



To: All CLEARS Members

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Re: **Legislative Update**

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### **Legislative Update**

On August 21, the Legislature returned from Summer Recess and began the final fiscal committee hearings of the legislative session. Today, the Senate and Assembly Appropriations Committees held their last regularly scheduled hearings and heard their "Suspense Files," in which fiscal bills are either passed or held under submission by the committee. The Assembly Appropriations committee started with 150 bills, totaling \$70.6 billion in additional expenditures, and passed 106 of them to the floor. The Senate Appropriations Committee passed 256 of the 341 bills in its Suspense File. Below you will find lists of bills we have been tracking for you that have passed out of the committee and that were held on suspense.

As you will notice below, a few of the bills CLEARS opposes did get off of the suspense calendar. AB 1479 (Bonta) passed with Democrats voting 'Aye' and Republicans voting 'No.' SB 345 (Bradford) and SB 393 (Lara) passed on a party line vote as well. The amended version of these bills will not be available until Tuesday or Wednesday. As soon as we get the last amended version of these bills, we will send you the latest language so we can analyze and modify CLEARS' position on these bills accordingly.

All bills are now on the floor of their second house, or are back to their house of origin for a final concurrence vote on amendments taken in the second house. For the remainder of the legislative session, the Legislature will only hear bills on the Assembly and Senate Floors.

WPSS will continue to closely monitor all legislative action during the final two weeks of session, as bills are subject to "gut and amends" before the September 8 deadline to amend bills on the floor.

### **Key dates:**

September 8 – Last day to amend a bill on the Floor  
September 15 – Last day for any bill to be passed  
October 15 – Last day for the Governor to sign or veto bills

### **Passed Suspense Files**

<u>Measure</u>	<u>Topic</u>	<u>Status</u>	<u>Summary</u>	<u>Position</u>
<a href="#"><u>AB 90</u></a> <a href="#"><u>Weber D</u></a>	Criminal gangs.	9/1/2017 – Do pass as amended.	The California Street Terrorism Enforcement and Prevention Act defines a “shared gang database” as having various attributes, including, among others, that the database contains personal identifying information in which a person may be designated as a suspected gang member, associate, or affiliate, or for which entry of a person in the database reflects a designation of that person as a suspected gang member, associate, or affiliate. Current law establishes a review and appeal process for a person to challenge his or her inclusion in a gang database. This bill would revise the definition of “shared gang database” for its purposes to mean any gang database that is accessed by an agency or person outside of the agency that created the database.	
<a href="#"><u>AB 484</u></a> <a href="#"><u>Cunningham R</u></a>	Sex offenses: registration.	9/1/2017- Do pass.	Current law, as amended by Proposition 35 as approved by the voters at the November 6, 2012, statewide general election, requires persons convicted of specified sex offenses, or attempts to commit those offenses, to register with local law enforcement agencies while residing in the state or while attending school or working in the state. This bill would add to the list of offenses requiring registration, the offense of rape in cases where the victim submits to an act of sexual intercourse under the belief that the person committing the act is someone known to the victim other than the accused and the offense of rape in cases where the act is accomplished against the victim’s will by threatening the use of the authority of a public official to incarcerate, arrest, or deport the victim or another.	
<a href="#"><u>AB 1008</u></a>	Employment	9/1/2017 – Do	Would repeal the prohibition on a	

<p><a href="#"><u>McCarty D</u></a></p>	<p>discrimination: prior criminal history.</p>	<p>pass as amended.</p>	<p>state or local agency from asking an applicant for employment to disclose information regarding a criminal conviction, as specified. The bill would, instead, provide it is an unlawful employment practice under FEHA for an employer with 5 or more employees to include on any application for employment any question that seeks the disclosure of an applicant’s criminal history, to inquire into or consider the conviction history of an applicant until that applicant has received a conditional offer, and, when conducting a conviction history background check, to consider, distribute, or disseminate information related to specified prior arrests, diversions, and convictions.</p>	
<p><a href="#"><u>AB 1116 Grayson D</u></a></p>	<p>Peer Support and Crisis Referral Services Act.</p>	<p>9/1/2017- Do pass.</p>	<p>Would create the Peer Support and Crisis Referral Services Act. The bill would, for purposes of the act, define a “peer support team” as a local critical incident response team composed of individuals from emergency services professions, emergency medical services, hospital staff, clergy, and educators who have completed a peer support training course developed by the Office of Emergency Services, the California Firefighter Joint Apprenticeship Committee, or the Commission on Correctional Peace Officer Standards and Training, as specified.</p>	
<p><a href="#"><u>AB 1312 Gonzalez Fletcher D</u></a></p>	<p>Sexual assault victims: rights.</p>	<p>9/1/2017 – Do pass as amended.</p>	<p>Current law grants the victim of sexual assault, as specified, the right to have a victim advocate and a support person of the victim’s choosing at any interview by law enforcement authorities, district attorneys, or defense attorneys. Current law requires the law enforcement authority or district attorney, before commencing the initial interview, to notify a victim that he or she has this right. This bill would require a law enforcement</p>	

			authority or district attorney to also notify the victim that he or she has the right to request to have a person of the same gender or opposite gender as the victim present in the room during any interview with a law enforcement official or district attorney, unless no such person is reasonably available.	
<a href="#"><u>AB 1410</u></a> <a href="#"><u>Wood D</u></a>	Motor vehicle violation penalty assessments.	9/1/2017 – Do pass as amended.	Would require the Controller to audit the apportionment and allocation of funds received by a state or local entity from a penalty assessment imposed, pursuant to specified provisions, for a criminal offense involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. The bill would require the audit to include information about the financial status of any program that is funded, in whole or in part, by the penalty assessment, a 3-year history of the funds received, and a summary of the services provided by a program that is funded, in whole or in part, by the penalty assessment.	
<a href="#"><u>AB 1479</u></a> <a href="#"><u>Bonta D</u></a>	Public records: custodian of records: civil penalties.	9/1/2017 – Do pass as amended.	Would, until January 1, 2023, require public agencies to designate a person or persons, or office or offices to act as the agency’s custodian of records who is responsible for responding to any request made pursuant to the California Public Records Act and any inquiry from the public about a decision by the agency to deny a request for records. The bill also would make other conforming changes. Because the bill would require local agencies to perform additional duties, the bill would impose a state-mandated local program.	Oppose
<a href="#"><u>SB 54</u></a> <a href="#"><u>De León D</u></a>	Law enforcement: sharing data.	9/1/2017- Do pass.	Current law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the	

			appropriate agency of the United States having charge of deportation matters. This bill would repeal those provisions.
<a href="#"><u>SB 213</u></a> <a href="#"><u>Mitchell D</u></a>	Placement of children: criminal records check.	9/1/2017 – Do pass as amended.	Current law subjects foster care provider applicants and resource family applicants to a criminal records check and prohibits licensure or approval of an applicant who has been convicted of certain felonies, but authorizes the department or county, as applicable, to grant an exemption from disqualification for the conviction of any other crime. This bill would also (1) prohibit the final approval for an adoptive placement, (2) prohibit the placement of a child in the home of a relative, nonrelative extended family member, prospective guardian, or another person who is not a licensed or certified foster parent or an approved resource family, and (3) prohibit licensure of a foster care provider applicant and approval of a resource family applicant, if the person or any individual subject to the background check requirements, as specified, has a felony conviction for any of certain specified crimes, including a violent felony, as defined.
<a href="#"><u>SB 244</u></a> <a href="#"><u>Lara D</u></a>	Privacy: agencies: personal information.	9/1/2017 – Do pass as amended.	The California Public Records Act requires state and local agencies to make public records available for inspection by the public, subject to specified criteria and with specified exceptions. Current law exempts from disclosure statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with the licensing agency to establish his or her personal qualification for the license, certificate, or permit. This bill would exempt from disclosure personal information regarding an application for public services or programs, as defined, and prohibit that information from being disclosed to any other

			person, including, but not limited to, any other state or federal agency or official, except as specified.	
<a href="#"><u>SB 310</u></a> <a href="#"><u>Atkins D</u></a>	Name and gender change: prisons and county jails.	9/1/2017 – Do pass as amended.	Current law allows a person to apply for a change of name or gender, as specified. Current law prohibits a person imprisoned in the state prison from filing a petition for a change of name unless permitted by the Secretary of the Department of Corrections and Rehabilitation. Current law requires a court to deny a petition for a name change made by a person under the jurisdiction of the Department of Corrections and Rehabilitation, unless that person’s parole agent or probation officer determines that the name change will not pose a security risk to the community and grants prior written approval. This bill would remove those limitations on a petition for a change of name filed by a person imprisoned in a state prison.	
<a href="#"><u>SB 345</u></a> <a href="#"><u>Bradford D</u></a>	Law enforcement agencies: public records.	9/1/2017 – Do pass as amended.	Would, commencing January 1, 2019, require the Department of Alcoholic Beverage Control, the Department of the California Highway Patrol, the Department of Corrections and Rehabilitation, the Department of Fish and Wildlife, the Department of Justice, the Commission on Peace Officer Standards and Training, and each local law enforcement agency to conspicuously post on their Internet Web sites all current standards, policies, practices, operating procedures, and education and training materials, to the extent not prohibited by the California Public Records Act.	Oppose
<a href="#"><u>SB 393</u></a> <a href="#"><u>Lara D</u></a>	Arrests: sealing.	9/1/2017 – Do pass as amended.	Current law authorizes a person who was arrested and has successfully completed a prefiling diversion program, a person who has successfully completed a specified drug diversion program, and a person who has successfully completed a specified deferred entry of judgment	Oppose

			<p>program to petition the court to seal his or her arrest records. Current law also specifies that, with regards to arrests that resulted in the defendant participating in certain other deferred entry of judgment programs, the arrest upon which the judgment was deferred shall be deemed not to have occurred. This bill would also authorize a person who has suffered an arrest that did not result in a conviction to petition the court to have his or her arrest sealed.</p>
<p><a href="#">SB 497</a> <a href="#">Portantino D</a></p>	Firearms.	9/1/2017 - Do pass as amended.	<p>Current law prohibits a firearms dealer from delivering a handgun to a person whenever the dealer is notified by the Department of Justice that within the preceding 30-day period the purchaser has made another application to purchase a handgun that does not fall within an exception to the 30-day prohibition. A violation of that delivery prohibition by the dealer is a crime. This bill would make the 30-day prohibition and the dealer delivery prohibition described above applicable to all types of firearms.</p>
<p><a href="#">SB 500</a> <a href="#">Leyva D</a></p>	Extortion.	9/1/2017 - Do pass.	<p>Current law defines extortion as the obtaining of property from another, with his or her consent, or the obtaining of an official act of a public officer, induced by a wrongful use of force or fear, or under color of official right. This bill would include within the definition of extortion the obtaining of consideration, as defined, by force, fear, or under color of official right. The bill would define “consideration” as anything of value, including enumerated sexual acts or sexual images.</p>

**Held By Committee**

<p><a href="#">AB 420</a> <a href="#">Wood D</a></p>	Personal income tax: deduction: commercial cannabis activity.	9/1/2017 – Held in Committee.	<p>Would, for each taxable year beginning on and after January 1, 2018, would specifically provide in the Personal Income Tax Law for nonconformity to that federal law disallowing a</p>
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			deduction or credit for business expenses of a trade or business whose activities consist of trafficking specified controlled substances, only for commercial cannabis activity, as defined, authorized under MAUCRSA, thus allowing deduction of business expenses for a cannabis or marijuana trade or business under the Personal Income Tax Law, as provided.	
<a href="#"><u>AB 736</u></a> <a href="#"><u>Gipson D</u></a>	Firearms: dealer licensing.	9/1/2017 – Held in Committee.	Would authorize the Department of Justice or local authorities to impose a civil fine for a violation of certain firearms licensing requirements committed by a licensed firearms dealer.	
<a href="#"><u>AB 1033</u></a> <a href="#"><u>Garcia, Cristina D</u></a>	Sexual battery: condoms.	9/1/2017 – Held in Committee.	Would establish an additional sexual battery offense when an act of sexual intercourse is accomplished under certain circumstances, including, among others, when a person using a condom intentionally and without consent removes the condom prior to or during the act, when a person using the condom intentionally and without consent tampers with the condom and that condom is used during the act, or when the person intentionally and without consent uses a condom during the act that the person knows has been tampered with.	
<a href="#"><u>AB 1428</u></a> <a href="#"><u>Low D</u></a>	Peace officers: transparency.	9/1/2017 – Held in Committee.	Current law requires a department or agency that employs peace officers to establish a procedure to investigate complaints by members of the public against those officers. Current law requires the department or agency to provide written notification to the complaining party of the disposition of a complaint made pursuant to those provisions within 30 days of the disposition. This bill would also require a department or agency to provide written notification to the complaining party of the current procedural status of an ongoing complaint investigation at least every 45 days.	
<a href="#"><u>SB 10</u></a>	Bail: pretrial	8/30/17 August 30	Would declare the intent of the	

<a href="#"><u>Hertzberg D</u></a>	release.	set for first hearing canceled at the request of author.	Legislature to enact legislation that would safely reduce the number of people detained pretrial, while addressing racial and economic disparities in the pretrial system, and to ensure that people are not held in pretrial detention simply because of their inability to afford money bail. This bill contains other related provisions and other existing laws.	
<a href="#"><u>SB 21 Hill D</u></a>	Law enforcement agencies: surveillance: policies.	9/1/2017 – Held in Committee.	Would, beginning July 1, 2018, require each law enforcement agency, as defined, to submit to its governing body at a regularly scheduled hearing, open to the public, a proposed Surveillance Use Policy for the use of each type of surveillance technology and the information collected, as specified. The bill would require the law enforcement agency to cease using the surveillance technology within 30 days if the proposed plan is not adopted. The bill would require the law enforcement agency to submit an amendment to the surveillance plan, pursuant to the same open meeting requirements, for each new type of surveillance technology sought to be used.	
<a href="#"><u>SB 185 Hertzberg D</u></a>	Crimes: infractions.	9/1/2017 – Held in Committee.	Existing law requires a court, in any case when a person appears before a traffic referee or judge of the superior court for adjudication of a violation of the Vehicle Code, upon request of the defendant, to consider the defendant's ability to pay, as specified. This bill would require the court, in any case involving an infraction filed with the court, to determine whether the defendant is indigent for purposes of determining what portion of the statutory amount of any associated fine, fee, assessment, or other financial penalties the person can afford to pay.	
<a href="#"><u>SB 421 Wiener D</u></a>	Sex offenders: registration: criminal offender record	9/1/2017 - Held in Committee.	Current law requires the Department of Justice to make available to the public information concerning registered sex offenders on an Internet Web site, as	Watch

	information systems.		specified. Current law requires that information to include, among other things, whether the offender was subsequently incarcerated for another felony. Current law also authorizes a person to file an application for exclusion from the Internet Web site and establishes the requirements for exclusion. This bill would, commencing January 1, 2021, instead establish 3 tiers of registration based on specified criteria, for periods of at least 10 years, at least 20 years, and life, respectively, for a conviction of specified sex offenses, and 5 years and 10 years for tiers one and two, respectively, for an adjudication as a ward of the juvenile court for specified sex offenses, as specified.	
<a href="#"><u>SB 505</u></a> <a href="#"><u>Mendoza D</u></a>	Shared gang databases: administration.	9/1/2017 – Held in Committee	Would establish the California Gang Intelligence Executive Steering Committee in the Department of Justice, as specified, for the purpose of overseeing and administering the CalGang system, as specified, and assisting the department in developing regulations governing the use, operation, and oversight of shared gang databases operated in the state. The bill would require the committee to meet at least quarterly and to conduct public hearings at least annually to provide opportunities for gathering information and receiving input regarding the work of the committee from concerned stakeholders and the public.	