

Summaries of Selected Probation Related New (2008) California State Laws

** indicates a bill that was previously reported. The full text and analysis of these bills may accessed at <http://www.leginfo.ca.gov/bilinfo.html>

Selected Assembly Bills

AB 86 (Lieu) Pupil safety - Schools

This law adds to the School/Law Enforcement Partnership program provisions related to bullying committed by means of an electronic act, adds a definition of "electronic act" for this purpose, and authorizes school officials to suspend or recommend for expulsion pupils who engage in bullying.

AB 186 (Maze) Crime prevention

This law extends the sunset on the Central Valley Rural Crime Prevention Program to January 1, 2012.

AB 352 (Solario) Imitation firearms – Schools

This law prohibits the open display or exposure of an imitation firearm on a school ground. First two offenses are infractions. Third offense is a misdemeanor.

AB 499 (Swanson) Commercially sexually exploited minors

This law authorizes the district attorney of Alameda county to create a pilot project in which may be implemented, contingent upon local funding, for the purpose of diverting sexually exploited minors accused of soliciting an act of prostitution into supervised counseling and treatment programs. The district attorney, in collaboration with county and community-based agencies, may form, as a multidisciplinary team including, but not limited to, city police departments, the county sheriff's department, the public defender's office, the probation department, child protection services, and community-based organizations that work with or advocate for commercially sexually exploited minors to develop a training curriculum reflecting the best practices for identifying and assessing minors who may be victims of commercial sexual exploitation and to provide this training curriculum through multidisciplinary teams to law enforcement, child protective services, and others who are required to respond to arrested or detained minors who may be victims of commercial sexual exploitation.

AB 534 (Smyth) Crimes against children

This law makes it a misdemeanor for any person to publish information describing or depicting the physical appearance of a child, the location of a child, or locations where children may be found with the intent that another person imminently use the information to commit a crime against a child and the information is likely to aid in the imminent commission of a crime against a child. It, also, authorize the parent or legal guardian of a child about whom information is published to seek a preliminary injunction enjoining any further publication of that information.

AB 678 (Gaines) Crimes: vehicular manslaughter: fleeing the scene of an accident

This law applies a five-year sentence enhancement for any individual convicted of fleeing the scene of manslaughter by operation of a water vessel. The sentence enhancement applies to grossly negligent manslaughter and intoxicated operation. Specifies felony manslaughter with a marine vessel with gross negligence and while intoxicated is a "serious felony" for purposes of sentencing enhancements. Modifies numerous code section involving penalty enhancements, victim compensation, license suspension, license revocation, insurance rates, waiver of personal appearance through counsel, chemical test refusal, commercial licensing, as the y pertain to manslaughter by operation of water vessel.

AB 717 (Fuller) Victims' compensation

This law expands provisions under which crime victims may be awarded compensation by the California Victim Compensation and Government Claims Board (VCGCB), and increases from \$3,000 to \$5,000 the amount of compensation a victim may receive for outpatient mental health counseling. It, also, provides for relocation reimbursement for persons who resided with the deceased victim at the time of the crime.

AB 919 (Houston) Electronic communication devices: threats to safety

This law makes it a misdemeanor for any person who, with intent to place another person in reasonable fear for his or her safety, or the safety of the other person's immediate family, by means of an electronic communication device, without consent of the other person, and for the purpose of causing that other person unwanted physical contact, injury, or harassment by a third party, electronically distributes, publishes, e-mails, hyperlinks or makes available for downloading personal identifying information, including, but not limited to, a digital image of another person, or an electronic message of a harassing nature about another person.

AB 837 (Feuer) Firearms: prohibited persons

This law prohibits the issuance of certain firearms permits and the transfer of firearms, as if the applicant or transferee is prohibited from possessing, receiving, purchasing, or owning a firearm under either state or federal law.

AB 1115 (Sharon Runner) Peace officers: accidents

This law expands the definition of "authorized emergency vehicle" to include employer-leased or employer-rented vehicles for purposes of the exception for peace officers, members of the CHP, and firefighters from the requirement to report an on-duty accident to their private automobile insurer.

AB 1141 (Anderson) Controlled substances

This law adds Khat and Cathinone to the controlled substances listed in Schedule II and would also add Cathine to the controlled substances listed in Schedule IV. It provides that unlawful possession of Khat, Cathinone, and Cathine is a misdemeanor. It makes sale and transportation for sale felonies.

AB 1278 (Lieber) Crimes

This law states that any provision of a contract that purports to allow a deduction from a person's wages for the cost of emigrating and transporting that person to the United States is void as against public policy and provides that when multiple human trafficking violations occur in more than one jurisdiction, and the offenses involve the same victim or victims, the court shall hold a hearing to consider whether the matter should proceed in the county of filing or whether one or more counts should be severed. Provides that when considering whether all counts in the complaint should be joined in one county for prosecution, the court shall consider the location and complexity of the likely evidence, where the majority of the offenses occurred, the rights of the defendant and the people and the hardship to the victim or victims.

AB 1424 (Davis) Elder and dependent adult abuse

This law adds the crime of elder and dependant adult abuse to provisions of law punishing contempt of court for the willful and knowing violation of protective or stay-away order.

AB 1491 (Jones) Court facilities

This law took effective April 23, 2008. It revived and extended the deadline for transfer of responsibility for court facilities from the counties to the Judicial Council (the state) from June 30, 2007, to December 31, 2009. It imposes a financial penalty on those counties that transfer their facilities between October 1, 2008, and March 31, 2009, and a different financial penalty on those counties that transfer their facilities between April 1, 2009, and December 31, 2009. It also provided a county a "safe harbor" – tolling period -- from the above financial penalties under specified circumstances for facility transfers between October 1, 2008, and December 31, 2008.

AB 1767 (Ma) Civil compromise: vandalism

This law authorizes the City and County of San Francisco, as a pilot program, to require a person who has committed an act of vandalism by graffiti to complete a minimum of 24 hours of community service if the person engages in a civil compromise, until January 1, 2012.

AB 1826 (Beall) Seized property: fees

Existing law authorizes the seizure of property in connection with certain controlled substance offenses, and provides a procedure for person claiming an interest in the seized property to seek return of the property. This

law authorizes imposition of a \$320 filing fee in those claim cases where the subject property is valued at \$5,000 or more.

****AB 1923 (Anderson) Local correctional facilities: contraband**

This law prohibits any unauthorized person housed in a local correctional facility from possessing a handcuff key and makes violation of the provision a misdemeanor.

AB 1931 (Silva) Peace officer powers: illegal dumping enforcement officers.

This law adds part-time, not regularly employed, or volunteer "illegal dumping officers", who have completed specified training, to the list of persons who are not peace officers, but during the course and within their scope of employment.

AB 1963 (Carter) Public employees' retirement: service credit

This law establishes in the County Employees' Retirement Law of 1937 ('37 Act) a prohibition on receiving credit for the same service in two retirement systems similar to the one contained in the Public Employees' Retirement Law (PERL) and specifies that this prohibition does not preclude concurrent participation in a supplemental defined contribution plan or supplemental defined benefit plan governed by the '37 Act.

****AB 2028 (Solorio) Peace officers: hiring**

This law provide that consistent with the Americans with Disabilities Act and the California Fair Employment and Housing Act, the collection of non-medical or non-psychological information of peace officers, in accordance with a thorough background investigation, as specified, may be deferred until after a conditional offer of employment is issued if the employer can demonstrate that the information could not reasonably have been collected prior to the offer.

AB 2068 (Aghazarian) Domestic violence: elder abuse: harassment: workplace violence: orders and injunctions: service: notice to protected person

This law expressly authorizes sheriff's and marshals to notify persons who are protected by certain protective orders by electronic or telephonic means within 24 hours after service of process that the order has been served on the restrained person if the protected person has requested to be notified

AB 2092 (De La Torre) Criminal procedure: discharge of accusation or information

This law provides that dismissal of an accusation or information underlying a conviction pursuant PC 1203.4 does not permit a person prohibited from holding public office as a result of that conviction to hold public office.

****AB 2096 (Bass) Foster children: extracurricular activities**

This law allows foster group home providers to use a prudent parent standard when deciding to give permission to a child in foster care to participate in extracurricular, enrichment or social activities

****AB 2125 (Price) Supplemental local law enforcement funding**

This law became effective September 26, 2008. It requires juvenile justice plans to also assess job training services and strategies, and requires, under certain conditions, a demonstration of the effectiveness at reducing delinquency through job training and employment to qualify for funding allocation. It further provides that the definition of "job training and employment programs" may include integrated components of basic skills instruction, onsite training, leadership skills, counseling, and programming to assist in the attainment of a high school diploma.

AB 2131 (Niello) Peace officers and firefighters: canine units

This law provide that a peace officer or firefighter assigned to a canine unit, who is assigned to duty away from his or her home jurisdiction because of a declared federal, state, or local emergency, and in the course and scope of his or her official duties, may not be discriminated against in hotels, lodging establishments, eating establishments, or public transportation by being required to pay an extra charge or security deposit for the peace officer's or firefighter's dog. The law further provides provide that any person, firm, association, or corporation, or the agent of any person, firm, association, or corporation, that prevents a peace officer or firefighter from exercising, or interferes with the exercise of, these rights is subject to a civil fine not exceeding \$ 1,000.

AB 2304 (Plescia) Name changes

This law requires that the current legal name of the petitioner for name change shall be kept confidential by the court and shall not be published or posted in the court's calendars, indexes, or register of actions or by any means or in any public forum, including a hardcopy or an electronic copy, or any other type of public media or display, if the petition alleges any of the following reasons or circumstances:

(A) To avoid domestic violence, as defined in Section 6211 of the Family Code.

(B) To avoid stalking, as defined in Section 646.9 of the Penal Code.

(C) The petitioner is, or is filing on behalf of, a victim of sexual assault, as defined in Section 1036.2 of the Evidence Code.

AB 2352 (Fuentes) Health services: confidential information

This law amends prior existing law as it pertains to the releasing medical information to probation officers and social work. Prior to January 1, 2009, under the Lanterman-Petris-Short Act, information and records obtained in the course of providing certain services is confidential and may only be released in specific circumstances. The act's confidentiality provisions pertain to persons who are receiving or have received mental health care services or services for persons with developmental disabilities.

This law permits release of that information, not including psychotherapy notes, to a county social worker, probation officer, or any other person who is legally authorized to have custody or care of a minor who is taken into temporary custody or for whom a petition has been filed with the court, or who has been adjudged a dependent child or ward of juvenile court, but only for the purpose of coordinating health care services and medical treatment or mental health or developmental services for the minor. Further this law permits an individual to whom information was disclosed to further disclose that information to a person who would otherwise be able to obtain that information under this law or another provision of law. This law provides that information disclosed pursuant to these provisions may not be admitted into evidence in any criminal or delinquency proceeding against the minor.

AB 2405, Arambula. Domestic violence: additional fee

This law permits a county to authorize an additional fee of not more than \$250 to be imposed upon a conviction for specified crimes of domestic violence, to be deposited into a fund in each county, to be used for domestic violence prevention programs that focus on assisting immigrants, refugees, or persons who live in rural communities.

AB 2410 (Nava) Sexually violent predators

This law prohibits an attorney from disclosing the name, address, telephone number, or other identifying information of a victim or witness in a sexually violent predator civil commitment proceeding, except to their staff, to opposing counsel as needed to prepare the case, or pursuant to a court order after a hearing. Willful violation of this prohibition would be a misdemeanor. If the defendant is acting as his or her own counsel, this bill would require that contact with the victim or witness be through a private investigator or otherwise restricted to protect the identity and personal information of the victim or witness. This law, also, prohibits disclosure of a victim's identifying information that is discovered in the process of preparation for a sexually violent predator civil commitment proceeding by an agent of the Department of Corrections and Rehabilitation, Board of Parole Hearings, or the State Department of Mental Health. Further it allows the court to identify the victim in all records and during all proceedings of a sexually violent predator civil commitment proceeding as Jane Doe or John Doe, as long as it is not prejudicial to either side and the jury is instructed that the victim's identity is being withheld to protect his or her privacy.

AB 2470 (Karnette) Crimes: weapons

This law extends the law making it a misdemeanor to bring or possess specific weapons on school grounds to include the grounds of a public or private college or university.

AB 2606 (Emmerson) Bad check diversion program

This law authorizes increased fees for bad check diversion programs \$50, for each bad check, authorizes inclusion of returned check fees in the processing fees, and increases the allowable aggregate total to be collected to \$1,200. The law, also, increases the amount that the district attorney may pay victims for assessed bank fees to \$15 per check.

AB 2609 (Davis) Vandalism: penalties: community service

This law makes it mandatory, instead of discretionary, for a court to order a defendant convicted of vandalism consisting of defacing property by graffiti to clean up or repair the property when appropriate and feasible.

AB 2618 (Solorio) Child abuse reporting: Department of Justice: index

This law requires the Department of Justice to make available to a county child welfare agency or delegated county adoption agency that is conducting a background investigation of an applicant seeking employment or volunteer status with the agency who, in the course of his or her employment or volunteer work, will have direct contact with children who are alleged to have been, are at risk of, or have suffered, abuse or neglect, information regarding a known or suspected child abuser maintained in the index concerning the applicant.

AB 2651 (Aghazarian) Foster care, adoption, and dependent children

This law makes changes in state child welfare law to conform with federal child welfare law. This law became effective September 30, 2008. It prohibit the granting exemptions where a foster care provider applicant or any of the other designated persons have been convicted of certain felonies at any time and other felonies in the previous 5 years. It prohibits exemptions under these circumstances for foster care providers in those homes where the individual has been convicted of murder or voluntary manslaughter. It prohibits the California Department of Social Services (the Department), or a licensed adoption agency or delegated county adoption agency from giving final approval for an adoptive placement in any home where the prospective adoptive parent or an adult living in the prospective home has been convicted of the felonies specified in the law.. This law would make these prohibitions operative only to the extent that federal law requires the prohibition as a condition of federal funding. This law provides that a licensed foster family home, a home certified by a licensed foster family agency, or a home approved by a social worker or county welfare department shall not forfeit their license, certification, or approval when the facility is moved from one location to another. This law permits the existing license, certification, or approval to be transferred to the new facility location. The law requires all caregivers to whom this license forfeiture exception applies to meet all applicable licensing laws and regulations at the new location. This law eliminates the authority of the department to disclose reports and make the index available to out-of-state agencies that are approving placement for prospective relative caregivers. This law requires out-of-state agencies to make their request for reports of abuse and severe neglect in compliance with federal law. This law prohibits temporary placement of a child in the home of a person if the criminal records heck shows that person has been convicted of a crime for which the Director of Social Services cannot grant an exemption with respect to foster family home and certified family home applicants. This law would also prohibit temporary placement of a minor child in the home of a person who has been convicted of a crime for which the director may grant an exemption unless a criminal records exemption has been granted by the county based on substantial and convincing evidence to support a reasonable belief that the person with the criminal conviction is of such good character as to justify the placement and not present a risk of harm to the child. This law prohibits placement of the child in the home of a person if the criminal records check indicates the person has been convicted of a crime that the Director of Social Services (Director) cannot grant an exemption for with respect to foster family home and certified family home applicants. This law also prohibits placement of a child in the home of a person who has been convicted of a crime that the Director may grant an exemption for unless a criminal records exemption has been granted by the county, based on substantial and convincing evidence, to support a reasonable belief that the person with the criminal conviction is of such good character as to justify the placement and not present a risk of harm to the child.

AB 2737 (Feuer) Communicable disease: involuntary testing

This law authorizes a court to order the withdrawal of blood from an arrestee when a peace officer, firefighter, or emergency personnel who, while acting within the scope of his/her duties, is exposed to a blood borne pathogen.

AB 2750 (Krekorian) Music piracy: restitution

This law requires a person convicted of a violation of specified code sections, involving the misappropriation of music or audiovisual work, to make restitution to the owner or lawful producer, or trade association acting on behalf of the owner or lawful producer, of the phonograph record, disc, wire, tape, film, or other device or

article from which the sound or visual images were derived that suffered economic loss resulting from the violation. This law also contains guidelines for determining the amount of loss.

****AB 2754 (Bass) Public safety personnel: MRSA skin infections**

This law adds methicillin-resistant staphylococcus aureus skin infection as an additional condition that is presumed to be work-related for a safety member, a firefighter, a county probation officer, or a member in active law enforcement, under the County Employees Retirement Act of 1937 ('37 Act)

****AB 2803, (Horton) Payments to public agencies: court-ordered restitution**

Prior existing law authorizes a public agency to accept a credit card, debit card, or electronic fund transfer as payment for specified charges, including the payment of a court-ordered fee, fine, forfeiture, penalty, or assessment. This law expands this authorization to allow a public agency to accept these designated instruments as payment for a court-ordered restitution.

AB 2810 (Brownley) Human trafficking

This law requires law enforcement to use due diligence to identify all victims of human trafficking, regardless of citizenship, and provides specific indicators of human trafficking. This law also provides that a victim of human trafficking could request, and upon that request require, that his or her name not become a matter of public record, as specified.

AB 2827 (Sharon Runner) Property crimes: public housing authority: fraud

This law specifies that anyone who defrauds a housing program of a public housing authority of more than \$400 is guilty of grand theft.

****AB 2904 (Hayashi) County child welfare services: mortality review**

This law authorizes (notwithstanding and other provision of law) county board of supervisors (the board) to receive and review any records in the custody of the juvenile court or any other involved county agencies relating to a child who has died and who had previously come to the attention of, or was under the supervision of, the county child welfare agency. The board may only receive and review the information in closed session. The board in a county with a foster care population of more than 10,000 may take formal action to permit individual board members' offices to receive and review the information for the purpose of determining which cases should be brought to the attention of the full board in closed session. The information or records obtained shall be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights. The board or its members and staff may not disclose or release any information obtained pursuant to subdivision unless otherwise permitted by state law, and shall be bound by all state and federal law.

AB 2928 (Spitzer) Collections: amounts imposed by a court

This law authorizes the Department of Corrections and Rehabilitation to refer a restitution order to the Franchise Tax Board, for purposes of those collection provisions, for any person subject to the restitution order who is or has been under the jurisdiction of the department, unless the victim of the crime makes a specified notification to the contrary.,

AB 2973 (Soto) Stun gun

This law replaces the reference to a taser in the definition of "stun gun" with "less lethal weapon," as defined. It makes it a wobbler with a maximum of three years in state prison. to assault a person with a stun gun or a less lethal weapon, and a wobbler with a maximum of four to assault a peace officer or firefighter in the performance of his or her duties with a stun gun or a less lethal weapon. It also makes it a misdemeanor to sell a less lethal weapon to a person under the age of 18 years.

AB 3015 (Brownley) Foster care

This law requires the training for administrators of a group home facility, licensed foster parents, and relative caretakers to include basic instruction of the existing laws and procedures regarding the safety of foster youth at school and the ensuring of a harassment and violence free school environment contained in separate provisions of existing law known as the California Student Safety and Violence Prevention Act of 2000,.

****AB 3038 (Tran) Probation: sex offenders**

This law clarifies that that a law enforcement agency may release the name and address of a person who is the victim of a sex offense to probation officers by deleting the requirement that the release of the information be for the purposes of preparing a presentence report and by replacing "probation offices" with "probation officers."

Selected Senate Bills

SB 31 (Simitian) Identification documents

This law provides that a person or entity, with specified exceptions, that intentionally remotely reads or attempts to remotely read a person's identification document using radio frequency identification (RFID) without his or her knowledge and prior consent, as described, shall be punished by imprisonment in a county jail for up to one year, a fine of not more than \$1,500, or both that fine and imprisonment. This law also provides that a person or entity that knowingly discloses, or causes to be disclosed, specified operational system keys shall be punished by imprisonment in a county jail for up to one year, a fine of not more than \$1,500, or both that fine and imprisonment.

SB 129 (Kuehl) Criminal communications

This law makes it a misdemeanor punishable by a maximum of 6 months in the county jail or a \$1,000 fine or both for a person to make telephone calls or contact with an electronic communication device, as defined, with the intent to annoy another person at any place. It also provides that a person is subject to these penalties if the person knowingly permits any telephone or electronic communication device under the person's control to be used for the prohibited purpose.

SB 449 (Aanestad) Crime records: victims of sex offenses

This law adds 17 crimes to the list of sex offenses that qualify for the protection of victims' names and addresses from disclosure under the Public Records Act.

SB 610 (Corbett) Criminal proceedings: commencement

This law amends California law pertaining to when a prosecution for an offense commences to delete when a case is certified to the superior court and adding when the defendant is arraigned on a complaint that charges the defendant with a felony.

SB 1033 (Runner) Undetectable knives

This law provides that any person who knowingly exports out of this state for commercial, dealer, wholesaler, or distributor sale, or who offers or exposes for dealer, wholesaler, or distributor sale any undetectable knife is guilty of a misdemeanor.

It also requires a valid agency, department, or unit purchase order to exempt from these provisions the manufacture or importation of undetectable knives for sale to a law enforcement or military entity.

SB 1116 (Alquist) Crimes

This law designates the Director of the Office of Emergency Services (rather than the Director of Finance as the appointing officer of the 20-member High Technology Crime Advisory Committee updates references to existing members and adds a representative of the State Chief Information.

SB 1126 (Cedillo) Criminal street gangs: nuisances: damages

This law authorizes the Attorney General, district attorney or prosecuting city attorney to collect assets from a criminal street gang or individual members who knew or should have known of the unlawful act in order to satisfy a money damages award in a nuisance abatement action and states only members of the criminal street gang who created, maintained or contributed to the creation or maintenance of the nuisance are personally liable for the money damages.

SB 1136 (Alquist) Public social services: unreasonable fees

This law creates a private right of action for an individual who has been charged unreasonable fees for assistance in procuring public social services.

****SB 1147 (Calderon) Medi-Cal: eligibility: juvenile offenders**

This law requires commencing the later of January 1, 2010, or the date that all necessary federal approvals are obtained, require, to the extent permitted under federal law, Medi-Cal benefits provided to an individual under 21 years of age who is an inmate of a public institution to be suspended, rather than terminated. This law requires county welfare departments to notify the department within 10 days of receiving information that an individual under 21 years of age on Medi-Cal in the county is or will be an inmate of a public institution. This law requires the department, in consultation with the Chief Probation Officers of California and the County Welfare Directors Association, to establish the protocols and procedures necessary to implement these provisions. This law would provide that if the cooperation of the minor's parent or guardian is necessary to complete the application, but the parent or guardian fails to cooperate in completing the application, the county shall deny the application in accordance with due process requirements.

SB 1162 (Maldonado) Hard plastic knuckles

This law adds "hard wooden knuckles" to existing provisions of law that makes it a misdemeanor to commercially manufacture or cause to be commercially manufactured; to knowingly import into California for commercial sale; and, keep for commercial sale, or offer or expose for commercial sale, any hard plastic knuckles.

SB 1164 (Scott) Investigators

This law adds Department of Justice (DOJ) auditors who investigate financial crime to the list of specified persons who, although not peace officers, are authorized to serve search warrants. It specifies DOJ investigative auditors may only serve warrants for the production of documentary evidence held by financial institutions, Internet Service Providers, telecommunications companies, and third parties who are not reasonably suspected of engaging in, or having engaged in criminal activity related to the documentary evidence for which the warrant is requested.

SB 1169 (Runner) Inmates: health care services

Prior legislation created a statutory working group, Inmate Health Care and Medical Provider Fair Pricing Working Group (working Group), consisting of representatives from local law enforcement and hospitals. The Working Group directs and collaboratively addressed issues and problems related to inmate medical care. This law extends the sunset date on the prior legislation to January 1, 2014 and modifies the number of required meetings from 3 per year, to as needed.

SB 1178 (Aanestad) Dentistry: registered sex offenders

This law requires the Dental Board of California (DBC) to deny licensure to individuals who are required to register as sex under federal law. It prohibits the DBC from staying the revocation of a registered sex offender's license and placing the license on probation. It prohibits the DBC from reinstating or reissuing a registered sex offender's dental license and it prohibits the DBC from issuing a stay of license denial for a registered sex offender and placing that license on probation.

****SB 1187 (Battin) Sex offenses: Internet: public information**

This law adds convictions for certain child pornography offenses to the list of specified sexual offenses requiring the broadest disclosure on the Megan's Law Internet site. It exempts, the additional felony convictions from Internet disclosure if the person submits to the department a certified copy of a probation report filed in court that clearly states that all victims involved in the commission of the offense were at least 16 years of age or older at the time of the commission of the offense. The above provisions become effective on January 1, 2010.

SB 1190 (Oropeza) Certified ignition interlock devices

This law reduces from 0.20 percent to 0.15 percent the blood alcohol level which triggers heightened consideration by the court to order installation of an ignition interlock device for first time DUI offenders. This law also authorizes the Department of Motor Vehicles to study the effectiveness of ignition interlock devices and report their findings to the Legislature.

SB 1241 (Margett) Public safety

This law is the annual Senate Public Safety Committee omnibus law. It makes a lengthy series of non-controversial technical and corrective changes to various code sections. Some of the key provisions are:

- 1) Provides that public officers or employees declared by law to be peace officers shall be a high school graduate; pass the General Education Development (GED) Test indicating high school graduation level; pass the California High School Proficiency Examination; or have attained a two-year, four-year, or advanced degree from an accredited college or university. The high school shall be a United States public school, an accredited United States Department of Defense high school, or an accredited or approved public or nonpublic high school. Any accreditation or approval required by this paragraph shall be from a state or local government educational agency using local or state government approved accreditation; licensing, registration, or other approval standards; a regional accrediting association; an accrediting association recognized by the Secretary of the United States Department of Education; an accrediting association holding full membership in the National Council for Private School Accreditation; an organization holding full membership in the Commission on International and Trans-Regional Accreditation; an organization holding full membership in the Council for American Private Education; or an accrediting association recognized by the National Federation of Nonpublic School State Accrediting Associations.
- 2) Removes the requirement that Department of Justice (DOJ) report on the activities of the Crack-Down Task Force Program.
- 3) Repeals the requirement that DOJ shall report annually on its activities and on the accomplishments of the Clandestine Laboratory Program to the Legislature and to federal, state, and local law enforcement agencies, as well as to other interested groups.
- 4) Provides that the DOJ shall be required to submit an annual report to the Legislature when the California Gang, Crime, and Violence Prevention Partnership Program receives funds.
- 5) Changes the punishment for an employer to willfully pay into an employee health or welfare fund, based upon an agreement to do so, an amount exceeding \$500 to imprisonment in the state prison, or in a county jail for a period of not more than one year; by a fine of not more than \$1,000; or by both the imprisonment and fine.
- 6) Renames the Department of Justice's "DNA Testing Fund" the "DNA Identification Fund" as established under existing law and revises the amount from PC 290.3 sex offender fines from \$100 to one-third of every first conviction fine collected and one-fifth of every second conviction fine collected to be transferred to the California Department of Corrections and Rehabilitation (CDCR) to help defray the cost of the global positioning system used to monitor sex offender parolees.
- 7) Adds inmates and wards as persons that the members of CDCR's Office of Correctional Safety shall have the primary duty to investigate and apprehend in the violation of criminal law.
- 7) Removes the requirement that the State shall provide sufficient circuitry from Sacramento to each county, or group of counties, to process fingerprint data traffic.
- 8) Makes CDCR and DOJ exempt from specific provisions concerning the sale to, purchase by, or possession of short-barreled shotguns or short-barreled rifles.
- 9) Repeals the provision concerning the possession of any pistol or revolver upon which the name of the maker, model, manufacturer's number or other mark of identification has been changed, altered, removed, or obliterated, shall be presumptive evidence that the possessor has changed, altered, removed, or obliterated the same.
- 10) Revokes the requirement that the Corrections Standards Authority provide for the presentation of training to which will enable them to more efficiently handle, on the local level, the tracing of missing persons and victims of violent crimes.

SB 1255 (Harman) Child custody

This law extends until January 1, 2013 the authorization for a court to require any person who is seeking custody of, or visitation with, a child who is the subject of a custody, visitation, or guardianship proceeding, to undergo testing for the illegal use of controlled substances and the use of alcohol under certain circumstances.

SB 1274, Wyland. Patriotic exercises and instruction

This law provides that when instruction related to the Pledge of Allegiance to the Flag of the United States of America is given in a public school, it satisfies the requirements that patriotic exercises be conducted, and it is to provide a combination of giving of the Pledge and instruction promoting the understanding of the concepts of

"pledge," "allegiance," "republic," and "indivisible," and understanding the importance of the pledge as an expression of patriotism, love of country, and pride in the United States of America

****SB 1302 (Cogdill) Sex offenders**

This law adds continuous sexual abuse (Penal Code 288.5) to the probation requirements and standards set out in Penal Code section 1203.067. Adds the commission of specified sex crimes where the victim is a child under the age of 10 years (Penal Code 288.7) to the list of sex crimes for which probation is prohibited. Provides that a person convicted of using a minor to produce child pornography for commercial production, not the non-commercial form of this crime, cannot receive probation, but does allow persons convicted of the non-commercial version of the crime eligible for probation. It formally adds assault with intent to commit a sex crime (Penal Code 220) to the statutory list of crimes for which enhancements are imposed for infliction of great bodily injury, weapon use and being armed with a weapon. It, also, adds murder with intent to commit a specified sex crime (rape, lewd conduct, oral copulation or sexual penetration) to the Internet sex offender database.

SB1356 (Yee) Contempt: victim of domestic violence

The eliminates the court's authority to imprison otherwise confine in custody a victim of a domestic violence crime for contempt when the contempt consists of refusing to testify concerning that domestic violence crime.

SB 1388 (Torlakson) Vehicles: DUI: ignition-interlock

This law requires that a person immediately install a certified ignition interlock device on all vehicles he or she owns or operates for a period of one to 3 years when he or she has been convicted of violating specified DUI provisions and driving a motor vehicle when his or her license has been suspended or revoked as a result of a DUI-related conviction. The number of years the ignition interlock device would be required to be installed would be based upon the number of prior convictions and the length of time between convictions as prescribed. This law would also set-up a statutory scheme under which the DMV will in regard to the installation of a certified ignition interlock device, inform the person of the ignition interlock device installation requirements established under the law, accept notification from the ignition interlock device installer of attempts to remove, bypass, or tamper with the device or if the person fails 3 or more times to comply with the maintenance requirements, monitor the installation and maintenance of the ignition interlock device, determine a fee sufficient to cover administrative costs, including startup costs, to be paid by the person, and keep specified records. The DMV is also required to notify the court of the failure of a person, required to install an ignition interlock device pursuant to this section, to show proof of installation within 30 days of being informed of these requirements. This law provides that a person required to install an ignition interlock device under this provision who willfully fails to install an ignition interlock device within 30 days of the notification is guilty of a misdemeanor and would be punished by not more than 6 months imprisonment in the county jail or by a fine of not more than \$5,000, or both. A person who does not own or does not have access to a vehicle would be exempt from the ignition interlock device installation requirements. A violation of the terms of the exemption is a misdemeanor punishable by not more than 6 months imprisonment in the county jai or by a fine of not more than \$5,000, or both. These provisions would become operative on July 1, 2009.

SB 1441 (Ridley-Thomas) Healing arts practitioners: substance abuse

This law establishes within the Department of Consumer Affairs the Substance Abuse Coordination Committee to develop uniform standards and controls for programs dealing with licensees with substance abuse problems.

SB 1448 (Scott) Real estate brokers and salespersons: fines

This law increases the maximum fine for conviction of the offense of acting as a real estate broker or salesperson or advertising as a real estate broker without being licensed from \$10,000 to \$20,000 if the violation is committed by a person and from \$50,000 to \$60,000 if the violation is committed by a corporation. This law also requires that if a Real Estate Fraud Prosecution Trust Fund exists in the county where the person or corporation is convicted, any fine collected from the person or corporation in excess of the existing maximum amount be deposited in that fund.

SB 1482 (Correa) Local government: forfeiture of office

This law provides that an elected officer of a city, county, city and county, or district in this state forfeits his or her office upon the conviction of a crime pursuant to the federal act, that involves a false claim of receipt of a military decoration or medal described in that act.

SB 1509 (Lowenthal) Highway workers: assault and battery

This law provides that when an assault or a battery is committed against a highway worker, as defined, engaged in the performance of his or her duties and the person committing the offense knows or reasonably should know that the victim is a highway worker engaged in the performance of his or her duties, the offense shall be punishable by a fine not to exceed \$2,000, or by imprisonment in a county jail up to one year, or by both that fine and imprisonment.

SB 1531 (Correa) Peace officer training: autistic persons

This law requires that the Commission on Peace Officer Standards and Training create and make available on DVD and authorize the commission to distribute electronically a course on how to recognize and interact with persons with autistic spectrum disorders. The course shall be designed for, and made available to, peace officers who are first responders.

SB 1546 (Runner) Sexually violent predators

This law provides that the Department of Mental Health (DMH) may contract with independent evaluators to perform initial evaluations of inmates for possible civil commitment as sexually violent predators, that the authority shall remain in effect until January 1, 2011, and that DMH shall semi-annually report to the Legislature on progress in hiring of full-time DMH employees to do sexually violent predator evaluations.

****SB 1638 (Alquist) Juveniles: juvenile court schools**

This law encourages each county superintendent of schools or governing board of a school district and each county chief probation officer to enter into a memorandum of understanding or an equivalent mutual agreement to support a collaborative process for meeting the needs of wards of the court who are receiving their education in juvenile court schools. This law specifies various items that may be included in the memorandum of understanding or equivalent mutual agreement.

SB 1666 (Calderon) Crime: school zones

This law will expand the area of a "safe school zone" from 1,000 to 1,500 feet from a school, and provides that the "safe school zones" and related laws apply to private as well as public schools.

SB 1701 (Romero) Sentencing

This law extends the sunset date from January 1, 2009, to January 1, 2011, for which a court sentencing a defendant in the wake of *Cunningham vs. California* and the enactment of SB 40 (Romero), Chapter 3, Statutes of 2007, may impose the lower, middle or upper term of imprisonment, as specified.

