

Warner & Pank, LLC



Governmental Relations & Legislative Advocacy

August 19, 2010

To: All CLEARS Members

From: Nick Warner, Legislative Director
Danielle Higgs, Legislative Representative
Braeden Weygandt, Legislative Analyst

Re: Updated Bill Report

As we enter into the final weeks of the 2009-10 legislative session both houses are holding floor sessions daily and voting on dozens of bills while budget negotiations remain at an impasse. August 31st is the last day for the Legislature to pass bills to the Governor. We continue to thoroughly review all amended bills daily to ensure that we are addressing and acting on any last minute “gut and amends” that significantly change a bill’s content.

Below is a list of bills that have already been acted on by the Governor or are on his desk awaiting action. The Governor has until September 30th to sign or veto all legislation on his desk. Following the final day of floor sessions, we will report out with a comprehensive list of all bills that are sent to the Governor for action as there are still a number of bills that are pending on the floor of both houses. Please do not hesitate to contact us if you have any questions or concerns in the meantime.

Legislative Update

AB 558(Portantino) Sexual assault crimes.

Last Amend: 08/09/2010

Status: 08/16/2010-Senate amendments concurred in. To enrollment. (Ayes 72. Noes 1.)

AB 558(Portantino)													
2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered	
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor					

Summary: Existing law, the Sexual Assault Victims' DNA Bill of Rights, authorizes a law enforcement agency investigating certain felony sex offenses, upon the request of the victim, and subject to the commitment of resources, to inform the victim whether or not a DNA profile was obtained from the testing of the rape kit evidence or other crime scene evidence from the case, whether or not that information has been entered into the Department of Justice Data Bank of case evidence, and whether or not there is a match between the DNA profile developed from the rape kit

Warner & Pank, LLC

1415 L Street, Suite 200 ▪ Sacramento, CA 95814

Tel: (916) 443-7318 ▪ Fax: (916) 446-4318 ▪ www.warnerandpank.com

evidence or other crime scene evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Data Base, as specified. Existing law also requires that the victim be given written notification by the law enforcement agency if the law enforcement agency elects not to perform DNA testing of the rape kit evidence or other crime scene evidence, or intends to destroy or dispose of the rape kit evidence or other crime scene evidence prior to the expiration of the statute of limitations, as specified. Existing law provides that the sole civil or criminal remedy available to a sexual assault victim for a law enforcement agency's failure to fulfill its responsibilities under the Sexual Assault Victims' DNA Bill of Rights is standing to file a writ of mandamus to require compliance with these notification provisions. This bill would require local law enforcement agencies responsible for taking or collecting rape kit evidence to annually report to the Department of Justice statistical information pertaining to the testing and submission for DNA analysis of rape kits, as specified. The initial report would be due by July 1, 2012. The reports received would be subject to inspection under the California Public Records Act. These provisions would become inoperative on July 1, 2016, and would be repealed on January 1, 2017. This bill contains other related provisions and other existing laws.

Position: Oppose

AB 1723(Lieu) Evidence: admissibility of statements.

Last Amend: 08/02/2010

Status: 08/16/2010-Senate amendments concurred in. To enrollment. (Ayes 74. Noes 0.)

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered	
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor					

Summary: Existing law defines "unavailable as a witness," for purposes of the Evidence Code, to mean that the declarant is, among other things, exempted or precluded on the ground of privilege, disqualified, dead, or absent for a specified reason. This bill would supplement that definition to add the circumstance that the declarant is persistent in refusing to testify concerning the subject matter of the declarant's statement despite having been found in contempt for refusal to testify. This bill contains other related provisions and other existing laws.

AB 1738(Tran) Domestic violence incident report.

Last Amend: 08/03/2010

Status: 08/16/2010-Senate amendments concurred in. To enrollment. (Ayes 75. Noes 0.)

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered	
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor					

Summary: Existing law requires state and local law enforcement agencies to provide one copy of all domestic violence incident reports, one copy of all domestic violence incident report face sheets, or both, to a victim of domestic violence, upon request. Existing law also requires law enforcement agencies to provide those documents to a representative of the victim, as defined, if the victim is deceased. Existing law provides that any person requesting those documents is required to present his or her identification, as specified, and, if that person is a representative of the victim, a certified copy of the death certificate or other satisfactory evidence of the death of the victim. This bill would require state and local law enforcement agencies to provide those documents to the victim's

representative when the victim is not deceased, subject to certain requirements. The bill would also revise the definition of "personal representative" to additionally include the victim's attorney, members of the victim's immediate family, and a conservator or guardian of the victim, as specified. By imposing additional duties on local officials, the bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 1813(Lieu) Public officials: personal information.

Last Amend: 04/15/2010

Status: 08/16/2010-Enrolled and to the Governor at 4:55 p.m.

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered	
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor					

Summary: Existing law requires a person, business, or association, upon receiving the written demand of an elected or appointed official, to remove the official's home address or telephone number from public display on the Internet within 48 hours of the delivery of the demand, and to continue to ensure that information is not reposted on the same Internet Web site, a subsidiary site, or any other Internet Web site maintained by the recipient of the written demand, with specified exceptions. Existing law includes a public safety official within the definition of an elected or appointed official for these purposes, and defines public safety official to include specified peace officer classifications. Existing law makes a violation of these provisions a misdemeanor or a felony under certain circumstances. This bill would specify that the requirement to remove the information described above from public display on the Internet includes information provided to cellular telephone applications. The bill would also expand the definition of public safety officer for these purposes, and include within that definition retired members of specified employee classifications. By expanding the definition of a crime, this bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 1894(Monning) Judges: disqualification.

Last Amend: 06/10/2010

Status: 08/13/2010-Chaptered by the Secretary of State, Chapter Number 131, Statutes of 2010

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered	
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor					

Summary: Existing law authorizes a party or attorney in an action or proceeding to move to disqualify a judge, court commissioner, or referee for prejudice against a party or attorney or the interest of a party or attorney, as specified. Prejudice may be established by an oral or written motion without notice supported by affidavit or declaration under penalty of perjury, or an oral statement under oath, that the judge, court commissioner, or referee is prejudiced against a party or attorney, or the interest of the party or attorney, so that the party or attorney cannot, or believes that he or she cannot, have a fair and impartial trial or hearing. Existing law specifies the period during which the motion is required to be made for specified trials and hearings, including, for the trial of a cause that has been assigned to a judge for all purposes, the motion shall be made to the assigned judge or to the presiding judge by a party within 10 days after notice of the all purpose assignment, or if the party has not yet appeared in the action, then within 10 days after the appearance. This bill would extend the time period for making the motion in the trial of a civil cause that has been

assigned to a judge for all purposes from the 10-day period described above to a 15-day period. The bill would require a party to a civil action making a motion pursuant to these provisions to serve notice on all parties no later than 5 days after making the motion. The bill would make other technical and conforming changes.

AB 1925(Salas) Veterans courts.

Last Amend: 08/02/2010

Status: 08/16/2010-Senate amendments concurred in. To enrollment. (Ayes 75. Noes 0.)

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered	
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor					

Summary: Existing law provides for the diversion of specified criminal offenders in alternate sentencing and treatment programs. This bill would authorize superior courts to develop and implement veterans courts for eligible veterans of the United States military with the objective of, among other things, creation of a dedicated calendar or a locally developed collaborative court-supervised veterans mental health program or system that leads to the placement of as many mentally ill offenders who are veterans of the United States military, including those with post-traumatic stress disorder, traumatic brain injury, military sexual trauma, substance abuse, or any mental health problem stemming from military service, in community treatment as is feasible and consistent with public safety. The bill would provide that county participation is voluntary. The bill would declare the intent of the Legislature that, where there are statutory requirements for certain education or counseling programs to be included in the terms of probation, the components of those counseling terms would be required to be incorporated into the treatment programs that are designed to treat the underlying psychological disorders rather than requiring them in lieu of the psychological treatments.

AB 1926(Evans) Court records: preservation guidelines.

Last Amend: 04/06/2010

Status: 08/10/2010-Enrolled and to the Governor at 4:50 p.m.

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered	
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor					

Summary: Existing law provides that court records may be preserved in any form, including electronic forms, as specified. This bill would additionally authorize courts to create and maintain records in electronic forms, as specified, and would authorize the signing or verification of trial court documents using a computer or other technology. This bill contains other related provisions and other existing laws.

AB 2028(Hernandez) Confidentiality of medical information: disclosure.

Last Amend: 08/09/2010

Status: 08/17/2010-Senate amendments concurred in. To enrollment. (Ayes 76. Noes 0.)

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered	
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor					

Summary: Existing law specifies certain agencies to which mandated reports of suspected child abuse or neglect shall be made. Existing law authorizes information relevant to the incident of child abuse or neglect to be given to an investigator from an agency that is investigating the case, as provided. Existing law also authorizes information relevant to the incident of elder or dependent adult abuse to be given to an investigator from an agency investigating the case, as provided. This bill would authorize a health care provider or a health care service plan to disclose information relevant to the incident of child abuse or neglect, or to the incident of elder or dependent adult abuse, that may be given to an investigator from an agency investigating the case, including the investigation report and other pertinent materials that may be given to the licensing agency. By changing the definition of a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 2091(Conway) Public records: information security.

Last Amend: 06/29/2010

Status: 08/16/2010-Enrolled and to the Governor at 4:55 p.m.

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor				

Summary: The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies available upon request and payment of a fee unless those records are exempt from disclosure. This bill would exempt from disclosure under the act the information security records of a public agency if, on the facts of the particular case, disclosure of those records would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency. This bill contains other related provisions and other existing laws.

Position: Watch

AB 2290(Bradford) CDCR: inmates: summary parole.

Last Amend: 05/28/2010

Status: 08/11/2010-In Assembly. To enrollment.

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor				

Summary: Existing law requires that an inmate released on parole be returned to the county of last legal residence and requires the Department of Corrections and Rehabilitation to provide specified items of information to local law enforcement agencies regarding an inmate paroled in their jurisdiction. Existing law also provides that the department shall not return to prison, place a parole hold on, or report any parole violation to the Board of Parole Hearings regarding any person to whom all of specified criteria apply. This bill would require the Department of Corrections and Rehabilitation, not less than 45 days prior to the release of such an inmate, or as soon as practicable, to notify, via the Law Enforcement Automated Data System (LEADS), the local law enforcement agency of the jurisdiction to which the inmate is to be released regarding the scheduled release.

AB 2339(Smyth) Child abuse reporting.

Last Amend:**Status:** 07/15/2010-Chaptered by Secretary of State - Chapter 95, Statutes of 2010.

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor				

Summary: Existing law requires reports made by mandated reporters of suspected child abuse or neglect to include specified information. Existing law also provides that information relevant to the incident of child abuse or neglect may be given to an investigator from an agency that is investigating the known or suspected case of child abuse or neglect and to the licensing agency when it is investigating a known or suspected case of child abuse or neglect. This bill would provide, in addition, that information relevant to a report made relating to a child suffering, or in substantial risk of suffering, serious emotional damage may be given to that investigator and licensing agency.

AB 2380(Lowenthal, Bonnie) Child abuse reporting.**Last Amend:** 06/16/2010**Status:** 07/19/2010-Chaptered by Secretary of State - Chapter 123, Statutes of 2010.

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor				

Summary: Existing law identifies specified persons as mandated reporters who must submit a report to law enforcement whenever in their professional capacity, or within the scope of their employment, they have knowledge of or observe a child who is known or reasonably suspected to have been the victim of child abuse or neglect. Existing law defines the term "reasonable suspicion" for purposes of these child abuse reporting provisions. This bill would provide that "reasonable suspicion" does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect.

AB 2410(Fuller) Child abuse: crime scenes: hallucinogens, methamphetamine, cocaine, PCP, and heroin.**Last Amend:** 08/02/2010**Status:** 08/12/2010-Senate amendments concurred in. To enrollment. (Ayes 77. Noes 0.)

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor				

Summary: Existing law encourages every law enforcement and social services agency in this state to develop, adopt, and implement written policies and standards for their response to narcotics crime scenes where a child is either immediately present or where there is evidence that a child lives. Existing law provides that these policies shall reflect the fact that exposing a child to the manufacturing, trafficking, and use of narcotics is criminal conduct and that a response coordinated by law enforcement and social services agencies is essential to the child's health and welfare. This bill would make these provisions applicable also to crime scenes involving hallucinogens, methamphetamine, cocaine, PCP, and heroin. The bill would delete obsolete language. This bill contains other related provisions and other existing laws.

AB 2461(Emmerson) Vehicles: vehicle registration amnesty program.

Last Amend: 08/12/2010

Status: 08/18/2010-In Assembly. Concurrence in Senate amendments pending. May be considered on or after August 20 pursuant to Assembly Rule 77.

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered	
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor					

Summary: Existing law requires the Department of Motor Vehicles to administer a vehicle registration amnesty program from January 1, 2010, to December 31, 2010, for vehicles that have been registered previously or classified incorrectly and that are correctly registered in accordance with the amnesty program's requirements. Existing law requires the department, pursuant to the program, to grant amnesty to a vehicle owner, if among other things, the vehicle owner filed an amnesty application with the department attesting, under the penalty of perjury, to the owner's eligibility to participate in the program. Existing law provides that a specially constructed vehicle applying for amnesty does not qualify for a specified exemption from the requirement to obtain a certificate of compliance issued by a licensed smog check station. Existing law considers a vehicle to be "correctly registered" if, among other things, the vehicle has been issued a certificate of compliance by a licensed smog check station. This bill would require the department to establish the above amnesty program from July 1, 2011, to June 30, 2012, and would make related changes. For the purposes of that program, the bill would require a specially constructed vehicle to be considered "correctly registered" if it has been issued a certificate of compliance on the basis that the specially constructed vehicle has met the inspection and maintenance tailpipe emissions requirements, as determined by the Bureau of Automotive Repair, for the model year assigned in the amnesty application. Because the bill would expand the scope of the crime of perjury, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 2582(Adams) Infractions: dismissal of charge.

Last Amend: 05/05/2010

Status: 07/15/2010-Chaptered by Secretary of State - Chapter 99, Statutes of 2010.

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered	
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor					

Summary: Existing law provides that every defendant convicted of specified misdemeanors and not granted probation shall, under specified conditions, be permitted by the court to withdraw his or her plea of guilty or nolo contendere and enter a plea of not guilty and the court shall dismiss the accusatory pleading against the defendant. Existing law also authorizes the court to set aside any guilty verdict after trial against the defendant, under those same conditions. In either case, existing law releases the defendant, except as specified, from all penalties and disabilities resulting from the offense of which he or she has been convicted. This bill would change an obsolete cross reference that determines which misdemeanors are exempt from dismissal and relief pursuant to these provisions. It would provide that defendants convicted of infractions, except specified motor vehicle related infractions, shall be permitted to seek dismissal of charges and release from all penalties and disabilities resulting from those offenses, as specified. The bill would also provide that a petition for dismissal of an infraction shall generally be by written declaration, and that the dismissal of an

infraction shall not be granted unless the prosecuting attorney receives prior notice of the petition for dismissal, as specified.

AB 2632(Davis) Gang injunctions: violations: contempt of court.

Last Amend: 08/05/2010

Status: 08/17/2010-Senate amendments concurred in. To enrollment. (Ayes 73. Noes 1.)

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor				

Summary: Existing law provides for injunctive relief from the unlawful activities of criminal street gangs. Existing law provides that disobedience of the terms of any court order constitutes a contempt of court, and is punishable as a misdemeanor. This bill would specify that disobedience of the terms of an injunction that restrains the activities of a criminal street gang or any of its members constitutes contempt of court, and is punishable as a misdemeanor.

AB 2650(Buchanan) Medical marijuana.

Last Amend: 07/15/2010

Status: 08/16/2010-Senate amendments concurred in. To enrollment. (Ayes 68. Noes 6.)

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor				

Summary: Existing law added by initiative, the Compassionate Use Act of 1996, prohibits any physician from being punished, or denied any right or privilege, for having recommended marijuana to a patient for medical purposes. The act prohibits the provisions of law making unlawful the possession or cultivation of marijuana from applying to a qualified patient, the qualified patient's primary caregiver, or an individual who provides assistance to the qualified patient or the qualified patient's primary caregiver, who possesses, cultivates, or distributes marijuana for the personal medical purposes of the qualified patient upon the written or oral recommendation or approval of a physician. Existing statutory law requires the State Department of Public Health to establish and maintain a voluntary program for the issuance of identification cards to qualified patients and establishes procedures under which a qualified patient with an identification card may use marijuana for medical purposes. Existing law regulates qualified patients, a qualified patient's primary caregiver, and individuals who provide assistance to the qualified patient or the qualified patient's primary caregiver, as specified. A violation of these provisions is generally a misdemeanor. This bill would provide that no medical marijuana cooperative, collective, dispensary, operator, establishment, or provider authorized by law to possess, cultivate, or distribute medical marijuana and that has a storefront or mobile retail outlet which ordinarily requires a local business license shall be located within a 600-foot radius of any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, except as specified. The bill also would provide that local ordinances that regulate the location or establishment of these medical marijuana establishments, adopted prior to January 1, 2011, would not be preempted by its provisions; and that nothing in the bill shall prohibit a city, county, or city and county from adopting ordinances that further restrict the location or establishment of these medical marijuana establishments. The bill would express a legislative finding and declaration that establishing a uniform standard regulating the proximity of these medical

marijuana establishments to schools is a matter of statewide concern and not a municipal affair and that, therefore, all cities and counties, including charter cities and charter counties, shall be subject to the provisions of the bill. By creating a new crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 2685(De La Torre) Charter schools: criminal background of employees and volunteers.

Last Amend: 05/10/2010

Status: 08/10/2010-Enrolled and to the Governor at 4:50 p.m.

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered	
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor					

Summary: Existing law authorizes the Commission on Teacher Credentialing to issue teaching credentials and services credentials. Existing law defines "adverse action" as the denial of an application for a credential, a private admonition or a public reproof of a credentialholder, or the suspension or revocation of a credential. Existing law requires the commission to send, on a monthly basis, to each private school a list of all teachers who have had their state teaching credential revoked or suspended. This bill would require the commission instead to make available to each private school a listing of all credentialholders who have had final adverse action taken against their credential.

SB 110(Liu) People with disabilities: victims of crime.

Last Amend: 08/02/2010

Status: 08/12/2010-In Senate. To unfinished business.

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered	
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor					

Summary: Existing law addresses aspects of the jurisdiction of state agencies and law enforcement in regard to long-term care facilities and elder and dependent adult abuse, as specified. This bill would further specify the jurisdiction of various state agencies and of law enforcement in regard to investigating those facilities and that conduct. This bill contains other related provisions and other existing laws.

Position: Watch

SB 179(Runner) Juvenile law: referee.

Last Amend: 05/20/2010

Status: 07/09/2010-Chaptered by Secretary of State - Chapter 66, Statutes of 2010.

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered	
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor					

Summary: Existing law requires a referee to hear cases assigned to him or her by the presiding judge of the juvenile court. Existing law requires the referee to furnish to the presiding judge and the minor, if the minor is 14 years of age or older or makes that request, and to serve upon the minor's attorney and the minor's parent, guardian, or adult relative and that person's attorney, a written copy

of the referee's findings and order, and to furnish to the minor and the parent, guardian, or adult relative, with the findings and order, a written explanation of the right of those persons to seek review of the order by the juvenile court. Existing law requires that service made pursuant to these provisions be made by mail, as specified. This bill would allow service to be made in court on a minor, parent, or guardian who is present in court on the date that the findings and order of the referee are made. The bill would require service of the findings and order by mail to a minor, parent, or guardian who was not present in court when those findings and order were made, except as specified, and would require the mailing to include the written explanation of the right to seek review of the order, as required pursuant to the provision described above.

Position: No Position

SB 1049(Harman) Bail.

Last Amend: 04/12/2010

Status: 08/11/2010-Enrolled. To Governor at 11 a.m.

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered	
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor					

Summary: Existing law authorizes a magistrate or commissioner, with respect to a defendant who has been arrested for a bailable felony offense or for the misdemeanor offense of violating a domestic violence order, to set bail higher than that provided in the schedule of bail in an amount that he or she deems sufficient to ensure the defendant's appearance or to ensure the protection of a victim, or family member of a victim, of domestic violence. Existing law also provides that the defendant may make application to the magistrate for release on bail lower than that provided in the schedule of bail or on his or her own recognizance. This bill would prohibit defendants who have been arrested for specified serious, violent, or other felonies from making an application to the magistrate for release on bail lower than that provided in the schedule of bail or on his or her own recognizance. This bill contains other related provisions and other existing laws.

SB 1055(Ashburn) State Chief Information Officer: fingerprints: criminal history.

Last Amend: 08/02/2010

Status: 08/12/2010-In Senate. To unfinished business.

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered	
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor					

Summary: Existing law authorizes certain state agencies to require fingerprint images and associated information from employees and prospective employees, and to furnish those images and that information to the Department of Justice for the purpose of obtaining information relating to criminal convictions. This bill would, in addition, require the State Chief Information Officer to require fingerprint images and associated information from an employee, prospective employee, contractor, subcontractor, volunteer, or vendor whose duties include, or would include, access to confidential or sensitive information, as specified. The bill would require the State Chief Information Officer to furnish those images and that information to the Department of Justice for the purpose of obtaining information relating to certain acts, including criminal convictions or the existence and content of a record of arrest, as specified. The bill would require the State Chief

Information Officer to request subsequent arrest notifications, as specified, and would authorize the Department of Justice to assess a fee sufficient to cover the processing costs imposed by these provisions. The bill also would require that an individual who is rejected as a result of information contained in the criminal offender record receive a copy of the response record from the State Chief Information Officer and that the State Chief Information Officer develop a written appeal process for an individual who is rejected for employment because of his or her record. The bill would prohibit an individual from being ineligible for employment pursuant to these provisions until the appeal process is in place.

[SB 1062\(Strickland\)](#) Public safety omnibus bill.

Last Amend: 05/25/2010

Status: 08/12/2010-In Senate. To enrollment.

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered	
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor					

Summary: Existing law provides the circumstances in which a local or state government agency may procure the financial records of an individual in the course of a criminal or civil investigation and specifies certain instances where the dissemination of financial records may be required by an order by a judge. Under existing law, a court may order the production of relevant records in the possession of a real estate recordholder upon the ex parte application by a peace officer stating the records are relevant to an ongoing felony fraud investigation. This bill would state that the provisions of existing law regarding the procurement of financial records by the government do not prohibit the production of real estate documents upon the ex parte application of a peace officer during the course of the felony fraud investigation. This bill contains other related provisions and other existing laws.

[SB 1087\(Alquist\)](#) Identity theft: restitution.

Last Amend: 04/27/2010

Status: 07/15/2010-Chaptered by Secretary of State - Chapter 107, Statutes of 2010.

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered	
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor					

Summary: Existing law establishes various offenses relating to identity theft. Existing law establishes a procedure for purposes of imposing restitution obligations on defendants, as specified. This bill would authorize restitution for expenses to monitor an identity theft victim's credit report and for the costs to repair the victim's credit for a period of time reasonably necessary to make the victim whole, as specified.

[SB 1274\(Committee on Judiciary\)](#) Electronic service of process.

Last Amend: 03/23/2010

Status: 08/18/2010-Chaptered by Secretary of State - Chapter No. 156, Statutes of 2010

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered	
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor					

Summary: Existing law authorizes a trial court to adopt local rules permitting electronic filing and service of documents, subject to rules adopted by the Judicial Council and other specified conditions. This bill would modify those conditions, and would authorize the court, in any action in which a party has agreed to accept electronic service, or in which the court has ordered electronic service, as specified, to electronically serve any document issued by the court that is not required to be personally served, in the same manner that parties electronically serve documents. The bill would require the Judicial Council to adopt rules relating to the integrity of electronic service. The bill would make other technical and conforming changes.

[SB 1347\(Leno\)](#) Electronic control weapons.

Last Amend: 04/05/2010

Status: 08/18/2010-In Senate. To unfinished business.

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered	
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor					

Summary: Existing law regulates the use and possession of less lethal weapons and stun guns, which are defined to include weapons able or intended to stun or immobilize a person, like the electrical weapons commonly known as tasers. This bill would codify the holding of the United States Court of Appeals for the Ninth Circuit in *Bryan v. McPherson* (2009) 590 F.3d 767 , relating to the use of tasers by law enforcement , would make findings and declarations about electronic control weapons, and would encourage law enforcement agencies to establish use of force policies regarding those weapons, as specified. The bill would provide that an electronic control weapon , as defined, may only be used when objectively reasonable and compatible with specified constitutional provisions and may not be used in the absence of a threat of imminent physical harm to the officer or to others .

[SB 1411\(Simitian\)](#) Impersonation: Internet.

Last Amend: 05/11/2010

Status: 08/12/2010-In Senate. To enrollment.

2YR/Dead	1st	1st	1st	1st	2nd	2nd	2nd	2nd	Conf./Conc.	Enrolled	Vetoed	Chaptered	
	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor					

Summary: Existing law makes it a crime to falsely impersonate another in either his or her private or official capacity, as specified. Existing law also makes it a crime to knowingly access and, without permission, alter, damage, delete, destroy, or otherwise use any data, computer, computer system, or computer network in order to devise or execute any scheme or artifice to defraud, deceive, or extort, or wrongfully control or obtain money, property, or data. For a violation thereof, in addition to specified criminal penalties, existing law authorizes an aggrieved party to bring a civil action against the violator, as specified. This bill would provide that any person who knowingly and without consent credibly impersonates another actual person through or on an Internet Web site or by other electronic means, as specified, for purposes of harming, intimidating, threatening, or defrauding another person is guilty of a misdemeanor. The bill would, in addition to the specified criminal penalties, authorize a person who suffers damage or loss to bring a civil action against any person who violates that provision, as specified. Because the bill would create a new crime, the bill would

impose a state-mandated local program. This bill contains other related provisions and other existing laws.