall), Chapter 505, revokes the ability of the court and the DMV to delay, suspend, or revoke a person's driving privilege as a result of a conviction for various offenses that are unrelated to the use of a vehicle. Specifically, this new law:

• Repeals the authority of the court to suspend or delay the driving privilege of a person who is convicted of the misdemeanor offense of selling, furnishing, giving, or causing to be sold, furnished or given away, any alcoholic beverage to any person under 21 years of age.

• Repeals the authority of the court to suspend or delay the driving privilege of a person who is convicted of the misdemeanor offense of being under the age of 21 years and purchasing or consuming any alcoholic beverage in any "on-sale" premises.

• Repeals the authority of the court to suspend or delay the driving privilege of a person who is convicted of the misdemeanor offense of being an on-sale licensee who knowingly permits a person under 21 years of age to consume any alcoholic beverage in the on-sale premises.

• Repeals the authority of the court to suspend or delay the driving privilege of a person who is convicted of the misdemeanor offense of being under the age of 21 years and possessing an alcoholic beverage in a public place.

• Repeals the authority of the court to suspend or delay the driving privilege of a person

who is convicted of the misdemeanor offense of being under the age of 21 years and in possession of alcohol in a vehicle without a parent, adult relative, or other designated adult.

• Repeals the authority of the court to suspend or delay the driving privilege of a person who is convicted of the misdemeanor offense of being under the age of 21 years and presenting or offering a fraudulent identification or one that is not actually his or her own in an attempt to acquire alcohol.

• Repeals the authority of the court to suspend or delay the driving privilege of a person who is convicted of the misdemeanor offense of possessing, manufacturing, selling, offering for sale, or transferring any document, not amounting to counterfeit, purporting to be a government-issued identification card or driver's license.

• Repeals the authority of the court to suspend for up to 30 days, or restrict for up to 6 months, the driving privilege of a person convicted of the misdemeanor offense of soliciting or agreeing to engage in a lewd act or an act of prostitution, if that offense involves the use of a vehicle.

• Repeals the authority of the court to suspend, or order the DMV to revoke, the driving privilege of a person convicted of numerous offenses related to controlled substances if a vehicle was involved in or incidental to the offense, as specified.

• Repeals the authority of the court to suspend or delay the driving privilege of a minor convicted of a public offense involving a pistol, revolver, or other firearm capable of being concealed upon the person.

• Repeals the requirement that the court to suspend or delay the driving privilege of a person who is convicted of an offense of vandalism or defacing a structure with butyric acid.

Status: Chapter 505, Statutes of 2019

SB-716 (Mitchell) - Juveniles: delinquency: postsecondary academic and career technical education.

Existing law requires county boards of education to provide for the administration and operation of public schools in juvenile halls, juvenile ranches, and juvenile camps. Additionally, state regulations require that that academic programs at the Division of Juvenile Facilities (DJF) be designed to meet requirements for high school graduation, or the equivalent, and that the remedial, vocational, and academic programs offered at DJF facilities meet the standards established by the California Department of Education.

But educational programming is not currently available to the youth in juvenile facilities who have completed a high school diploma or California equivalency. Youth with high school diplomas or equivalency certificates would seem particularly motivated to succeed in education programs. Yet, California law does not require juvenile facilities to provide postsecondary programs for these youth.

SB 716 (Mitchell), Chapter 857, requires county probation departments and the Division of Juvenile Facilities (DJF) to provide incarcerated youth who have a high school diploma or its equivalent with access to public postsecondary coursework online by July 1, 2020. Specifically, this new law:

• Requires a county probation department and DJF to ensure that juveniles with a high school diploma or California high school equivalency certificate who are detained in, or committed to, a juvenile hall, juvenile ranch, camp, forestry camp, or DJJ facility, have access to, and can choose to participate in, public postsecondary academic and career technical courses and programs offered online, and for which they are eligible based on eligibility criteria and course schedules of the UC or CSU campus providing the course or program.

• Allows a county probation department to use its county office of education's facilities and materials.

• Specifies that the DJF comply, to the extent possible, using available resources.

Status: Chapter 857, Statutes of 2019

Mental Health

AB-439 (Mark Stone) - Juveniles: competency.

The Department of Developmental Services (DDS) currently operates three State developmental centers which are licensed and certified as General Acute Care hospitals with skilled nursing and intermediate care facility/intellectual disability services. In 2012, there was a statutory moratorium placed on developmental center admissions, and there are currently no provisions for the admission of a minor to a developmental center or to a state-operated community facility.

AB 439 (Stone), Chapter 161, eliminates references to developmental centers in the statute governing incompetency to stand trial of minors to make the statute consistent with current law regarding the use developmental centers. Specifically, this new bill:

• Removes developmental centers from the list of alternatives to juvenile hall that the court is directed to consider when the court finds a minor incompetent to stand trial.

• Deletes language which states that existing law does not authorize or require the placement of a minor who is incompetent in a developmental center or community facility operated by the State Department of Developmental Services (DDS) without a determination by a regional center director, or his or her designee, that the minor has a developmental disability and is eligible for services under the Lanterman Developmental Disabilities Services Act.

• Contains an urgency clause.

Status: Chapter 161, Statutes of 2019

SB-557 (Jones) - Criminal proceedings: mental competence: expert reports.

If a person is charged with a crime and is suspected of being incompetent to stand trial, written reports prepared by psychiatrists or psychologists are submitted to the court. These reports detail extremely sensitive medical and mental health information about the person, including information about the person's mental health history, current functioning, symptoms of mental illness, current and prior medications, and mental health diagnosis. This confidential information is currently open to the public, since it is contained in a criminal file, which is not confidential.

SB 557 (Jones), Chapter 251, makes court documents related to a defendant's mental competency in criminal proceedings confidential. Specifically, this new law:

• Specifies that all documents submitted to the court related to specified proceedings

regarding the defendant's mental competence are presumptively confidential, except as otherwise provided by law.

• Specifies that a motion, application, or petition to access the documents shall be decided in accordance with the rule of court regarding the unsealing of court records.

• States that the defendant, counsel for the defendant, and the prosecution may inspect, copy, or utilize the documents, and any information contained therein, without an order by the court, for purposes related to the defense, treatment, prosecution, and safety of the defendant, and for the safety of the public.

Status: Chapter 251, Statutes of 2019

SB-591 (Galgiani) - Incarcerated persons: health records.

A Mentally Disordered Offender (MDO) commitment is a post-prison civil commitment. The MDO Act is designed to confine an inmate as mentally ill who is about to be released on parole when it is deemed that he or she has a mental illness which contributed to the commission of a violent crime. Rather than release the inmate to the community, the California Department of Corrections and Rehabilitation (CDCR) paroles the inmate to the supervision of the state hospital, and the individual remains under hospital supervision throughout the parole period.

CDCR inmates are generally housed in CDCR facilities. However, a CDCR inmate might be temporarily transported to a county jail to deal with an unresolved case. There have been complaints that CDCR MDO evaluators are not always granted prompt access to inmates that are temporarily at a county jail. CDCR psychologists and psychiatrists are feeling time pressure to get evaluations done, particularly with the passage of Prop. 57 and the changes it made to an inmates' ability to earn time credits against their sentence.

SB 591 (Galgiani), Chapter 649, requires, for the evaluation of inmates temporarily housed at a county correctional facility, a county medical facility, or a state-assigned mental health provider, that a practicing psychiatrist or psychologist from the Department of State Hospitals, CDCR, or the Board of Parole Hearings be afforded prompt and unimpeded access to the inmate as well as their records for the period of confinement at that facility upon submission of current and valid proof of state employment and a departmental letter or memorandum arranging the appointment.

Status: Chapter 649, Statutes of 2019

Miscellaneous

AB-413 (Jones-Sawyer) - Education: at-promise youth.

Our education and justice systems have adopted the term "at-risk" to label youth living in difficult situations. This term comes from a mindset of deficit that focuses on these students' faults. As a state, we need to transition from a stigma-provoking label and move towards "at-promise." By using a more positive approach, we encourage individuals working with our most vulnerable youth to empower them and emphasize their immense potential to succeed.

AB 413 (Jones-Sawyer), Chapter 800, deletes the term "at-risk" to describe youth and replaces it with the term "at-promise" for purposes of various sections of the Education and Penal Codes, and makes other non-substantive technical changes.

Status: Chapter 800, Statutes of 2019

AB-620 (Cooley) - Coroner: sudden unexplained death in childhood.

Though emergency personnel and law enforcement are required to be provided training on the handling of cases where the suspected cause of death is Sudden Infant Death Syndrome, they do not receive training on the handling of cases where the suspected cause of death is Sudden Unexpected Death in Childhood. As a result, parents whose children die under these circumstances are often left with little or no information on how to process the death of their children or how to address further investigation.

AB 620 (Cooley), Chapter 614, defines "sudden unexplained death in childhood" (SUDC), and requires a coroner to notify the parents or responsible adult of a child that comes within the definition of SUDC of the importance of taking tissue samples. Specifically, this new law:

• Defines "sudden unexplained death in childhood" as the sudden death of a child one year of age or older but under 18 years of age that is unexplained by the history of the child and where a thorough post mortem exam fails to demonstrate adequate cause for the death.

• Requires the coroner to notify the parents or responsible adult of a child that comes within the SUDC definition of the importance of taking tissue samples.

• States that a coroner shall not be liable for damages in a civil action for any act or omission in compliance with the above provision.

Status: Chapter 614, Statutes of 2019

AB-640 (Frazier) - Sex crimes: investigation and prosecution.

Last year, the Bureau of Justice Statistics released a report regarding the criminal victimization of people living within the United States which found that persons classified as having disabilities had a higher rate of violent victimization than persons without. Persons with cognitive disabilities were found to be particularly vulnerable, as they were found to have experienced victimization rates in much greater numbers than persons without disabilities and persons with physical disabilities. Other reporting has indicated that persons with intellectual disabilities are sexually assaulted at a rate seven times higher than those without disabilities. It is believed that predators target people with intellectual disabilities because they know they are easily manipulated and will have difficulty testifying later. Relatedly, there is concern that these crimes often go unrecognized, unprosecuted and unpunished.

Existing law establishes the State Advisory Committee on Sexual Assault Victim Services within the Office of Emergency Services. That committee provides oversight to the Rape Crisis, Child Sexual Abuse, and Child Sexual Exploitation and Intervention Programs. In addition, the committee is responsible for developing and implementing a course of training in the investigation and prosecution of sexual assault cases, child sexual exploitation cases, and child sexual abuse.

AB 640 (Frazier), Chapter 177, requires the training course developed by Advisory Committee on Sexual Assault Victim Services to also include training on the investigation and prosecution of sexual abuse cases involving victims with developmental disabilities.

Status: Chapter 177, Statutes of 2019

AB-1125 (Cooley) - Animal Control Officer Standards Act.

Existing law provides that animal control officers (ACO) are not peace officers but may exercise the powers of arrest of a peace officer and the power to serve warrants during the course and within the scope of their employment, if those officers successfully complete the Commission on Peace Officer Standards and Training (POST) course in the exercise of those powers. The training course pertaining to the carrying and use of firearms shall not be required of any animal control officer whose employing agency prohibits the use of firearms.

AB 1125 (Cooley), Chapter 622, establishes the Animal Control Standards Act for the purpose of developing and maintaining standards for the certification of an ACO. Specifically, this new law:

• Shall require the Board of Directors of the the California Animal Welfare Association

(board) to develop and maintain standards for various classes of Certified Animal Control Officers (CACOs). The standards for education, training, and certification shall be adopted by administrative rule of the board, and shall not be less rigorous than those described in this chapter.

• Provides the development and perpetual advancement of ACO professional standards and actively providing related educational offerings that lead to increased professional competence and ethical behavior shall be of the highest priorities for the board in its licensing, certification, and disciplinary functions. Whenever the advancement of an ACO professional standards and the provision of related educational offerings is inconsistent with other interests sought to be promoted, the former shall be paramount.

• States that the minimum standards to become a CACO are as follows: (1) Complete at least 20 hours of a course of training in animal care sponsored or provided by an accredited postsecondary institution or any other provider approved by the California Veterinary Medical Association, the focus of which is the identification of disease, injury, and neglect in domestic animals and livestock; and (2) Complete at least 40 hours of a course of training in the state laws relating to the powers and duties of an officer charged with enforcing laws relating to the humane treatment of animals sponsored or provided by an accredited postsecondary institution, law enforcement agency, or CalAnimals.

• Provides that the minimum training, qualifications, and experience requirements for an applicant to qualify as a CACO, shall include, but not be limited to, training and competency requirements in the areas of administrative inspections, relevant food and agricultural laws, Penal Code provisions governing the treatment of animals and animal-related crimes, state and local health and safety codes, environmental regulations, public nuisance laws, applicable constitutional law, investigation and enforcement techniques, application of remedies, officer safety, and community engagement. The board may, by administrative rule, designate additional levels of certifications.

Status: Chapter 622, Statutes of 2019

AB-1563 (Santiago) - Census: interference with the census: California Census Bill of Rights and Responsibilities.

According to the 2018 Legislative Analyst's "The 2020 Census: Potential Impacts on California" report, immigrants are considered a hard to count group, stating that immigrant households may be even harder to count in 2020 than they were in the past. In particular, there is concern that households with undocumented immigrants may be less likely to respond to the Census as a result of the added citizenship question and/or due to concerns about confidentiality or the possibility of Immigration and Customs

Enforcement (ICE) personating census workers. These changes could also affect response rates among immigrant households more broadly.

The rise of anti-immigrant rhetoric and increased immigration enforcement under the Trump Administration has set the upcoming national census on a path to an undercount of undocumented immigrants and their families. The possibility of ICE, police, or any public employee impersonating a census worker in order to obtain information that may be used for deportations is a real threat to undocumented immigrants. This threat discourages census participation and would lead to inaccurate counting.

AB 1563 (Santiago), Chapter 831, makes it a misdemeanor for any person to falsely represent that they are a census taker, interfere with the operation of the census, or to interfere with the right of another to participate in the census, as specified. Specifically, this new law:

• Makes a person guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding $1,000, or by both that fine and imprisonment, who does either of the following: (1) Falsely represents that they are a census taker with the intent to interfere with the operation of the census or with the intent to obtain information or consent to an otherwise unlawful search or seizure; or (2) Falsely assumes some or all of the activities of a census taker with the intent to interfere with the operation of the census or with the intent to obtain information or consent to an otherwise unlawful search or seizure.

• Authorizes the Secretary of State to work with the California Census Office and the California Complete Count Committee to promulgate a Census Bill of Rights and Responsibilities, as specified, no later than February 1, 2020.

• Requires the Secretary of State to translate the California Census Bill of Rights in languages other than English consistent with the Federal Voting Rights Act.

Status: Chapter 831, Statutes of 2019

SB-36 (Hertzberg) - Pretrial release: risk assessment tools.

Risk assessment tools are “empirically based tools that aim to estimate the likelihood of appearance in court with no new arrest, thereby providing information that can support objective and transparent decision-making.” (See S. Desmarias & E. Lowder, Pretrial Risk Assessment Tools, A Primer for Judges, Prosecutors and Defense Attorneys, Feb. 2019, p. 3.) Automated risk assessments are becoming increasingly popular with courts around the country. According to the Judicial Council’s Pretrial Detention Reform Workgroup, as of October 2017, 49 of California’s 58 counties use a pretrial risk

assessment tool.

As stated on the Council of State Governments Justice Center website, “Risk and needs assessments are fundamental to reducing recidivism, but only when they perform as intended. It is imperative that agencies regularly evaluate their implementation of these tools and the predictive accuracy of the results, especially across race and gender groups.”

There has been increased public scrutiny regarding the potential problems with risk assessments. For example, in 2016 ProPublica analyzed the risk assessment software known as COMPAS and concluded that the tool disproportionately incorrectly labels black defendants as higher risk of committing future crime. (See Machine Bias, J. Angwin, J. Larson, S. Mattu & L Kirchner, May 23, 2016.) Essentially, the concern is that while risk assessments appear to be neutral and unbiased because they are based on mathematical models, the algorithms may have systemic bias built directly into their designs: the algorithms predict future conduct based on historical data, which may reflect historical systemic bias.

SB 36 (Hertzberg), Chapter 589, requires each pretrial services agency that uses a pretrial risk assessment tool to validate the tool on a regular basis and requires the Judicial Council to publish a yearly report on its Web site with specified data related to outcomes and potential biases in pretrial release. Specifically, this new law:

• Requires any pretrial risk assessment tool used by a pretrial services agency to be validated by January 1, 2021, and on a regular basis thereafter, but at least once every three years.

• Requires the Judicial Council to maintain a list of pretrial service agencies that have satisfied the validation requirement and complied with transparency requirements.

• Requires the Judicial Council beginning on December 31, 2020, and yearly thereafter to publish specified data on pretrial pilot projects funded under the Budget Act of 2019 and any agencies otherwise funded by the state to perform risk assessments.

Status: Chapter 589, Statutes of 2019

SB-192 (Hertzberg) - Posse comitatus.

“Posse comitatus” refers to the ability of law enforcement to recruit able-bodied adults to make arrests, recapture a suspect that escaped custody, or help keep the peace. In California, citizens who refuse to join a posse can be held criminally liable for a misdemeanor, for which they can be fined up to $1,000. The California Posse

Comitatus Act was passed in 1872, when California was still a territory. This law is a vestige of a bygone era, and when invoked, subjects citizens to an untenable moral dilemma: join and potentially put one's life at risk, or refuse and become a criminal.

SB 192 (Hertzberg), Chapter 204, repeals the posse comitatus provision of the Penal Code, which makes an able-bodied person 18 years of age or older who neglects or refuses to assist a peace officer or a judge in making an arrest, retaking an escaped person into custody, or preventing the breach of the peace, subject to a fine between $50 and $1000.

Status: Chapter 204, Statutes of 2019

SB-259 (Nielsen) - Department of Justice: crime statistics reporting.

California law enforcement agencies annually report the incidence of hundreds of thousands of crimes. Those statistics are reflected in the annual Crime in California report which is published by the Department of Justice (DOJ). The crime reporting is based upon the FBI's Uniform Crime Reporting Program, which reports numbers for homicide, rape, robbery, assault, burglary, vehicle theft, larceny, and arson. These specific offenses were originally included in the Uniform Crime Reporting Program because they are serious crimes, they occur with regularity in all areas of the country, and they are likely to be reported to police. Sex crimes against children, other than rape, are not included. Such offenses are referred to as lewd and lascivious acts.

SB 259 (Nielsen), Chapter 245, requires that DOJ include statistics on lewd or lascivious felonies, as specified, in its annual report on statewide criminal statistics to the Governor and the Legislature. Specifically, this new law:

• Requires that DOJ include in its annual statewide crime report, commencing with the report that includes data from 2022, statistics on "lewd or lascivious felonies" consistent with the statistics reported regarding rape, including the number of offenses reported and the rate per 100,000 people, to the extent such data is available.

• Defines "lewd or lascivious felonies" by cross-referencing various sections and subdivisions of the Penal Code.

Status: Chapter 245, Statutes of 2019

SB-393 (Stone) - Vessels: impoundment.

Existing law criminalizes the operation of both cars and water vessels when under the influence of alcohol, drugs, or both. As with driving under the influence, existing law prohibits a person from operating any recreational vessel or manipulating any water

skis, aquaplane, or similar device if the person has an alcohol concentration of 0.08% or more in his or her blood.

Existing law permits the impoundment of a vehicle upon the conviction of a DUI. It is discretionary upon the first conviction, but mandatory for repeat offenders if the second DUI occurs within five years of the first conviction. However, the law is less clear on the rules for a water vessel that has been involved in a boating under the influence (BUI) incident.

SB 393 (Stone), Chapter 644, allows a court to impound a vessel after a conviction of BUI if the conduct resulted in the unlawful killing of a person. Specifically, this new law:

• States that a vessel used in the commission of a BUI is subject to impoundment if the owner is convicted of the crime and the conduct resulted in the unlawful killing of a person.

• Allows the court to impound the vessel at the registered owner's expense for up to 30 days.

• Allows the court to consider factors in the interests of justice when making a determination on impoundment.

• Defines "vessel" as "every watercraft used or capable of being used as a means of transportation on the waters of the state, including all boats, motorboats, personal watercraft, recreational vessels, and undocumented vessels, except foreign and domestic vessels engaged in interstate or foreign commerce upon the waters of the state."

• Exempts a marina owner from liability for damages to an impounded vessel, except as specified.

Status: Chapter 644, Statutes of 2019

SB-781 (Committee on Public Safety) - Public Safety Omnibus.

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

SB 781 (Committee on Public Safety), Chapter 526, makes technical and non-controversial changes to various code sections relating generally to criminal justice laws. Specifically, this new law:

• Changes Penal Code Section 1031.1 to state than any person seeking employment by a law enforcement agency, including a non-sworn employee, is subject to the law which requires that person's former or current employer to disclose information to a law enforcement agency requesting information for the purpose of hiring that person.

• Repeals Penal Code Section 957f which makes it a misdemeanor for an owner, driver, or possessor of an animal to permit the animal to be in a building, enclosure, lane, street, square, or lot of a city, city and county, or judicial district without proper care and attention.

• Amends Penal Code Section 1170.05 to reflect that all inmates, regardless of their gender, are permitted to participate in a voluntary alternative custody program in lieu of confinement in state prison, as specified.

• Removes the reference to an inmate patient's Physician Orders for Life-Sustaining Treatment (POLST) from the petition process when a petition is filed with the Office of Administrative Hearings to request that an administrative law judge make a determination as to an inmate patient's capacity to give informed consent or make a health care decision.

• Authorizes the Department of Justice to receive copies of juvenile case files to carry out its duties as a repository for sex offender registration and notification in California.

• Makes other minor, technical changes

Status: Chapter 256, Statutes of 2019

Peace Officers

AB-332 (Lackey) - Peace officers: training.

The basic training course for peace officer is made up of learning domains covering the skills necessary to be a peace officer. The learning domains in the basic training course that have the highest fail rates are “firearms proficiency” and “vehicle operations.” During a 2018 Public Policy Institute of California panel, it was mentioned that of the trainees who were kicked out of an academy’s last two classes, 100% of them were minorities, women, or both.

In some instances, a trainee may fail a learning domain due to their lack of comfort and familiarity with operating a firearm or operating a vehicle at high speeds. In regards to the “firearm proficiency” course, a trainee may have grown up without the exposure to firearms, thus needing more time to become comfortable and proficient in shooting.

AB 332 (Lackey), Chapter 172 Requires the Commission on Peace Officer Standards and Training (POST) to submit a report to the Legislature and Governor with specified data relating to students' completion of the basic training course for peace officers and the availability of remedial training and retesting when a student fails to complete a course. Specifically, this new bill:

• Requires POST, on or before April 1, 2021, to submit a report to the Legislature and Governor with the following data: (1) The number of students who attended an academy, the number and percentage of completion, and the number and percentage of failure to successfully complete the academy; (2) The self-dismissal rate of students who failed to complete the academy; (3) Numbers of students who failed due to failure to complete one or more learning domains, and related data; and, (4) The number of students who received one or more opportunities for remedial training for a learning domain included in the report.

• Specifies that data reported pursuant to this bill shall also be aggregated by the race and gender of students.

• Specifies that the report shall also contain: (1)A review of academies’ practices regarding remedial training for a student who has previously failed to successfully complete a learning domain and a discussion of whether POST finds that there is a common understanding by academies of the extent to which, and the type of, additional training is appropriate when a student is unsuccessful at completing a learning domain, particularly with regard to the learning domains relating to vehicle operation and firearms proficiency; and (2) A discussion of whether POST finds that minimum standards for an appropriate level of remedial training, particularly with regard to the

learning domains relating to vehicle operation and firearms proficiency, should be established by POST and whether additional guidance for academies is needed on remedial training. This discussion may include any recommendations for statutory changes, administrative changes, or both, if appropriate.

• Provides that the reporting requirements of this bill sunset on January 1, 2024.

Status: Chapter 172, Statutes of 2019

AB-392 (Weber) - Peace officers: deadly force.

In 2017, officers killed 172 people in California, only half of whom had guns. Police kill more people in California than in any other state – and at a rate 37% higher than the national average per capita. Of the 15 police departments with the highest per capita rates of police killings in the nation, five are in California: Bakersfield, Stockton, Long Beach, Santa Ana and San Bernardino. A 2015 report found that police in Kern County killed more people per capita than in any other U.S. county. These tragedies disproportionately impact communities of color as California police kill unarmed young black and Latino men at significantly higher rates than they do white men.

AB 392 (Weber), Chapter 170, limits the use of deadly force by a peace officer to those situations where it is necessary to defend against a threat of imminent serious bodily injury or death to the officer or to another person, or necessary to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Specifically, this new law:

• States that a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons: (1) To defend against an imminent threat of death or serious bodily injury to the officer or to another person; and (2) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury and if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, the peace officer shall make reasonable efforts to identify themselves as peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe that the person is aware of those facts.

• Specifies that a peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.

• Specifies that a peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force, otherwise in compliance with the provisions of this bill to effect the arrest or to prevent escape or to overcome resistance.

• Defines "deadly force" as "any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm."

Status: Chapter 170, Statutes of 2019

AB-1215 (Ting) - Law enforcement: facial recognition and other biometric surveillance.

Body cameras have been increasingly utilized by law enforcement agencies over the past several years. Often, the stated goal in purchasing and using these cameras is to increase accountability and transparency for the benefit of both the police and the public. However, there are concerns that these cameras could be used to establish a pervasive surveillance system by using facial recognition technology, which could pose constitutional concerns regard a person’s right to privacy. Additionally, there are concerns that this technology is currently inaccurate and may fail to correctly identify and recognize persons, particularly women and people of color.

AB 1215 (Ting), Chapter 579, prohibits a law enforcement officer or agency from installing, activating, or using a biometric surveillance system in connection with a law enforcement agency's body-worn camera or any other camera. Specifically, this new law:

• Defines "biometric data" to mean "a physiological, biological, or behavioral characteristic that can be used, singly or in combination with each other or with other information, to establish individual identity."

• Defines "biometric surveillance system" to mean "any computer software or application that performs facial recognition or other biometric surveillance."

• Declares that facial recognition and other biometric surveillance technology pose unique and significant threats to the civil rights and civil liberties of residents and visitors. Declares that the use of facial recognition and other biometric surveillance is the functional equivalent of requiring every person to show a personal photo identification card at all times in violation of recognized constitutional rights. States that this technology also allows people to be tracked without consent and would also

generate massive databases about law-abiding Californians, and may chill the exercise of free speech in public places.

• Permits an agency to use facial recognition or other biometric surveillance software for purposes of redacting from public records a person's facial image as required by law.

• States that these provisions do not preclude a law enforcement agency or law enforcement officer from using a mobile fingerprint scanning device during a lawful detention to identify a person who does not have proof of identification if this use is lawful and does not generate or result in the retention of any biometric data or surveillance information.

• Sunsets these provisions on January 1, 2023.

Status: Chapter 579, Statutes of 2019

AB-1331 (Bonta) - Criminal justice data.

For many years, California has promoted the collection and dissemination of criminal justice data. However, significant gaps still exist in the State's criminal history records. Data limitations, as well as obstacles to accessing this data, undercut the government's ability to analyze criminal justice policy trends, implement proposals and interventions. California's efforts to advance reforms to the criminal justice system are less effective when they are not supported by comprehensive data.

AB 1331 (Bonta), Chapter 581, expands the data that law enforcement entities are required to report to the Department of Justice (DOJ) related to every arrest to include the Criminal Investigation and Identification (CII) number and incident report number. Specifically, this new law:

• States that a person shall not be denied access to criminal data information pursuant to existing law, which permits access by every public agency or bona fide research body that works on criminal justice, based on that person's criminal record, unless that person has been convicted of a felony or any other offense that involves moral turpitude, dishonesty, or fraud.

• Expands the data that a superior court reports to the DOJ to include the CII number and court docket number.

• Delays implementation until July 1, 2020

Status: Chapter 581, Statutes of 2019

AB-1600 (Kalra) - Discovery: personnel records: peace officers and custodial officers.

In California, a criminal defendant's right to access relevant records regarding prior misconduct by a law enforcement officer was established by the California Supreme Court's ruling in Pitchess v. Superior Court (1974) 11 Cal.3d 531. Following the Pitchess decision, the Legislature enacted statutes specifying the procedures by which a criminal defendant may seek access to those records.

The Pitchess statutes require a criminal defendant to file a written motion that identifies and demonstrates good cause for the discovery sought. If such a showing is made, the trial court then reviews the law enforcement personnel records in camera with the custodian, and discloses to the defendant any relevant information from the personnel file. (People v. Mooc (2001) 26 Cal.4th 1216, 1226.) Absent compliance with these procedures, peace officer personnel files, and information from them, are confidential and cannot be disclosed in any criminal or civil proceeding. Any records disclosed are subject to a mandatory order that they be used only for the purpose of the court proceeding for which they were sought. (Id. at p. 1042.)

As part of those procedures, there is a requirement that the party seeking discovery of the records provide notice to the agency 16 days before the date of the court hearing on discovery of the law enforcement personnel records. The 16 day notice requirement applies in criminal cases as well as in civil cases. In criminal cases, when a defendant is in custody, and time to investigate a case is at a premium, a16-day notice requirement can impose a significant hurdle. Such a notice requirement is particularly challenging on a misdemeanor charge where a defendant has a right to have a trial within 30 days of entry of a plea of not guilty. A 16-day notice requirement forces an in-custody defendant to choose between taking the time to seek discovery regarding law enforcement personnel records or asserting their right to have a trial within 30 days.

AB 1600 (Kalra), Chapter 585, shortens the notice requirement in criminal cases when a defendant files a motion to discover police officer misconduct from 16 days to 10 days. Specifically, this new law:

• Requires a written motion for discovery of peace officer personnel records or information from those records, to be served and filed, as specified, at least 10 court days before the hearing, by the party seeking the discovery in a criminal matter.

• Requires all papers opposing a motion described above, to be filed with the court at least five court days, and all reply papers at least two court day, before the hearing.

• Requires proof of service of the notice to the agency in possession of the records, to be filed no later than five court days before the hearing.

• Creates an exception to the prohibition on release of records of officers who were not present during an arrest, had no contact with the party seeking disclosure, or were not present at the time of contact by permitting the disclosure of records of a supervisorial officer if the supervisorial officer issued command directives or had command influence over the circumstances at issue and had direct oversight of a peace officer or a custodial officer who was present during the arrest, had contact with the party seeking disclosure from the time of the arrest until the time of booking, or was present at the time the conduct at issue is alleged to have occurred within a jail facility.

Status: Chapter 585, Statutes of 2019

AB-1747 (Gonzalez) - Law enforcement: immigration.

Over the past few years, California has enacted several measures meant to prevent state resources from being entangled with federal immigration enforcement, including the California Values Act. The Act generally prohibits California law enforcement from using its resources or personnel to assist with federal immigration enforcement, unless an exception for serious criminal activity applies. Additionally, California passed a law to provide undocumented Californians the right to obtain a driver's license so they can be law abiding drivers. However, recent reports indicate that California law enforcement agencies are making their databases, which include immigration status information, available to federal authorities for the purpose of immigration enforcement. This has a significant chilling effect, making undocumented drivers feel unsafe if they have obtained a license, and discouraging others from getting a license.

AB 1747 (Gonzalez), Chapter 789, limits the use of the state's telecommunications system containing criminal history information for immigration enforcement purposes, as defined, and for purposes of investigating immigration crimes solely because criminal history includes a violation of federal immigration law, as specified. Specifically, this new law:

• Requires, commencing July 1, 2021, that any inquiry submitted through the statewide telecommunications system for information other than criminal history information shall include a reason for the initiation of the inquiry.

• Prohibits, effective January 1, 2020, subscribers to the state's telecommunications system from using information other than criminal history information transmitted through the system for immigration enforcement purposes, as defined. Clarifies that this provision does not prohibit an agency from sharing information as dictated by federal

law.

• Authorizes the Attorney General's office, commencing July 1, 2021, to conduct investigations as the Attorney General deems appropriate to monitor compliance with these provisions, including the right to inspect case files and any records identified in the investigation process, to substantiate a reason given for accessing information other than criminal history information in the system.

Status: Chapter 789, Statutes of 2019

SB-230 (Caballero) - Law enforcement: use of deadly force: training: policies.

Law Enforcement: Use of Force Training

Incidents across California that have resulted in citizen deaths because of the use of deadly force by police officers has highlighted the need to modernize the use of force law and training standards. The Final Report of the President's Task Force on 21st Century Policing was released in 2015 and it contained the following recommendation and action item on the use of force:

Recommendation: Law enforcement agencies should have comprehensive policies on the use of force that include training, investigations, prosecutions, data collection, and information sharing. These policies must be clear, concise, and openly available for public inspection.

Action Item: Law enforcement agency policies for training on use of force should emphasize de-escalation and alternatives to arrest or summons in situations where appropriate.

SB 230 (Caballero), Chapter 285, requires law enforcement agencies to maintain a policy that provides guidelines on the use of force, utilizing de-escalation techniques and other alternatives to use of force, specific guidelines for the application of deadly force, and factors for evaluating and reviewing all use of force incidents. Specifically, this new law:

• Provides that each law enforcement agency shall maintain a policy that provides a minimum standard on the use of force. Requires the policy to include specified elements.

• Requires that each law enforcement agency shall make their use of force policy accessible to the public.

• Requires the California Commission on Peace Officers Standards and Training (POST) to develop and implement a course or courses of instruction for the regular and periodic training of law enforcement officers in the use of force and shall also develop uniform, minimum guidelines for adoption and promulgation by California law enforcement agencies for use of force.

• Provides that the course or courses of instruction, the learning and performance objectives, the standards for the training, and the guidelines shall be developed by POST in consultation with appropriate groups and individuals having an interest and expertise in the field on use of force. The groups and individuals shall include, but not be limited to, law enforcement agencies, police academy instructors, subject matter experts, and members of the public. POST, in consultation with these groups and individuals, shall review existing training programs to determine the ways in which use of force training may be included as part of ongoing programs.

Status: Chapter 285, Statutes of 2019

SB-338 (Hueso) - Senior and disability victimization: law enforcement policies.

In 2014, the Legislature passed a law requiring police officers and deputy sheriffs to be trained in the legal rights and remedies available to victims of elder or dependent adult abuse, such as protective orders, simultaneous move-out orders, and temporary restraining orders. The legislation also requires Peace Officers Standards and Training Council to consult with local adult protective services offices and the Office of State Long-Term Care Ombudsman when producing new or updated training materials. In 2018, the Legislature approved another law to require local law enforcement and long-term care ombudsman programs to revise their policy manuals to include references to existing elder and dependent adult abuse laws. In line with these laws, the San Diego County District Attorney recently published a written set of goals and guidelines regarding best practices for collectively serving elders and dependent adults which specify best practices for elder and dependent adult issues like mandated reporting, suspicious death and homicide review teams, removal of firearms, suspected sexual or other abuse, and restraining orders. Similar guidelines are seen as an important protection for elders which should be implemented in all counties.

SB 338 (Hueso), Chapter 641, establishes the "Senior and Disability Justice Act" which requires a local law enforcement agency that adopts or amends its policy regarding senior and disability victimization after April 13, 2021 to include information and training on elder and dependent adult abuse as specified. Specifically, this new law:

• Authorizes local law enforcement agencies to adopt a policy regarding senior and disability victimization.

• Requires, that if a local law enforcement agency adopts or revises a policy regarding elder or dependent adult abuse or senior and disability victimization on or after April 13, 2021, that the policy include specified provisions, including those provisions related to enforcement and training.

• Requires a law enforcement agency that adopts or revises a policy on elder and dependent adult abuse on or after April 13, 2021, to make a copy available upon request to the state protection and advocacy agency.

Status: Chapter 641, Statutes of 2019

SB-399 (Atkins) - Commission on Peace Officer Standards and Training.

The Commission on Peace Officer Standards and Training (POST) was formed in 1959 by the Legislature to establish California law enforcement training standards. (Pen. Code. 13500, subd. (a).) POST plays a critical role in California policing by setting minimum selection and training standards for California law enforcement, developing and running law enforcement training programs, improving law enforcement management practices, and reimbursing local law enforcement agencies for training.

California is at a critical point in its history regarding law enforcement and its relationship with communities across the state. It is incumbent upon the State Legislature and all state leaders to thoroughly review and responsibly strengthen standards and training for law enforcement in the state. This will be furthered by ensuring POST's work is informed by a more diverse membership.

SB 399 (Atkins), Chapter 594, requires the President pro Tempore of the Senate and the Speaker of the Assembly to each appoint a member to POST who is not a peace officer. Specifically, this new law:

• Requires the appointment of two non-peace-officer members to POST.

• Requires the appointees have demonstrated expertise in one or more of the following areas: implicit and explicit bias; cultural competency; mental health and policing; and, work with vulnerable populations, including but not limited to, children, the elderly, pregnant women, and people with physical, mental and developmental disabilities.

Status: Chapter 594, Statutes of 2019

Post Conviction Relief

AB-1076 (Ting) - Criminal records: automatic relief.

An estimated eight million Californians have a criminal record. Getting a job with a criminal record can be very difficult. According to the U.S. Equal Employment Opportunity Commission (EEOC), as many as 92 percent of employers subject their applicants to criminal background checks. Some employers ask applicants whether they have been convicted of any crimes up front on the application and turn away anyone who checks the box. Others run background checks and reject anyone who turns up with a criminal history, without further review. The refusal to consider job applicants with a criminal history may perpetuate an unfortunate cycle: individuals who have been involved in criminal activity seek to come clean and refocus their lives on productive, non-criminal endeavors, but find it nearly impossible to land employment. Unable to earn a steady income, people with criminal histories sometimes drift back toward criminal endeavors, resulting in increased recidivism.

Many arrest and conviction records are eligible to be withheld from public disclosure, thereby "clearing" a person's record for purposes such as most forms of employment. This process is currently done through the court with jurisdiction over the case and requires the person who is seeking to have their arrest or conviction record withheld from disclosure to file a petition or motion with that court. Often times, people do not obtain such relief, even if they are eligible, due to lack of understanding the legal process or a lack of resources.

AB 1076 (Ting), Chapter 578, requires the Department of Justice (DOJ), as of January 1, 2021, to review its criminal justice databases on a monthly basis to identify persons who are eligible for relief by having either their arrest records or conviction records withheld from disclosure, with specified exceptions, and requires the DOJ to grant that relief to the eligible person without a petition or motion being filed on the person's behalf. Specifically, this new law:

• Requires, as of January 1, 2021, and subject to an appropriation in the annual Budget Act, that the DOJ, on a monthly basis, to review the records in the statewide criminal justice databases and to identify persons who are eligible for relief by having their arrest records, or their criminal conviction records, withheld from disclosure, as specified.

• Requires the DOJ to automatically grant such relief without a petition or motion being filed by the person.

• Specifies that petitions, motions, or other orders for relief are not limited by this new law.

• Requires the state summary criminal history information database to be updated in order to document the relief granted.

• Requires the DOJ to submit electronic notice to the superior court with jurisdiction over the case on a monthly basis, informing the court of all cases for which relief was granted.

• Prohibits the court from disclosing information concerning an arrest or conviction granted relief, with specified exceptions.

• Authorizes the prosecuting attorney or probation department, no later than 90 calendar days before the date of a person's eligibility for relief, to file a petition to prohibit the DOJ from granting automatic relief for criminal conviction records.

• Requires the DOJ to annually publish statistics regarding relief granted pursuant to this new law.

• Requires a court, at the time of sentencing, to advise each defendant of their right to relief pursuant to the provisions of this new law.

Status: Chapter 578, Statutes of 2019

SB-269 (Bradford) - Wrongful convictions.

Current law provides that a wrongfully convicted individual can file a claim with California Victim Compensation Board (VCB) within two years of acquittal, pardon, or release from custody.

It can take years for a wrongfully incarcerated individual to complete the compensation process. An individual filing a claim must prove their innocence to the board, which may necessitate legal assistance or representation. A longer statute of limitations will allow more wrongfully incarcerated individuals to file claims for compensation with board.

SB 269 (Bradford), Chapter 473, extends the statute of limitations for a wrongfully convicted individual to file a claim with the VCB from two years to ten years after exoneration or release.

Status: Chapter 473, Statutes of 2019

SB-651 (Glazer) - Discovery: postconviction.

From 1999 to 2018, the non-profit legal organizations in California have successfully demonstrated the innocence of over 60 wrongly imprisoned individuals. Collectively, those individuals spent over 750 years in prison for crimes they were ultimately shown not to have committed. It takes innocence projects, on average, 3 to 4 years to investigate these cases because they are often working with incomplete files to recreate what happened years prior. Access to discovery is a critical tool for post-conviction review.

"Post-conviction discovery" is generally understood in the legal community as the provision of materials and documents to defendants after they have been convicted at the trial level and exhausted their appeals. For many years, post-conviction discovery to only applied to those cases in which a person is sentenced to death or life without parole. For many years, California law only made post-conviction discovery available in cases in which a person was sentenced to death or life without parole. Last year, Governor Brown signed AB 1987 (Lackey) into law, which expanded post-conviction discovery to defendants convicted of serious and violent crimes and sentenced to more than 15 years in prison. However, the bill only applied prospectively to future cases—omitting any conviction prior to January 1, 2019.

SB 651 (Glazer), Chapter 483, clarifies that the right to post-conviction discovery applies retroactively and further clarifies that the law requiring attorneys to keep their files for the term of the client's incarceration is meant to apply prospectively. Specifically, this new law:

• Clarifies a provision of law in order to allow access to postconviction discovery materials for defendants who are serving time on a serious or violent felony conviction resulting in a sentence of 15 years or more without regard to when the conviction occurred.

• Provides that the requirement that in criminal matters involving a conviction for a serious or a violent felony resulting in a sentence of 15 years or more, trial counsel must retain a copy of a former client's files for the term of his or her that client's imprisonment, only applies as of January 1, 2019.

Status: Chapter 483, Statutes of 2019

Privacy

AB-814 (Chau) - Vehicles: unlawful access to computer systems.

In recent years, manufacturers have increasingly integrated advanced computer hardware into even the most basic automobiles. These computer systems, as any other, are susceptible to hacking and other means of unauthorized access to the systems. A bad actor may access a vehicle's systems to download a record of the vehicle's location, utilize the vehicle's onboard microphone to eavesdrop on an occupant, or utilize the vehicle's wireless surface areas to steal the vehicle. Existing law prohibits unauthorized access to any computer system, data system, or software.

AB 814 (Chau), Chapter 16, clarifies that existing law prohibits a person, business, or government agency including a law enforcement agency, from hacking or otherwise accessing without authorization, computer data and computer systems in a motor vehicle.

Status: Chapter 16, Statutes of 2019

AB-1129 (Chau) - Stalking.

The California Constitution explicitly deems privacy an inalienable right. (Cal. Const. art. I, § 1.) As such, the Legislature has criminalized the intrusion of privacy by looking into places where a person has a reasonable expectation of privacy. (Pen. Code, § 647, subd. (j)(1).)

The use of drones, and other devices, to follow and take photos, or capture video, makes it easier to harass and invade the privacy of individuals. But while existing state laws and federal regulations restrict the operation of drones, those laws and regulations do not clearly address personal privacy issues.

AB 1129 (Chau), Chapter 749, clarifies existing law to add electronic devices and unmanned aircraft systems (drones) to the list of instruments that may not be used to invade an individual's privacy.

Status: Chapter 749, Statutes of 2019

AB-1215 (Ting) - Law enforcement: facial recognition and other biometric surveillance.

Body cameras have been increasingly utilized by law enforcement agencies over the past several years. Often, the stated goal in purchasing and using these cameras is to increase accountability and transparency for the benefit of both the police and the public. However, there are concerns that these cameras could be used to establish a

pervasive surveillance system by using facial recognition technology, which could pose constitutional concerns regard a person’s right to privacy. Additionally, there are concerns that this technology is currently inaccurate and may fail to correctly identify and recognize persons, particularly women and people of color.

AB 1215 (Ting), Chapter 579, prohibits a law enforcement officer or agency from installing, activating, or using a biometric surveillance system in connection with a law enforcement agency's body-worn camera or any other camera. Specifically, this new law:

• Defines "biometric data" to mean "a physiological, biological, or behavioral characteristic that can be used, singly or in combination with each other or with other information, to establish individual identity."

• Defines "biometric surveillance system" to mean "any computer software or application that performs facial recognition or other biometric surveillance."

• Declares that facial recognition and other biometric surveillance technology pose unique and significant threats to the civil rights and civil liberties of residents and visitors. Declares that the use of facial recognition and other biometric surveillance is the functional equivalent of requiring every person to show a personal photo identification card at all times in violation of recognized constitutional rights. States that this technology also allows people to be tracked without consent and would also generate massive databases about law-abiding Californians, and may chill the exercise of free speech in public places.

• Permits an agency to use facial recognition or other biometric surveillance software for purposes of redacting from public records a person’s facial image as required by law.

• States that these provisions do not preclude a law enforcement agency or law enforcement officer from using a mobile fingerprint scanning device during a lawful detention to identify a person who does not have proof of identification if this use is lawful and does not generate or result in the retention of any biometric data or surveillance information.

• Sunsets these provisions on January 1, 2023.

Status: Chapter 579, Statutes of 2019

AB-1638 (Obernolte) - Search warrants: vehicle recording devices.

Vehicles are often manufactured with event data recorders (EDRs) which log data about a vehicle's braking, steering, airbag deployment, seat belt use, seat belt pre-tensioners, speed, engine throttle, time between crash events, and other factors. This data may be illuminating when law enforcement investigates car accidents, particularly in the case of a solo accident that results in serious bodily injury or death, where the driver cannot remember or explain what happened leading up to the accident. However, law enforcement may not access the EDR's data without a court order or the consent of the vehicle owner, or unless the driver is suspected of committing a felony. This deprives investigators from obtaining information that may shed light on the cause of a serious vehicle accident.

AB 1638 (Olbernolte), Chapter 196, expands authorization for the issuance of a search warrant to obtain information from a motor vehicle's software that "tends to show the commission of a felony or misdemeanor offense involving a motor vehicle, resulting in death or serious bodily injury."

Status: Chapter 196, Statutes of 2019

Restitution

AB-169 (Lackey) - Guide, signal, and service dogs: injury or death.

Existing law makes it a crime for a person to allow a dog owned or controlled by him or her to cause injury to or the death of any guide, signal, or service dog, while the dog is discharging its duties. (Pen. Code, § 600.2, subd. (a).)

AB 169 (Lackey), Chapter 604, expands the crime of causing injury to or the death of, any guide, signal, or service dog and adds the medical expenses and lost wages of the owner to the existing list of recoverable restitution costs. Specifically, this new law:

• Deletes from specified crimes against guide, signal, or service dogs the requirement that the dog be in discharge of its duties when the injury or death occurs.

• Makes these crimes applicable to the injury or death of dogs enrolled in a training school or program for guide, signal, or service dogs, as specified.

• Requires a defendant convicted of these crimes to pay restitution to the person for medical or medical-related expenses, or for loss of wages or income.

• Defines "replacement costs" for purposes of victim restitution as "all costs that are incurred in the replacement of the guide, signal, or service dog, including, but not limited to, the training costs for a new dog, if needed, the cost of keeping the now-disabled dog in a kennel while the handler travels to receive the new dog, and, if needed, the cost of the travel required for the handler to receive the new dog."

Status: Chapter 604, Statutes of 2019

AB-433 (Ramos) - Probation: notice to victim.

Courts are authorized to modify the amount of victim restitution at any time during the term of the probation. (Pen. Code, § 1203.3, sub. (b)(5).) If part of a restitution order has not been paid after a defendant is no longer on probation, it remains enforceable by the victim as though it were a civil judgment. (Pen. Code, 1202.4, subd. (m).) Additionally, if the defendant is unable to pay full restitution within the initial term of probation, the court can modify and extend the period of probation to allow the defendant to pay off all restitution within the probation term. (Pen. Code, §1203.3, subd. (b)(4); People v. Cookson (1991) 54 Cal.3d 1091, 1097.) Generally, the probation term may be extended up to, but not beyond, the maximum probation period allowed for the offense. (People v Medeiros (1994) 25 Cal.App.4th 1260, 1267–1268.) Once probation expires, a judge cannot modify a restitution order. (Hilton v. Superior Court (2014) 239 Cal.App.4th 766; People v. Waters (2015) 241 Cal.App.4th 822.) Victims' advocates argue that victims

do not have any way of knowing that a defendant may have probation terminated early, cutting off any opportunity for revisiting restitution to the victim.

AB 433 (Ramos), Chapter 573, requires that the prosecutor be given two days written notice of a hearing for early termination of probation, and requires the prosecutor to notify the victim if the victim has asked to be notified about the case. Specifically, this new law:

• Requires a hearing to be held in open court before early termination of probation.

• Requires the prosecuting attorney to be given a two-day written notice and an opportunity to be heard on the decision to terminate probation early.

• Requires the prosecuting attorney to provide notice to the victim if the victim has requested to be notified about the progress of the case.

• Requires the prosecuting attorney to request a continuance of the hearing if the victim advises the prosecuting attorney that there is an outstanding restitution.

Status: Chapter 573, Statutes of 2019

Search and Seizure

AB-1638 (Obernolte) - Search warrants: vehicle recording devices.

Vehicles are often manufactured with event data recorders (EDRs) which log data about a vehicle's braking, steering, airbag deployment, seat belt use, seat belt pre-tensioners, speed, engine throttle, time between crash events, and other factors. This data may be illuminating when law enforcement investigates car accidents, particularly in the case of a solo accident that results in serious bodily injury or death, where the driver cannot remember or explain what happened leading up to the accident. However, law enforcement may not access the EDR's data without a court order or the consent of the vehicle owner, or unless the driver is suspected of committing a felony. This deprives investigators from obtaining information that may shed light on the cause of a serious vehicle accident.

AB 1638 (Olbernolte), Chapter 196, expands authorization for the issuance of a search warrant to obtain information from a motor vehicle's software that "tends to show the commission of a felony or misdemeanor offense involving a motor vehicle, resulting in death or serious bodily injury."

Status: Chapter 196, Statutes of 2019

SB-439 (Umberg) - Criminal procedure: wiretapping: authorization and disclosure.

In 2011, a peace officer was fired for misconduct for committing a crime, the evidence for which was captured on a wiretap. However, when the officer appealed his firing, the court of appeal stated that the Legislature had not specifically authorized the use of information obtained in a wiretap in a police disciplinary hearing, which suggested that the Legislature might contemplate whether it should authorize the use of such evidence in those disciplinary hearings. The decision regarding whether to authorize the use of this evidence of criminal activity is heightened by the fact that peace officers are in a unique public service role where the commission of a crime is substantially related to an officer's fitness to serve.

SB 439 (Umberg), Chapter 645, states that an agency that employs peace officers may use intercepted communications in an administrative or disciplinary hearing against a peace officer if the evidence relates to any crime involving a peace officer, and also expands the ability for prosecuting agencies to use intercepted communications related to additional crimes captured during the lawful execution of a wiretap in court, as specified. Specifically, this new law:

• Adds to the list of crimes for which intercepted wire or electronic communication may

be used in a court proceeding: (1) Grand theft of a firearm; and (2) Exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem.

• Authorizes the use of an intercepted wire or electronic communication related to any crime involving the employment of a peace officer in an administrative or disciplinary hearing involving the employment of a peace officer.

• Prohibits the use of an intercepted wire or electronic communication as evidence in an administrative or disciplinary proceeding if the acts by a peace officer constitute only a violation of a departmental rule or guideline which is not a public offense under California law.

• States that if an agency employing peace officers utilizes an intercepted wire or electronic communication relating to a crime involving a peace officer in an administrative or disciplinary hearing, the agency shall, on an annual basis, report both of the following to the Attorney General: a) the number of administrative or disciplinary proceedings involving the employment of a peace officer in which the agency utilized evidence obtained from a wire interception or electronic communication; and, b) the specific offenses for which evidence obtained from a wire interception or electronic communication was used in those administrative or disciplinary proceedings.

• Provides that the Attorney General may issue regulations prescribing the form of the reports including information reported pursuant to this bill, and include the information in its annual report on wiretap usage.

Status: Chapter 645, Statutes of 2019

Sex Offenses

SB-22 (Leyva) - Rape kits: testing.

After a sexual assault has occurred, victims of the crime may choose to be seen by a medical professional, who then conducts an examination to collect any possible biological evidence left by the perpetrator. To collect forensic evidence, many jurisdictions provide what is called a "sexual assault kit." Sexual assault kits often contain a range of scientific instruments designed to collect forensic evidence such as swabs, test tubes, microscopic slides, and evidence collection envelopes for hairs and fibers. Analyzing forensic evidence from sexual assault kits assists in linking the perpetrator to the sexual assault. Generally, once a hospital or clinic has conducted a sexual assault kit examination, it transfers the kit to a local law enforcement agency. From here, the law enforcement agency may send the kit to a forensic laboratory. Evidence collected from a kit can be analyzed by crime laboratories and could provide the DNA profile of the offender. Once law enforcement authorities have that genetic profile, they could then upload the information into the Combined DNA Index System (CODIS) in order to see if that DNA profile is connected to other cases of sexual assault.

California law currently encourages, but does not require, any agency to send a sexual assault kit to a crime lab. It is estimated that there are well over ten thousand untested sexual assault kits in California. While there may be legitimate reasons for not testing a kit in a particular case, law enforcement does not routinely document its reasons for not testing a kit and it is therefore difficult to ascertain whether kits are going untested that could be useful in unsolved cases.

SB 22 (Leyva), Chapter 588, requires law enforcement agencies to submit sexual assault forensic evidence to a crime lab and requires crime labs to either process the evidence for DNA profiles and upload them into CODIS or transmit the evidence to another crime lab for processing and uploading. Specifically, this new law:

• Provides that a law enforcement agency in whose jurisdiction a specified sex offense occurred, for any sexual assault forensic evidence received by the law enforcement agency on or after January 1, 2016, shall either submit the sexual assault forensic evidence to a crime lab within 20 days after it is booked into evidence, or ensure that a rapid turnaround DNA program is in place to submit forensic evidence collected from the victim of a sexual assault directly from the medical facility where the victim is examined to the crime lab within five days after the evidence is obtained from the victim.

• Provides that a crime lab, for any sexual assault forensic evidence received by the crime lab on or after January 1, 2016, shall either process sexual assault forensic

evidence, create DNA profiles when able, and upload qualifying DNA profiles into CODIS as soon as practically possible, but no later than 120 days after initially receiving the evidence, or transmit the sexual assault forensic evidence to another crime lab as soon as practically possible, but no later than 30 days after initially receiving the evidence, for processing of the evidence for the presence of DNA. If a DNA profile is created, the transmitting crime lab shall upload the profile into CODIS as soon as practically possible, but no later than 30 days after being notified.

Status: Chapter 588, Statutes of 2019

SB-459 (Galgiani) - Crimes: rape: great bodily injury.

Under existing law, the court must impose an additional and consecutive three years in state prison on a person who personally inflicts great bodily injury (GBI) on a person in the commission of a felony. Existing law imposes a five year enhancement on the sentence of a person who inflicts GBI during the commission of a rape if the act was committed by the use of force, violence, duress, menace, or fear of immediate unlawful bodily injury on the person of another, or if the act was accomplished against the victim's will by threatening to retaliate in the future against the victim or another person. The enhancement also applies if the victim was not the perpetrators spouse and was prevented from resisting by any intoxicating substance or a controlled substance.

SB 459 (Galgiani), Chapter 646, makes the five year enhancement for the infliction of GBI in the commission of specified sex offenses applicable to the crime of spousal rape where the victim was prevented from resisting by the use of any intoxicating or anesthetic substance or a controlled substance.

Status: Chapter 646, Statutes of 2019

Sexually Violent Predators

AB-303 (Cervantes) - Mental health: sexually violent predators: trial.

The Sexually Violent Predator Act (SVPA) establishes an extended civil commitment scheme for sex offenders who are about to be released from prison, but are referred to the Department of State Hospitals for treatment in a state hospital, because they suffer from a mental illness which causes them to be a danger to the safety of others.

In the case of People v. Superior Court (Vasquez)(2018), 27 Cal.App.5th 36, a Sexually Violent Predator (SVP) petition against George Vazquez was dismissed for due process violations based on the lengthy delay in bringing the case to trial. Mr. Vasquez was detained in state hospitals for over 17 years awaiting trial on the petition, as a series of six appointed attorneys slowly moved his case toward trial. During the first 14 years of Vasquez's confinement, his case was continued over 50 times, either by stipulation of counsel or a request by Vasquez's counsel.

AB 303 (Cervantes), Chapter 606, establishes procedures for requesting and granting continuances in SVP proceedings, as specified. Specifically, this new law:

• Requires that written notice be filed and served on all parties to the proceeding, together with affidavits or declarations detailing specific facts showing that a continuance is necessary, in order to continue a trial.

• States that all moving and supporting papers shall be served and filed at least 10 court days before the hearing, except as provided.

• States that at the conclusion of the hearing, the court shall make a finding whether good cause has been shown. If the moving party is unable to show good cause for the failure to give notice, the motion for continuance shall not be granted.s

• States that the court shall not find good cause solely based on the convenience of the parties or a stipulation of the parties.

Status: Chapter 606, Statutes of 2019

SB-141 (Bates) - Parole: sexually violent offenses: validated risk assessment.

The Sexually Violent Predator Act (SVPA) establishes an extended civil commitment scheme for sex offenders who are about to be released from prison, but are referred to the Department of State Hospitals (DSH) for treatment, because they have suffered from a mental illness which causes them to be a danger to the safety of others. The

DSH uses specified criteria to determine whether an individual qualifies for treatment as a SVP. Under existing law, a person may be deemed a sexually violent predator if: 1) the defendant has committed specified sex offenses against two or more victims; 2) the defendant has a diagnosable 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 sexually-violent criminal behavior; and, 3) two licensed psychiatrists or psychologists concur in the diagnosis. If both clinical evaluators find that the person meets the criteria, the case is referred to the county district attorney who may file a petition for civil commitment.

California has several sentencing schemes. Most felonies are punished under the determinate sentencing scheme. Under the determinate sentencing scheme, a court sentences a defendant to a fixed term in custody. If imposing a sentence for more than one offense, the court must select one term as the principal term, and when concurrent sentencing is an option, must decide whether to sentence concurrently or consecutively. At the conclusion of the determinate sentence, an offender is released on parole or post-release community supervision. Indeterminate sentences are imprisonment for "life" or for a term of "years to life." These sentences are not fixed by the court and the length of imprisonment will vary from defendant to defendant. The Board of Parole Hearings is the parole authority that sets the parole dates for prisoners serving life sentences.

The SVPA, as originally envisioned, only applied to determinate prison terms because the offenders had a determined date for release. It was presumed that the law need not apply to indeterminate sentences because a person with a sexually violent offense, who is still a danger to the community because they have a mental condition that cannot be controlled without further custodial supervision or forced medical treatment would not be granted parole by the BPH.

SB 141 (Bates), Chapter 242, clarifies that the Board of Parole Hearings must consider the results of a comprehensive risk assessment for sex offenders when considering parole of an inmate who has a prior conviction for a sexually violent offense.

Status: Chapter 242, Statutes of 2019

Supervised Release

AB-484 (Jones-Sawyer) - Crimes: probation.

Existing law requires a judge to impose six months in the county jail for anyone who is sentenced to probation on specified controlled substance offenses. The judge, in an unusual case, can absolve a person from spending the six month sentence in the county jail if the court specifies on the record and enters into the minutes the circumstances indicating that the interests of justice would best be served by such a disposition. The law that requires the six month period of imprisonment is one of many mandatory minimum sentences that was established during the 1980s and 1990s. In the past decade or so, the Legislature has moved away from mandatory sentencing schemes and harsh prison sentences in general. AB 109, criminal justice realignment, and voter initiatives such as proposition 36 in 2012, and proposition 47, in 2014 have all been aimed at reducing California's reliance on severe terms of incarceration as a method of dealing with criminal punishment.

AB 484 (Jones-Sawyer), Chapter 574, makes the imposition of the 180-day confinement condition that is currently required when a defendant is granted probation after being convicted of specified controlled substances offenses permissive rather than mandatory.

Status: Chapter 574, Statutes of 2019

AB-597 (Levine) - Probation and mandatory supervision: flash incarceration.

As part of 2011 Public Safety Realignment (AB 109), probation was given the authority to use intermediate sanctions such as "flash incarceration" to address violations of conditions of supervision for Post-Release Community Supervision (PRCS) offenders. Additionally, SB 266 (Block, Statutes of 2015, Chapter 706) established the authority to also allow for flash incarceration as an evidence-based approach to violations of supervision for people on traditional felony probation and Mandatory Supervision. SB 266 included a sunset of January 1, 2021. "Flash incarceration" is a period of detention in county jail triggered by a violation of a condition of probation. Rather than going through a court process, the probation officer supervising the person who committed the violation unilaterally determines that a period of flash incarceration is appropriate. The length of the detention period can range from one to ten consecutive days. Flash incarceration is said to balance the need to hold offenders accountable for violations of their conditions of supervision while focusing on shorter disruptions from work, home, or programing which can result from longer term formal revocations. Absent flash incarceration, the existing mechanism to address violations of probation is to initiate formal revocation court proceedings which can be a much lengthier process and can

result in custody time up to 180 days.

AB 597 (Levine), Chapter 44, extends the sunset date for flash incarceration from 2021 until 2023.

Status: Chapter 44, Statutes of 2019

AB-1421 (Bauer-Kahan) - Supervised release: revocation.

Jailing a person for failure to pay a fine when the failure to pay stems from an inability to pay, rather than willfulness, implicates the constitutional rights to equal protection and due process. In re Antazo (1970) 3 Cal.3d 100, the California Supreme Court invalidated the practice of requiring convicted defendants to serve jail time if they were unable to pay a fines. (Id. at pp. 115-116.)

AB 1421 (Bauer-Kahan), Chapter 111, codifies case law prohibiting the revocation of any form of supervised release for failure of a person to pay fines, fees, or assessments, unless the court determines that the defendant has willfully failed to pay and has the ability to pay.

Status: Chapter 111, Statutes of 2019

SB-141 (Bates) - Parole: sexually violent offenses: validated risk assessment.

The Sexually Violent Predator Act (SVPA) establishes an extended civil commitment scheme for sex offenders who are about to be released from prison, but are referred to the Department of State Hospitals (DSH) for treatment, because they have suffered from a mental illness which causes them to be a danger to the safety of others. The DSH uses specified criteria to determine whether an individual qualifies for treatment as a SVP. Under existing law, a person may be deemed a sexually violent predator if: 1) the defendant has committed specified sex offenses against two or more victims; 2) the defendant has a diagnosable 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 sexually-violent criminal behavior; and, 3) two licensed psychiatrists or psychologists concur in the diagnosis. If both clinical evaluators find that the person meets the criteria, the case is referred to the county district attorney who may file a petition for civil commitment.

California has several sentencing schemes. Most felonies are punished under the determinate sentencing scheme. Under the determinate sentencing scheme, a court sentences a defendant to a fixed term in custody. If imposing a sentence for more than one offense, the court must select one term as the principal term, and when concurrent sentencing is an option, must decide whether to sentence concurrently or consecutively.

At the conclusion of the determinate sentence, an offender is released on parole or post-release community supervision. Indeterminate sentences are imprisonment for "life" or for a term of "years to life." These sentences are not fixed by the court and the length of imprisonment will vary from defendant to defendant. The Board of Parole Hearings is the parole authority that sets the parole dates for prisoners serving life sentences.

The SVPA, as originally envisioned, only applied to determinate prison terms because the offenders had a determined date for release. It was presumed that the law need not apply to indeterminate sentences because a person with a sexually violent offense, who is still a danger to the community because they have a mental condition that cannot be controlled without further custodial supervision or forced medical treatment would not be granted parole by the BPH.

SB 141 (Bates), Chapter 242, clarifies that the Board of Parole Hearings must consider the results of a comprehensive risk assessment for sex offenders when considering parole of an inmate who has a prior conviction for a sexually violent offense.

Status: Chapter 242, Statutes of 2019

SB-620 (Portantino) - Criminal offender record information: referral of persons on supervised release.

Probation departments are responsible for providing community-based supervision of adults convicted of felonies or misdemeanors either in lieu of incarceration or as a condition of release following incarceration. Similarly, California Department of Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations (DAPO) is responsible for protecting the community by enabling parole agents to have an active part in the local community's public safety plans while providing a range of programs and services that offer state supervised parolees the opportunity for change, encouraging and assisting them in their effort to reintegrate into the community.

SB 620 (Portantino), Chapter 650, allows a municipal police department or a county sheriff's department to release the name and address of a person on supervised release to specified providers of transitional services, if the person consents. Specifically, this new law:

• Provides, that notwithstanding any law, a municipal police department or a county sheriff's department may release the name and address of a person on supervised release residing within its jurisdiction to transitional-service providers located within that jurisdiction.

• Makes release of information contingent upon the supervised person's authorization.

• Requires notice to the released person that they may consent to the release of their name and address.

• Requires the law enforcement agency to contact the person's parole or probation officer to confirm the person has authorized the release of their information, as specified; and in the case of probationers, requires notice of any referral to the probation officer.

• Delays implementation to persons supervised by CDCR until July 1, 2021.

Status: Chapter 650, Statutes of 2019

Vehicles

AB-391 (Voepel) - Leased and rented vehicles: embezzlement and theft.

Under existing law, car rental companies are required to wait five days after the expiration of a rental agreement before they are allowed to file a report with law enforcement that the rented vehicle has been stolen. According to the National Insurance Crime Bureau, every passing day a vehicle rental company cannot report their vehicle stolen, the likelihood of that vehicle being recovered decreases. As the days pass, stolen rental cars can be taken over the U.S.-Mexico border or dismantled for parts.

AB 391 (Voepel), Chapter 609, reduces the period of time following the expiration of an auto-rental agreement or lease for the presumption of embezzlement to apply, from five-days to 72-hours. Specifically, this new law:

• Provides that if a person who has leased or rented a vehicle willfully and intentionally fails to return it to its owner 72-hours after the agreement has expired, it is presumed that the person has embezzled the vehicle.

• States that if the owner of a vehicle that has been leased or rented discovers that it was procured by fraud, the owner is not required to wait until the expiration of the lease or rental agreement to make a report to law enforcement.

• Requires a vehicle lease or rental agreement to contain a disclosure stating that failure to return the vehicle within 48 hours of its expiration may result in the owner reporting the vehicle as stolen, and requires the leasee to provide a method to contact him or her if the vehicle is not returned.

• Requires the owner of a vehicle that is presumed to have been embezzled to attempt to contact the other party to the lease or rental agreement using the contact method designated in the rental agreement for this purpose.

• Requires the vehicle owner to inform the other party that if arrangements for the return of the car are not satisfactorily made, the owner may report the car stolen to law enforcement.

• States that if the owner of a vehicle that is presumed to have been embezzled is unable to contact the other party after a reasonable number of attempts, or if he or she is unable to arrange for the satisfactory return of the vehicle, the owner may report the vehicle as stolen.

• States that the failure of a vehicle owner to comply with these provisions shall not be deemed an infraction.

• Makes conforming changes to the provisions related to law enforcement reporting to the Department of Justice (DOJ) Stolen Vehicle System.

• Specifies a sunset date of January 1, 2024.

Status: Chapter 609, Statutes of 2019

AB-814 (Chau) - Vehicles: unlawful access to computer systems.

In recent years, manufacturers have increasingly integrated advanced computer hardware into even the most basic automobiles. These computer systems, as any other, are susceptible to hacking and other means of unauthorized access to the systems. A bad actor may access a vehicle's systems to download a record of the vehicle's location, utilize the vehicle's onboard microphone to eavesdrop on an occupant, or utilize the vehicle's wireless surface areas to steal the vehicle. Existing law prohibits unauthorized access to any computer system, data system, or software.

AB 814 (Chau), Chapter 16, clarifies that existing law prohibits a person, business, or government agency including a law enforcement agency, from hacking or otherwise accessing without authorization, computer data and computer systems in a motor vehicle.

Status: Chapter 16, Statutes of 2019

Victim Compensation Board

AB-415 (Maienschein) - Victim compensation: relocation: pets.

The California Victim Compensation Program provides compensation for victims of violent crime, or more specifically those who have been physically injured or threatened with injury. It reimburses eligible victims for many crime-related expenses, such as medical treatment, mental health services, funeral expenses, and home security. Under this program, the California Victim Compensation Board (board) is allowed to reimburse crime victims for pecuniary loss resulting from a crime, including relocation expenses up to $2,000 if the expenses are determined by law enforcement to be necessary for the victim's personal safety, or by a mental health treatment provider to be necessary for the victim's emotional well-being.

AB 415 (Maienschein), Chapter 572, expands the definition of "expenses incurred in relocating" to include the costs of temporary housing for any pets belonging to the victim. Specifically, this new law:

• Authorizes the board to compensate a crime victim for the costs of temporary housing for a pet and for any pet deposit that may be required for relocation.

• Specifies that if a pet deposit is required for relocation, upon expiration of a victim's rental agreement, the board will be named as the recipient of the funds.

Status: Chapter 572, Statutes of 2019

AB-629 (Smith) - Crime victims: the California Victim Compensation Board.

The Victim Compensation Program provides assistance to victims who have suffered physical injury or the threat of physical injury as a result of violent crime, including covering unforeseen expenses such as medical bills, mental health treatment, funeral and burial expenses, and income loss. Current law does not take into account the challenges human trafficking victims face in making a claim for compensation through the program. Victims' wages are frequently stolen, withheld, or much lower than they would have been paid had they not been trafficked. As a result, they do not possess pay-stubs, W-2 forms, or other documentation to demonstrate the economic losses sustained while trafficked.

AB 629 (Smith), Chapter 575, authorizes the California Victim Compensation Board (board) to provide compensation equal to loss of income or support to victims of human trafficking. Specifically, this new law:

• States that the board may authorize compensation equal to loss of income or support

that a human trafficking victim incurs as a direct result of the victim's deprivation of liberty during the crime if the victim has not been and will not be compensated from any other source.

• Limits the compensation amount to $10,000 per year that the services were performed, for a maximum of two years.

• Specifies that loss of income in human trafficking cases should be calculated based on the value of the victim's labor as guaranteed under California law at the time that the services were performed, for the number of hours that the services were performed, for up to 40 hours per week.

• Requires the board to adopt guidelines on or before July 1, 2020, allowing it to rely on evidence other than official employment documentation in considering and approving an application for that compensation.

• States that evidence to support compensation may include any reliable corroborating information approved by the board, including, but not limited to, a statement under penalty of perjury from the applicant, a human trafficking caseworker, a licensed attorney, or a witness to the circumstances of the crime.

• Provides that if the victim is a minor at the time of the application, the board shall distribute payment when the minor reaches the age of 18.

Status: Chapter 575, Statutes of 2019

SB-375 (Durazo) - Victims of crime: application for compensation.

An application for compensation under the California Victim Compensation Program (CalVCP) must be filed in a timely manner. Under existing law, an application must be filed within three years of the date of the crime, three years after the victim attains 21 years of age, or three years of the time the victim or derivative victim knew or in the exercise of ordinary diligence could have discovered that an injury or death had been sustained as a direct result of crime, whichever is later. In addition, applications for compensation based certain sex crimes against minors may be filed any time prior to the victim's 28th birthday. (Gov. Code, § 13953, subd. (a).) The board may however, for good cause, grant an extension of the specified time periods under some circumstances. (Gov. Code, § 13953, subd. (b).)

Some victims advocates contend that oftentimes victims cannot meet the current three year deadline for submitting a claim to the board because they are either unaware the program exists; they find out about the program much too late; or they may be dealing

with on-going trauma.

SB 375 (Durazo), Chapter 592, extends the deadline for victims of crime to file an application for compensation under the CalVCP to seven years. Specifically, this new law:

Provides that an application shall be filed in accordance with the following time lines, whichever is later:

• Within seven years of the date of the crime;

• Seven years after the victim attains 21 year of age; or,

• Seven years of the time the victim or derivative victim knew or in the exercise of ordinary diligence could have discovered that an injury or death had been sustained as a direct result of crime.

Status: Chapter 592, Statutes of 2019

Victims

AB-415 (Maienschein) - Victim compensation: relocation: pets.

The California Victim Compensation Program provides compensation for victims of violent crime, or more specifically those who have been physically injured or threatened with injury. It reimburses eligible victims for many crime-related expenses, such as medical treatment, mental health services, funeral expenses, and home security. Under this program, the California Victim Compensation Board (board) is allowed to reimburse crime victims for pecuniary loss resulting from a crime, including relocation expenses up to $2,000 if the expenses are determined by law enforcement to be necessary for the victim's personal safety, or by a mental health treatment provider to be necessary for the victim's emotional well-being.

AB 415 (Maienschein), Chapter 572, expands the definition of "expenses incurred in relocating" to include the costs of temporary housing for any pets belonging to the victim. Specifically, this new law:

• Authorizes the board to compensate a crime victim for the costs of temporary housing for a pet and for any pet deposit that may be required for relocation.

• Specifies that if a pet deposit is required for relocation, upon expiration of a victim's rental agreement, the board will be named as the recipient of the funds.

Status: Chapter 572, Statutes of 2019

AB-433 (Ramos) - Probation: notice to victim.

Courts are authorized to modify the amount of victim restitution at any time during the term of the probation. (Pen. Code, § 1203.3, sub. (b)(5).) If part of a restitution order has not been paid after a defendant is no longer on probation, it remains enforceable by the victim as though it were a civil judgment. (Pen. Code, 1202.4, subd. (m).) Additionally, if the defendant is unable to pay full restitution within the initial term of probation, the court can modify and extend the period of probation to allow the defendant to pay off all restitution within the probation term. (Pen. Code, §1203.3, subd. (b)(4); People v. Cookson (1991) 54 Cal.3d 1091, 1097.) Generally, the probation term may be extended up to, but not beyond, the maximum probation period allowed for the offense. (People v Medeiros (1994) 25 Cal.App.4th 1260, 1267–1268.) Once probation expires, a judge cannot modify a restitution order. (Hilton v. Superior Court (2014) 239 Cal.App.4th 766; People v. Waters (2015) 241 Cal.App.4th 822.) Victims' advocates argue that victims do not have any way of knowing that a defendant may have probation terminated early, cutting off any opportunity for revisiting restitution to the victim.

AB 433 (Ramos), Chapter 573, requires that the prosecutor be given two days written notice of a hearing for early termination of probation, and requires the prosecutor to notify the victim if the victim has asked to be notified about the case. Specifically, this new law:

• Requires a hearing to be held in open court before early termination of probation.

• Requires the prosecuting attorney to be given a two-day written notice and an opportunity to be heard on the decision to terminate probation early.

• Requires the prosecuting attorney to provide notice to the victim if the victim has requested to be notified about the progress of the case.

• Requires the prosecuting attorney to request a continuance of the hearing if the victim advises the prosecuting attorney that there is an outstanding restitution.

Status: Chapter 573, Statutes of 2019

AB-629 (Smith) - Crime victims: the California Victim Compensation Board.

The Victim Compensation Program provides assistance to victims who have suffered physical injury or the threat of physical injury as a result of violent crime, including covering unforeseen expenses such as medical bills, mental health treatment, funeral and burial expenses, and income loss. Current law does not take into account the challenges human trafficking victims face in making a claim for compensation through the program. Victims' wages are frequently stolen, withheld, or much lower than they would have been paid had they not been trafficked. As a result, they do not possess pay-stubs, W-2 forms, or other documentation to demonstrate the economic losses sustained while trafficked.

AB 629 (Smith), Chapter 575, authorizes the California Victim Compensation Board (board) to provide compensation equal to loss of income or support to victims of human trafficking. Specifically, this new law:

• States that the board may authorize compensation equal to loss of income or support that a human trafficking victim incurs as a direct result of the victim's deprivation of liberty during the crime if the victim has not been and will not be compensated from any other source.

• Limits the compensation amount to $10,000 per year that the services were performed, for a maximum of two years.

• Specifies that loss of income in human trafficking cases should be calculated based on the value of the victim's labor as guaranteed under California law at the time that the services were performed, for the number of hours that the services were performed, for up to 40 hours per week.

• Requires the board to adopt guidelines on or before July 1, 2020, allowing it to rely on evidence other than official employment documentation in considering and approving an application for that compensation.

• States that evidence to support compensation may include any reliable corroborating information approved by the board, including, but not limited to, a statement under penalty of perjury from the applicant, a human trafficking caseworker, a licensed attorney, or a witness to the circumstances of the crime.

• Provides that if the victim is a minor at the time of the application, the board shall distribute payment when the minor reaches the age of 18.

Status: Chapter 575, Statutes of 2019

AB-917 (Reyes) - Victims of crime: nonimmigrant status.

Under the current presidential administration, there have been several policies implemented for immigration courts aimed at prioritizing the removal of undocumented persons. Most notably, in an effort to speed up deportations, last year the administration imposed case quotas on immigration judges which are tied to the judges' annual performance reviews. The judges are required to process a minimum of 700 cases annually in order to obtain a "satisfactory" rating. "The system sets up additional bench marks, penalizing those who refer more than 15 percent of certain cases to higher courts, or judges who schedule hearing dates too far apart on their calendars." (See N. Miroff, Trump Administration, Seeking to Speed Deportations, to Impose Quotas on Immigration Judges, Washington Post, April 2, 2018.)

Existing law requires certifying agencies, upon the request of an immigrant victim of crime or his or her family member, to certify victim helpfulness on the applicable form so that he or she may apply for a U-visa or a T-visa. Current law mandates certifying entities to complete the certification within 90 days of the request, except in cases where the applicant is in immigration removal proceedings, in which case the certification must be completed within 14 days of the request. (Pen. Code, § 679.11, subd. (h).) However by not mirroring a timeline that matches the current immigration court system, the general public safety of California communities may be at-risk as individuals who can provide critical testimony to criminal prosecutions may be removed from the country prior to their testimony.

AB 917 (Reyes), Chapter 576, reduces the timeline for a certifying entity to process a victim certification for an immigrant victim of a crime for the purposes of obtaining U-Visas and T-Visas. Specifically, this new law:

• Requires a certifying entity to process victim certification for purposes of obtaining a U-Visa or T-Visa within 30 days of the request rather than 90, unless the non-citizen is in removal proceedings, in which case the certification must be processed in seven days of the first business day following the day the request received, rather than the current 14 days.

• Requires the local law enforcement agency with whom the U-visa or T-visa applicant has filed a police report to provide a copy of the report to the victim, the victim's immigration attorney or representative fully accredited by the US Department of Justice within seven days of the first business day following the day of the request.

• Allows a victim's immigration attorney to request the necessary certification of victim helpfulness for purposes of obtaining a U-Visa or a T-Visa.

• Clarifies that a person who is fully accredited by the United Stated Department of Justice and authorized to represent the victim in immigration proceedings, as defined, can request the necessary certification of victim helpfulness.

• Defines "a representative fully accredited by the United States Department of Justice" as a person who is approved by the US Department of Justice to represent individuals before the Board of Immigration Appeals, the immigration courts, or the Department of Homeland Security. The representative shall be a person who works for a specific nonprofit, religious, and charitable, social service or similar organization that has been recognized by the US Department of Justice to represent those individuals and whose accreditation is in good standing.

Status: Chapter 576, Statutes of 2019

SB-375 (Durazo) - Victims of crime: application for compensation.

An application for compensation under the California Victim Compensation Program (CalVCP) must be filed in a timely manner. Under existing law, an application must be filed within three years of the date of the crime, three years after the victim attains 21 years of age, or three years of the time the victim or derivative victim knew or in the exercise of ordinary diligence could have discovered that an injury or death had been sustained as a direct result of crime, whichever is later. In addition, applications for compensation based certain sex crimes against minors may be filed any time prior to

the victim's 28th birthday. (Gov. Code, § 13953, subd. (a).) The board may however, for good cause, grant an extension of the specified time periods under some circumstances. (Gov. Code, § 13953, subd. (b).)

Some victims advocates contend that oftentimes victims cannot meet the current three year deadline for submitting a claim to the board because they are either unaware the program exists; they find out about the program much too late; or they may be dealing with on-going trauma.

SB 375 (Durazo), Chapter 592, extends the deadline for victims of crime to file an application for compensation under the CalVCP to seven years. Specifically, this new law:

Provides that an application shall be filed in accordance with the following time lines, whichever is later:

• Within seven years of the date of the crime;

• Seven years after the victim attains 21 year of age; or,

• Seven years of the time the victim or derivative victim knew or in the exercise of ordinary diligence could have discovered that an injury or death had been sustained as a direct result of crime.

Status: Chapter 592, Statutes of 2019

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