

LEGAL UPDATE 2015

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SEARCH WARRANTS:

Assembly Bill 39, Chapter 193: This bill streamlines the method of issuing search warrants by requiring an affiant to first sign his or her affidavit and send the proposed search warrant and all supporting affidavits and attachments to the magistrate, after which the affiant would make his or her oath during a telephone conversation with the magistrate. The bill deletes the requirement that the affiant telephonically acknowledge receipt of the signed search warrant.

Assembly Bill 538, Chapter 118: This bill authorizes the issuance of a search warrant to compel a blood draw from a person suspected of operating a boat while under the influence of alcohol or drugs. Permits the issuance of a search warrant when all of the following apply: (1)A blood sample constitutes evidence that tends to show a violation of specified sections of the Harbors and Navigation Code relating to the operation of a marine vessel while under the influence of drugs or alcohol; (2)The person from whom the sample is being sought has refused an officer's request to submit to, or has failed to complete, a blood test; and,(3)The sample will be drawn from the person in a reasonable, medically approved manner.

Assembly Bill 929, Chapter 204: This bill authorizes state and local law enforcement to use pen register and trap and trace devices under state law, and permits the issuance of emergency pen registers and trap and trace devices.

Assembly Bill 1104, Chapter 124: This bill clarifies in the Penal Code that a search warrant may be issued when the property or things to be seized are controlled substances or any device, contrivance, instrument, or paraphernalia used for unlawfully using or administering a controlled substance, as provided in existing provisions of law in the Health and Safety Code.

Senate Bill 178, Chapter 651: This bill creates the California Electronic Communications Privacy Act (CalECPA), which generally requires law enforcement entities to obtain a search warrant before accessing data on an electronic device or from an online service provider.

POLICE-COMMUNITY ISSUES

Assembly Bill 69, Chapter 461: This bill states the intent of the Legislature to establish policies and procedures to address issues related to the downloading and storage data

recorded by a body-worn camera worn by a peace officer. Under the bill, law enforcement agencies, departments, or entities must consider the following best practices when establishing policies and procedures for the implementation and operation of a body-worn camera system:(a) Designate the person responsible for downloading the recorded data from the body-worn camera. If the storage system does not have automatic downloading capability, the officer's supervisor should take immediate physical custody of the camera and should be responsible for downloading the data in the case of an incident involving the use of force by an officer, an officer-involved shooting, or other serious incident. (b) Establish when data should be downloaded to ensure the data is entered into the system in a timely manner, the cameras are properly maintained and ready for the next use, and for purposes of tagging and categorizing the data.(c) Establish specific measures to prevent data tampering, deleting, and copying, including prohibiting the unauthorized use, duplication, or distribution of body-worn camera data.(d) Categorize and tag body-worn camera video at the time the data is downloaded and classified according to the type of event or incident captured in the data; (e) Specifically state the length of time that recorded data shall be stored;(i) Unless otherwise specified, a law enforcement agency shall retain nonevidentiary data including video and audio recorded by a body-worn camera for a minimum of 60 days, after which it will be erased, destroyed, or recycled. Agencies may keep data longer to preserve transparency and to have it available in case a citizen complaint arises. (ii) A law enforcement agency shall retain evidentiary data including video and audio recorded by a body-worn camera under this section for a minimum of two years when the recording is of an incident involving use of force or an officer-involved shooting, an incident that leads to the detention or arrest of an individual, or is relevant to a formal or informal complaint against an officer or a law enforcement agency. (iii) If evidence that may be relevant to a criminal prosecution is obtained from a recording made by a body-worn camera, the law enforcement agency shall retain the recording for any time in addition to the amount of time specified above and in the same manner as is required by law for other evidence that may be relevant to a criminal prosecution.

Assembly Bill 71, Chapter 462: This bill requires law enforcement agencies to report all instances when a peace officer is involved in: 1) an incident involving the shooting of a civilian by a peace officer; 2) an incident involving the shooting of a peace officer by a civilian; 3) an incident in which the use of force by a peace officer against a civilian results in serious bodily injury or death; and, 4) an incident in which use of force by a civilian against a peace officer results in serious bodily injury or death,

Assembly Bill 953, Chapter 466: This bill 1) modifies the definition of "racial profiling;" 2) requires local law enforcement agencies to report specified information on stops to the Attorney General's office; and, 3) establishes the Racial and Identity Profiling Advisory Board (RIPA). More specifically, this bill does the following: (1) Requires each state and local agency that employs peace officers to report, at least annually, to the Attorney General's office data on stops, as specified, conducted by that agency's peace officers for the preceding calendar year. (2) Phases-in the mandated data reporting requirement on law enforcement agencies, as follows: (a) Each agency that employs 1,000 or more peace officers shall issue its first round of reports on or before April 1, 2019. (b) Each agency that

employs 667 or more but less than 1,000 peace officers shall issue its first round of reports on or before April 1, 2020. (c) Each agency that employs 334 or more but less than 667 peace officers shall issue its first round of reports on or before April 1, 2022. (d) Each agency that employs one or more but less than 334 peace officers shall issue its first round of reports on or before April 1, 2023. The bill requires the actual reporting to include the following information for each stop: (a) The reason for the stop; (b) The result of the stop, such as no action, warning, citation, property seizure, or arrest; (c) If a warning or citation was issued, the warning provided or violation cited; (d) If an arrest was made, the offense charged; (e) The perceived race or ethnicity, gender, and approximate age of the person stopped. The identification of these characteristics shall be based on the observation and perception of the peace officer making the stop. For auto stops, this requirement applies only to the driver unless actions taken by the officer apply in relation to a passenger, in which case his or her characteristics shall also be reported; and (f) Actions taken by the officer during the stop, including, but not limited to, the following: (i) Whether the officer asked for consent to search the person, and if so, whether consent was provided; (ii) Whether the officer searched the person or any property, and if so, the basis for the search, and the type of contraband or evidence discovered, if any; and, (iii) Whether the officer seized any property and, if so, the type of property that was seized, and the basis for seizing the property.

Senate Bill 227, Chapter 175: This bill prohibits a grand jury from inquiring into an offense that involves a shooting or use of excessive force by a peace officer, that led to the death of a person being detained or arrested by the peace officer.

FIREARMS

Assembly Bill 892, Chapter 203: This bill exempts the purchase of a state-issued handgun by the spouse or domestic partner of a peace officer who died in the line of duty from the prohibition on unsafe handguns.

Assembly Bill 950, Chapter 205: This bill (1) allows a person, who is subject to a gun violence restraining order (GVRO), to transfer his or her firearms or ammunition to a licensed firearms dealer for the duration of the prohibition; (2) provides for the transfer of ammunition to a licensed firearms dealer by any person who is prohibited from owning or possessing ammunition; and, (3) authorizes state and local agencies to adopt ordinances to impose a charge equal to its administrative costs for the transfer of ammunition to licensed firearms dealers.

Assembly Bill 1134, Chapter 785 : This bill authorizes the sheriff of a county in which a city is located to enter into an agreement with the chief or other head of the municipal police agency in that city for the chief or head of that municipal police agency to process all applications for licenses to carry a concealed handgun upon the person, renewal of those licenses, and amendments to those licenses.

IMMIGRATION ISSUES

Assembly Bill 60, Chapter 6: This bill clarifies existing law that prohibits advance payment of fees for immigration reform act services before the enactment of an actual statute. It specifies that the definition of “immigration reform act” include the President’s executive actions on immigration.

Assembly Bill 899, Chapter 267: This bill enacts a new statute explicitly stating that declaratory of existing law, confidential juvenile files cannot be disclosed to federal officials absent a court order.

Assembly Bill 1343, Chapter 705: Requires defense counsel to provide accurate advice on the potential immigration consequences of a proposed plea agreement and attempt to defend against those consequences, consistent with the goals of the defendant. Requires the prosecution and defense counsel to contemplate immigration consequences in the plea negotiation process.

Senate Bill 674, Chapter 721: This bill creates a rebuttable presumption that when certain factors are met a victim or victim's family member shall have their Form I-918 supplement B certified so that he or she can apply for a U Visa to stay in the United States.

JUDICIAL PROCEDURE AND EVIDENTIARY ISSUES

Assembly Bill 87, Chapter 115: Current law prohibits a peremptory challenge to remove a prospective juror on the basis of an assumption that the prospective juror is biased merely because of his or her race, color, religion, sex national origin or sexual orientation to also prohibit that practice on the basis of the ethnic group identification, age, genetic information or disability.

Assembly Bill 217, Chapter 36: This bill requires a juvenile court to affirmatively inform a minor who appears at the hearing of his or right to address the court and participate.

Assembly Bill 249, Chapter 194: Provides that an appeal may not be taken solely on the ground of an error in the imposition or calculation of fines, penalty assessments, surcharge, fees or costs unless the defendant first presents the claim in the trial court at the time of sentencing, or if the error is not discovered until after sentencing, the defendant first makes a

motion for correction in the trial court, which may be informally in writing. This bill also provides that the trial court retains jurisdiction after a notice of appeal has been filed to correct any error in the imposition or calculation of fines, penalty assessments, surcharges, fees or costs upon the defendant's request for correction. Finally, AB 249 clarifies that a request to correct presentence custody credits in the trial court may be made informally in writing.

Assembly Bill 256, Chapter 463: Expands the prohibition against knowingly, willfully, and intentionally tampering with evidence to include digital images and video recordings owned by another.

Assembly Bill 316, Chapter 556: Permits a veterinarian licensed in another state to be called to California by a law enforcement agency or animal control agency to attend to cases of animal cruelty or animal fighting as requested, and permits the establishment of temporary shelters for the purpose of assisting in the investigation.

Assembly Bill 666, Chapter 368: Requires a court to order sealed all records pertaining to a dismissed petition in the custody of the juvenile court, and in the custody of law enforcement agencies, the probation department, or the Department of Justice, with subsequent permissible access under limited circumstances. Requires the court to send a copy of the order to each agency and official named therein, directing the agency to seal its records and specifying a date thereafter to destroy the sealed records. States that each such agency and official shall seal the records in its custody as directed by the order, advise the court of its compliance and thereupon seal the copy of the court's order or sealing of records that was received. Requires the court to provide notice to the minor and minor's counsel that it has ordered the petition dismissed and the record sealed in the case, including notice of the minor's right to nondisclosure of the arrest and proceedings. States that upon the court's order of dismissal of the petition, the arrest and other proceedings in the case shall be deemed not to have occurred and the person who was the subject of the petition may properly reply accordingly to any inquiry by employers, educational institutions or other persons or entities regarding the arrest and proceedings in the case.

Assembly Bill 703, Chapter 369: This bill 1) establishes specified requirements for attorneys appointed to represent minors in the juvenile justice system, and 2) requires the Judicial Council to establish minimum hours of training and education necessary in order to be appointed as counsel in delinquency proceedings by July 1, 2016.

AB 879, Chapter 219: Adds an additional avenue for complying with notice requirements in some juvenile court proceedings. Specifically, this bill allows notification of most juvenile dependency court proceedings to be provided by electronic mail when the party to be served has consented to service by electronic mail by signing Judicial Council Form EFS-005.

Assembly Bill 989, Chapter 375: This bill provides limited access to otherwise sealed juvenile records to district attorneys and probation departments, as specified. The bill allows non-identifying and limited access to otherwise sealed juvenile records for purposes relating to data collection or reporting, as specified; (2) ensure that restitution, fines and fees continue to be enforceable notwithstanding a sealed record.

Assembly Bill 1328, Chapter 467: Requires the court to notify the State Bar if a prosecuting attorney has intentionally or knowingly failed to disclose relevant exculpatory evidence, as specified, and authorizes the court to disqualify the prosecuting attorney from the case, and the prosecuting attorney's office if other employees in the office knowingly participated in, or sanctioned the withholding of the exculpatory evidence.

Assembly Bill 1352, Chapter 646: This bill 1) allows any person who successfully completed a deferred entry of judgment (DEJ) drug treatment program and obtained dismissal of the underlying drug charges to withdraw the plea of guilty or no contest as to which judgment was deferred; 2) provides that if the court records are unavailable, the defendant's declaration that he or she completed DEJ and obtained dismissal of the underlying charge shall be presumed to be true if the defendant submits his or her Department of Justice (DOJ) criminal history information showing successful completion of DEJ or that the record is incomplete in not showing a final disposition; and 3) includes legislative findings that the statutory provision stating that successful completion of DEJ shall not be used so as to deny a person any employment or benefit constitutes misinformation, as the plea underlying DEJ can result in adverse consequences, including deportation.

Assembly Bill 1492, Chapter 487: Provides contingency language that deoxyribonucleic acid (DNA) samples taken pursuant to arrest shall not be sent to the Department of Justice (DOJ) for analysis, unless there is a finding of probable cause that the offense has been committed. Simplifies the process to remove a DNA sample from the DNA database. Contingency language does not take effect unless the California Supreme Court finds that existing law on the taking of DNA samples is unconstitutional.

Senate Bill 176, Chapter 155: Authorizes a minor 13 years of age or younger who is a witness to a "violent" felony, but not a victim, to testify by contemporaneous examination and cross examination by closed-circuit television.

Senate Bill 405, Chapter 385: This bill provides that the ability to post bail or to pay the civil assessment is not required to file a request that the court vacate the assessment. The bill provides that imposition or collection of a civil assessment or bail shall not prevent a defendant from scheduling a court hearing on the underlying charge. Finally, the bill specifies that an assessment imposed because a person failed to appear in court, or pay a fine as

ordered by the court, not go into effect until at least 20 calendar days after the court mails warning notice to the person.

Senate Bill 504, Chapter 388: Provides that only a person 26 years of age or older may be charged a fee for petitioning the court for an order sealing his or her record. The bill also prohibits an unfulfilled order of restitution that has been converted to a civil judgment from barring the sealing of a record pursuant to provisions of law related to sealing of juvenile records. The bill further provides that outstanding restitution fines and court-ordered fees shall not be considered when assessing whether a Petitioner's rehabilitation has been attained to the satisfaction of the court and shall not be a bar to sealing a record. The bill does provide, however, that a court is not prohibited from enforcing a civil judgment for an unfulfilled order of restitution and a minor is not relieved from the obligation to pay victim restitution, restitution fines, and court-ordered fines and fees because the minor's records are sealed. Finally, the bill specifies that a victim or a local collection program may continue to enforce victim restitution orders, restitution fines, and court-ordered fines and fees after a record is sealed and the juvenile court shall have access to any records sealed pursuant to the provisions in this bill for the limited purposes of enforcing a civil judgment or restitution order.

TRAFFIC AND TRANSPORTATION

Assembly Bill 8, Chapter 326: This bill establishes the "Yellow Alert" notification system and authorizes the California Highway Patrol (CHP) to activate the system for certain hit-and-run incidents. The bill authorizes a law enforcement agency to request that CHP activate a Yellow Alert if all of the following conditions are met: (a) There is an indication that a suspect has fled the scene utilizing the state highway system; (b) Certain identifying information about the hit-and-run suspect or the suspect's vehicle is available, such as a complete license plate number or the identity of the suspect; and (c) If law enforcement believes that public dissemination of the available information will aid in apprehending the suspect or averting further harm. This law will sunset on January 1, 2019

Assembly Bill 40, Chapter 550: This bill prohibits, until January 1, 2021, the tolling of pedestrians and bicycles on toll bridges in California that allow pedestrian and bicycle access.

Assembly Bill 28: Chapter 549: This bill authorizes the use of a solid or flashing red light with a built-in reflector in place of a red reflector on the rear of a bicycle being operated during darkness.

Assembly Bill 53, Chapter 292: Requires a child under two years of age to be properly secured in a rear facing child safety seat (CSS) while being transported in a motor vehicle/ Requires the provisions specified in this bill to become operative on January 1, 2017.

AB 162, Chapter 101: this bill requires the Department of Transportation to update its 1989 report relating to the prevention of wrong-way accidents on state highways, due to the fact that technological advancements since 1989 have produced more sophisticated countermeasures, detection devices, and warning systems to help prevent wrong-way accidents.

AB 173, Chapter 65: Lifts the sunset on legislation that permits the use of golf carts on certain streets in the City of La Verne, thereby permitting their indefinite use.

AB 198, Chapter 30: This bill permits two truck operators to operate in the center median or right shoulder of a roadway, including making a U-turn across the median where the operator has an agreement with law enforcement, has been summoned by the owner or operator of the vehicle that is either disabled or involved in a collision, a peace officer has determined that the obstruction has caused an unnecessary delay, the two truck is operated at a reasonable speed and the two truck displays flashing amber warning lights.

AB 208, Chapter 265: This bill clarifies the slow moving vehicle statute to provide that even if the slow moving vehicle is a bicycle, it must pull over to let other vehicles pass if five or more vehicles are lined up behind it.

AB 223, Chapter 166: This bill authorizes the placement of business logo signs along I-80 adjacent to the City of Truckee. The authorization will expire January 1, 2021.

AB 346, Chapter 82: This bill allows the arrest of a person who fails to present both his or her driver's license or other satisfactory evidence of his or her identity and an unobstructed view of his or her full face for examination when a person is stopped for a Vehicle Code infraction or misdemeanor.

Assembly Bill 643, Chapter 332: This bill allows CHP, upon activation of a Silver Alert, to communicate the Alert on highway changeable message signs if the following conditions are met: (1)A law-enforcement agency determines that a vehicle may beinvolved in the missing person incident; and (2)Specific vehicle identification is available for public dissemination.

Assembly Bill 835, Chapter 338: This bill provides that notwithstanding any other limitation of time, if a person flees the scene of an accident where the person is charged with vehicular manslaughter, the statute of limitation is one year after the person is initially

identified by law enforcement as a suspect in the offense or the existing statute of limitations, whichever is later, but in no case later than six years after the commission of the offense.

Assembly Bill 863, Chapter 480: This bill delays until January 1, 2017, the requirement that modified, or stretch, limousines have at least two pop-out rear windows. This bill also replaces the requirement that all modified limousines have at least one side door located near the driver's compartment and another located near the back of the vehicle by July 1, 2015, with a requirement for those door locations for all limousines that are modified on or after July 1, 2015.

Assembly Bill 902, Chapter 306: This bill authorizes a local authority to allow an individual who has committed a traffic offense, for which no vehicle is involved, to participate in a diversion program.

Assembly Bill 1151, Chapter 112: This bill authorizes a local government to allow a person to agree to pay parking citations in installments at any stage of the administrative hearing process.

Assembly Bill 1222, Chapter 309: Makes it a misdemeanor for a tow truck owner, operator, or company unless summoned to an accident scene or requested to stop by the owner or operator of a disabled vehicle (hereafter referred to as a driver), to stop at an accident scene or near a disabled vehicle to solicit or provide towing services, move an unattended vehicle, or accrue charges for these services.

Assembly Bill 1465, Chapter 708: This bill requires an applicant for an original drivers license or identification card to provide proof of California residency.

Senate Bill 61, Chapter 350: This bill extends the existing Ignition Interlock Device pilot project until July 1, 2017.

Senate Bill 241, Chapter 156: This bill extends by five years the County of Orange's authority to adopt a neighborhood electric vehicle transportation plan and to submit its report on the results of that plan to the Legislature.

Senate Bill 413, Chapter 765: Makes changes to statutes governing prohibited conduct on public transit properties. Specifically, this bill: (1) Clarifies that playing sound equipment on or in a transit facility or vehicle or failing to comply with the warning of a transit official regarding disturbing others with loud noise is punishable as an infraction. (2) Makes failing to yield seating reserved for elderly or disabled persons on public transit property punishable as an infraction provided that the governing board of the public transportation

agency enacts an ordinance following a public hearing on the issue. (3) Allows transit operators to levy administrative penalties against minors who have committed certain violations on their systems.

Senate Bill 530, Chapter 496: This bill expands the definition of pedicab to include pedal-powered vehicles that can carry up to 15 passengers, and creates minimum operational and equipment requirements.

MARIJUANA

Assembly Bill 243, Chapter 688: This bill establishes a regulatory program for the cultivation of medical cannabis, as part of the Medical Marijuana Regulation and Safety Act (MMRSA). This is one of three bills, the others being AB 266 and SB 643. Here are the provisions found in Assembly Bill 243:

(1) Makes findings related to the environmental impacts associated with marijuana cultivation and the complex nature of remediating marijuana cultivation sites, and that: (a) The federal government, including the United States Environmental Protection Association, has not regulated pesticide use in medical cannabis. (b) Lawful growers of medical cannabis urge the California Department of Pesticide Regulation to provide guidance on the use of pesticides.

(2) AB 243 requires Department of Fish and Wildlife (DFW), in consultation with State Water Resources Control Board (SWRCB), to establish a multiagency task force to address environmental impacts associated with marijuana cultivation.

(3) The bill requires DFW to adopt regulations to enhance the fees on any entity cultivating marijuana that impacts a bed, channel or bank of any river, stream or lake, pursuant to Fish and Game Code Section 1602.

(4) Requires the multiagency task force, established pursuant to Water Code Section 12029, DFW and the existing SWRCB pilot project, established to respond to damages caused by marijuana cultivation, to continue enforcement efforts on permanent basis statewide to ensure the reduction of adverse impacts of marijuana cultivation on water quality and fish and wildlife.

(5) Requires each regional board, and permits SWRCB, to address discharges of waste resulting from medical marijuana cultivation and associated activities, including adopting a general permit or establishing waste discharge requirements or waivers.

(6) Requires a state license to cultivate marijuana and requires

the California Department of Food and Agriculture (CDFA) to establish a Medical Cannabis Cultivation Program in order to license the cultivation of indoor and outdoor medical marijuana.

(7) Establishes classes of cultivation licenses based on the size of the operation and the location.

(8) Requires CDFA to establish a program to uniquely identify medical marijuana plants, in consultation with SWRCB and DFW that meets the following conditions: (a) The program must issue a unique identifier to each plant that enables identification of permitted plants as they are being cultivated. (b) The unique identifier must be attached to the base of the marijuana plant and must only be issued to licensed individuals. (c) CDFA must take steps to prevent fraudulent identifiers and illegal diversion of unique identifiers to unlicensed cultivators. (d) In implementing the program, CDFA must consider water use and environmental impacts and ensure that individual and cumulative effects of water diversion do not affect the instream flows needed for fish spawning, natural variability, or springs and other aquatic habitats.

(9) Authorizes CDFA to develop and implement regulations to carry out the licensing program authorized under this bill and to regulate weighing and measuring devices used to meet the MMRSA's requirements.

(10) States that nothing in MMRSA supersedes the authority of the SWRCB, regional water boards, or DFW.

(11) Authorizes a city, county, or city and county, through its current or future land use regulations or ordinance, to issue or deny permits that allow the cultivation of medical marijuana, with the condition that the permit does not become active until the cultivator receives a state license and final local approval.

(12) Requires any local licensing requirements, including the unique identifier program, to be equivalent to or more stringent than CDFA's licensing requirements.

(13) Prohibits a cultivator from applying for a state license if they have not received the required local approval, or if the local government has prohibited medical marijuana cultivation.

(14) Establishes CDFA as the sole regulator in any local jurisdiction that has not implemented a local permitting system by March 1, 2016.

(15) States that the cultivation licensing program does not apply to a qualified patient if he or she does not cultivate greater than 100 square feet, nor a caregiver if the caregiver does not cultivate greater than 500 square feet and does not supply more than five qualified patients and meets certain other requirements.

(16) Requires each licensing authority, as defined in AB 266 (Bonta, 2015) - which enacts the Medical Marijuana Public Safety and Environmental Protection Act - to levy fees adequate to cover the reasonable regulatory costs of administering the MMRSA. These fees must be: (a) Charged to fairly and proportionately to cover the total cost of administering MMRSA; (b) Scaled based on the size of the business charged the fee. (c) Deposited in the Medical Marijuana Regulation and Safety Act Fund (MMRSAF), as created by this bill. (d) Used, upon appropriation of the Legislature, by the licensing authorities to administer MMRSA.

(17) Establishes civil penalties for engaging in cannabis activity without the required licenses and unique identifiers of up to twice the cost of the appropriate licensing fee per day of violation, to be paid as follows: (a) If the Attorney General brings action, to the General Fund. (b) If a district attorney or county counsel brings action, to the treasurer of the county in which the judgment was entered. (c) If a city attorney or city prosecutor, to the treasurer of the city or city and county in which the judgment was entered, unless the case is adjudicated in a superior court in the unincorporated area or in another city, in which case the penalty shall be split evenly between the treasurers in the two jurisdictions.

(18) Authorizes the destruction of medical cannabis associated with any civil penalties.

(19) Provides for a General Fund or special fund loan, including up to \$10 million from the General Fund, to the Bureau of Medical Marijuana Regulation (Bureau) as established by AB 266, to support the initial regulatory activities authorized by MMRSA.

(20) Requires repayment of any initial loans for regulatory activities to be repaid by January 1, 2022, from the regulatory fees charged by the licensing authorities and, if necessary, from the Medical Cannabis Fines and Penalties Account.

(21) Requires the Bureau to establish a grant program to fund activities by state and local law enforcement to remedy the environmental effects of cannabis cultivation, payable from fines and penalties charged pursuant to the bill after all outstanding loans for the program are repaid.

(22) Appropriates \$10 million from the MMRSAF to the Department of Consumer Affairs to begin the activities of the Bureau.

(23) Provides that provisions relating to Joint Sunset Review Committee oversight do not apply to the Bureau.

(24) Ends the legal effect of current law stating patients, individuals with identification cards, or their caregivers, who associate in California to collectively and cooperatively cultivate marijuana for medical purposes shall not solely on the basis of that fact be subject to state criminal sanctions when the Bureau posts a notice on its Internet website that licensing authorities have commenced issuing licenses.

(25)Directs BOE to adopt a system to report the movement of commercial cannabis and cannabis products throughout the distribution chain, which must not duplicate CDFA's track and trace program. The system must capture specified information regarding: (a) Amount of tax due by the designated entity, (b) Name, address, and license number of the designated entity remitting the tax, (c) Name, address, and license number of the succeeding entity receiving the product, (d) The transaction date, and (e) Any other information deemed necessary by BOE for the taxation and regulation of marijuana and marijuana products.

AB 258, Chapter 51: This bill prohibits the eligibility determination of a patient on the organ transplant waiting list from being based solely on his or her status as a qualified patient for medical Marijuana, or based solely on a positive test for the use of MM by a qualified patient.

Assembly Bill 266, Chapter 689: Establishes a comprehensive licensing and regulatory framework for the cultivation, manufacture, transportation, storage, distribution, and sale of medical marijuana (MM) to be administered by the Department of Consumer Affairs (DCA), Department of Food and Agriculture (CDFA), and Department of Public Health (DPH), as specified. This is the second of the three medical marijuana regulation bills. All three of the bills are joined together into one large statutory scheme, but each addresses different elements of that schematic. Assembly Bill 266 contains the following elements:

Administration

(1)Enacts the Medical Marijuana Regulation and Safety Act (Act), and establishes the Bureau of Medical Marijuana Regulation (Bureau) within the DCA and confers upon the department the sole authority to create, issue, renew, discipline, suspend, or revoke licenses for the transportation, storage unrelated to manufacturing activities, distribution, and sale of MM within the state and to collect fees in connection with activities the Bureau regulates.

(2)Allows the Bureau to convene an advisory committee to advise the Bureau and licensing authorities on the development of standards and regulations, including best practices and guidelines to ensure qualified patients have adequate access to MM and MM products.

(3)Requires DCA, CDPH, and the CDFA to promulgate regulations for implementation of their respective responsibilities in the administration of the Act.

Enforcement

(4)Specify that grounds for disciplinary action include: failure to comply with provisions in this bill or any rule or regulation adopted regarding MM, conduct that constitutes grounds for

denial of licensure, other grounds contained in regulations adopted by licensing authorities, and failure to comply with state law.

(5) Allow licensing authorities to take disciplinary action against a licensee for any violation of any provision in this bill. Require a licensing authority to inform the Bureau upon suspension or revocation of a license.

(6) Provide that nothing shall be interpreted to supersede or limit existing local authority for law enforcement activity, enforcement of local zoning requirements or local ordinances, or enforcement of local permit or licensing requirements, or to require the DCA to undertake local law enforcement responsibilities, local zoning requirements, or local licensing requirements.

(7) Authorize a city, county, or city and county to adopt ordinances that establish additional standards for local licenses and permits for commercial cannabis activity.

(8) Provide that for facilities issued a state license located within the incorporate area of a city, that the city shall have full power and authority to enforce these provisions, if so delegated by the State.

(9) Provide that the city shall further assume responsibility for any regulatory function relating to those licensees within the city limits that would otherwise be performed by the county, or any county officer or employee, including a county health officer, without liability, cost, or expense to the county.

(10) Provide that the actions of a licensee, that are permitted pursuant to both a state license and a license or permit issued by a local jurisdiction and conducted in accordance with the requirements of the Act are not unlawful under state law.

(11) Require all persons engaging in commercial MM activity without a license to be subject to civil penalties of up to twice the amount of the license fee for each violation.

Licensure

(12) Require the DCA to issue state licenses for dispensaries, distributors, transporters, and special dispensary status.

(13) Prohibit a person from engaging in commercial cannabis activity without possessing both a state license and a local permit or other authorization upon the date of implementation of regulations by the licensing authority.

(14)Specify that revocation of a local license, permit, or other authorization and revocation of a state license shall terminate a licensee's ability to operate within the state until the local jurisdiction or licensing authority reinstates or reissues the state or local license, permit, or other authorization.

(15)Provide that a facility or entity that is operating in compliance with local zoning ordinances and other state and local requirements on or before January 1, 2018, may continue its operations until its application for licensure is approved or denied.

(16)Provide that issuance of a state license or determination of compliance with local law by a licensing authority shall in no way limit the ability of the City of Los Angeles to prosecute any person or entity for a violation of, or be deemed to establish satisfying the immunity requirements of Proposition D, approved by the voters of the City of Los Angeles on May 21, 2013, ballot for the city, or local zoning laws.

(17)Until January 1, 2026, prohibits a licensee from holding more than one license except as follows: (a) A licensee may hold a small cultivation license and a manufacturer license; (b) A licensee may hold a manufacturer license and a dispensary license, limited to three retail sites; (c) A licensee may hold a small cultivation license and a dispensary license, limited to three retail sites; (d) A licensee may hold a distribution license and a transporter license, if so authorized. (e) A dispensary licensee, limited to three retail sites, may apply for a manufacturer license and hold a cultivation license if it is not cultivating more than four acres.

(18) Until January 1, 2026, exempt from the above licensing restrictions business that were authorized by a local jurisdiction, prior to July 1, 2015, to engage in multiple cannabis activities, as specified.

(19)Repeal existing statute allowing qualified patients and designated primary caregivers to collectively or cooperatively cultivate MM for medical purposes one year after the Bureau posts on its Internet Web site that licensing authorities have commenced issuing licenses pursuant to the Act.

Health and Safety Provisions

(20)Require all licensees holding cultivation or manufacturing licenses to send all medical cannabis and medical cannabis products to a distributor for quality assurance and inspection by the distribution licensee and for batch testing by a testing licensee prior to distribution to a dispensary.

(21)Require a licensee holding a dispensary license, in addition to a cultivation or manufacturing license, to send all medical cannabis or medical cannabis products to a distribution licensee for presale inspection and for a batch testing by a testing licensee prior to dispensing any product.

(22) Require all medical cannabis and medical cannabis products, upon issuance of a certificate of analysis by a testing licensee, to undergo a quality assurance review by a distribution licensee prior to distribution, to ensure the quantity and content of the medical cannabis or medical cannabis product, and for tracking and taxing purposes by the state.

(23) Require all licensed cultivators and manufacturers to package all medical cannabis and medical cannabis products in tamper-evident packaging and to use a unique identifier to identify and track the product, and requires the product to be labeled.

(24) Require the DPH to promulgate regulations governing the licensing of MM manufacturers and testing laboratories.

(25) Require medical cannabis products to be labeled and in tamper-evident packages, and prohibits MM packages and labels from being made to be attractive to children. Requires MM product labels to include, but not be limited to, the following statements: "Keep out of reach of children and animals"; "For medical use only"; "The intoxicating effects of this product may be delayed by up to two hours"; and warnings if nuts or other known allergens are used.

(26) Require the Bureau to establish minimum security requirements for the commercial transportation and delivery of medical cannabis and products, and require a licensed dispensary to implement security measures to deter and prevent unauthorized entrance into areas containing, or theft of, medical cannabis or medical cannabis products. Require a dispensary to notify the licensing authority and appropriate law enforcement authorities within 24 hours after discovering, among other things, breaches of security.

Other Matters

(27) Require, beginning March 1, 2023, and on or before March 1 of each following year, each licensing authority to prepare and submit to the Legislature an annual report on the authority's activities and post it on its Internet Web site.

(28) Require the Bureau to contract with the California Marijuana Research Program, known as the Center for Medicinal Cannabis Research, to develop a study that identifies the impact that MM has on motor skills.

(29) By January 1, 2017, require the Division of Occupational Safety and Health to convene an advisory committee to evaluate whether there is a need to develop industry-specific regulations related to the activities of licensed facilities.

(30) Require the State Board of Equalization, in consultation with CDFA, to adopt a system for reporting the movement of commercial cannabis and cannabis products through the distribution chain.

Senate Bill 165, Chapter 139: This bill adds additional crimes or violations to an existing Fish and Game Code statute which authorizes civil fines for certain natural resource-related violations in connection with the production or cultivation of a controlled substance.

Senate Bill 212, Chapter 141: This bill authorizes the court to apply a specified factor in aggravation in cases when sentencing a defendant for manufacturing methamphetamine or concentrated cannabis based on the distance from the scene of the offense to an occupied residence or any structure in which persons are present at the time of the offense. The applicable distance is 200 feet in methamphetamine cases and 300 feet in concentrated cannabis cases.

Senate Bill 303, Chapter 713: This bill allows, in the case of growing or harvested marijuana, a law enforcement agency to destroy without a court order that amount in excess of 2 pounds, or the amount of marijuana a medical marijuana patient or designated caregiver is authorized to possess by ordinance in the city or county where the marijuana was seized, whichever is greater.

Senate Bill 643, Chapter 719: This bill establishes a regulatory framework for the cultivation, sale, and transport of medical cannabis by the Bureau of Medical Marijuana Regulation (Bureau), the Department of Food and Agriculture (DFA), and other state entities. This is the third of the three medical marijuana bills. As previously indicated, these three bills are linked into one statutory scheme. Here are the elements of that scheme that can be found in Senate Bill 643:

(1) Requires the Medical Board of California (MBC) to prioritize cases for repeated acts of clearly excessive recommending of cannabis to patients without a good faith prior examination of the patient and medical reason therefor, and specifies that it is unprofessional conduct to recommend medical cannabis to a patient without an appropriate prior examination and medical indication by the attending physician.

(2) Makes it a misdemeanor for a physician and surgeon who recommends cannabis to a patient for a medical purpose to accept, solicit, or offer any form of remuneration from or to a licensed facility if the physician and surgeon or his or her immediate family has a financial stake in that facility.

(3) Requires the Governor to appoint a Chief of the Bureau of Medical Marijuana Regulation (Bureau), within the DCA and authorizes the Chief of the Bureau or a deputy to exercise every power or duty given to the Director.

(4) Vests in the DCA the sole authority to create, issue, renew, discipline, suspend, or revoke licenses for medical marijuana activities within the state and to collect related fees, and authorizes the DCA to create additional licenses.

(5) Requires the CDFA to administer the provisions of the Act related to the cultivation of medical cannabis, and to create, issue, and suspend or revoke cultivation licenses for violations of the Act.

(6) Requires the CDPH to administer the provisions of the Act related to the manufacturing and testing of medical cannabis.

(7) Exempts from the licensure requirements of the Act qualified patients who do not provide, donate, sell, or distribute cannabis to any other person, and primary caregivers who provide cannabis exclusively for medical purposes to no more than five specified qualified patients.

(8) Upon the date of implementation of regulations by the licensing authority, prohibits any person from engaging in commercial cannabis activity without possessing both a state license and local authorization, and prohibits a licensee from commencing activity under the authority of a state license until the applicant has obtained a local license or permit, as specified.

(9) Provides that revocation of a local license terminates the ability of a medical cannabis business to operate within that local jurisdiction, and that revocation of a state license terminates the ability of a licensee to operate within the state.

(10) Requires an applicant for state license to, among other things, submit fingerprints to the Department of Justice, and provide documentation, issued by the local jurisdiction, certifying that the applicant is in compliance with all local ordinances and regulations; evidence of the legal right to occupy the proposed location; for applicants with 20 or more employees, provide a statement that the applicant will enter into, or already has entered into, a labor peace agreement; a seller's permit number; and other specified information.

(11) Requires applicants seeking licensure as a testing laboratory to register with the CDPH, and requires applicants seeking licensure to cultivate, distribute, or manufacture medical cannabis to include in their application a detailed description of their operating procedures.

(12) Requires a licensing authority to deny an application if the applicant or the premises do not qualify for licensure under the Act, and authorizes a licensing authority to deny a license or license renewal for specified acts.

(13) Requires the CDFA to promulgate regulations governing the licensing of indoor and outdoor cultivation sites.

(14) Requires the Department of Pesticide Regulation (DPR), in consultation with the CDFA, to develop standards for the use of pesticides in cultivation, and maximum tolerances for pesticides and other foreign object residue in harvested cannabis.

(15) Requires the CDPH to develop standards for the production and labeling of all edible medical cannabis products.

(16) Requires the CDFA, in consultation with the Department of Fish and Wildlife and the State Water Resources Control Board, to ensure that individual and cumulative effects of water diversion and discharge associated with cultivation do not affect the in stream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability.

(17) Provides the CDFA with the authority necessary for the implementation of regulations it adopts pursuant to the Act, and requires those regulations: to regulate weighing or measuring devices; require that cannabis cultivation is conducted in accordance with state and local laws; establish procedures for the issuance and revocation of unique identifiers for cannabis cultivation activities; and prescribe standards, in consultation with the Bureau, for the reporting of necessary information relating to unique identifiers.

(18) Requires the DPR, in consultation with the State Water Resources Control Board, to promulgate regulations that require that the application of pesticides or other pest control in connection with the cultivation of medical cannabis to meet standards equivalent to existing law.

(19) Specifies various license types for state cultivator licenses issued by the CDFA, including licenses for special outdoor, specialty indoor, specialty mixed-light, small outdoor, small indoor, small mixed-light, outdoor, indoor, and mixed-light cultivation, and nursery licenses, and requires the CDFA to limit the number of outdoor, indoor, and mixed-light licenses.

(20) By January 1, 2020, requires the CDFA, in conjunction with the Bureau, to make available a certified organic designation and organic certification program for medical marijuana, if permitted under federal and state law, as specified, and authorizes the Bureau to establish appellations of origin for marijuana grown in California.

(21) Requires the CDFA, in consultation with the Bureau, to establish a track and trace program for reporting the movement of medical marijuana items throughout the distribution chain that use a unique identifier and secure packaging, and is capable of providing specified information, including the licensee receiving the product, the transaction date, and the cultivator from which the product originates.

(22) Requires the CDFA to create an electronic database containing the electronic shipping manifests which shall include the quantity, or weight, and variety of products shipped and received; estimated and actual times of departure and arrival; and license number and unique identifiers issued by the licensing authority for all licensees involved in the shipping process.

(23) Prior to transporting medical cannabis or medical cannabis products, requires a licensed transporter to complete an electronic shipping manifest and to transmit that manifest to the Bureau and the licensee that will receive the medical cannabis product, and requires licensees receiving the shipment to submit to the licensing agency a record verifying receipt of the shipment and details of the shipment.

(24) Authorizes a county to impose a tax on the privilege of cultivating, dispensing, producing, processing, preparing, storing, providing, donating, selling, or distributing medical cannabis or medical cannabis products by a licensee operating pursuant to the Act, as specified.

CUSTODIAL ISSUES, SUPERVISORIAL ISSUES OR RE-ENTRY ISSUES

Assembly Bill 231, Chapter 498: This bill requires that an inmate who is released on postrelease community supervision for a stalking offense not be returned to a location within 35 miles of the victim's actual residence or place of employment, if specified criteria similar to those involving release of an inmate on parole for a stalking offense are satisfied.

AB 293, Chapter 195: Requires CDCR to establish a statewide policy on operational procedures for handling threats made by inmates, wards, or by the family members of inmates and wards, against CDCR staff. Requires the policy to include methods to ensure that CDCR staff members are advised of threats made against them by inmates, wards, or the family members of inmates and wards. Requires that all threats against CDCR staff made by inmates, wards, or the family members of inmates and wards be thoroughly investigated. Requires that a copy of the statewide policy be made accessible to members of the public, upon request. Does not prohibit an individual institution within CDCR from developing a more detailed notification procedure for advising staff members of threats made against them. If an individual institution has a more detailed policy, the policy is required to be accessible to every member of the staff of the institution.

Assembly Bill 303, Chapter 464: Requires that all persons within sight of specified detainees and incarcerated juveniles during a strip search or visual or physical body cavity search be of the same sex as the person being searched, except for physicians or licensed medical personnel.

Assembly Bill 538, Chapter 465: Allows victims of specified felonies to be notified that the person who committed the felony has entered into a contract for the sale of the story of the crime. Specifically, this bill provides that no civil action for damages may be filed against a person who was unlawfully imprisoned or restrained but has been released from prison after successfully prosecuting a writ of habeas corpus (i.e. falsely convicted and later released.); provides that any person or entity that enters into a financial contract with a criminal offender for the sale of the story of a crime for which the offender was convicted shall notify the California Department of Corrections and Rehabilitation (CDCR) that the parties have entered into such a contract, if the following are true:(a) A crime that is the basis of the story sold under the contract is specified in Code of Civil Procedure (CCP) Section 340.3(b) and resulted in the felony conviction of the offender. (b) An action for damages against the offender is allowed to be commenced pursuant to CCP Section 340.3(b). The bill also requires CDCR to notify the victim, or if the victim cannot be reasonably notified, a member of the victim's immediate family that it has received notification that a contract has been entered into for the sale of the offender's story, if such notification has previously been requested of CDCR.

Assembly Bill 672, Chapter 403: Requires the California Department of Corrections and Rehabilitation (CDCR) to provide transitional services to exonerated persons upon their release.

Assembly Bill 673, Chapter 261: This bill 1) provides that where a defendant's case has been transferred from the county of conviction to the superior court in another county for purposes of probation or mandatory supervision, the receiving court shall accept full jurisdiction over the case at the time the transfer is ordered; 2) provides that the defendant shall continue to pay outstanding restitution, fines, fees and other costs to the collection program in the county from which the case was transferred; and 3) authorizes the receiving court, with the approval of the court that transferred the case, to collect payments from the defendant.

Assembly Bill 1056, Chapter 438: This bill enacts the Second Chance Program, which requires the Board of State and Community Corrections (BSCC) to administer a competitive grant program using savings resulting from the implementation of Proposition 47, the Safe Neighborhoods and Schools Act of 2014, and other fund sources, as specified. This bill also extends the sunset date on the Social Innovation Financing Program by two years, to January 1, 2022.

Assembly Bill 1156, Chapter 378: Takes various provisions of law relating to persons convicted of a felony and sentenced to the state prison, and applies them to persons convicted of a felony and sentenced to a county jail under the 2011 Realignment Act.

Assembly Bill 1168, Chapter 207: This bill exempts a custodial peace officer, who has completed the regular basic course and has maintained his or her perishable skills training, from requalification requirements if he or she has been continuously employed as a custodial peace officer for a period not exceeding five years by the agency appointing that officer to a non-custodial position.

Assembly Bill 1423, Chapter 381: Permits a licensed physician or dentist to file a petition with the Office of Administrative Hearings (OAH) to request that an administrative law judge (ALJ) make a determination as to an inmate patient's capacity to give informed consent or make a health care decision, and request appointment of a surrogate decision maker, if all of the following conditions are satisfied: (a) The licensed physician or dentist is treating a patient who is an adult housed in state prison; (b) The licensed physician or dentist is unable to obtain informed consent from the inmate patient because the physician or dentist determines that the inmate patient appears to lack capacity to give informed consent or make a health care decision; and, (c) There is no person with legal authority to provide informed consent for, or make decisions concerning the health care of, the inmate patient.

Senate Bill 219, Chapter 762: Provides that an inmate's psychiatric or medical condition is not a basis for excluding an inmate from California Department of Corrections and Rehabilitation's (CDCR) voluntary Alternative Custody Program (ACP), and establishes timelines for the processing of applications to participate in the program. Specifically, this bill: (1) Provides that an inmate's existing psychiatric condition or medical condition that requires ongoing care is not a basis for excluding the inmate from the CDCR's voluntary alternative custody program. (2) Prescribes specific time lines for, among other things, notice to the inmate of the receipt of the application to participate in the alternative custody program, notice of the eligibility criteria of the program, and written notice to the inmate of his or her acceptance or denial into the program. If an applicant is found potentially eligible for the program, an individualized treatment program shall be developed in consultation with the inmate. If the inmate is denied participation in the program, the notice of denial shall specify the reason the inmate was denied. (3) Requires CDCR to maintain a record of the application and notice of the denials of participation in the alternative custody program, and allows an inmate, after denial of an application, to reapply for participation in the program, or appeal the decision through normal grievance procedures. (4) Requires CDCR to assist individuals participating in the alternative custody program in obtaining health care coverage, including, but not limited to Medi-Cal benefits.

Senate Bill 343, Chapter 798 : Requires the California Department of Corrections and Rehabilitation (CDCR) to strongly consider the use of libraries and librarians in its literacy programs. Specifically, this bill: (1) Requires CDCR, in complying with its goals to reduce

illiteracy, to give strong consideration to the use of libraries and librarians in its prison literacy programs. (2) Repeals provisions of law concerning the fiscal formula for supporting the academic education program for inmates. (3) Includes the completion of a community college or four-year academic degree by an inmate in the existing requirement that CDCR incentivize inmate participation in educational programming.

Senate Bill 453, Chapter 260: This bill 1) provides that where the treating psychiatrist of a person who is incompetent to stand trial concludes, based on the need to maintain the doctor-patient relationship or prevent harm that another psychiatrist should be designated to seek an order for involuntary medication, the facility director may make such a designation; 2) requires the treating psychiatrist to brief the designated psychiatrist about the case; and 3) requires the designated prescribing psychiatrist to examine the person as to whom the involuntary medication order is sought.

Senate Bill 507, Chapter 576: This bill (1) provides that in an Sexually Violent Predator (SVP) proceeding, the prosecutor and the attorney for an alleged SVP shall have access to records considered by an expert who performed replacement or updated evaluations; (2) specifies that the records shall be obtained through a court subpoena; (3) allows either party to object that the records are not relevant or are more prejudicial (unfairly harmful) than relevant; (4) specifies that records not disclosed pursuant to the motion retain confidentiality protections; and (5) states that the bill is not intended to affect the pending decision of the California Supreme Court whether a prosecution expert is entitled to review otherwise confidential SVP treatment records.

Senate Bill 621, Chapter 473: This bill explicitly includes a reference to "diversion" programs that offer appropriate mental health treatment and services among the programs for which Mentally Ill Offender Crime Reduction funds may be used.

Senate Bill 635, Chapter 422: This bill 1) raises the compensation for innocent persons who were wrongly convicted from \$100 per day to \$140, to reflect the effect of inflation on the amount originally set in 2000; 2) strikes an inaccurate reference to compensation for "pecuniary" injury suffered by wrongly imprisoned persons; and 3) includes time spent in county jail as part of the incarceration for the wrongful conviction in the calculation of compensation for wrongful imprisonment.

CHANGES IN OTHER CRIMINAL LAWS

Assembly Bill 15, Chapter 474: Extends the statute of limitations for victims of human trafficking to bring a civil action, as specified, and would create a 10-year statute of limitations to bring actions for specified offenses when the conduct would also constitute torture, genocide, a war crime, an attempted extrajudicial killing, or a crime against humanity.

Assembly Bill 32, Chapter 614: Increases fines for felony convictions of specified computer crimes from a maximum of \$5,000, to a maximum of \$10,000.

Assembly Bill 160, Chapter 427: This bill 1) adds piracy of musical or audiovisual works, and unemployment insurance fraud to the list of crimes for which criminal asset forfeiture is authorized; 2) expands the definition of "organized crime" for purposes of criminal asset forfeiture to include pimping and pandering, loan-sharking, trademark counterfeiting, the piracy of a recording or audiovisual work, embezzlement, securities fraud, unemployment insurance fraud, grand theft, money laundering, and forgery; 3) defines a "retail sale" or "sale at retail" to include any sale by a convicted seller of tangible personal property with a counterfeit label or an illicit label; 4) provides that "storage" and "use" include a purchase by a convicted purchaser of tangible personal property with a counterfeit label or an illicit label; and 5) defines "counterfeit label" and "illicit label" as those terms are defined in federal law - a label that appears to be genuine but is not, and a genuine label that a person uses without authorization respectively.

Assembly Bill 195, Chapter 552: Makes it a misdemeanor, punishable by up to six months, for any person to solicit another to join in the commission of specified crimes relating to unauthorized access of computer systems.

AB 370, Chapter 105 creates a new misdemeanor where a candidate for office falsely implies that he or she is an incumbent or holds public office.

AB 418, Chapter 70: Lifts the January 1, 2016 sunset on current law which permits a tenant to notify a landlord in writing that they were a domestic violence or sexual assault victim and that they intend to terminate the tenancy based on third party information provided to the landlord. The bill also reduces the time limit for a tenant to give a notice of intent to vacate from 30 days to 14 days.

Assembly Bill 545, Chapter 626: This bill includes a prior offense for felony domestic violence in the existing statute that imposes a mandatory incarceration period of not less than 48 hours when a person convicted of domestic battery is granted probation and has a prior misdemeanor domestic battery conviction.

AB 730, Chapter 77: This bill provides that a conviction for transportation of marijuana, psilocybin mushrooms or phencyclidine (PCP) requires proof of intent to sell or to aid or abet a criminal act, as is currently the case for cocaine, heroin and numerous other drugs.

AB 794, Chapter 201: This bill expands criminal acts against law enforcement animals to include offenses against animals used by volunteers, acting under the direct supervision of a peace officer.

Assembly Bill 1182, Chapter 749 : Narrows the current definition of tangible personal property, and requires the Department of Justice (DOJ) to annually update the list of items which represent a significant class of stolen goods, beginning January 1, 2016, and post it on its Web site, and makes other technical and clarifying amendments. Specifically, this bill:(1)Revises and narrows the definition of "tangible personal property" to include tangible personal property that the attorney general (AG) statistically determines through the most recent DOJ "Crime in California" report to constitute a significant class of stolen goods, instead of the AG utilizing crime reports to determine the list of stolen goods. (2)Requires, beginning January 1, 2016, the AG to publish and post on its Web site the list of a significant class of stolen goods and update the list annually. (3)Defines "significant class of stolen goods" to mean those items determined through the DOJ's annual "Crime in California" report to constitute more than 10 % of property reported stolen in the calendar year preceding the annual posting of the list of significant classes of stolen goods. (4)Requires a secondhand dealer to verify the identification of the seller or pledger for each transaction, not for each item that must be reported.

Assembly Bill 1207, Chapter 414: This bill requires all licensed child care providers, administrators, and employees of licensed child day care facilities to complete training in the identification and reporting of child abuse and neglect under the child abuse reporting laws, as specified.

Assembly Bill 1310, Chapter 643: This bill provides that jurisdiction for trial of the crime of distribution of a sexual image in violation of an agreement that the image shall remain private and (cyber sexual exploitation) shall include the county in which the offense occurred, the county in which the victim resided at the time of the offense, or the county in which the intimate image was used for an illegal purpose; provides that where the same defendant or defendants commit cyber sexual exploitation crimes in more than one county, and the crimes are part of a scheme or involve substantially similar acts, the charges can be tried in a single county; provides that a search warrant for electronic communications and records can include communications between a service provider and a customer, as specified; and specifies procedures, standards and limitation for obtaining and serving search warrants for electronic communications and computer service information.

Assembly Bill 1475, Chapter 210: This bill authorizes each county to create a multi-agency Sexual Assault Response Team (SART) with the function or objective of coordinating responses to sexual crimes across various agencies and entities, including law enforcement, prosecution, victim services and public health; and 2) requires SART programs to investigate and employ best practices, assess trends and evaluate the effectiveness of related practices and protocols.

Senate Bill 411, Chapter 177: This bill provides that taking a photograph or making an audio or video recording of: (1) an executive officer, while the officer is in a public place or in a place where the person taking the photograph or making the recording has the right to be, is not, in and of itself, a violation of the law stating that every person who deters or prevents an executive officer from performing any of his or her duties, or knowingly resists the officer, is punishable by a fine or imprisonment; or, (2) a public officer or peace officer, while the officer is in a public place or in a place where the person taking the photograph or making the recording has the right to be, is not, in and of itself, a violation of the law stating every person who willfully resists, delays, or obstructs any public officer, peace officer, or emergency medical technician in the discharge or attempt to discharge any of his or her duties shall be punished by a fine or imprisonment, or both, nor do these actions constitute reasonable suspicion to detain the person or probable cause to arrest the person.

Senate Bill 629, Chapter 47: This bill provides that the taking of a person from the lawful custody of a peace officer is no longer defined as a "lynching." This bill provides that a person who participates in the taking of another person from the lawful custody of a peace officer is guilty of a felony, punishable by imprisonment in a county jail for two, three, or four years.

Senate Bill 651, Chapter 131: This bill conforms the definition of "victim" for purposes of restitution in juvenile delinquency proceedings to the definition of "victim" applicable in adult criminal restitution proceedings. This bill adds the following to the definition of a "victim" for purposes of the restitution statute applicable in juvenile dependency proceedings: (1) A corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity when that entity is a direct victim of a crime; and (2) A person who has sustained economic loss as the result of a crime and who satisfies any of the following conditions: (a) At the time of the crime was the parent, grandparent, sibling, spouse, child, or grandchild of the victim; (b) At the time of the crime was living in the household of the victim; (c) At the time of the crime was a person who had previously lived in the household of the victim for a period of not less than two years in a relationship substantially similar to a relationship listed above; (d) Is another family member of the victim, including, but not limited to, the victim's fiancé or fiancée, and who witnessed the crime; or (e) Is the primary caretaker of a minor victim.

Senate Bill 676, Chapter 291: This bill authorizes, upon conviction, forfeiture of computer or electronic equipment used in any of the crimes of non-consensual distribution of an intimate image surreptitious recording or viewing of a person in a place where the person

has a reasonable expectation of privacy, and violating another person's privacy rights by secretly recording the body or undergarments of an identifiable person. This bill also Authorizes pre-conviction forfeiture of an image involved in any of the crimes of non-consensual distribution of an intimate image, surreptitious recording or viewing of a person in a place where the person has a reasonable expectation of privacy, and violating another person's privacy rights by secretly recording the body or undergarments of an identifiable person. A data storage device on which the image is held is subject to pre-conviction forfeiture, but the computer, camera or electronic device on which the image is stored cannot be forfeited unless the image consists solely of electronic information stored on a device that cannot be altered or erased.

PROTECTIVE ORDERS

AB 439, Chapter 72: This bill requires a restrained party, who has been ordered to participate in a batterer's program, to register the program by the deadline ordered by the court, or within 30 days if no deadline is indicated. This bill requires that at the time of enrollment, the restrained party sign all necessary program consent forms for the program to release specified documents, including attendance records, to the court and the protected party, and to provide the court and the protected party with specified information regarding the program. This bill additionally requires the Judicial Council, by July 1, 2016, revise or promulgate forms as necessary to effectuate the above provisions.

Assembly Bill 494, Chapter 401: This bill authorizes the court, on a showing of good cause, to include in a civil protective or restraining order, as specified, an order: (1) granting the petitioner exclusive care, possession, or control of an animal that is held by a person protected by a restraining order, or that resides in the same residence as a person protected by a restraining order; and (2) instructing the respondent or restrained person to stay away from the animal, and refrain from taking or harming the animal, as specified.

AB 536, Chapter 73: This bill prohibits a court from issuing a mutual restraining order unless each party presents written evidence of abuse or domestic violence in an application for relief using a mandatory Judicial Council restraining order application form, as specified. This bill also requires, by July 1, 2016, the Judicial Council to modify forms as necessary to provide notice of this information.

Assembly Bill 1081, Chapter 411: Extends a specified temporary restraining order until the end of a continued hearing if a party with good cause obtains a continuance. Specifically, this bill: (1) Allows a court, upon a showing of good cause, to grant a continuance in a hearing involving the issuance of restraining orders to prevent civil harassment, workplace violence, private postsecondary education violence, elder or dependent adult abuse, juvenile abuse or domestic violence, as well another restraining orders under the Family Code. (2)Allows a court, on its own motion, to continue a hearing involving the issuance of the restraining orders set forth in(1). (3)Allows a respondent one continuance as a matter of course for a reasonable period of time. (4)Provides that if a court continues a hearing, any temporary restraining order (TRO) that has been granted shall remain in effect until the end of the continued hearing, unless otherwise ordered by the court. Allows the court to modify or terminate the TRO.(5)Clarifies that a respondent in a civil harassment proceeding be notified that if the respondent fails to appear, a court may issue a protective order lasting no more than five years, subject to termination or modification by further order of the court.

Assembly Bill 1407, Chapter 415: This bill authorizes a court, beginning July 1, 2016, after notice and a hearing, to issue a domestic violence restraining order directing a wireless telephone service provider to transfer the billing responsibility and rights to a wireless telephone number to a requesting party and requires that the requesting party assume all financial responsibility for the transferred telephone number, monthly service costs, and costs for any mobile device associated with the telephone number. This bill also prohibits a cause of action against a wireless telephone service provider, its officers, employees, or agents, for actions taken in accordance with the terms of the court order, and requires the Judicial Council to, on or before July 1, 2016, develop any forms or rules necessary to effectuate these provisions.

Senate Bill 196, Chapter 285: This bill authorizes, as of July 1, 2016, a county adult protective services agency to file a petition for issuance of a protective order on behalf of an elder or dependent adult in either of the following circumstances: (1)if the elder or dependent adult has suffered abuse, and has an impaired ability to appreciate and understand the circumstances that place him or her at risk of harm; or (2) if the elder or dependent adult has provided written authorization to a county adult protective services agency to act on his or her behalf.

Senate Bill 352, Chapter 279 This bill requires a school districts police department to obtain approval from its governing board prior to receiving federal surplus military equipment.

CAMPUS SAFETY

Assembly Bill 636, Chapter 697: This bill requires postsecondary education institutions to disclose to law enforcement the identity of an alleged assailant if the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the campus community and the immediate assistance of law enforcement is necessary.

Assembly Bill 767, Chapter 83: This bill requires the California Community Colleges Chancellor's Office (CCCCO) to review and update its emergency preparedness standards in consultation with the Office of Emergency Services by January 1, 2017. The bill further suggests the inclusion of an Active Shooter plan into the emergency preparedness standards.

Assembly Bill 881, Chapter 87: This bill expands the definition of "bullying by an electronic act," from the "creation and transmission" of a communication to the "creation or transmission" of a communication by means of an electronic device.

Assembly Bill 913, Chapter 701: This bill expands the existing written jurisdictional agreements between postsecondary educational institutions and local law enforcement to include responsibility for investigating sexual assaults and hate crimes, and requires the written agreements to be updated every five years.

Senate Bill 14, Chapter 128: This bill prohibits the use of consent as a defense in any sexual battery civil action involving a minor victim where the person committing the sexual battery is an adult who is in a position of authority. Person in authority includes, but not be limited to, a natural parent, step-parent, foster parent, relative, partner of any such parent or relative, caretaker, youth leader, recreational director, athletic manager, coach, teacher, counselor, therapist, religious leader, doctor, employee of one of these aforementioned persons, or coworker. This bill prohibits the use of any evidence of the minor's sexual conduct with the adult perpetrator, except in limited circumstances.

Senate Bill 186, Chapter 232: This bill expands the definition of "good cause" for purposes of removal, suspension or expulsion from a community college to include sexual assault or sexual battery and, for this conduct exclusively, makes an exception to the prohibition against removal, suspension, or expulsion unless the conduct is related to college activity or attendance.

Senate Bill 241, Chapter 79: This bill requires a K—12 school districts police department to obtain approval from its governing board prior to receiving federal surplus military equipment.

Senate Bill 424, Chapter 159: This bill allows university and college peace officers to eavesdrop in any criminal investigation related to sexual assault or other sexual offense and to wear body-worn cameras for all enforcement purposes.

Senate Bill 707, Chapter 766 : This bill expands the Gun Free School Safety Act by deleting the exemption that allows a person holding a valid license to carry a concealed firearm to possess a firearm on the campus of a university or college. The bill does permit a person holding a valid license to carry a concealed firearm to carry a firearm in an area that is within 1,000 feet of, but not on the grounds of, a public or private school providing instruction in kindergarten or grades one to 12. Active and honorably retired peace officers who are authorized by their agency are still permitted to have campus access, as are certain retired reserve peace officers who are authorized by their former agency to carry a concealed or loaded firearm.

PEACE OFFICERS AND PEACE OFFICER TRAINING

Assembly Bill 489, Chapter 329: Adds ocean lifeguards to the list of public safety officers eligible to receive the Public Safety Medal of Valor (PSMOV) for extraordinary valor above and beyond the call of duty, and authorizes the United States Lifesaving Association to represent ocean lifeguards on the PSMOV Review Board.

Assembly Bill 1072, Chapter 503: This bill requires associations that issue long-term disability or long-term care policies or contracts to submit an actuarial opinion and supporting memorandum to the IC, no later than July 1, 2016, as to whether the reserves and related actuarial items that support the policies or contracts are expected to be adequate to satisfy contractual provisions, based on reasonable assumptions, and based on actuarial standards of practice published by the American Academy of Actuaries and the Actuarial Standards Board. The bill sunsets on December 31, 2018.

Senate Bill 11, Chapter 468: This bill requires the Commission on Peace Officer Standards and Training (POST) to: (1) establish a training course, that is at least 15 hours on law enforcement interaction with persons with mental illness, as part of its basic training course; and, (2) have a three-hour continuing education course on the same subject matter.

Senate Bill 29, Chapter 469: This bill requires law enforcement field training officers (FTOs) to have training from the Commission on Police Officer Standards and Training (POST) regarding law enforcement interaction with persons with mental illness or intellectual disability.

PAROLE ISSUES

Senate Bill 230, Chapter 470: This bill provides that an inmate found suitable for parole shall be paroled subject to review by the Governor, and provides any time before an inmate's release, the Governor can make a request a review of the decision.

Senate Bill 261, Chapter 471: Expands the youth offender parole process, a parole process for persons sentenced to lengthy prison terms for crimes committed before attaining 18 years of age, to include those who have committed their crimes before attaining the age of 23. Specifically, this bill provides that those with indeterminate sentences who are eligible for a youth offender parole hearing on the effective date of this bill shall have their hearing by July 1, 2017. States that those with determinate sentences who are eligible for a youth offender parole hearing on the effective date of this bill shall have their hearing by July 1, 2021, and shall have their consultation with the Board of Parole (BPH) before July 1, 2017.

JUVENILES

Assembly Bill 216, Chapter 769 : Makes it unlawful for a person to sell or otherwise furnish any device intended to deliver a nonnicotine product in a vapor state, to be directly inhaled by the user, to a person under 18 years of age or under 21 years of age, as specified. Specifically, this bill: (1)Makes it unlawful for a person to sell or otherwise furnish any device intended to deliver a nonnicotine product in a vapor state, to be directly inhaled by the user, to a person under 18 years of age. Raises the minimum age requirement to 21, contingent upon the passage and enactment of SB 151 (Hernandez) of the current legislative session. (2)Exempts the sale or furnishing of a drug or medical device that has been approved by the federal Food and Drug Administration (FDA) pursuant to the federal Food, Drug, and Cosmetic Act.

Assembly Bill 1058, Chapter748 : Encourages school districts, county offices of education (COEs) and charter schools to participate in child abuse prevention training and are encouraged to provide all employees receive training in child abuse prevention at least every three years. Specifically, this bill: (1)Requires the California Department of Education (CDE), in consultation with the Office of Child Abuse Prevention in the State Department of Social Services, to establish best practices for school personnel to prevent abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs, and post on the department's Internet Web site links to existing training resources. (2)Encourages school districts, county offices of education, state special schools and diagnostic centers operated by the CDE, and charter schools to participate in child abuse prevention training including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs, and are encouraged to provide all school employees receive training in child abuse prevention at least once every three years. (3)Specifies that a violation of the provisions in this bill is an infraction punishable by a fine not to exceed \$500, \$1,000, or \$1,500 for a first, second, and third or subsequent violation, respectively.

QUALITY OF LIFE ISSUES

Senate Bill 328, Chapter 278: This bill requires a landlord or a landlords agent to provide affected tenants with advance written notice of the use of pesticides at a dwelling unit if the landlord or authorized agent applies any pesticide without a licensed pest control operator. This bill requires the posting of a similar notice at least 24 hours prior to applying a pesticide in a common area without a licensed pest control operator, unless the pest poses an immediate threat to health and safety, in which case the notice would be required to be posted as soon as practicable, but not later than one hour after the pesticide is applied.

Senate Bill 655, Chapter 720 : This bill adds visible mold growth, as determined by a health officer or a code enforcement officer, excluding the presence of mold that is minor and found on surfaces that can accumulate moisture as part of their properly functioning and intended use, to a list of substandard housing conditions.