

Warner & Pank, LLC



Governmental Relations & Legislative Advocacy

To: All CLEARS Members

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Re: Legislative Update

On April 6th, the Legislature returned from its Spring Recess and the legislative session is now well underway with policy and fiscal committees meeting daily to hear and take action on hundreds of bills until the policy committee deadline for fiscal bills on May 1, 2015. For the next several weeks, bills will be continuously amended in order to pass out of committee and we will continue to work and monitor changes to hundreds of bills going forward. May 29 is the last day for fiscal committees to hear and report bills to the floor, with June 5 as the last day to pass bills out of house of origin.

Below is a list of bills with active positions that we are tracking and engaged in on behalf of CLEARS. We continue to closely monitor amended bills daily to ensure that we are tracking all relevant bills and that our positions reflect the most current version of amended bills.

Measure	Topic	Status	Summary	Position
AB 66 Weber D	Peace officers: body-worn cameras.	4/14/2015-Action From PUB. S.: Do pass as amended.To P. & C.P..	Would impose specified requirements on a law enforcement agency that requires a peace officer employed by the agency to use a body-worn camera. The bill would require a peace officer to, among other things, activate the camera when responding to calls for assistance and performing law enforcement activities in the field, and would prohibit deactivating the camera during an encounter with a member of the public until the	Watch

			conclusion of that encounter.	
AB 71 Rodriguez D	Criminal justice: reporting.	4/7/2015-Re-referred to Com. on APPR.	Would require each sheriff and police chief to annually furnish a report to the Department of Justice on shootings that involve peace officers and result in the injury or death of an individual or a peace officer. The bill would require the agency to report the number of cases that resulted in criminal prosecution for instances when an individual is injured or killed. The bill would require the department to include a summary of the annual reports in its annual crime report. By imposing new duties on local agencies, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.	Watch
AB 84 Gatto D	Forensic testing: DNA samples.	4/14/2015-Action From PUB. S.: Do pass as amended.To APPR..	Would state that it is the intention of the Legislature to further the purposes of the DNA Act in light of specified case law. The bill would require that a blood specimen or buccal swab sample taken from a person arrested for the commission of a felony be forwarded to the Department of Justice after a judicial determination of probable cause to believe the person has committed the offense for which he or she was arrested has been made. This bill contains other related provisions and other existing laws.	Watch
AB 86 McCarty D	Peace officers: Department of Justice: independent investigation.	4/6/2015-Re-referred to Com. on PUB. S.	Would require the Attorney General to direct the commencement of an independent investigation by the Department of Justice if a peace officer, in the performance of his or her duties, uses deadly physical force upon another person and that person dies as a result of the use of that deadly physical force. The bill would require the department, based on it's investigation, to prepare and submit a written report setting forth specified information and recommendations to the Attorney General and to the district attorney and	Watch

			law enforcement agency of the county in which the use of deadly physical force by a peace officer occurred.	
AB 221 Dababneh D	Mobile application: driver's licenses and identification cards.	2/17/2015-Referred to Com. on TRANS.	Would authorize the Department of Motor Vehicles to develop a mobile application whereby a person may access a digital copy of his or her driver's license or identification card issued by the department. The bill would state that a person is required to apply to the department for a secure personal identification number (PIN) in order to obtain access to his or her digital driver's license or identification card. This bill contains other existing laws.	Watch
AB 256 Jones-Sawyer D	Falsifying evidence.	4/15/2015-Action From APPR.: Do pass.	Current law makes it a misdemeanor for a person to, or a felony for a peace officer to, knowingly, willfully, and intentionally alter, modify, plant, place, manufacture, conceal, or move any physical matter, with the specific intent that the action will result in a person being charged with a crime or with specific intent that the physical matter will be wrongfully produced as genuine or true at trial or any other specified proceedings. This bill would expand that prohibition to include any digital image or video recording, and would expand the requisite specific intent to include the intent that the physical matter, digital image, or video recording will not be available for production at those proceedings.	Watch
AB 390 Cooper D	Criminal law: DNA evidence.	4/7/2015-Re-referred to Com. on PUB. S. In committee: Set, first hearing. Hearing canceled at the request of author.	Would expand specified provisions of the DNA Act to require persons convicted of specified misdemeanors to provide buccal swab samples, right thumbprints, and a full palm print impression of each hand, and any blood specimens or other biological samples required for law enforcement identification analysis. By imposing additional duties on local law enforcement agencies to collect and forward these samples, this bill would	Support

			impose a state-mandated local program. This bill contains other related provisions and other existing laws.	
AB 397 Mathis R	Bonds: transportation: water projects.	4/14/2015-From committee chair, with author's amendments: Amend, and re-refer to Com. on TRANS. Read second time and amended.	Would provide that no further bonds shall be sold for high-speed rail purposes pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, except as specifically provided with respect to an existing appropriation for high-speed rail purposes for early improvement projects in the Phase 1 blended system. The bill, subject to the above exception, would require redirection of the unspent proceeds received from outstanding bonds issued and sold for other high-speed rail purposes prior to the effective date of these provisions, upon appropriation, for use in retiring the debt incurred from the issuance and sale of those outstanding bonds.	Oppose
AB 529 Jones-Sawyer D	Armed prohibited persons: vehicle registration and driver's license prohibitions.	3/5/2015-Referred to Com. on TRANS.	Current law requires the Attorney General to establish and maintain an online database, the Prohibited Armed Persons File, to cross-reference persons who have ownership or possession of a firearm on or after January 1, 1996, and who, subsequent to the date of that ownership or possession, fall within a class of persons who are prohibited from owning or possessing a firearm. This bill would require the Department of Justice to allow the Department of Motor Vehicles to access the database in connection with the registration of vehicles and the issuance and renewal of driver's licenses. This bill contains other related provisions and other existing laws.	Watch
AB 666 Stone, Mark D	Juveniles: sealing of records.	4/14/2015-Action From PUB. S.: Do pass.To APPR..	Current law requires the juvenile court to order the petition of a minor who is subject to the jurisdiction of the court dismissed if the minor satisfactorily completes a term of probation or an informal program of supervision, as specified, and requires the court to seal	Oppose

			all records in the custody of the juvenile court pertaining to that dismissed petition, except as specified. This bill would provide that these provisions apply to certain terms of probation only if the underlying offense was committed when the minor was 14 years of age or older.	
AB 718 Chu D	Vehicles: parking citations and impoundment.	4/6/2015-Re-referred to Com. on TRANS.	Would prohibit a peace officer or an employee of a city or county from issuing a parking citation to the owner or person in control of a vehicle, or from impounding a vehicle, on the basis that the owner or other person is sleeping in the vehicle, if the vehicle is otherwise lawfully parked.	Oppose
AB 719 Campos D	Child welfare agencies: missing foster children.	3/12/2015-Referred to Com. on HUM. S.	Would require a county child welfare agency that becomes aware that a child in foster care is missing to report the incident to the police department or sheriff's department and the National Center for Missing and Exploited Children. By imposing this duty on county child welfare agencies, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.	Watch
AB 909 Quirk D	Sexual assault crimes.	4/14/2015-Action From PUB. S.: Do pass.To APPR..	Would require a law enforcement agency responsible for taking or processing rape kit evidence to annually report, by July 1 of each year, to the Department of Justice information pertaining to the processing of rape kits, including the number of rape kits the law enforcement agency collects, the number of those rape kits that are tested, and the number of those rape kits that are not tested. For those rape kits that are not tested, the bill would require the law enforcement agency to also report the reason the rape kit was not tested.	Fiscal Concerns
AB 929 Chau D	Pen registers: authorized use.	4/15/2015-Action From SECOND READING: Read second time and amended.Re-referred	Would prohibit a person, other than a provider of electronic or wire communication service for specified purposes, from installing or using a pen register or a trap and trace device, as	Watch

		to P. & C.P..	defined. The bill would authorize a peace officer to make a written application to a magistrate for an order permitting the installation and use of a pen register or a trap and trace device. The bill would permit an application to be made informally and granted orally if an emergency situation exists, and other factors are present. This bill contains other related provisions and other existing laws.	
AB 953 Weber D	Law enforcement: racial profiling.	4/6/2015-Re-referred to Com. on PUB. S.	Would revise the definition of racial profiling to instead refer to racial and identity profiling, would make a conforming change to the prohibition against law enforcement officers engaging in that practice, and would make the prohibition specifically applicable to probation and parole officers. The bill would also require a law enforcement officer who is found to have engaged in racial or identity profiling to participate in training to correct racial and identity profiling at least every 6 months for 2 years, starting from the date each finding is made. This bill contains other related provisions and other existing laws.	Watch
AB 1134 Stone, Mark D	Firearms: concealed firearm licenses.	4/9/2015-Read second time. Ordered to third reading.	Current law provides that the chief or other head of a municipal police department is not precluded from entering an agreement with the sheriff of the county in which the city is located for the sheriff to process all applications for licenses for a person to carry a concealed handgun, renewals of those licenses, and amendments to those licenses. This bill would provide that the sheriff of the county in which the city is located is not precluded from entering an agreement with the chief or other head of a municipal police department of a city for the chief or other head of a municipal police department to process all applications for licenses for a person to carry a concealed handgun, renewals of	Watch

			those licenses, and amendments to those licenses.	
AB 1140 Bonta D	Crime victim compensation.	3/19/2015-Referred to Com. on PUB. S.	Current law authorizes the California Victim Compensation and Government Claims Board to recognize an authorized representative of a victim or derivative victim, including an attorney, the legal guardian, conservator, immediate family member, parent, or relative caregiver, certified victim assistance advocate, county social worker, or other persons, as specified, to represent the victim or derivative victim pursuant to rules adopted by the board. This bill would expand the term "authorized representative" to mean any person designated by law or any person who has written authorization by the victim or derivative victim, excluding a medical or mental health provider who has provided services to the victim or derivative victim.	Watch
SB 175 Huff R	Peace officers: body-worn cameras.	4/14/2015-Do pass as amended.	Would require each department or agency that employs peace officers and that elects to require those peace officers to wear body-worn cameras to develop a policy relating to the use of body-worn cameras. The bill would require the policy to be developed in collaboration with nonsupervisory officers and to include certain provisions, including, among others, the duration, time, and place that body-worn cameras shall be worn and operational. The bill would also require the policy to be provided to each officer required to wear a body-worn camera.	Watch
SB 178 Leno D	Privacy: electronic communications: search warrant.	4/10/2015-Set for hearing April 20.	Would prohibit a government entity from compelling the production of or access to electronic communication information or electronic device information, as defined, without a search warrant or wiretap order, except for emergency situations, as defined. The bill would define a number of terms for those purposes, including, among others,	Watch

			"electronic communication information," "service provider," and "electronic device information." This bill contains other related provisions and other existing laws.	
SB 195 Anderson R	Peace officers: body-worn cameras.	2/19/2015-Referred to Com. on RLS.	Current law makes it a crime to intentionally record a defined confidential communication without the consent of all parties to the communication. Current law exempts specified peace officers from that provision if they are acting within the scope of their authority, under designated circumstances. This bill would state the intent of the Legislature to enact legislation that protects the privacy of individuals recorded by body-worn cameras utilized by law enforcement officers and the privacy of law enforcement officers wearing body-worn cameras.	Watch
SB 201 Wieckow ski D	California Public Records Act.	2/19/2015-Referred to Com. on JUD.	Would require a court, in an action by a third party to enjoin disclosure of a public record or declaratory relief concerning a request to inspect a public record, to apply the provisions of the California Public Records Act as if the action had been initiated by a person requesting disclosure of a public record. The bill would also require the third party seeking an injunction or declaratory relief to provide notice to the person whose request prompted the action at the same time the defendant public agency in the action is served.	Oppose
SB 272 Hertzberg D	The California Public Records Act: local agencies: inventory.	4/15/2015-Action From G. & F.: Do pass.To JUD..	Would require each local agency, in implementing the California Public Records Act, to create a catalog of enterprise systems, as defined, to make the catalog publicly available upon request in the office of the clerk of the agency's legislative body, and to post the catalog on the local agency's Internet Web site. The bill would require the catalog to disclose a list of the enterprise systems utilized by the agency, and,	Oppose

			among other things, the current system vendor and product. Because the bill would require local agencies to perform additional duties, it would impose a state-mandated local program. This bill contains other related provisions and other existing laws.	
SB 510 Hall D	Speed contests: impounded vehicles.	4/14/2015-Do pass, but re-refer to the Committee on Public Safety.	Current law makes it a crime to engage in a motor vehicle speed contest on a highway. Current law provides that if a person is convicted of engaging in a motor vehicle speed contest on a highway and the vehicle used in the violation is registered to that person, the vehicle may be impounded at the registered owner's expense for not less than one day nor more than 30 days. This bill would instead require a vehicle to be impounded pursuant to these provisions for 30 days. By imposing new requirements on local agencies, the bill would create a state-mandated local program.	Support