

## 2009-10 Bill Summaries

### ATTORNEYS AND RELATED MATTERS

#### Attorneys and Related Services

**AB 471 (Nava) Government representation.** This bill would have made assorted non-substantive technical changes to existing law relating to the authority of state agencies to retain legal counsel and to use the services of the Attorney General, as well as changes to other statutes relating to the authority of the Attorney General. Status: Vetoed.

**AB 940 (Judiciary) Attorneys: interest on lawyer trust accounts.** This bill specifies that a financial institution other than a bank may hold an Interest on Lawyer Trust Account (IOLTA) and requires that financial institutions holding IOLTA accounts carry deposit insurance. This bill also requires attorneys to report to the State Bar their compliance with laws regulating IOLTA accounts. Status: Chapter 129, 2009.

**AB 2766 (Judiciary) Attorneys.** This bill would have corrected a technical error in existing law concerning lawyer trust accounts by replacing the word "in" with the word "on" with respect to interest-bearing lawyer trust fund accounts. Status: Dead, Senate Inactive file.

**SB 877 (Harman) Arbitration: legal representation.** This bill extends the sunset provision, until January 1, 2013, for the out-of-state attorney arbitration counsel program that authorizes attorneys admitted to practice in other states to practice law in California for the purpose of arbitration proceedings, despite lacking a license to practice in California. Status: Chapter 277, 2010.

**SB 1038 (Harman) Powers of attorney: duties.** The bill deletes an exemption in existing law that makes an attorney-in-fact not liable for losses to the principal's property when the attorney-in-fact is not compensated. Instead, this bill provides that a non-compensated attorney-in-fact may be held liable for breaches of duty, regardless of whether the breach was made in bad-faith or error, in an amount up to twice the value of the property recovered by an action to recover the property or for surcharge. This bill also authorizes the court, in its discretion, to excuse the attorney-in-fact from liability if the attorney-in-fact acted reasonably and in good faith under the circumstances known to him or her. Status: Chapter 48, 2010.

#### State Bar

**AB 984 (Nava) State Bar of California: law school accreditation.** As referred to this Committee, this bill would have required the board of governors of the State Bar to seek recognition by the Council for Higher Education Accreditation (CHEA) as an institutional accrediting organization, and to ensure compliance with council standards on accreditation, and would have required the Committee of Bar Examiners to establish an accreditation subcommittee to adopt policies and procedures for the accreditation of law

schools. This bill was subsequently gutted and amended to address an unrelated subject. Status: Failed, Sen. Public Safety.

**AB 2764 (Judiciary) The State Bar Act.** This bill continues the State Bar's authority to assess and collect dues from licensed attorneys in California, and authorizes the Bar to continue to collect active membership dues of up to \$410 for the year 2011, maintaining 2009 dues levels. The bill also requires the State Bar, commencing on or before February 1, 2011, to make available to the public, upon request, specified classification and compensation paid to its employees as well as other specified information relating to compensation and benefits. Status: Chapter 476, 2010.

**SB 641 (Corbett) The State Bar Act.** This bill would have continued the State Bar's authority to assess and collect dues from licensed attorneys in California for 2010 in order to support the State Bar's operations, including discipline. Status: Vetoed.

## **CIVIL PRACTICE AND PROCEDURE**

### **Alternative Dispute Resolution**

**AB 216 (Beall) Public contracts: claims.** This bill would have revised the pre-litigation dispute resolution process for local government public works contracts entered into after January 1, 2010, particularly with respect to deadlines for making written claims and responses, requesting a meet and confer conference, and, if necessary, demanding mediation. This bill would also have expanded the dispute resolution process to include "change orders," and other relief, made charter cities and counties subject to the process, and applied the process to claims against contractors by local agencies. Status: Dead, Asm. Approps.

**AB 696 (Hagman) California Environmental Quality Act: arbitration.** This bill would have permitted a project applicant and the lead agency that prepared an environmental impact report (EIR) of the project to agree to resolve any dispute arising from the EIR through private arbitration, in lieu of seeking judicial review. Status: Dead, Asm. Natural Resources.

**AB 1718 (Monning) Dispute resolution.** As originally referred to this Committee, this bill would have increased civil filing fees to support community dispute resolution programs. The bill was subsequently gutted and amended to deal with an unrelated subject. Status: Vetoed.

### **Civil Procedure**

**AB 298 (Tran) Appeals: class action certification.** This bill would have established a new rule allowing a right of immediate appeal from an order granting class certification. More specifically, this bill would have allowed the defendant in a class action lawsuit a right of immediate appeal of the court's procedural determination to certify a class of plaintiffs and allow the lawsuit to proceed. Status: Failed, Asm. Jud.

**AB 335 (Fuentes) Employment contracts: forum.** This bill would have created a rebuttable presumption that a choice of law or a choice of forum clause in an employment agreement that is a condition of employment is unconscionable, violates public policy, and is void. In addition, this bill would have required a court to consider specified factors to determine whether the rebuttable presumption has been rebutted by an employer seeking to enforce the choice of law or choice of forum clause in an employment agreement. Status: Vetoed.

**AB 353 (Calderon) Civil actions: statute of limitations.** This bill would have required a civil action for relief on the ground of libel or slander to be commenced within three years, effectively extending the applicable statute of limitations by an additional two years. Status: Dead, Asm. Jud.

**AB 499 (Hill) Environment: California Environmental Quality Act: determination: dispute.** This bill would have revised California Environmental Quality Act (CEQA) judicial review procedures to clarify that only the recipients of a project approval identified by the lead agency are the real parties in interest that must be named by the plaintiff in an appeal of the lead agency's decision. Status: Vetoed.

**AB 578 (Huber) Civil procedure: discovery: objections.** This bill would have amended the rules of civil procedure to expressly allow a party making a discovery demand to ask that the other party produce a privilege log, if the other party objects to the discovery demand on the basis of privilege or work product. Under this bill, the court would have been given discretion to determine if the privilege log was necessary to evaluate whether the responding party's claim of privilege or work product was valid. Status: Dead, Sen. Jud.

**AB 839 (Emmerson) Medi-Cal service providers: judicial remedies.** This bill clarifies that a health care provider who files a grievance or complaint regarding the processing or payment of money by the Medi-Cal program, and who filed a complaint with the Department of Health Care Services (DHCS), may appeal the DHCS decision by filing a petition for writ of mandate in superior court. This bill also modifies the three-year and ten-year prohibition on enrollment as a health care provider in any DHCS program to begin from the date the provider's application package is denied or the provisional provider status is terminated. Status: Chapter 255, 2009.

**AB 927 (Calderon) Common interest developments: construction defects.** This bill extends the sunset date from July 1, 2010 to July 1, 2017 on provisions of existing law that sets forth pre-litigation dispute resolution processes and procedures before a common interest development (CID) homeowners' association may commence a design or construction defect action against a builder, developer, or general contractor of a CID of 20 or more units. Status: Chapter 7, 2009.

**AB 1040 (Strickland) Appeals: notice: class action settlements.** This bill would have required the appellant in a civil action, upon filing a notice of appeal, to state if the appeal

is from a lower court's approval of a class action settlement. If so, this bill would have entitled the appellant to expedited briefing and preference in setting the date for oral argument within 120 days after the notice of appeal has been filed. Status: Dead, Asm. Jud.

**AB 1262 (Strickland) Conflict of interest rules: exemption from anti-SLAPP law.**

This bill would have exempted certain actions under the Political Reform Act (PRA) from the protections afforded to free speech and petition by the anti-SLAPP statute. Specifically, this bill would have provided that the special motion to strike that is used against speech-related law suits would no longer apply to any cause of action brought by a private citizen or business entity authorized by law to sue for injunctive relief to enjoin violations of, or to compel compliance with, provisions imposing ethical standards on elected officials and candidates for elective or judicial office. Status: Dead, Asm. Jud.

**AB 1264 (Strickland) Attorney's fees: objectors.** This bill would have required any award of attorney's fees paid in settlement to a professional objector or an objector's counsel to be approved by the court prior to payment. Under this bill, a "professional objector" would have been defined as an attorney who challenges attorney's fees and other aspects of class action settlements without merit. Status: Dead, Asm. Jud.

**AB 1805 (Calderon and Nestande) CEQA: judicial review.** This bill would have prohibited judicial review under CEQA for 125 projects selected by the Business, Transportation and Housing Agency. Status: Dead, Asm. Natural Resources.

**AB 2119 (Tran) Civil procedure: deadlines: computation.** This bill provides that, when calculating service and filing deadlines of motions, oppositions, and replies, the deadline shall be counted backward from the hearing date, excluding the day of the hearing. This bill further provides that additional days added to the deadline because of a particular method of service shall be computed by counting backward from the deadline date. Status: Chapter 41, 2010.

**AB 2162 (Niello) Eminent domain: public utilities.** This bill would have allowed public utilities seeking to develop natural gas storage facilities to obtain prejudgment possession orders *ex parte* if immediate possession by the utility would not displace or unreasonably affect any person in lawful possession of the property. Status: Dead, Asm. U&C.

**AB 2284 (Evans) Jury trials: rules of court.** This bill, the Expedited Jury Trial Act, establishes an alternative to full-length jury trials in California, by authorizing, until January 1, 2016, a streamlined and consensual, binding jury trial before a reduced jury panel and a judicial officer only when the parties voluntarily agree after a dispute arises and an action has been filed. Status: Chapter 674, 2010.

**AB 2394 (Brownley) Civil process and notices: ministerial officers.** This bill, the Levying Officer Electronic Transaction Act, would establish procedures for sheriffs and marshals to transmit, receive, and maintain certain electronic records and documents

related to civil law enforcement. Among other things, this bill permits a levying officer, in lieu of returning the paper version of an original writ of execution to the court, to instead retain the original writ and electronically file with the court only a return reporting the levying officer's actions, amounts collected, and costs. Status: Chapter 680, 2010.

**AB 2453 (Tran) Oil and gas: operations: enforcement actions.** This bill significantly revises the current appeals process for operators of oil, gas, and geothermal wells to appeal a regulatory order issued by the Department of Conservation, and establishes specific due process requirements, including notice and timelines for decisions, and the judicial standard of review to be applied, as provided. Status: Chapter 264, 2010.

**AB 2588 (Strickland) Class actions.** This bill would have repealed California's class action litigation statute and negated existing case law, specifying class certification rules and procedures for actions under the Consumer Legal Remedies Act, and would replace both with a substantially different set of rules and procedures. Status: Failed, Asm. Jud.

**AB 2760 (Tran) False Claims Act: prevailing defendant: attorney's fees.** This bill would have required, in a civil action relative to certain claims arising from a public works contract, a court to award a prevailing defendant its reasonable attorney's fees and expenses against the state or political subdivision that prosecuted the action. This bill also would have prohibited, except as specified, a court from awarding a prevailing defendant its reasonable attorney's fees and expenses against a qui tam plaintiff who proceeded with an action without the assistance of the Attorney General or local prosecuting authority. Status: Dead, Asm. Jud.

**AB 2765 (Judiciary) Civil actions: statute of limitation: theft.** This bill extends the statute of limitations for specific recovery of a stolen work of fine art, including works taken by fraud or duress, as defined, from three to six years after actual discovery if the action for recovery is brought against a museum, gallery, auctioneer, or dealer. This bill specifies that this extension of the statute of limitations will only apply to works of fine art taken within 100 years prior to the enactment of this statute. In addition, the bill clarifies the definition and applicability of the "discovery rule" in response to recent conflicting appellate court decisions. Status: Chapter 691, 2010.

**AB 2773 (Swanson) Discrimination in employment.** This bill would have exempted civil actions brought pursuant to the Fair Employment and Housing Act from existing law that provides discretion to judges to determine costs, in a case other than a limited civil case, if the prevailing party recovers a judgment that could have been rendered in a limited civil case. Status: Vetoed.

**SB 209 (Corbett and Harman) Civil actions: disabled access.** This bill revises the legal standard of protection associated with Certified Access Specialist (CASp) inspection reports, which are submitted to the court in an action involving alleged violations of disability access laws. Specifically, this bill requires CASp reports to remain confidential, rather than be under seal and subject to protective order. This bill

specifies persons granted access to the CASp report and the time at which confidentiality of the report terminates. Status: Chapter 569, 2009.

**SB 786 (Yee) Civil procedure: attorney's fees and costs.** This bill prohibits a prevailing defendant in an anti-SLAPP motion from recovering attorney's fees and costs in the following actions: (1) whenever it is made to appear by verified petition that certain public records are improperly being withheld from a member of the public; (2) specified actions involving meeting provisions of the legislative body of a local agency or a state body; or (3) an action to obtain a judicial determination that an action taken by a legislative body of a local agency or a state body is null and void, as specified. Status: Chapter 65, 2009.

**SB 1274 (Judiciary) Electronic service of process.** This bill amends existing law authorizing electronic service of documents, to re-define electronic service to include both methods of electronic transmission and electronic notification. This bill further provides that parties may only consent to electronic service for documents which are not currently required to be served personally. Status: Chapter 156, 2010.

### **Evidence**

**AB 5 (Evans) Civil discovery: Electronic Discovery Act.** This bill establishes procedures in the Civil Discovery Act for a person to obtain discovery of electronically stored information in addition to documents, tangible things, and land or other property, in the possession of any other party to the action. Status: Chapter 5, 2009.

**AB 129 (Ma) Confidentiality: taxpayer communications.** This bill re-enacts a statute, which was inadvertently allowed to sunset on January 1, 2009, to expand the application of the attorney-client confidential communication privilege to specified communications between a federally authorized tax practitioner and a taxpayer, where the practitioner is representing the taxpayer on a tax matter before certain state agencies. Status: Chapter 411, 2009.

**AB 653 (Feuer) Law enforcement: marital privilege.** This bill would have provided that a peace officer who asserts evidentiary marital privileges in an administrative or disciplinary investigation or hearing shall not be subject to administrative discipline for failure to report information to his or her supervisor or department, except when the information concerns criminal or certain other conduct of the peace officer's spouse, who is also a peace officer employed by the department, and other specified conditions apply. Status: Vetoed.

**AB 1163 (Tran) Attorney-client privilege: decedent's estates.** This bill makes two clarifications to the attorney-client privilege that apply after the client's death. First, this bill clarifies that the attorney-client privilege is held by a deceased client's personal representative appointed for subsequent estate administration after the original personal representative has been discharged. This bill also provides that no attorney-client

privilege exists for communications relevant to issues between parties who all claim through a deceased client in a non-probate transfer. Status: Chapter 8, 2009.

**AB 1723 (Lieu) Evidence: admissibility of hearsay statements.** This bill creates a new "forfeiture by wrongdoing" hearsay exception, modeled after the federal rules. Specifically, this bill provides that evidence of a statement is not made inadmissible by the hearsay rule if the statement is offered against a party that has engaged or aided and abetted in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness. In addition, this bill expands the statutory definition of "unavailable as a witness" to include a declarant who persistently refuses to testify on the subject matter of the declarant's out-of-court statement despite having been found in contempt of court for refusal to testify. Status: Chapter 537, 2010.

**SB 1041 (Harman) Hearsay evidence: wills and revocable trusts.** This bill amends the Evidence Code to extend the hearsay exception which already applies to wills, in cases when the decedent is, by definition, no longer available to testify, to trusts when the same set of facts is present (i.e. the trustor is unavailable.) The hearsay exception created by this bill applies to a statement made by an unavailable declarant that (1) the declarant has or has not established a revocable trust; (2) has or has not revoked a revocable trust; or (3) that identifies the declarant's revocable trust, or any amendment thereto. Status: Chapter 106, 2010.

## **CONTRACTS, BUSINESS AND COMMERCIAL MATTERS**

### **Business and Consumer Protection**

**AB 85 (Tom Berryhill) Junk dealers and recyclers.** This bill corrects erroneous cross references and deletes duplicate provisions in existing laws related to junk dealers and recyclers. Status: Chapter 78, 2009.

**AB 109 (Feuer) Outdoor advertising: digital advertising displays.** This bill would have prohibited an advertising display that is visible from a highway, as defined, that is under state, county, or city jurisdiction, to be constructed as or otherwise modified into a digital advertising display, unless the applicable permitting authority follows specified procedures. This bill also would have prohibited, until January 1, 2012, any highway changeable message sign from displaying messages other than official traffic operations or public safety messages. Finally, this bill would have prohibited the painting, installation, or application of a supergraphic, as defined, to an exterior building wall until the State Fire Marshall promulgates safety regulations governing such signs. Status: Dead, Asm G.O.

**AB 285 (Tran) Corporations: electronic transmissions.** This bill requires that electronic transmissions by a corporation to an individual shareholder or member who is a natural person be preceded by or include a written statement containing: (1) any right of the recipient to have the record provided or made available on paper or in non-electronic form; (2) whether the consent applies only to that transmission, to specified categories of

communications, or to all communications from the corporation; and (3) the procedure the recipient must use to withdraw consent. Status: Chapter 96, 2009.

**AB 328 (Calderon) Electronic transactions: exceptions.** This bill authorizes insurance companies to electronically send various notices required by the California Insurance Code by agreement with the recipient using procedures that conform to the Uniform Electronic Transactions Act and applicable substantive law. Insurance companies exercising this authority must maintain a system for electronically confirming a policyholder's decision to opt in to the agreement to conduct transactions electronically, as well as a system that will allow the policyholder to electronically opt out. This bill also requires the insurer to maintain the electronic records for the same amount of time the insurer would be required to maintain those records if they were in written form. Finally, this bill authorizes insurance companies to pay claims by electronic funds transfers. Status: Chapter 433, 2009.

**AB 483 (Buchanan) Workers' compensation: Internet web sites.** This bill requires a licensed rating organization to establish and maintain an Internet web site in order to assist persons in determining whether an employer has workers' compensation insurance. The web site must comply with certain content and functionality requirements, as specified in the bill and adopted by the Insurance Commissioner. This bill also specifies that the rating organizations, and their affiliates, are not liable for damages or injuries caused by the good faith disclosure of information, or the accuracy or completeness of that information. Status: Chapter 241, 2009.

**AB 515 (Hagman) Collateral recovery.** This bill makes numerous revisions to the Collateral Recovery Act (Act) and Vehicle Code sections relating to the impound of vehicles, including, among other things: (1) limiting a repossession agency's liability for damages to a vehicle as a result of electrical failure, or specified illegal aftermarket parts; (2) narrowing the definition of lawful experience for qualified managers of repossession agencies; and (3) requiring impound agencies to accept a valid bank credit card or cash, as specified. Status: Chapter 322, 2009.

**AB 833 (John A. Perez) Rental passenger vehicles: contracts.** This bill would have allowed a car rental company to shift the burden of proof from the rental company to the renter to establish whether there is clear and convincing evidence that the renter or authorized driver failed to exercise ordinary care while in possession of the vehicle if the vehicle is stolen. In addition, this bill would have authorized the car rental company to make the renter responsible for the replacement cost of the vehicle ignition key or remote keyless entry system if the renter fails to return them, and would have increased the limit on the renter's responsibility for physical damage to the vehicle resulting from non-theft-related vandalism from \$500 to \$1,000. Status: Dead, Asm. Jud.

**AB 1054 (Coto) Motor vehicle insurance: rates.** This bill would have amended provisions of Proposition 103, passed by voters in 1988, to provide that if a rate approval by the Insurance Commissioner (IC) is challenged by a consumer, no retrospective adjustment (i.e. refund) of an approved rate may be awarded unless the challenger



establishes that the insurer violated the approval order. Additionally, this bill would have specified that, in calculating an insurer's expenses for rate-making purposes, the efficiency standard adopted by the IC shall not include the costs paid by an insurer to a credit card issuer for premiums paid by a policyholder by credit card. Status: Dead, Asm. Approps.

**AB 1233 (Silva) Nonprofit and consumer cooperative corporations.** This bill revises various provisions in the Corporations Code pertaining to the governance of nonprofit public benefit corporations, mutual benefit corporations, religious corporations, consumer cooperative corporations, and nonprofit unincorporated associations. The revisions involve directors and their titles, directors' elections and voting rights, quorum requirements, board committees and actions, third party rights, mergers and dissolutions, and private foundation restrictions. Status: Chapter 631, 2009.

**AB 1652 (Jones) Public safety: ski resorts.** This bill would have required ski resorts to prepare an annual safety plan, make the safety plan available to the public upon request, and make available to the public, upon request, a monthly report with specified details about any fatal incidents at the resort which resulted from a recreational activity. The bill also would have required a ski resort to establish its own signage policy and safety padding policy for the resort. Status: Vetoed.

**AB 1656 (Ma) Fur products: labeling.** This bill would have required a person who sells or displays any clothing apparel for sale that is made wholly or partially of fur to attach a conspicuously displayed tag or label that includes the names of the animal or animals from which the fur was acquired and the country of origin of any imported furs. This bill also would have relieved a retail merchant from liability for any violation if a manufacturer or supplier for the merchant had provided a specified certification to that merchant. Status: Vetoed.

**AB 1722 (Hagman) Collateral recovery.** This bill would have made a number of substantive and clarifying changes to sections of the Collateral Recovery Act and Vehicle Code that regulate qualifications for licensed repossessioners and the repossession, impoundment, and release from impoundment of vehicles. Among other things, this bill would have revised provisions relating to retention of inventory documents, frequency of qualified manager examinations, confidentiality of cell phone numbers, and the ability of registrants to work while waiting for mailing of a registration card. Status: Dead, Asm. Approps.

**AB 2733 (Ruskin) Cigarettes and tobacco products.** This bill amends the California Cigarette and Tobacco Licensing Act (Act) to prohibit a licensee whose license has been suspended or revoked from giving cigarette and tobacco products away or displaying those products during the period of license suspension or revocation, as specified. Status: Chapter 607, 2010.

**SB 156 (Wright) Insurance: fraud prevention and detection.** This bill authorizes the Insurance Commissioner to convene meetings with representatives of insurers to discuss suspected or completed acts of insurance fraud. This bill shields a person from civil

liability for libel, slander, or any other relevant cause of action for sharing information during the course of those meetings that is related to specific suspected, anticipated, or completed acts of insurance fraud, as provided. Status: Chapter 305, 2010.

**SB 340 (Yee) Advertising: automatic renewal purchases.** This bill requires any business making an “automatic renewal” or “continuous service” offer to clearly and conspicuously, as defined, disclose terms of the offer and obtain the consumer’s affirmative consent to the offer. This bill provides that violation of these provisions shall not be a crime, and that a business that complies with these provisions in good faith shall not be subject to civil remedies, but otherwise all civil remedies that apply to a violation may be employed. Status: Chapter 350, 2009.

**SB 392 (Florez) Contractors: limited liability companies.** This bill authorizes the issuance of a contractor's license to a limited liability company (LLC), and adds license requirements that mirror those of a corporation. This bill also requires a LLC to provide security for claims by obtaining liability insurance with a total aggregate limit of \$1 million for a limited liability company that employs five or fewer licensed persons, and an additional \$100,000 of insurance for each additional person up to \$5 million dollars in any one designated period for a LLC that employs more than five licensees rendering professional services on behalf of the company. Status: Chapter 698, 2010.

**SB 653 (Correa) Foreign limited liability companies: Indian tribes.** As referred to this committee, this bill would have enabled limited liability companies (LLC) organized and operating under tribal law, to qualify to do intrastate business by registering a foreign LLC with the Secretary of State, and would have made conforming changes to statutes pertaining to business organization and income taxes. Subsequently, this bill was gutted and amended to address an unrelated issue. Status: Dead, Asm. Jud.

**SB 657 (Steinberg) Human trafficking.** This bill requires, beginning January 1, 2012, every retailer and manufacturer doing business in California and having more than \$100 million in annual gross receipts to disclose its efforts to eradicate slavery and human trafficking from its supply chain, as specified, and further requires the disclosure to be posted on the company's Web site and provided to consumers in writing if the company has no Web site. This bill provides that the exclusive remedy for non-compliance with these provisions is an injunction from the Attorney General. Status: Chapter 556, 2010.

**SB 722 (Steinberg) Greenhouse gas credits.** This bill would have subjected companies that advertise greenhouse gas credits or "offsets" to meet certain requirements and would have provided civil penalties for false advertising if the claimed reductions or offsets could not be verified. The bill was subsequently amended to deal with a different topic. Status: Died in Senate.

**SB 757 (Pavley) Lead wheel weights.** This bill prohibits a person from manufacturing, selling, or installing a wheel weight that contains more than 0.1 percent lead by weight, and enacts specified civil and administrative penalties for violations of the prohibition. This bill also provides that if an alternative to lead contained in wheel weights is

identified as a chemical of concern, pursuant to the Green Chemistry law, then the lead alternative shall be subject to the prescribed evaluation process to best limit its exposure to the public or reduce the level of hazard it poses to human health or the environment. Status: Chapter 614, 2009.

**SB 880 (Yee) Public safety: snow sport helmets.** This bill requires every person under 18 years of age to wear a properly fitted and fastened snow sport helmet, that meets specified standards, while downhill skiing or snowboarding, or while riding upon a seat or other device that is attached, and imposes a fine of \$25 for a violation of this requirement. Status: Chapter 278, 2010. (Note: Because of its contingent enactment clause, this bill does not become operative because AB 1652 (Jones) was vetoed.)

**SB 933 (Oropeza) Debit cards: service fees.** This bill would have applied the existing law provision that prohibits charging a service fee for credit card transactions to debit card transactions. This bill would have revised the definition of "debit card" to also include a prepaid card or other means of access to prepaid funds, including government benefit cards. Finally, this bill would not have applied to credit and debit card payments to public utilities, who could still have charged a service fee for credit and debit card transactions under this bill. Status: Vetoed.

**SB 1008 (Padilla) Engineering and land surveying: limited liability partnerships.** This bill authorizes engineers and land surveyors operating within their scope of licensure to conduct business as a limited liability partnership (LLP) similar to that of architects, certified public accountants and attorneys, as long as certain conditions are satisfied, including that such companies provide security for claims, in form and amounts as specified. This authority sunsets on January 1, 2016. Status: Chapter 634, 2010.

**SB 1098 (Corbett) Athlete agents.** This bill would have enacted the Uniform Athlete Agents Act (UAAA) for the regulation of agents who represent student and professional athletes, and unsuccessfully sought to replace, as of July 1, 2011, the existing Miller-Ayala Athlete Agents Acts, the existing statutory framework for regulating such activity. Status: Vetoed.

**SB 1454 (DeSaulnier) Recycling: plastic products.** This bill would have repealed the existing separate requirements for compostable or marine degradable plastic bags and food packaging and replaced them with a uniform requirement for all plastic products. Specifically, this bill would have prohibited a plastic product from being sold that is labeled "compostable" or "marine biodegradable" unless the product meets specified ASTM standards, as well as prohibited a plastic product from being sold that is labeled with the term "biodegradable," "degradable," or "decomposable," or any form of those terms. Status: Vetoed.

### **Contracts**

**AB 396 (Fuentes) Works of improvement: liens.** This bill would have limited the amount of retention proceeds that may be withheld from any progress payment, on any

state or local government public works contract entered into after January 1, 2010, to 5% of the progress payment. In addition, this bill would have limited the existing right of a public entity, when a stop notice is received, to withhold payment to contractors and subcontractors in order to provide for the public entity's reasonable litigation costs associated with the stop notice, as provided. Status: Dead, Asm. Approps.

**AB 457 (Monning) Liens.** This bill requires a mechanic's lienholder (generally a contractor, subcontractor, or material supplier) on a private work of improvement, after filing a complaint to foreclose on a mechanic's lien, to record in the proper county recorder's office a notice of the pendency of the proceedings. This bill provides that a lienholder must serve the property owner with the mechanic's lien and a Notice of Mechanic's Lien, and that failure to do so as prescribed by this bill renders the mechanic's lien unenforceable as a matter of law. Status: Chapter 109, 2009.

**AB 541 (Duvall) Public contracts: claims: arbitration of contract disputes.** This bill would have allowed a public agency and a contractor to mutually agree to resolve a claim through independent arbitration. Status: Dead, Asm. Jud.

**AB 649 (Nestande and Portantino) Contracts: University of California.** This bill would have established procedures for handling "change orders" on University of California (UC) construction projects, including procedures for resolving conflicts through informal conferences and arbitration, as specified. This bill also would have established procedures for handling claims arising under UC construction projects. Status: Dead, Asm. Approps.

**AB 815 (Ma) Public contracts: bidding procedures.** As heard by this committee, this bill would have clarified that nothing in existing law shall be construed to prohibit a local public entity from requiring a bidder to review all relevant bid documents provided by the local public entity, including, but not limited to, architectural or engineering plans and specifications, prior to submission of a bid, or from requiring the report of any errors or omissions noted by the contractor to the architect or owner. Subsequently, this bill was gutted and amended to address an unrelated subject. Status: Chapter 350, 2010.

**AB 850 (De La Torre) Conflicts of interest: contracts.** This bill would have prohibited a person from participating in the commission of, or knowingly inducing another to commit, a violation of the law prohibiting financial conflicts of interest in the award of public contracts. This bill also would have prohibited a person from conspiring with a public official to violate the existing prohibition. Status: Dead, Asm. Approps.

**AB 906 (Hill and Smyth) Conflict of interest: remote interest in a contract.** This bill revises the definition of "remote interest" in the existing conflict of interest statute pertaining to government officials in order to allow a government entity to enter into a contract with an investor-owned utility, if the purpose of the contract is to provide energy efficiency, as specified. Status: Chapter 488, 2009.

**AB 961 (Krekorian) Public contracts: state contract eligibility: genocidal regimes.**

This bill would have prohibited companies that were engaged in business with perpetrators of specified genocides that still hold looted or deposited assets of genocide victims or their heirs, from bidding on or submitting proposals for contracts with state agencies. Status: Dead, Asm. Approps.

**AB 1119 (Emmerson) Works of improvement: payments.** This bill would have stated Legislative intent to reconsider prompt payment statutes regarding public and private works of improvement to aid in their clarity and application. Status: Dead, Asm. Inactive file.

**AB 1196 (Blumenthal) The False Claims Act.** This bill revises and clarifies significant aspects of the California False Claims Act (CFCA) to better conform to federal false claim law. Among other provisions, this bill (1) expands the definition of "claims" to hold those who knowingly defraud the government liable regardless of whether the fraud was conducted through an intermediary and prohibits false claim lawsuits from being dismissed without the written consent of the government; (2) modifies the statute of limitations to commence on the date of discovery by the Attorney General or prosecuting authority of a political subdivision; (3) clarifies that the Attorney General or prosecuting authority of a political subdivision has a duty to investigate specific violations of the CFCA and specifies civil penalties for each violation of the Act. Status: Chapter 277, 2009.

**AB 1650 (Feuer) Public Contracts: energy sector investments in Iran.** This bill prohibits any person or entity that engages in investment activities in the energy sector of Iran, as specified, from bidding on, submitting a proposal for, or entering into a contract with a public entity for goods or services. Status: Chapter 573, 2010.

**AB 1731 (Tran) Vehicle rental agreements: waivers.** Existing law permits a rental car company to sell a damage waiver to a consumer and caps the daily amount of that charge depending on the manufacturer's suggested retail price (MSRP) of the vehicle rented. This bill would delete the MSRP amounts and instead tie the cap to the class of vehicle rented. Status: Dead, Sen. Jud.

**AB 2036 (Bill Berryhill) Public works of improvement: stop notices.** As originally heard by this Committee, this bill would have placed specified limitations on the existing right of public entities to withhold payment to contractors and subcontractors when a stop notice is received to provide for reasonable litigation costs associated with the stop notice. The bill was subsequently gutted and amended to require state departments and local agencies to provide, upon request, a free electronic copy of a project's contract documents to a contractor plan room service. Status: Chapter 371, 2010.

**AB 2059 (Calderon) Vehicle rental agreements.** This bill would have required rental car companies that enter into a vehicle rental agreement with a renter who is not a resident of this country to do the following when that renter purchases supplemental liability insurance as part of the agreement: (1) accept service of process of any complaint

against the renter regarding harm, loss, or damage related to the use or operation of the rental car, and (2) provide a copy of the summons and complaint to the renter, as specified. Status: Vetoed.

**AB 2096 (Miller) Public contracts: claims: arbitration of contract disputes.** This bill would have allowed a public agency and a contractor to mutually agree to resolve a claim through independent arbitration instead of those procedures already established under existing law to resolve such claims. Status: Dead, Asm. Jud.

**AB 2216 (Fuentes) Works of improvement.** This bill would have revised certain procedures relating to surety bond claims and prompt payment statutes on works of improvement. Specifically, this bill would have reduced the time required for a prime contractor or subcontractor to pay any subcontractor, from 10 days to no later than seven days after receipt of each progress payment for satisfactory work performed. This bill also would have required a surety bond lien claim to be filed prior to completion of a public works project or recordation of a notice of completion. Status: Dead, Senate Floor.

**AB 2237 (Eng) Contracts: consideration.** This bill would have provided that a promise to make a gift, bequest, or devise of cash or other property to a tax-exempt charitable organization would be an enforceable contract without consideration, if the promisor indicated in writing an intent that the promise is a binding legal obligation. Status: Dead, Asm. Jud.

**AB 2282 (Miller) Electronic transactions: notarized signatures.** This bill would have defined the term "electronic signature" for the purpose of the existing statute that permits an electronic signature to be notarized if the electronic record includes, in addition to the electronic signature to be notarized, the electronic signature of a notary public together with all other information ordinarily required to be included in the notarization. Status: Dead, Asm. Jud.

**SB 189 (Lowenthal) Mechanics liens.** This omnibus mechanics lien bill recodifies, reorganizes, and clarifies the mechanics lien statute. Among other things, this bill modernizes terminology and eliminates inconsistencies in language, enacts separate provisions for private and public works, modernizes and streamlines existing notice requirements, and improves and clarifies statutory forms relating to waivers and releases. These provisions become operative July 1, 2012 to allow time for professionals and homeowners to adjust to the changes. Status: Chapter 697, 2010.

**SB 348 (Cogdill) Passenger vehicle rentals: increased vehicle license fee.** This bill permits a rental car company to recover from its customers the actual costs incurred by the company for the payment of the temporary 0.5% increase in the state vehicle license fee (VLF) established by the 2009 Budget Act. This bill also specifies the manner in which a rental company calculates the increased vehicle license recovery fee. Status: Chapter 156, 2009.

**SB 629 (Liu) Private works of improvement: retention proceeds.** This bill would have provided that, for private works of improvement contracted on or after January 1, 2010, retention proceeds withheld from any payment made by an owner to a general contractor shall not exceed 5% of the amount of the contract amount. Status: Dead, Sen. Inactive file.

**SB 972 (Wolk) Indemnity: design professionals.** This bill revises the existing indemnity statute regarding public works contracts with design professionals to clarify that the duty to indemnify, including the duty and the cost to defend, is regulated by the statute. The bill further requires that all contracts and all solicitation documents are deemed to incorporate the statute by reference, but expressly applies only prospectively to services offered pursuant to a design professional contract or amendment entered into on or after January 1, 2011. Status: Chapter 510, 2010.

**SB 1192 (Oropeza) Airports: rental car facility fees.** This bill permits a covered airport operator to impose a customer facility charge (CFC) on a rental car customer in a scheduled amount per day, phased in over time, rather than at the flat rate of \$10 per contract allowed under existing law. In addition to allowing a higher fee, this bill expands the purposes to which a CFC can be used, to include terminal modifications to accommodate and provide customer access to common-use transportation systems, as well as to acquire vehicles for a common-use transportation system. Status: Chapter 642, 2010.

### **Creditor-Debtor Relations**

**AB 121 (Hernandez) Judgment liens: continuation.** This bill establishes a process for the continuation of a judgment lien on personal property, so that a creditor need not file a new lien at the end of five years when the judgment lien would otherwise expire under existing law. Specifically, this bill allows a creditor to file a continuation statement not more than six months prior to the expiration of the first five-year period that remains effective for an additional five years from the day that the notice of judgment lien would have lapsed. Status: Chapter 410, 2009.

**AB 171 (Jones) Dental services: lines of credit.** This bill prohibits dentists from charging to a third party line of credit for dental services that have not been rendered, or costs that have not been incurred, unless the patient receives a list of treatment and services to be rendered, including the estimated costs, and a written treatment plan, as specified. This bill establishes additional requirements governing the arrangement of credit cards and loans for dental services, as specified. Status: Chapter 418, 2009.

**AB 350 (Lieu) Debt management and settlement.** This bill would have enacted the Debt Settlement Service Act (the Act) for the purpose of licensing debt settlement service providers. Among other things, this bill would have: (1) permitted providers to charge a fee of 20% of the principal amount of debt, as specified, including a 5% setup fee; (2) required providers to prepare a written financial analysis and a good faith estimate on the length of time it will take to complete the program, prior to entering into an agreement

with a consumer; (3) allowed a consumer to bring a civil action, except as specified, against a provider who violates the Act and recover compensatory damages and reasonable attorney's fees and costs. Status: Dead, Sen. Jud.

**AB 982 (Tran) Structured settlements.** This bill would have revised existing law regarding rights and procedures regulating the transfer of structured settlements. Among other things, this bill would have revised the definition of "interested parties" (i.e., persons who get notice of a proposed transfer of structured settlement payment rights) to narrow the class of "other parties" who have continuing rights or obligations under the structured settlement agreement to include only those whose continuing rights or obligations could be affected by the proposed transfer. Status: Dead, Sen. Jud.

**AB 1549 (Banking & Finance) Judgment liens: priority.** This bill restores the ability of judgment creditors to obtain judgment liens against the assets of a judgment debtor organization that is incorporated or registered in another state but has assets located in California. This bill establishes a new rule that a judgment lien on personal property of the judgment debtor can be obtained only if the personal property is located in California, or the judgment debtor is located in the state. This bill also creates a new priority rule, whereby a security interest in personal property perfected by the filing of a financial statement or other action under the laws of another state would have priority over a California judgment lien in the same personal property. Status: Chapter 153, 2009.

**AB 1847 (Furutani) Restitution orders.** This bill grants authority to a prosecutor, upon court approval, to use lien procedures, including real property liens, against a defendant to enforce restitution orders. This bill also authorizes the district attorney or probation office to be responsible for collecting restitution in cases where there is no county agency responsible for those duties. Status: Chapter 582, 2010.

**AB 2491 (Adams) Medical liens.** This bill would have provided that the provider of any medical care or services to an injured party shall have an implied lien upon any damages recovered by that person by judgment, settlement, or compromise in the amount of the reasonable charges of the provider for that care or services, if the attorney for the injured party submits a claim for settlement purposes to an insurance company for that medical care or services on behalf of the injured party. Status: Dead, Asm. Jud.

**SB 95 (Corbett) Car Buyers' Protection Act of 2009.** This bill imposes certain requirements when a dealer purchases or obtains a vehicle in trade in a retail sale or lease transaction and the vehicle is subject to a prior credit or lease balance, including requiring a dealer to pay off a lien within 21 days before it sells or trades the vehicle. Additionally, the bill increases by \$25 the fee for the original license and annual renewal license for dealers and lessor-retailers, and increases by \$50 the fee for the original and renewal of an auto broker's endorsement to a dealer's license. Status: Chapter 556, 2009.

**SB 285 (Wright) Disability benefits: attachment.** This bill provides that federal disability benefits awarded to veterans for service-connected disabilities pursuant to Chapter 11 of Title 38 of the United States Code shall be exempt from the claims of



creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatsoever, as provided by federal law. The bill states that it is the intent of the Legislature to enact legislation to conform state law in this area with existing federal law. Status: Chapter 162, 2009.

**SB 510 (Corbett) Structured settlements: payment transfer.** This bill revises the provisions of California's Transfers of Structured Settlement Payment Rights Act (the Act) in order to protect consumers who wish to transfer to a financial entity their structured settlement payment right (i.e. periodic payment rights) for a lump sum payment. Among other things, this bill limits application of the Act to transfers where the person selling settlement payment rights (the payee) is domiciled in California at the time the transfer agreement is signed by the payee, or the payee is not domiciled in California at the time the transfer agreement is signed and the state where the payee is domiciled does not have a structured settlement transfer statute, but either the structured settlement obligor or annuity issuer is domiciled in California. Status: Chapter 593, 2009.

**SB 1146 (Florez) Finance lenders.** This bill creates an experimental small-loan program called the Pilot Program for Affordable Credit-Building Opportunities, a four-year program under the California Finance Lenders Law (CFL) that would allow participants to offer a new type of small-dollar consumer loan subject to specified requirements. That loan permits the licensee to charge higher interest rates, origination fees, and delinquency fees than permitted under existing law. The loans, which could be originated in an amount from \$250 to \$2,500, must be underwritten by the licensee, as specified, and the licensee must report a borrower's payment performance to at least one of the three major credit bureaus. Status: Chapter 640, 2010.

## **COURTS AND RELATED MATTERS**

### **Courts**

**AB 273 (Anderson) Collections: amounts imposed by a court.** This bill would have required superior courts to refer all delinquent fines, state or local penalties, forfeitures, and other amounts imposed by a superior court upon a person or entity for criminal offenses to the Franchise Tax Board (FTB) for collection, regardless of the amount. The bill would also have authorized the FTB to collect actual and reasonable costs of collection in addition to any amounts referred and interest thereon. Status: Dead, Asm. Rev & Tax.

**AB 590 (Feuer) Legal aid.** This bill requires the Judicial Council to create a pilot program for the appointment of legal representation for unrepresented low-income parties in civil matters involving critical issues affecting basic human needs, as specified. The pilot program commences July 1, 2011 and will be subject to funding specifically provided for this purpose. This bill requires the Judicial Council to develop the pilot program in selected courts pursuant to a competitive grant process and a request for proposals, as specified. In addition, this bill prohibits the use of the term "legal aid" by

an entity unless the entity is a nonprofit organization that provides civil legal services to the poor without charge. Status: Chapter 457, 2009.

**AB 663 (Jones) Legal aid: court interpreters: appearances by telephone.** This bill would have required the Judicial Council to enter into one or more master agreements with vendors to charge a fee to provide telephone appearances by parties authorized to do so in specified proceedings in civil cases, and would require the vendor to pay \$15 of each fee collected to the state for deposit into the Trial Court Trust Fund. This bill also would have established a model pilot program to be developed by the Judicial Council for providing court interpreters in important civil matters not currently served, to be funded from the revenue derived from the telephonic appearance fee. Finally, this bill would have prohibited the use of the term “legal aid” by an entity unless the entity is a nonprofit organization that provides civil legal services to the poor without charge. Status: Dead, Sen. Approps.

**AB 680 (Hall) Local government: fees and judgments.** This bill increases various fees, by amounts ranging from \$5 to \$20, for serving, executing, and processing required court notices, writs, orders, and other services provided by county sheriffs and marshals. Among other things, this bill creates an *ex parte* application for relief when a levying officer has not paid funds to a person entitled to a money judgment, and exempts those actions from the Tort Claims Act. Status: Chapter 4, 2010.

**AB 996 (Anderson) Courts: continuous hours of operation.** This bill would have authorized the Chief Justice of the Supreme Court, the presiding justice of a court of appeal, or the presiding judge of a superior court to order the court to operate on a continuous and ongoing basis, 24 hours per day, seven days per week. Status: Failed, Asm. Jud.

**AB 1749 (Lowenthal and Strickland) Whistleblower Protection Act: Administrative Office of the Courts.** This bill expands existing whistleblower protections under the California Whistleblower Protection Act to include employees of the judicial branch. Specifically, this bill authorizes an employee or applicant for employment with certain judiciary entities who files a written complaint alleging actual or attempted acts of reprisal, retaliation, or similar prohibited acts for having made a protected disclosure, to also file a copy of the written complaint with the State Personnel Board, and requires the Board to investigate any claim filed and make a recommendation regarding the alleged retaliation. Status: Chapter 160, 2010.

**AB 1926 (Evans) Court records: preservation guidelines.** This bill provides that trial courts could create, maintain, and preserve court records in any form of communication if the form satisfies rules adopted by the Judicial Council, as specified. This bill requires the Judicial Council to establish standards and guidelines for the creation, maintenance, reproduction, or preservation of court records. This bill provides that documents electronically signed, subscribed, or verified would have the same validity and legal force and effect as paper documents. Status: Chapter 167, 2010.

**AB 2217 (Fuentes) Jurors: electronic communications.** This bill would have statutorily authorized an informal practice by many courts to appropriately admonish jurors against the use of electronic and wireless devices to communicate, research, or disseminate information about an ongoing case. This bill would also have updated existing civil and criminal contempt statutes by establishing that courts have the authority to hold jurors in contempt for willfully disobeying a court admonishment relating to the prohibition of any form of electronic communication, dissemination of information, or research about a case. Status: Vetoed.

**SB 319 (Harman) Jury services.** This bill authorizes a court, when a juror fails to respond to an initial summons, to issue a second summons indicating that the person failed to appear in response to a previous summons and ordering the person to appear for jury duty. This bill also provides that the second summons may be issued no earlier than 90 days after the initial failure to appear, and extends these provisions indefinitely by deleting the January 1, 2010 sunset date from existing law. Status: Chapter 44, 2009.

### **Court Reporting and Recording**

**AB 170 (Mendoza) Court reporters: rough draft transcripts.** This bill provides that, until January 1, 2017, a court reporter's instant visual display of testimony or proceedings may not be certified and cannot be used, cited, distributed, or transcribed as the official transcript of the proceedings. This bill also prohibits the citation or use of an instant visual display of testimony or proceedings to rebut or contradict the official certified transcript of the proceedings, and prohibits a rough draft transcript from being distributed as the official certified transcript of the proceedings. Status: Chapter 87, 2009.

**SB 1181 (Cedillo) Shorthand reporters: Transcript Reimbursement Fund.** This bill extends the sunset on the Transcript Reimbursement Fund administered by the Court Reporters Board of California from January 1, 2011 to January 1, 2013. The bill expands the applicants authorized to obtain reimbursement from the fund to include indigent pro se litigants, as specified, up to a maximum of \$30,000 annually and \$1,500 per case, and requires the board to report to the Legislature no later than March 1, 2012, on expenditures and claims by such litigants. Status: Chapter 518, 2010

### **Judges**

**AB 942 (Judiciary) Judgeships.** This bill would have authorized the Judicial Council to convert up to an additional 10 subordinate judicial officer (SJO) positions to judgeships each year, upon vacancy, if the conversion of these additional positions would result in a judge being assigned to a family or juvenile law assignment previously presided over by an SJO. This bill also would have required the Judicial Council to provide the Legislature with a special assessment of the need for new judgeships in the family and juvenile law assignments for each superior court and a report on the effectiveness of the additional SJO conversions. Status: Dead, Sen. Approps.

**AB 1894 (Monning) Judges: disqualification.** This bill extends, for civil cases only, the time period for making a motion to disqualify a judge from 10 to 15 days. This bill also provides that a party making a motion to disqualify a judge must serve notice on all parties no later than five days after making the motion. Status: Chapter 131, 2010.

**AB 2116 (Evans) Judges: gifts and honoraria.** This bill extends to subordinate judicial officers (SJOs) the statutory gift limitations that now apply to judges of the superior courts, and justices of the courts of appeal and the Supreme Court. Status: Chapter 206, 2010.

**AB 2487 (Feuer) Judicial elections: campaign contributions.** This bill requires the disqualification of a superior court judge who has received a campaign contribution in excess of \$1,500 from a party or lawyer in a proceeding before the court and requires the disclosure of lesser amounts, as specified. The bill provides that the disqualification required under this bill may be waived by the non-contributing party, as specified. Status: Chapter 686, 2010.

**AB 2763 (Judiciary) Subordinate judicial officer conversions.** This bill authorizes the Judicial Council to convert, in eligible superior courts, up to an additional 10 subordinate judicial officer positions (SJOs) to judgeships each year, upon vacancy, if the conversion of these additional positions will result in a judge being assigned to a family or juvenile law assignment previously presided over by an SJO. This bill requires the Judicial Council to provide the Legislature with a new special assessment of the need for new judgeships in the family and juvenile law assignments for each superior court, and a report on the effectiveness of the additional SJO conversions authorized here. Status: Chapter 690, 2010.

### **Small Claims Court**

**AB 712 (Evans) Small claims court: equitable relief.** This bill clarifies that a small claims court has jurisdiction over an action for an injunction or other equitable relief only when a statute expressly authorizes a small claims court to award that relief. This bill also provides that nothing in the Small Claims Act is intended to expand, or to encourage the expansion of, the jurisdiction of the small claims court. Status: Chapter 468, 2009.

**SB 556 (Judiciary) Small claims court: fee collection.** This bill requires the clerk of the court in a small claims court judgment to charge and collect all fees associated with the enforcement of judgments under the Enforcement of Judgments Law. This bill also specifies that bail is included among the unpaid court-ordered fines and penalties that the court may refer to the Franchise Tax Board for collection after 90 days of delinquency. Status: Chapter 596, 2009.

### **Trial Court Coordination and Funding**

**AB 1697 (Hall) Court security: fee.** This bill would have extended the \$10 court security fee increase until 2013, and established a special court security fund. Status: Dead, Sen. Jud.

**AB 2485 (Feuer) Courts: civil actions.** This bill would have increased the court application fee for out-of-state attorneys appearing in California superior courts from \$250 to \$500, with \$250 of these fees to be deposited in the Trial Court Trust Fund. This bill also would have extended the sunset to July 1, 2017 for provisions regulating actions filed in superior court by a common interest development association against a builder, developer, or general contractor for design or construction defects. Status: Vetoed.

**AB 2521 (Torrico) Courts: audit.** This bill would have required the State Controller to audit the finances of the trial courts and the Administrative Office of the Courts, as specified. Status: Dead, Sen. Jud.

## **FAMILY LAW, CHILDREN AND RELATED MATTERS**

### **Adoption**

**AB 372 (Ma) Vital records: adoptees and birth certificates.** This bill would have allowed an adult adoptee to access to his or her original birth certificate in cases of medical necessity regarding a serious health condition. In addition, the bill would have provided adoptees age 25 and above with access to their original, unredacted birth certificates unless a birth parent expressly objected. Status: Dead, Asm. Approps.

**AB 941 (Judiciary) Adoption.** This bill makes several technical and clarifying changes to adoption law. Among other things, this bill clarifies that an optional postadoption contact agreement between adoptive parents and birth relatives may, if the parties agree, include more than just the sharing of information about the child, even if the child does not have an existing relationship with the birth relatives. By contrast, this bill provides that the terms of any postadoption contact agreement with birth relatives other than the child's birth parent or parents shall be limited to the sharing of information about the child, unless the child has a preexisting relationship with the birth relative. Status: Chapter 492, 2009.

**AB 1325 (Cook and Beall) Tribal customary adoption.** This bill establishes procedures for the option of tribal customary adoption to allow Indian children in the child welfare system, until January 1, 2014, to be provided with the permanence offered by adoption without first terminating the birth parents' rights. This bill also requires social workers to include information in their reports to the court, as specified, after consultation with an Indian child's tribe, on whether customary adoption is an appropriate permanent plan for a child if reunification fails. This bill ensures prospective and adoptive parents in a tribal customary adoption have the same rights and privileges afforded to any other prospective and adoptive parents provided pursuant to state law, and establishes regulations consistent with ensuring Title IV-E federal funding for adoption assistance. Status: Chapter 287, 2009.

**AB 2020 (Fletcher) Adoption.** This bill makes several changes to adoption processes and adoptive placement considerations, including (1) providing that the same process be used to determine the existence of a parent-child relationship, regardless of whether the child has a presumed parent; (2) allowing the court to dispense with a hearing to terminate parental rights and allowing the court instead to issue an ex parte order terminating those rights in three specified situations; (3) providing that, if the birth parent refuses to consider placement of a child being considered for adoption with a relative or sibling, the foster parent shall be considered, along with all other prospective adoptive parents; and (4) providing that a proceeding to have a child who is the subject of a guardianship declared free from the custody or control of one or both parents may be brought within the existing guardianship proceeding, in an adoption action, or in a separate action filed for that purpose. Status: Chapter 588, 2010.

**AB 2417 (Cook) Tribal customary adoption.** This bill clarifies that, for a tribal customary adoption, a state and federal background check conducted through the Department of Justice (DOJ) must be conducted for the prospective adoptive parents and any person residing in the home over 18 prior to final approval of the tribal customary adoptive placement. If the tribe conducts its own home study, the public adoption agency that is otherwise authorized to obtain criminal background information must perform the state and federal criminal background check through the DOJ. Status: Chapter 467, 2010.

## **Children**

**AB 82 (Evans) Dependent children: psychotropic medications.** This bill would have created a pilot project, to operate until January 1, 2013 in three counties, establishing additional requirements in the court approval process for requests to administer psychotropic medications to children in foster care. This bill would have required the Judicial Council to adopt specified rules and forms to implement the project by July 1, 2010, and would have required the Department of Social Services to report to the Legislature before July 1, 2013, regarding the findings of the pilot project, as specified. Status: Vetoed.

**AB 131 (Evans) Juvenile proceedings: costs.** This bill requires the Judicial Council to establish a cost-recovery program to collect reimbursements for counsel appointed by the court to represent parents or their children in dependency cases. This bill provides that persons who are liable for the support of the minor shall also be liable for the cost to the county or the court for the cost of legal services rendered to the minor, unless requiring repayment would harm the parent's ability to support the child and pose a barrier to reunification, or other specified circumstances exist. This bill also requires the Judicial Council to develop a statewide standard for determining ability to pay reimbursements for counsel, considering, at a minimum, the family's income, their necessary obligations, and other factors. Status: Chapter 413, 2009.

**AB 270 (De La Torre) Dependent children.** This bill would have specified additional responsibilities for the county welfare department (CWD) before a foster youth reaches

the age of 18 and before a non-minor dependent exits foster care, including providing specified information, services, and documents to the youth. In addition, this bill would have required the juvenile court to continue its jurisdiction over the youth if it found that the CWD had not provided the youth with the required information and services. Status: Dead, Asm. Approps.

**AB 743 (Portantino) Foster care: sibling placement.** This bill requires siblings to be placed together when they have been removed from their parents or guardians unless that placement is contrary to their safety or well-being pursuant to the federal Fostering Connections to Success and Increasing Adoptions Act of 2008. This bill also requires notification to be provided to a child's attorney when there is a change in placement resulting in the separation of siblings. Status: Chapter 560, 2010.

**AB 921 (Jones) Juvenile court jurisdiction: services and benefits.** This bill would have required a probation officer or parole officer, whenever the juvenile court terminates jurisdiction over a ward, or upon release of a ward from a non-foster care facility, to provide to the person: (1) a written notice stating that the person is a former foster child and may be eligible for the services and benefits that are available to a former foster child through public and private programs; and (2) information on the availability of, and assistance to enable the person to apply for and gain acceptance into, federal and state programs that provide independent living services and benefits to former foster children. Status: Vetoed.

**AB 938 (Judiciary) Relative caregivers and foster parents.** This bill implements a requirement of the federal Fostering Connections to Success and Increasing Adoptions Act that seeks to help ensure that children who have been removed from their parents can still be cared for by loving relatives. Specifically, this bill requires that child welfare agencies in California provide notice to all adult grandparents and other relatives within 30 days of a child's removal from the parents and placement in foster care. This bill also requires the social worker, beginning January 1, 2011, to provide notified relatives of dependent children with a relative information form, developed by the Judicial Council, that will better inform the social worker and the court about the child's needs. Status: Chapter 261, 2009.

**AB 973 (Strickland) Minors: temporary custody.** This bill, until January 1, 2013, revises the current requirements that must be met before prospective adoptive parents may take a drug-exposed newborn into temporary custody from the hospital. Status: Chapter 440, 2010.

**AB 1048 (Torrico) Child protection: safe surrender.** This bill makes the following changes to the Safely Surrendered Baby law: (1) permits a fire agency to designate a safe surrender site, upon approval of the local governing body, (2) immunizes a safe surrender site and its personnel from criminal, civil, or administrative liability for a surrendered child prior to taking actual physical custody of the child, or prior to the time the surrender site or its personnel knows, or should know, that the child has been surrendered, and (3)

requires the Department of Social Services to report specified information to the Legislature. Status: Chapter 567, 2010.

**AB 1229 (Evans) Juvenile court costs.** This bill authorizes the court to designate a court financial evaluation officer to make evaluations of liability for reimbursement for the costs of legal services rendered to a minor in dependency proceedings. This bill also requires both the court financial evaluation officer and the county financial evaluation officer to follow the specific procedures set fourth for county financial evaluation officers. Status: Chapter 569, 2010.

**AB 1655 (Evans) Dependent children: psychotropic medications.** This bill would have established a pilot in three counties to add requirements to the court approval process for the administration of psychotropic medications to foster children and would have increased oversight following approval. Status: Dead, Asm. Approps.

**AB 2418 (Cook) Indian children.** This bill provides that for purposes of an Indian child custody proceedings, an "Indian child" also includes an unmarried person age 18 or over, but under 21 years of age, who is either a member of an Indian tribe or eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe, and who is under the jurisdiction of the dependency court, unless that person or his or her attorney elects not to be considered as an Indian child for purposes of the Indian child custody proceeding. This bill requires that all Indian child custody proceedings involving persons 18 and over must be conducted in a manner that respects the child's status as a legal adult. Status: Chapter 468, 2010.

**SB 179 (Runner) Juvenile law: referee.** This bill permits a party who is present at the termination of rights hearing in a case heard by a referee in juvenile court to be served in court with the findings, the order, and an explanation of the right to appeal the termination order. In addition, this bill requires service of the findings and order to be made by mail to a minor, parent, or guardian who was not present in court when those findings and order were made, except as specified, and would require the mailing to include the written explanation of the right to seek review of the order. Status: Chapter 66, 2010.

**SB 962 (Liu) Prisoners: participation in dependency proceedings.** This bill allows for the use of video or teleconference technology for prisoners to participate in judicial proceedings involving their parental rights or a dependency petition for their child. Status: Chapter 482, 2010.

**SCR 20 (Liu) Children of Incarcerated Parents Bill of Rights.** This resolution encourages designated entities to distribute the Children of Incarcerated Parents Bill of Rights to children of incarcerated parents, and to invite discussion and encourage relevant departments to use the Bill of Rights as a framework for analysis and determination of procedures when making decisions about services for these children. Status: Res. Chapter 88, 2009.



## **Child Custody and Visitation**

**AB 375 (Nielsen) Child custody: child sexual abuse.** This bill would have prohibited a court from granting an ex parte request to modify a child custody order if: (1) the court makes a finding of domestic violence or sexual abuse against the child; (2) the court determines that the act of domestic violence or sexual abuse is of recent origin (within the last five years) or part of a demonstrated and continuing or escalating pattern of acts of domestic violence or sexual abuse against the child; and (3) the modification request is made by a person who is alleged to have perpetrated a recent act of domestic violence or sexual abuse. Under this bill, if all of these circumstances exist, the court would have been required to conduct a hearing in open court before modifying the child custody order. Status: Dead, Sen. Jud.

**AB 612 (Beall) Custody and visitation: nonscientific theories.** This bill would have provided that the rules of evidence applicable in criminal proceedings shall apply whenever the court considers an allegation of physical or sexual abuse against a child in a custody proceeding, and would have required that allegations of physical or sexual abuse against a child be investigated using specified methods of data collection and analysis. In addition, this bill would have provided that unproven, nonscientific theories (including, but not limited to, parental alienation theories) are not consistent with generally accepted clinical, forensic, scientific, diagnostic, or medical standards. This bill would have prohibited a court from relying upon an unproven, unscientific theory and from accepting into evidence any finding provided by an expert witness or court-appointed professional who has relied on an unproven, nonscientific theory that is a basis for that finding. Status: Dead, Sen. Jud.

**AB 1050 (Ma) Child custody: preferences of child.** This bill, among other things, requires the family court to permit a child who is 14 years of age or older to address the court regarding custody or visitation unless the court determines that doing so is not in the child's best interest, in which case the court will be required to make that finding on the record. Status: Chapter 187, 2010.

**AB 1261 (Strickland) Child custody and visitation: registered sex offenders.** This bill would have removed the court's discretion to, in certain situations, grant physical or legal custody of a child to a registered sex offender, upon its determination that no significant risk would be posed to the child. Therefore, this bill would have absolutely prohibited the court from granting a person physical or legal custody of, or unsupervised visitation with, a child if the person is a registered sex offender or has been convicted of specified criminal offenses, and prohibited the court from placing the child in a home in which that person resides. Status: Dead, Asm. Jud.

**AB 2416 (Cook) Child custody: military personnel.** This bill provides for modification of child custody and visitation orders for active duty military personnel to protect the custodial rights of the deployed parent while ensuring the best interests of the child are always paramount. Status: Chapter 466, 2010.

**AB 2475 (Beall) Family law: complaints.** This bill would have established a statewide complaint process regarding family law experts employed or appointed by the courts. Status: Dead, Asm. Approps.

**SB 1188 (Wright) Child custody: disabled parent.** This bill states the intent of the Legislature to codify the decision of the California Supreme Court in *In re Marriage of Carney* (1979) 24 Cal.3d 725, with respect to custody and visitation determinations by the court involving a disabled parent. Status: Chapter 179, 2010.

### **Paternity and Child, Family and Spousal Support**

**SB 578 (Wright) Child support: interest.** This bill would have allowed certain non-custodial parents who owe child support to have the interest waived on the past-due child support if they pay their current month's support payment in full. Specifically, this bill would have suspended interest accrual for child support arrearages that have been assigned to the state, because the family received welfare cash assistance, during those months in which the obligor has paid the current month's court-ordered payment of current support and arrearages. This bill also would have required interest accrual to resume on the first day of the month following the month in which a court-ordered payment of support and arrearages is not received. Status: Dead, Asm. Approps.

**SB 580 (Wright) Child support: health insurance.** This bill defines the terms "reasonable cost" and "accessible" for purposes of health care coverage under a medical support obligation. Status: Chapter 103, 2010.

**SB 696 (Wright) Child support.** This bill would have limited the situations in which a compromise of child support arrears owed to the state would have been permitted. Specifically, this bill would have provided that acceptance of an offer in compromise is deemed to be in the best interest of the state with regard to arrears when the obligor failed to modify the support order to reflect reduction in income when (1) an obligor was a reservist or member of the National Guard; (2) when the obligor was incarcerated for more than 90 days and does not have other Sources of income; (3) when the obligor's sole income was based on specified forms of public assistance, or (4) when the obligor was receiving inpatient services in a medical facility for more than 90 days and does not have other sources of income. Status: Dead, Asm. Jud.

**SB 1355 (Wright) Suspension of child support order: incarceration or institutionalization.** This bill provides, until July 1, 2015, that the obligation of a person to pay child support pursuant to an order that is being enforced by a local child support agency is suspended for the period of time in which the obligor is incarcerated or involuntarily institutionalized for any period exceeding 90 days, except as specified. This bill further provides that, upon the release of the obligor, the obligation to pay child support immediately resumes in the amount specified in the child support order issued prior to the suspension of that obligation, as specified. Status: Chapter 495, 2010.

**SB 1482 (Wright) Spousal support modification.** This bill extends by another three years the sunset date for the provision which provides that in a proceeding in which a spousal support order exists, or in which the court has retained jurisdiction over a spousal support order, if a companion child support order is in effect, the termination of child support shall constitute a change of circumstances that may be the basis for a request for modification of spousal support. Status: Chapter 297, 2010.

### **Domestic Partnership**

**AB 2700 (Ma) Domestic partnership and same-sex marriage: termination.** This bill permits couples that are both married and registered domestic partners to dissolve both unions in a single court proceeding. This bill further clarifies that, in a dissolution proceeding, courts may dissolve out-of-state, same-sex marriages recognized in California. Status: Chapter 397, 2010.

### **Domestic Violence**

**AB 73 (Hayashi) Marriage licenses: vital records: fees: domestic violence.** This bill eliminates the January 1, 2010 sunset date for Alameda County and the City of Berkeley to continue to authorize existing fees to fund domestic violence prevention programs, and extends the deadline for a final report to the Legislature. Status: Chapter 215, 2009.

**AB 1081 (Torrico) Electronic monitoring: domestic violence.** This bill would have required electronic monitoring via Global Positioning System (GPS) surveillance for persons convicted of violating specified protective orders, stalking, or felony domestic violence. Status: Dead, Asm. Approps.

**AB 1596 (Hayashi) Protective orders.** This bill, effective January 1 2012, implements recommendations from the Judicial Council's Protective Orders Working Group and make various changes to protective order statutes. Status: Chapter 572, 2010.

**AB 1738 (Tran) Domestic violence incident reports.** This bill expands the current law, which provides domestic violence victims with a free copy of the domestic violence incident report, to include family members and additional representatives, as specified. Status: Chapter 363, 2010.

**AB 1770 (Galgiani) Vital records fees: Stanislaus County.** This bill authorizes the Stanislaus County Board of Supervisors, until January 1, 2016, to increase fees for certified copies of marriage certificates, birth certificates, fetal death records, and death records by up to \$2 for the purposes of collecting funds for governmental oversight and coordination of a variety of domestic violence and family violence prevention, intervention, and prosecution efforts. Status: Chapter 578, 2010.

**AB 1883 (Evans) Vital records fees: domestic violence.** This bill would have provided all county boards of supervisors, on a pilot basis until 2016, the ability to raise fees for certified copies of marriage and birth certificates and death records by up to \$4 in order to

fund governmental oversight and coordination of domestic violence prevention and intervention, and services to victims and their families. Status: Dead, Sen. LocalGov.

**AB 2348 (Yamada) Vital records fees: Yolo County.** This bill would have authorized the Yolo County Board of Supervisors, until January 1, 2016, to increase fees for marriage licenses and certified copies of marriage certificates, birth certificates, fetal death records, and death records by up to \$2 for the purposes of collecting funds for governmental oversight and coordination of a variety of domestic violence and family violence prevention, intervention, and prosecution efforts. Status: Dead, Asm. Jud.

**SB 635 (Wiggins) Marriage licenses: vital records: fees: domestic violence.** This bill authorizes the Sonoma County Board of Supervisors, upon making findings and declarations of the need for governmental oversight and coordination of domestic violence agencies, to increase fees for marriage licenses, confidential marriage licenses, and certified copies of marriage certificates, fetal death records, and death records by up to two dollars, until January 1, 2015. This bill requires the County of Sonoma to direct the local registrar, county recorder, and county clerk to deposit those fees into a special fund to be used for governmental oversight and coordination of a variety of domestic violence and family violence prevention and intervention efforts. This bill also extends the sunset date for a similar program in Solano County by one year. Status: Chapter 356, 2009.

**SB 1222 (Wolk) Vital records fees: Yolo County.** This bill authorizes, until January 1, 2012, Solano County, upon making specified findings and declarations, to increase fees for marriage licenses, certified copies of marriage certificates, fetal death records, and death records, up to a maximum of \$2. This bill requires these funds to be used for governmental oversight and coordination of domestic violence and family violence prevention, intervention, and prosecution efforts. Status: Chapter 520, 2010.

**SB 1233 (Oropeza) Confidential address program.** This bill removes the January 1, 2013 sunset date for the Safe at Home project, a confidential address program that offers victim anonymity, and requires that name change records for program participants be permanently retained. Status: Chapter 326, 2010.

### **Family Law**

**AB 459 (Lowenthal) Dissolution: disclosure.** This bill creates a process whereby a party to a dissolution or separation can waive disclosure of specified financial declarations. More specifically, this bill provides that if a party to a dissolution or legal separation fails to serve the other party with a preliminary or final disclosure declaration, and the other party has served the respective declaration, that other party may file a motion showing good cause for the court to grant the party's voluntary waiver of receipt of the disclosure declaration. Status: Chapter 110, 2009.

**AB 939 (Judiciary) Family Law Access to Justice Act.** This bill makes various changes to family law proceedings, thereby implementing a number of the legislative

recommendations issued by the Elkins Family Law Task Force. Among other things, this bill repeals current law providing that, in an action for dissolution of marriage, no case management plan shall be ordered absent stipulation of the parties. This bill deletes references to case management plans, instead using the term "family centered case resolution plans," and revises the content of those plans and requires the Judicial Council to adopt a statewide rule of court to implement these provisions. Status: Chapter 352, 2010.

**AB 967 (Ma) Marriage: mayors.** This bill would have authorized an elected mayor of a charter city, while that person held the office, to solemnize a marriage ceremony. Status: Vetoed.

**AB 1143 (Ma) Marriage: name.** This bill creates a simplified procedure to correct clerical errors in a name listed on a marriage license, and clarifies that prospective spouses who want to change or combine their middle and last names may still retain their original middle name. Status: Chapter 512, 2009.

**AB 2426 (Bradford) Surrogacy practitioners.** This bill regulates non-attorney surrogacy facilitators by requiring them to direct a client to deposit all client funds into either an independent, bonded escrow account, as specified, or a trust account maintained by an attorney. This bill provides that those funds could only be disbursed by the attorney or escrow agent as provided in the agreements between the parties. Status: Chapter 138, 2010.

**AB 2674 (Block) Family law: exemplary damages.** This bill provides that, when a spouse is convicted of soliciting the murder of another spouse, the injured spouse shall be entitled to an award of 100 percent of the community property interest in the retirement and pension benefits. This bill further prohibits any awards for spousal support or medical, life, or other insurance benefits or payments from the injured spouse to the convicted spouse under the same circumstances. Status: Chapter 65, 2010.

**SB 54 (Leno) Out-of-state same-sex marriages.** This bill provides that, notwithstanding any other provision of law, a marriage between two persons of the same sex contracted outside this state that would be valid by the laws of the jurisdiction in which the marriage was contracted is valid in this state if the marriage was contracted prior to November 5, 2008. This bill also specifies that, notwithstanding any other provision of law, two persons of the same sex who contracted a marriage on or after November 5, 2008, that would be valid by the laws of the jurisdiction in which the marriage was contracted shall have the same rights, protections, and benefits, and shall be subject to the same responsibilities, obligations, and duties under law, as specified, as are granted to and imposed upon spouses with the sole exception of the designation of "marriage." Status: Chapter 625, 2009.

**SB 906 (Leno) Marriage.** This bill would have distinguished between civil and religious marriage by clarifying that a civil marriage is established pursuant to a State of California marriage license, to which the consent of the parties capable of making that contract is

necessary. This bill would have specified that no priest, minister, rabbi, or authorized person of any religious denomination is required to solemnize a marriage that is contrary to the tenets of his or her faith, and that any refusal to solemnize a marriage under this provision will not affect the tax exempt status of any entity. Status: Vetoed.

## **HEALTH CARE**

**AB 730 (De La Torre) Health insurance: unlawful post-claims underwriting: penalties.** This bill would have increased the maximum civil penalty for health insurance post-claims underwriting from \$118 per violation to \$5,000 per violation for insurers under the jurisdiction of the Commissioner of the California Department of Insurance. Under existing law, post claims underwriting is defined as "rescinding, canceling, or limiting of a plan contract due to a plan or insurer's failure to complete medical underwriting and resolve all reasonable questions arising from written information submitted on or with an application before issuing the plan contract or policy." Status: Vetoed.

**SB 303 (Alquist) Nursing facility residents: informed consent.** This bill, the Nursing Facility Resident Informed Consent Protection Act of 2009, would have established the right of a resident of a skilled nursing or intermediate care facility to receive information material to the decision to accept or refuse any treatment or procedure, including the administration of psychotherapeutic drugs, and would have codified existing regulations requiring attending physicians to obtain informed consent after providing specified material information. Status: Vetoed.

**SB 543 (Leno) Minors: consent to mental health treatment.** This bill authorizes a minor who is 12 years of age or older to consent to mental health treatment or counseling on an outpatient basis or to residential shelter services, if the minor, in the opinion of the attending professional person, as defined, is mature enough to participate intelligently in the mental health treatment or counseling services. Status: Chapter 503, 2010.

**SB 781 (Leno) Eviction procedure: residential care facilities for the elderly.** This bill requires a residential care facility for the elderly to include additional information when providing a notice of eviction to a resident, including the reason for the eviction, the effective date of the eviction, and additional information informing the resident of his or her rights regarding evictions. Status: Chapter 617, 2009.

**SB 1069 (Pavley) Physician assistants.** This bill authorizes physician assistants, pursuant to a delegation of services agreement, to order durable medical equipment, certify unemployment insurance disability, and for individuals receiving home health services or personal care services, after consultation with the supervising physician, approve, sign, modify, or add to a plan of treatment or plan of care. This bill also authorizes physician assistants to conduct specified medical examinations and to sign corresponding medical certificates for various individuals. Status: Chapter 512, 2010.

**SB 1187 (Strickland) Human experimentation: informed consent.** This bill extends, by three years, until January 1, 2014, the sunset on a narrow exception to the informed consent provisions of the Protection of Human Subjects in Medical Experimentation Act, so as to permit patients with a life-threatening emergency to receive an experimental medical treatment, as specified. Status: Chapter 108, 2010.

**SB 1329 (Leno) Residential care facilities for the elderly.** This bill would have required licensees of residential care facilities for the elderly to notify the Department of Social Services (DSS) and, in some instances, residents and applicants for potential residence, of specified indicators when the property is subject to foreclosure or certain other events indicating financial distress. In addition, this bill would have required DSS to initiate compliance plans, noncompliance conferences, or other appropriate actions upon receipt of the notification. Status: Vetoed.

## **IMMIGRATION ISSUES**

**AJR 15 (De León) Uniting American Families Act.** This resolution urges Congress to include the Reuniting Families Act and the Uniting American Families Act in comprehensive immigration reform, or to pass, and President Obama to sign, the Uniting American Families Act as stand-alone legislation and support the removal of legal barriers to immigration by permanent same-sex partners. Status: Res. Chapter 60, 2010.

**AJR 25 (Furutani) Filipino veterans: family reunification.** This resolution requests the Congress to pass, and the President to sign, the Filipino Veterans Reunification Act, legislation that would exempt the children of certain Filipino World War II veterans from numerical limitations on immigrant visas. Status: Res. Chapter 113, 2010.

**AJR 37 (De Leon) Immigration.** This resolution makes certain findings regarding immigrants and the U.S. immigration system and urges Congress and the President of the United States to take a comprehensive and workable approach to improving the nation's immigration system. Status: Res. Chapter 62, 2010.

## **LIABILITY AND RELATED MATTERS**

### **Damages Provisions**

**AB 2365 (Lieu) Veterans affairs: administration.** This bill permits a service member to recover actual damages, reasonable attorney's fees, and costs from any person who violates specified rights and protections of the Military and Veterans Code. This bill also grants service members an expedited review of a specified petition for relief, and provides that a court shall not charge a filing fee or court costs for specified actions. Status: Chapter 385, 2010.

**AB 2496 (Nava) Cigarette and tobacco products: Master Settlement Agreement.** This bill amends several provisions of California's Cigarette and Tobacco Products Licensing Act, the Tobacco Products Tax Law, and other statutes as they relate to the

obligations of tobacco manufacturers who were not original signatories to the agreement or who have not agreed to the terms of the Master Settlement Agreement (MSA) between the several state attorneys general and the major tobacco manufacturers. Status: Chapter 265, 2010.

**AB 2740 (Niello) Civil action: damages.** This bill would have limited punitive damages to three times the amount of compensatory damages in tort actions, where it is proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud, or malice, instead of continuing to allow courts to determine compensatory and punitive damages. This bill also would have created a new "government standards defense" in tort actions for manufacturers, distributors and sellers. Status: Failed, Asm. Jud.

**SB 53 (DeSaulnier) Tobacco settlement moneys: Master Settlement Agreement.**

This bill authorizes the Attorney General to negotiate amendments to the Master Settlement Agreement, a structured settlement agreement between 46 states (including California) and various tobacco manufacturers, that would not materially adversely alter, limit or impair the rights to receive tobacco assets or in any way materially impair the rights and remedies of bondholders or the security for their bonds. Status: Chapter 28, 2009.

**Immunity and Scope of Liability**

**AB 83 (Feuer) Torts: personal liability immunity.** This bill revises California's "Good Samaritan" law to establish that no person who in good faith and not for compensation renders emergency medical or nonmedical care or assistance at the scene of an emergency shall be liable for civil damages resulting from any act or omission, other than an act or omission constituting gross negligence or willful or wanton misconduct. In addition, this bill grants broader immunity to specified medical, law enforcement, and emergency personnel who in good faith, and not for compensation, render emergency medical or nonmedical care at the scene of an emergency, providing that such personnel shall not be liable for any civil damages resulting from any act or omission whatsoever. Status: Chapter 77, 2009.

**AB 90 (Adams) Torts: personal liability immunity.** As introduced, this bill proposed and would have enacted changes to California's "Good Samaritan" law that were substantially similar to those already contained in AB 83. Status: Dead, Asm. Jud.

**AB 142 (Hayashi) Automatic external defibrillators (AED): health studios.** As heard by this Committee, this bill would have exempted certain types of health studios, particularly those that do not maintain personnel on site for all of the hours they are open to the public, from the requirement that they maintain AED-trained personnel on site at all times, so long as they comply with different safety requirements. The bill was later amended in the Senate to address an unrelated issue. Status: Chapter 13, 2010.

**AB 226 (Ruskin) Coastal resources: California Coastal Act of 1976.** As heard by this Committee, this bill would have imposed a minimum penalty and increased the



maximum penalty for violations of the California Coastal Act, allowed the Coastal Commission to impose administrative civil penalties for violations of the Coastal Act, and required it to consider specified factors in determining the amount of civil liability. The bill was later amended in the Senate to address an unrelated issue. Status: Vetoed.

**AB 630 (Salas) Immunity: dentistry volunteers.** As heard by this committee, this bill would have provided qualified immunity from liability for professional negligence or malpractice to retired dental professionals who in good faith provide dental care on a volunteer basis to persons who are members of dentally underserved populations, as defined, or who live in dentally underserved areas, as defined. The bill was later amended in the Assembly to address an unrelated issue. Status: Dead, Asm. Rules.

**AB 634 (Harkey) Hazardous recreational activities: SCUBA diving.** This bill adds self-contained underwater breathing apparatus (SCUBA) diving to the list of hazardous recreational activities of which public entities and public employees, under existing law, are generally not liable to persons participating in such activities. As a result, this bill provides a qualified immunity for public entities and public employees from damages for injuries sustained by those divers on public property. Status: Chapter 73, 2010.

**AB 804 (Hall) Invasive aquatic species: mussels.** This bill would have removed an operator of water delivery and storage facilities from civil and criminal liability for the introduction of dreissenid mussels as a result of their operations if that operator has prepared, initiated, and is in compliance with all elements of a plan required and approved by the Department of Fish & Game. Status: Vetoed.

**AB 846 (Torrico) State agencies: civil and administrative penalties.** This bill would have required specified agencies administering environmental, health, and workplace safety laws to update the minimum and maximum civil and administrative penalties to account for annual inflation. Upon enforcement of those penalties, this bill would also have required the department or agency to assess liability that, at a minimum, recovered any economic benefits derived by the violator, with specified exceptions. Status: Dead, Sen. G.O.

**AB 874 (Saldaña) Recreational activities: skateboarding.** This bill would have removed the requirement in current law that city and county owned or operated skateboard parks require users to wear elbow pads and knee pads to enhance safety while retaining the requirement that users also wear safety helmets. Additionally, this bill would have removed the requirement that local public agencies maintain and file records regarding skateboard injuries and would have deleted the requirement that the Judicial Council submit a report to the Legislature on injury incidents. Status: Dead, Sen. Jud.

**AB 914 (Logue) Mandatory minimum civil penalties: publicly owned treatment works.** This bill would have required a financing plan prepared by a publicly owned treatment works (POTW), specifically a plan authorized by the State Water Resources Control Board (the Board) or a regional water quality control board that provides for completion of a compliance project in lieu of assessment of civil penalties, to require

completion of the project within 5 years. In addition, this bill would have authorized the Board, when determining financial hardship, to also consider the impact of the penalties on individual ratepayers if it finds that the review of the specified factors does not adequately represent the range of economic circumstances in a community. Status: Vetoed.

**AB 1312 (Swanson) Automatic external defibrillators.** This bill would have made existing law requiring health studios to purchase, maintain, and train staff in the use of automatic external defibrillators applicable to amusement parks and golf courses. In addition, this bill would have extended the current sunset date on these requirements for two more years, until July 2014. Status: Vetoed.

**AB 1730 (Emmerson) Personal rights: monetary liability.** This bill adds marriage and family therapists to the list of health-related professions for which qualified immunity from liability is provided to peer review committee members, for any act or proceeding undertaken or performed in reviewing the quality of professional services rendered by marriage and family therapists. Status: Chapter 82, 2010.

**AB 1835 (Logue) Unfair competition: exemption.** This bill would have exempted a small business, as defined, from liability under existing law barring unfair competition and trade practices if the business engages in unfair competition by acting pursuant to a contract for services with a public entity that the business entered into in good faith, without knowledge that acting pursuant to that contract would constitute unfair competition. Status: Dead, Asm. Jud.

**AB 1929 (Hall) Invasive aquatic species: mussels.** This bill provides that an operator of water delivery and storage facilities who has prepared and is in compliance with an approved plan to control and eradicate dreissenid mussels in accordance with existing law is immune from civil or criminal liability for introduction of mussels as a result of operation of those facilities, and exempts such operators from prohibitions on possession, importation, shipment or transport of mussels and related requirements. Status: Chapter 152, 2010.

**AB 2145 (Ammiano) Drug overdose treatment: liability.** This bill expands a seven county pilot program that provides licensed health care providers with a qualified immunity from civil liability or criminal prosecution when they prescribed naloxone, a prescription drug to counteract an opiate overdose. Specifically, this bill removes the existing restriction limiting this to only those seven counties, extends the sunset date from January 1, 2011 to January 1, 2016, and adds a new qualified immunity for unlicensed trained persons that administer an opioid antagonist in emergency situations where they believe, in good faith, that the other person is experiencing a drug overdose. Status: Chapter 545, 2010.

**AB 2486 (Feuer) Social host liability: furnishing alcohol to underage persons.** This bill, the Teen Alcohol Safety Act of 2010, provides that a social host, as narrowly defined, who is 21 years of age or older and who knowingly furnishes alcoholic

beverages to a person under 21 years of age, may be held legally accountable for damages suffered by that young person, or for injury to the person or property, or death of, any third person resulting from the consumption of those beverages. Status: Chapter 154, 2010.

**AB 2557 (Salas) Government tort claims: dentists.** This bill would have provided that a licensed dentist, as defined, is entitled to all of the immunities from liability provided a public employee when treating or diagnosing a patient at no cost to the patient, as specified. Instead, this bill would have allowed the state to be held liable for any injury or damages resulting from that treatment or diagnosis. Status: Dead, Asm. Jud.

**SB 39 (Benoit) Personal liability immunity: disaster service workers.** This bill revises existing immunity protections for disaster service workers who perform disaster services during a state of emergency to clarify that such workers are not liable for civil damages resulting from an act or omission while performing disaster services anywhere within the jurisdiction covered by the emergency, other than an act or omission that is willful. Status: Chapter 27, 2009.

**SB 108 (Walters) Charter schools: government tort claims.** This bill would have prohibited a joint powers authority for risk-pooling from refusing to admit to membership or provide coverage to a charter school, including a charter school organized pursuant to Education Code Section 47604, or a school district which operates a charter school, solely on the basis that it operates as a charter school. Status: Dead, Asm. Jud.

**SB 127 (Calderon) Automatic external defibrillators (AED): health studios.** This bill imposes several new requirements on health studios that allow members to access facilities during times when employees are not present on the premises, including (1) minimum training requirements for employees; (2) waiver of immunity from liability, as specified; and (3) no access to the facility when an employee is not present if the studio is larger than 6,000 square feet. This bill also deletes the sunset on existing law that requires health studios to acquire an AED, making this requirement permanent. Status: Chapter 500, 2010.

**SB 143 (Cedillo) Hazardous materials: California Land Reuse and Revitalization Act of 2004.** This bill extends the sunset date for the California Land Reuse and Revitalization Act until January 1, 2017, and makes a corresponding change to make the provisions authorizing continued immunity after repeal of the Act operative on January 1, 2017. The bill also authorizes a prospective purchaser who is in contract to acquire a brownfield site, as defined, and who qualifies as a bona fide purchaser to enter into a specified agreement with an agency. However, a prospective purchaser who enters into such an agreement is prohibited by this bill from receiving immunity until the prospective purchaser acquires the site. Status: Chapter 167, 2009.

**SB 743 (Health) Health facilities: psychiatric patient release.** This bill clarifies that the immunity from civil and criminal liability that is granted under existing law to certain hospitals and staff for the detention of any person that cannot be safely released from the

hospital because they are a danger to themselves or others, or are gravely disabled, applies whether or not the detained person qualifies for a 72-hour evaluation. This bill also clarifies that these immunities apply for actions after release of a person who was detained up to 24 hours and who meets specified criteria. Status: Chapter 612, 2009.

**SB 953 (Walters) Podiatrists: liability for emergency services.** This bill clarifies that specified immunity from liability that generally applies to physicians rendering emergency care also applies to doctors of podiatric medicine. This bill also states legislative intent that nothing in this bill is intended or shall be construed to enlarge, reduce, or otherwise modify the scope of practice of podiatrists. Status: Chapter 105, 2010.

**SB 1269 (Oropeza) Food donation liability.** This bill would have required the California Department of Food and Agriculture and California Department of Public Health to post on their Internet Web sites, and when possible disseminate through existing publications, information about state and federal laws that provide tax deductions and liability exemptions relating to the donation of food for charitable purposes. Status: Vetoed.

**SB 1284 (Ducheny) Water quality: mandatory minimum civil penalties.** This bill exempts certain Water Code violations of waste discharge reporting requirements from existing mandatory minimum penalties. This bill also extends the time limit under which dischargers must come into compliance with a permit requirement from five years to 10 years. Status: Chapter 645, 2010.

## **CIVIL, CONSTITUTIONAL, AND PERSONAL RIGHTS**

### **Civil Rights**

**AB 556 (Conway) Personal services contracts.** This bill would have revised the authority of state agencies to use personal services contracts by replacing the term "affirmative action" with the term "equal employment opportunity" in two key provisions. In effect, this bill would have instead authorized use of a personal services contract only if it did not adversely affect the state's equal employment opportunity efforts, and also would have required the contract to include assurances that the contractor's hiring practices meet applicable nondiscrimination, equal employment opportunity standards. Status: Dead, Asm. Jud.

**AB 781 (Jeffries) Employment: bilingual hiring requirements.** This bill would have prohibited state and local agencies from imposing or implementing any action or decision pursuant to the Dymally-Alatorre Bilingual Services Act ("the Act"), including any requirement that an employee be bilingual, as a pretext for discrimination on the basis of race, national origin, or other unlawful discrimination in employment, including specifically any requirement that an employee be bilingual. This bill also would have designated all information and reports under the Act to be public information unless otherwise restricted by law. Status: Dead, Senate Floor.

**AB 793 (Jones and Brownley) Employment: discrimination: statutory deadlines.**

This bill would have clarified when a cause of action accrues for the purpose of filing a claim of discrimination with respect to compensation, reflecting the Legislature's declared intent to clarify existing law and to reject the United States Supreme Court's interpretation of federal law in its decision in *Ledbetter v. Goodyear Tire & Rubber Co.* (2007) 550 U.S. 618. Specifically, this bill would have established that a cause of action for discriminatory wages accrues (1) when the discriminatory pay decision was adopted, (2) when the plaintiff became subject to the discriminatory pay decision, or (3) when the plaintiff is affected by the discriminatory pay decision, including, among others, each payment of a discriminatory wage resulting in whole or in part from the discriminatory compensation decision or other practice. Status: Vetoed.

**AB 1001 (Skinner and Ma) Employment: familial status protection.** This bill would have added "familial status" to the list of characteristics on which basis a person may not be discriminated against in employment. In other words, this bill would have prohibited workplace discrimination against a person based on his or her need to care for children and other family members, including a parent, spouse or domestic partner, parent-in-law, sibling, grandparent, or grandchild. Status: Dead, Asm. Approps.

**AB 1680 (Saldana) Civil Rights Act: waiver of rights.** This bill would have prohibited a person from requiring another person to waive any legal right, penalty, remedy, forum, or procedure for violation of the Ralph Civil Rights Act or the Bane Civil Rights Act as a condition of entering into a contract for the provision of goods and services, including the right to file and pursue a civil action or complaint with or otherwise notify governmental entities. This bill also would have provided that no person shall refuse to enter into a contract with, or refuse to provide goods or services to, another person on the basis that the other person refuses to waive any legal right, penalty, remedy, forum, or procedure for violation of these civil rights acts. Status: Vetoed.

**AB 1814 (Buchanan) Employment discrimination.** This bill provides that the age discrimination prohibitions of the Fair Employment and Housing Act do not prohibit an employer from providing health benefits or health care reimbursement plans to retired persons that are altered, reduced, or eliminated when the person becomes eligible for Medicare health benefits. Status: Chapter 130, 2010.

**AB 2516 (Hill) Community development: housing discrimination.** This bill would have required the Department of Housing and Community Development to establish the Accessible Housing Task Force to expand the amount of housing near public transit that is accessible and habitable by people of all ages and disabilities. In addition, this bill would have required the task force to produce a report of their findings and provide it to the Legislature by June 30, 2012. Status: Dead, Asm. Approps.

**AB 2706 (Lowenthal) Civil rights: homeless persons.** This bill would have added homeless persons, as defined, to the list of individuals protected from violence and

intimidation under the Ralph Civil Rights Act, thereby providing civil remedies to homeless persons who are injured as a result of such violence. Status: Vetoed.

**AJR 18 (Lieu and Feuer) Social security: benefits for same-sex couples.** This measure would have declared the Legislature's support for federal legislative efforts to reduce or eliminate discrimination against same-sex couples in social security benefits. Status: Dead, Asm. Jud.

**AJR 19 (Brownley and Feuer) Marriage: Repeal of federal Defense of Marriage Act.** This resolution urges Congress and the President of the United States to repeal the Defense of Marriage Act (DOMA), which provides that the United States government will not recognize or give effect to marriages between persons of the same sex for purposes of federal law. Status: Res. Chapter 120, 2010.

**HR 5 (Ammiano) Civil Rights: equal marriage rights: Proposition 8.** This resolution summarizes the arguments that Proposition 8 was an invalid effort at constitutional revision, and states the Assembly's opposition to Proposition 8 on this ground as well as others, including that Proposition 8 violates the separation of powers doctrine by intruding on the role of the Legislature in vetting revisions to the California Constitution and sidesteps the rigors of the legislative process as required by the Constitution. Status: Adopted by the Assembly.

**SB 242 (Yee) Civil rights: language restrictions.** This bill would have made it a violation of the Unruh Civil Rights Act to adopt or enforce a policy that requires, limits, or prohibits the use of any language in a business establishment, unless the language is justified by a business necessity and notification has been provided of the circumstances and the time when the language restriction is required to be observed, and of the consequences for its violation. Status: Vetoed.

**SB 367 (Negrete McLeod) Discrimination: consumer discounts.** This bill clarifies that the Unruh Civil Rights Act does not impose liability when a business offers or confers a discount or other benefit to a consumer or prospective consumer because the consumer has suffered the loss or reduction of employment or reduction of wages. Status: Chapter 641, 2009.

**SB 1252 (Corbett) Housing: discrimination.** This bill makes various technical and conforming changes to housing discrimination law, including clarifying that admission preferences based on age, imposed in connection with a federally-approved housing program, do not constitute age discrimination in housing, and increasing the maximum civil penalties that may be assessed for a violation of the FEHA to \$16,000, \$37,500, and \$65,000 for a person's first, second, and third violations, respectively. Status: Chapter 524, 2010.

**SJR 9 (Kehoe) Military: "Don't Ask, Don't Tell" policy.** This resolution urges Congress and the President of the United States to adopt the Military Readiness Enhancement Act of 2009 (H.R. 1283), which institutes a policy of nondiscrimination

based on sexual orientation, and to repeal the "Don't Ask, Don't Tell" policy. Status: Res. Chapter 29, 2010.

### **Constitutional Rights**

**AB 4 (Blakeslee) Constitutional convention: delegates.** Upon majority approval of voters in a statewide general election to call a convention to revise the state Constitution, this bill would have provided for the selection of delegates to the convention and established rules for their eligibility, selection, and term of service. This bill also would have specified procedures for removing delegates and filling vacancies, and would have prohibited an employer from taking action against an employee for attending any convention meeting. Status: Dead, Asm. Jud.

**AB 974 (Strickland) Pupil rights: religious expression.** This bill would have required a school district to treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and would have prohibited discrimination against a student based on a religious viewpoint expressed on an otherwise permissible subject. This bill would have required local school districts and non-religious private secondary schools to create a "limited public forum" for student speakers at all school events at which a student may speak. Additionally, the bill also would have required schools to adopt policies allowing religious groups to form clubs and use school facilities in the same manner available to other extra-curricular groups. Status: Failed, Asm. Jud.

**AB 2006 (Hill) Government forms: neutral references to religion.** This bill would have made legislative findings and declarations relating to the failure of state agency documents to use neutral and inclusive language when referring to religious institutions. This bill would also have called upon the California Research Bureau to conduct a study and submit a report on religious references in state documents to the Legislature, as specified. Status: Dead, Asm. Approps.

**AB 2047 (Hernandez) Public postsecondary education: admissions policies.** This bill would have authorized the California State University (CSU) and the University of California (UC) to consider geographic origin, household income, race, gender, ethnicity and national origin along with other relevant factors, in undergraduate and graduate admissions, and would have required the CSU and requested the UC, respectively, to report on the implementation of these provisions to the Legislature and Governor by November 1, 2012, as specified. Status: Vetoed.

**AB 2308 (Calderon) California Constitutional Revision Commission.** This bill would have created the California Constitution Revision Commission, prescribed its membership, and specified its powers and duties. Among other things, this measure would have required the Commission to submit a report to the Governor and the Legislature by August 1, 2012, that sets forth its findings with respect to the formulation

and enactment of a state budget and recommendations for the improvement of that process. Status: Dead, Asm. Jud.

**ACA 7 (Hernandez) Public education: discrimination and preferential treatment.**

This measure would have amended the state constitution to delete the public school system, as defined, and the University of California from the scope of the existing constitutional provision that prohibits the state from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. Status: Dead, Asm. Jud.

**ACA 23 (Hernandez) Public postsecondary education: student recruitment and retention.**

This measure would have established that the California Constitution provisions that prohibit the state from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting, do not prevent state institutions of higher education, as defined, from implementing student recruitment and selection programs permissible under the Equal Protection Clause of the 14th Amendment of the United States Constitution. Status: Dead, Asm. Jud.

**ACR 1 (Blakeslee) Constitutional convention.** This measure would have proposed that the people of the State of California vote at the next statewide general election on the question of whether to call a convention to revise the California Constitution. Status: Dead, Asm. Jud.

**ACR 84 (Fuentes) California Constitution Revision Commission.** This measure would have created the California Constitution Revision Commission, prescribed its membership, and specified its powers and duties. This measure also would have required the commission to submit a report to the Governor and the Legislature by April 30, 2010, that sets forth its findings with respect to the formulation and enactment of a state budget and recommendations for the improvement of that process. Additionally, the Commission would have been required to report on specified issues relating to the structure of state governance. Status: Dead, Asm. Jud.

**AJR 16 (Evans) Journalism shield laws.** This resolution urges Congress and the President to work together to enact a shield law for American journalists in order to preserve the free flow of information to the public arising from journalists' reliance on confidential sources. Status: Res. Chapter 50, 2010.

**SB 115 (Lowenthal) Public employees: loyalty oath.** This bill would have required that a public employee or employment applicant be permitted to take and sign a modified oath of office based on the employee's or applicant's moral, ethical, or religious beliefs that conflict with his or her ability to take such oath without mental reservation, so long as he or she is willing and able to uphold the Constitutions of the United States and California. The bill would have exempted a public official who is elected or who serves at the pleasure of an elected official from this requirement. Status: Vetoed.



**SB 320 (Corbett) Judgments: foreign-country money judgments.** This bill adds to the list of exceptions from those foreign money judgments that may be recognized in California, a judgment for defamation obtained in a jurisdiction that does not provide at least as much protection for free expression as that provided under the Constitutions of both the United States and California. This bill specifies a court's jurisdiction to determine declaratory relief as well as personal jurisdiction over the person or entity who obtained the foreign-country judgment, as provided. Status: Chapter 579, 2009.

**SB 438 (Yee) Charter schools: freedom of speech and the press.** This bill clarifies that provisions regarding freedom of speech and expressive activities in public schools similarly apply to the state's charter schools. Specifically, this bill adds the term 'charter schools' to sections of the Education Code to make it explicitly clear that all schools, including charter schools, must grant students the liberty of expression including freedom of press without prior restraint or censorship, including administrative disciplinary action for that purpose. Status: Chapter 142, 2010.

### **Personal Rights**

**AB 485 (Carter) Civil Air Patrol: California wing: employment leave.** This bill establishes the right to unpaid employment leave and other job protections for a volunteer member of the United States Civil Air Patrol (CAP) when the member responds to an authorized emergency operational mission as part of the California Wing of the CAP. Specifically, the bill requires an employer with more than 15 employees to provide not less than 10 days per calendar year of unpaid leave to an employee responding to an emergency operational mission of the CAP, as specified. Status: Chapter 242, 2009.

**AB 943 (Mendoza) Employment: credit reports.** This bill would have prohibited the use of consumer credit reports in employment, unless (1) the information in the credit report is substantially job-related, where the applicant or promotion candidate would have access to money, other assets, or confidential information; and (2) the position sought is either managerial, a sworn peace officer, a position in a city or county government, or the information is already required by law. This bill would have exempted financial institutions already subject to existing privacy requirements under federal law from these requirements. Status: Vetoed.

**AB 1000 (Ma and Skinner) Employment: paid sick days.** This bill would have required employers to provide paid sick days for an employee who works for seven or more days in a calendar year, as provided. Among other things, this bill would also have prohibited an employer from denying an employee the right to use sick days and other specified actions intended to discourage employees from exercising this right. Status: Dead, Asm. Approps.

**AB 1090 (Monning) Arbitration.** This bill provides that existing ethical standards and requirements for neutral arbitrators are not subject to negotiation and may not be waived. Status: Chapter 133, 2009.

**AB 1185 (Lieu) Birth certificates: new issuance: venue.** This bill would have authorized an individual who has undergone a sex change operation to obtain, by court order, a new birth certificate reflecting his or her change of sex and any name change requested, from his or her county of birth, in addition to his or her county of residence. Status: Vetoed.

**AB 2243 (Smyth) Civil law: search and rescue dogs.** This bill clarifies the state's emergency services law to, among other things, prohibit discrimination against the handler of a search and rescue dog in hotels, lodging establishments, eating establishments, or public transportation. Status: Chapter 92, 2010.

**ACR 32 (Miller) Native American tribal rights.** This resolution would have reaffirmed state recognition of the sovereign status of federally recognized Indian tribes as separate and independent governmental and political communities, and would have made related declarations. Status: Dead, Asm. Jud.

**AJR 13 (Ammiano) Blood donation: discrimination.** This resolution urges the federal government to adopt science-based policies that repeal current Food and Drug Administration policies that prohibit men who have had sex with men from donating blood. The resolution states that current FDA operates in an unfair and discriminatory manner against homosexual men as a group because of their status, without regard to whether screening of individual donors indicates any risk of transmitting disease via blood transfusion, and in any case is unnecessary given improvements in donor screening techniques. Status: Res. Chapter 164, 2010.

**SB 219 (Yee) Disclosure of improper governmental activities: universities: damages.** This bill would have overturned the California Supreme Court's decision in *Miklosy v. The Regents of the University of California* (2008) 44 Cal.4th 876, which establishes that a UC employee who is a whistleblower cannot sue for damages for retaliation where the University timely decided a retaliation complaint. Instead, this bill would have authorized the employee to bring an action for recovery of damages if the University reached a decision regarding the complaint within the specified time limits. Status: Vetoed.

**SB 220 (Yee) Whistleblower protection.** This bill would have allowed a whistleblower employee who has filed an optional complaint with the State Personnel Board (SPB) to request withdrawal of the complaint after filing so that the SPB is relieved of the obligation to conduct an investigation if, as frequently occurs under existing law, the complaining party wishes to prosecute the matter as a civil action instead of pursuing the administrative process. More specifically, this bill would have permitted the SPB to issue a right-to-sue notice, upon request of the complainant, if timely requested within 10 days of submission of the written complaint, and would have specified the contents of the notice, the courts with jurisdiction, and the statute of limitations after an administrative complaint is withdrawn. Status: Vetoed.

**SB 650 (Yee) Disclosure of improper governmental activities: universities: damages.**

This bill overturns the California Supreme Court's decision in *Miklosy v. The Regents of the University of California* (2008) 44 Cal.4th 876, which held that an employee of the University of California (UC) who is a whistleblower cannot sue for damages for retaliation where the University timely decided a retaliation complaint. Instead, this bill authorizes an available action for damages or other legal remedies arising on or after January 1, 2011 for a UC employee or applicant for employment. Status: Chapter 104, 2010.

**SB 1304 (DeSaulnier) Employment: leave and benefits.** This bill requires private employers to permit employees to take paid leaves of absence, similar to those currently available to public employees, for the purposes of organ and bone marrow donations, and prohibits retaliation against employees who take this leave, as specified. Status: Chapter 646, 2010.

**SB 1411 (Simitian) Impersonation: Internet.** This bill creates a new misdemeanor for when a person knowingly and without consent credibly impersonates another actual person on the Internet, or other electronic means in order to harm, intimidate, threaten, or defraud another person. This bill also provides that an aggrieved party may bring a civil action against the violator for compensatory damages and injunctive relief. Status: Chapter 335, 2010.

**Privacy Rights**

**AB 32 (Lieu) Public officials: personal information.** This bill requires a person, business, or association, upon receiving the written demand of an elected or appointed official, to remove the official's home address or telephone number from public display on the Internet within 48 hours of the delivery of the demand, and to continue to ensure that information is not reposted on any Internet Web site maintained by the recipient of the written demand. This bill allows an elected or appointed official to designate an agent, as specified, who may make a written demand or seek enforcement of these posting requirements on behalf of the official, and requires the written demand to include a statement describing a threat or fear for the official's safety or the safety of those residing in the official's home. Status: Chapter 403, 2009.

**AB 130 (Jeffries) Vital records: marriage records.** This bill extends current limitations on the release and access of birth and death records to marriage records in order to prevent the unauthorized use of personal information. More specifically, this bill requires the State Registrar to keep comprehensive marriage record indices confidential and exempt from the Public Records Act, except as specified. This bill authorizes only the couple getting married, their immediate family, and law enforcement to have access to certified copies of marriage records, while all other individuals may be provided only with an informational certified copy, designated in large type as such and also redacted to remove any signatures. Status: Chapter 412, 2009.

**AB 168 (Nava) Juvenile case files: sexually violent predator proceedings.** This bill would have authorized the Department of Corrections and Rehabilitation, the Department of Mental Health, and the district attorney to access court-sealed records of sustained juvenile petitions for specified sex offenses of a person 14 years or older, in an action, investigation or proceeding based on the sexually violent predator (SVP) law, as specified. This bill also would have added certain specified offenses to the existing exceptions from existing law requiring the destruction of juvenile records upon the person reaching the age of 38. Status: Dead, Asm. Approps.

**AB 261 (Salas) Pupil records: privacy rights.** This bill would have amended the Education Code to conform with the federal Family Education Rights and Privacy Act (FERPA) requirements relating to the confidentiality of pupil records. Among other things, this bill would have changed exceptions to the prohibition on a school district providing access to pupil record information to conform more closely to federal statute and regulation, and would have provided an exception for state and local officials to whom information may be reported or disclosed pursuant to state law. Status: Vetoed.

**AB 428 (Fletcher and Ma) Criminal history records.** This bill adds foreign governments to the list of entities to which the Attorney General has explicit authority to release criminal records, provided that the release is requested by the individual who is the subject of the record and is done for the purposes of adopting a foreign national child. This bill also allows a person to obtain a copy of their own state summary criminal history information from the Department of Justice through submission of that individual's fingerprints, and additional information as defined by the department, for purposes of attempting to adopt a minor foreign national. Status: Chapter 441, 2009.

**AB 520 (Carter) Public records.** This bill would have authorized a superior court to issue a protective order limiting the number and scope of requests for information that a requestor may make under the Public Records Act. The bill would have required the court, in issuing the order, to determine that the requestor has sought records under the Act for an improper purpose, including, but not limited to, the harassment of a public agency or its employees. Status: Dead, Asm. Jud.

**AB 524 (Bass) Privacy.** This bill provides that a person who sells, transmits, publishes, or broadcasts an image, recording, or physical impression of someone engaged in a personal or familial activity violates the state's "invasion of privacy" statute if that person has actual knowledge that the image, recording, or impression was unlawfully obtained, and provided compensation or other consideration for the use of, or rights to, the unlawfully obtained images or recordings. This bill also provides that a person who violates the statute, or who directs, solicits, actually induces, or actually causes another person to violate any of those provisions is subject to a civil fine of not less than \$5,000 and not more than \$50,000. Status: Chapter 449, 2009.

**AB 585 (Duvall) Deceased personalities.** This bill amends the definition of "deceased personality" for the purposes of the statute authorizing a civil action for wrongful appropriation to include any natural person whose name, voice, signature, photograph, or

likeness has commercial value either at the time of the person's death, or because of the person's death. Status: Chapter 20, 2010.

**AB 632 (Davis) Internet-based social networking: privacy.** This bill would have required a social networking Internet website to provide a disclosure to users that an image which is uploaded onto the website is capable of being copied, without consent, by persons who view the image, or copied in violation of the privacy policy, terms of use, or other policy of the site. This bill would have required the disclosure to be in at least one location, including, but not limited to, the privacy policy, terms of use, or upload page. Status: Vetoed.

**AB 681 (Hernandez) Confidentiality of medical information: psychotherapy.** This bill, with specified exceptions, permits a health care provider to disclose information about a patient's participation in outpatient psychotherapy when the patient's psychotherapist believes, in good faith, that disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a reasonably foreseeable victim. The bill authorizes the health care provider to make this disclosure without requiring a written signed request from the entity requesting the information. Status: Chapter 464, 2009.

**AB 952 (Krekorian) Health information: disclosure: Taft-Hartley plans.** This bill permits a health care provider, health care service plan, or contractor to disclose medical information to an employee welfare benefit plan formed under the federal Taft-Hartley Act if the disclosure meets specified conditions, including that it is for the purpose of determining eligibility, coordinating benefits, or to allow the employee welfare benefit plan to advocate on behalf of the patient or enrollee, as specified. This bill also permits the disclosure of medical information to an entity contracting with the employee welfare benefit plan for services, as specified. Status: Chapter 493, 2009.

**AB 1010 (Galgiani) Internet.** This bill would have required an Internet company to remove visual material that depicts the commission of a violent or serious felony, as specified, upon the written or electronic request of the victim, next of kin, member of the victim's immediate family, or a representative designated by the victim or victim's immediate family. Status: Dead, Asm. Jud.

**AB 1222 (Lowenthal) California State University: alumni: disclosure.** This bill would have extended, for five additional years, the sunset date on current law which permits the California State University and the University of California to disclose the names, addresses, and e-mail addresses of alumni to their "affinity partners" (nonaffiliated businesses with whom the university has a contractual agreement to, among other things, offer commercial products and services to alumni), subject to specified privacy requirements. Status: Vetoed.

**AB 1644 (Nielsen) Veterans' remains.** This bill requires a cemetery authority, cemetery corporation or association, or other entity in possession of cremated remains to release to a veterans' remains organization, as defined, personal information regarding the identity

of a deceased veteran or dependent of a veteran for the purpose of establishing veteran burial entitlement. This bill also authorizes the entity in possession of cremated remains to release the remains to the veterans' remains organization, as specified, for the purpose of interment, and provides for limited exemption from civil liability with respect to this transaction. Status: Chapter 189, 2010.

**AB 1971 (Lowenthal) CSU and UC alumni disclosure.** This bill extends the sunset date, until January 1, 2016, on a current law that permits the California State University and the University of California to disclose the names, addresses, and e-mail addresses of alumni to their "affinity partners" with whom they contract to, among other things, offer commercial products and services to alumni, subject to certain privacy requirements. This bill deletes the Hastings College of Law from these provisions. Status: Chapter 204, 2010.

**AB 2028 (Hernandez) Confidentiality of medical information: disclosure.** This bill amends the Confidentiality of Medical Information Act to expressly authorize mandated reporters of child abuse and neglect and elder and dependent adult abuse to subsequently disclose requested information to the agency investigating the report of abuse or neglect. This bill exempts information disclosed by a psychotherapist who is required to make a report from existing law's requirement that the entity requesting the information meet certain request and notification requirements. Status: Chapter 540, 2010.

**AB 2112 (Monning) Prescription Privacy Record Act.** This bill would have prohibited a person or entity from selling or releasing to a third party any physician prescribing data for marketing purposes, as defined, subject to certain exceptions. The bill also would have imposed administrative fines on a person or entity that knowingly failed to comply with these provisions. Status: Dead, Asm. Health.

**AB 2315 (Conway) Government tort claims.** This bill would have required sensitive personal information to be provided to the government by crime victims, businesses, and others who have claims for injury against state and local government agencies. Specifically, this bill would have required, upon request of the public entity or its representative, a claimant whose claim includes past or future medical treatment to provide his or her social security number, Medicare health insurance claim number, any alternate name, date of birth, and gender within 30 days of the request. Status: Dead, Asm. Jud.

**AB 2479 (Bass) Privacy: false imprisonment: damages.** This bill provides that a person who commits "false imprisonment" with the intent to capture any type of visual image, sound recording, or other physical impression of a plaintiff is subject to liability under the civil invasion of privacy statute and, as such, liable for damages and remedies available pursuant to that statute, as specified. The bill provides further that a person who engages in reckless driving and related actions while attempting to capture a visual image or other impression of another person will be subject to heightened penalties. Status: Chapter 685, 2010.

**AB 2559 (Perez) Social Security numbers.** This bill would have prohibited a state agency, as defined, from requiring an applicant for any benefit, service, or privilege, or for participation in any program to provide his or her social security number unless the agency is otherwise expressly required by law to require that the applicant provide the social security number as a precondition to participation in the program or for receipt of the benefit, service, or privilege. Status: Dead, Asm. Jud.

**SB 20 (Simitian) Personal information: privacy.** This bill would have required that the existing notice required under California's data security breach law must contain specified information, including contact information regarding the breach, the types of information breached, and the date, estimated date, or date range of the breach, and would have required a copy of the notice to be sent to appropriate state agencies, as specified. Status: Vetoed.

**SB 40 (Correa) Personal information: social security numbers.** This bill imposes a number of restrictions on the use of social security numbers in public records. Specifically, this bill provides that a document containing more than the last four digits of social security numbers is not entitled for recording beginning January 1, 2010, and provides that a recorder shall be deemed to be in compliance if he or she uses due diligence to truncate social security numbers in documents presented for recordings, as specified. This bill also requires an abstract of judgment to contain only the last four digits of the social security number of the party who is ordered to pay spousal, child, or family support. Status: Chapter 552, 2009.

**SB 748 (Leno) Witness Relocation and Assistance Program: address records.** This bill further protects people participating in the Witness Relocation and Assistance Program by prohibiting their addresses and telephone numbers from being posted on the Internet, as specified. This bill additionally provides for injunctive and declaratory relief, including court costs and attorney's fees, the ability to bring a civil action for damages, and various criminal penalties. Status: Chapter 613, 2009.

**SB 909 (Wright) Investigative reporting agencies: disclosures.** This bill requires a person (i.e., a prospective employer) who procures an investigative consumer report for employment purposes to disclose to the consumer (i.e., an applicant) the Internet Web site of the investigative consumer reporting agency. This bill would also require the agency to conspicuously post on its Internet Web site its privacy policy, including information as to whether reports are prepared or processed outside of the United States or its territories. Status: Chapter 481, 2010.

**SB 1166 (Simitian) Personal information: privacy.** This bill would have required any agency, person, or business that is required to issue a security breach notification under to include specified information in the notice. The bill would also require that, when substitute notice is used, a copy of the notice be sent to the Attorney General's Office, as specified. Status: Vetoed.

**SB 1268 (Simitian) Electronic tolls: disclosure of personal information.** This bill prohibits, subject to certain exceptions, a transportation agency from selling or otherwise providing personally identifiable information of a person who subscribes to an electronic toll collection system. This bill establishes time frames for periodically purging such information. Status: Chapter 489, 2010.

**SB 1476 (Padilla) Public utilities: customer privacy.** This bill requires an investor-owned utility (IOU) or publicly owned utility (POU) using advanced metering (smart meters) to protect consumers' energy usage data from an unauthorized access or disclosure, as specified. This bill also deletes a pilot project relating to the relative value to ratepayers of information, rate design, and metering innovations. Status: Chapter 497, 2010.

### **Voting Rights**

**AB 1326 (Huffman) Voter registration: action to compel registration.** This bill would have authorized a qualified elector, or the county elections official, to bring an action in superior court to compel registration of that elector when he or she claims to have completed an affidavit of registration and deposited that affidavit of registration with a third party, with the intent that the third party timely deliver the completed affidavit of registration to the county elections official on behalf of the qualified elector, if requested in writing by the elector. Status: Vetoes.

**AB 2330 (Arambula) California Voting Rights Act of 2001.** This bill would have imposed new limits on enforcement of state voting rights law for selected local government educational districts, by prohibiting an action by a voter to enforce the obligations of the California Voting Rights Act against a non-complying school district, county office of education, or community college district, unless the voter first presented a written claim to the district, office or community college. Status: Dead, Asm. Jud.

## **PROBATE AND RELATED MATTERS**

### **Civil Commitment, Conservatorship and Guardianship**

**AB 2493 (Fuller) Conservatee photograph: duty of conservator.** This bill requires that, upon establishing a conservatorship and each year thereafter, a conservator must maintain a photograph of the conservatee for identification purposes. Status: Chapter 97, 2010.

**SB 308 (Harman) Professional fiduciaries.** This bill revises the definition of “professional fiduciary” under the Professional Fiduciaries Act to include varying types of conservators and guardians, and specifies how trusts and beneficiaries are counted for purposes of the definition. This bill also excludes from the definition employees of public officers or agencies that are now specifically exempt from the requirements imposed on professional fiduciaries, when those employees are acting within the scope of their employment duties. Status: Chapter 348, 2009.



## **Elder Abuse**

**AB 2066 (Jones) Annuity sales: seniors.** This bill would have required that seniors be provided with specified disclosures before obtaining an annuity, presumptively limited the sale of annuities to seniors in specified circumstances, and limited the surrender penalty that could be charged to seniors. Status: Dead, Asm. Ins.

**AB 2555 (Feuer) Ombudsman programs: appropriation.** This bill would have made a one-time appropriation of \$1.6 million from the State Health Facilities Citation Penalties Account to the California Department of Aging to fund local ombudsman programs where 35 local ombudsman coordinators and volunteers monitor long-term care facilities and respond to local complaints. Status: Dead, Sen. Approps.

**AB 2619 (Block) Elder and dependent adult abuse: restitution.** This bill authorizes wage garnishments against defendants convicted of elder or dependent adult financial abuse. Status: Chapter 64, 2010.

## **Probate**

**AB 355 (Ammiano) Decedents' estates: sister state personal representatives.** This bill would have established a procedure for the personal representative of a decedent who died a resident of a "sister state" to collect the decedent's personal property in California valued in excess of \$100,000. The procedure would have been substantially similar to the existing simplified affidavit procedure for the transfer of a nonresident decedent's personal property valued at less than \$100,000 to the decedent's personal representative from the sister state. Status: Dead, Sen. Jud.

**AB 724 (DeVore) Nonprobate transfers: revocable transfer upon death deeds.** This bill would have created the revocable transfer on death deed (revocable TOD deed), as defined, which would transfer real property on the death of its owner without a probate proceeding. This bill would have: (1) established rules for the making and revocation of these deeds; (2) outlined the beneficiary's liability for debts of the transferor and the procedure for restitution to the estate by the beneficiary of the revocable TOD deed, if appropriate; and (3) established the procedure for contesting a revocable TOD deed and for a creditor to collect payment for the transferor's debts. This bill's provisions would have sunset on January 1, 2015 and would have required the California Law Revision Commission to study and make recommendations regarding the revocable TOD deed to the Legislature by January 1, 2014. Status: Dead, Sen. Jud.

**AB 1986 (Silva) Statutory will: form.** This bill conforms the requirements of the California statutory will form to the provisions of statutory law whereby witnesses to a will are not required to sign the will in each other's presence. This bill also makes technical revisions to the statutory will form by removing language providing that notarization alone is not sufficient and modifying the form. Status: Chapter 88, 2010.

**AB 2190 (Block) Disposition of remains: authorized agent.** This bill would have recognized in state law the U.S. Department of Defense (DD) Form 93 (Record of Emergency Data) as an acceptable written instrument of a military service member's designation of a person to direct the disposition of the service member's remains in the event of the member's death while on active duty with the U.S. Armed Forces. Status: Dead, Sen. Jud.

**AB 2271 (Silva) Probate: appeals.** This bill authorizes a trial court to appoint a temporary trustee to exercise powers over a trust during the appeal of certain judgments and orders. Status: Chapter 94, 2010.

**SB 105 (Harman) Donative transfers: restrictions.** This bill revises and recasts current provisions related to restrictions on donative transfers to specified persons that become irrevocable on or after January 1, 2011. This bill establishes an express presumption of fraud or undue influence if the donative instrument makes a gift to the person who drafted or who transcribed the instrument or to their family members, or makes a gift to certain other disqualified persons, including a caregiver or care custodian. This bill also specifies certain exceptions to the operation of this presumption, and provides that the presumption may be rebutted by preponderance of the evidence. Status: Chapter 620, 2010.

### **Trusts**

**SB 202 (Harman) Trustee: duties.** This bill makes a number of relatively minor changes to trust administration to make the law of trusts more workable for trustees and to help ensure that the interests of beneficiaries are properly protected, including closing a loophole that may permit evasion of the required notice of trust administration, providing that late service of notice is nonetheless effective to trigger the 120-day statute of limitations to file a trust contest, and increasing the amount of a trust that a trustee may terminate without court permission from \$20,000 to \$40,000. Finally, this bill declares that it is against public policy for a trust instrument to waive the beneficiary's right to information and access to records. Status: Chapter 621, 2010.

## **PROPERTY AND RELATED MATTERS**

### **Intellectual Property**

**AB 147 (Saldaña) Hazardous waste: electronic waste.** This bill would have required manufacturers and producers of electronic devices to submit information showing that the electronic device is not prohibited for sale should the Department of Toxic Substances Control, having reasonable cause to believe that the device is prohibited from sale, request the information. The bill would have required the Department to treat as confidential any information that is a trade secret, as defined, provided to it pursuant to the bill's requirements, but also would have required the Department to make available, pursuant to the California Public Records Act, any information that is not a trade secret or identified as such. Status: Vetoed.

**AB 1446 (Feuer) Trade secrets: disclosure by public agencies.** This bill would have established a procedure to be applied when a person or entity submits any record or information to a state agency that the person or entity has designated as a trade secret. The bill would have required the person or entity to submit documentary support for that designation to the agency to which the record or information is submitted and, if the agency concurs in the designation, would have exempted the record or information from disclosure. Status: Dead, Asm. Jud.

**AB 2594 (Jones) Works of authorship: residual benefits.** This bill would have authorized a person who is entitled to residual benefits from the proceeds generated by an original work of authorship, who has suffered economic harm as a result of the unauthorized distribution of that original work of authorship by a user of a network controlled or operated by an Internet service provider (ISP), to request the appropriate superior court having jurisdiction to issue a subpoena to the ISP in order to identify the user of the ISP's network who is responsible for the unauthorized distribution of the original work of authorship. This bill also would have required the ISP, upon the written request of the person entitled to residual benefits, to prevent the further use of its network for unauthorized distribution of the original work of authorship. Status: Dead, Asm. Jud.

### **Mortgage Lending and Foreclosure**

**AB 260 (Lieu, Bass, Nava) Lending.** This bill enacts various restrictions with respect to higher-priced mortgage loans, as defined, that are originated on or after July 1, 2010. Specifically, this bill among other things: (1) provides that a licensed person shall not make any false, deceptive, or misleading statement or representation; (2) requires a mortgage broker to receive the same compensation for providing mortgage brokerage services whether paid by a lender, borrower, or a third party; and (3) prohibits a mortgage broker from steering a borrower to accept a loan at higher cost, as specified. Status: Chapter 629, 2009.

**AB 331 (Hall) Hiring of real property.** This bill would have required a landlord, before the execution of a rental agreement for a single-family or multifamily dwelling unit of four or less units, to disclose to a prospective tenant a number of specified circumstances including any outstanding notice of default, notice of trustee's sale, pending suit to foreclose a mortgage, trust deed, or vendor's lien under a contract of sale, and others. This bill would have allowed a tenant to recover twice the actual damages or twice the monthly rent, whichever is greater, and all pre-paid rent, if the tenancy was terminated as the result of a circumstance that the landlord failed, but was required to disclose. Status: Dead, Sen. Jud.

**AB 603 (Price) Mortgages and deeds of trust: foreclosure: tenants in possession of property.** This bill would have protected rent-paying tenants living in a foreclosed rental property from being evicted by the acquiring property owner without cause for at least 90 days, as specified, from the time ownership was acquired through the foreclosure sale. The 90 day period would have conformed California law with provisions contained in the

federal Protecting Tenants at Foreclosure Act enacted in May 2009. Status: Dead, Asm. Inactive File.

**AB 1160 (Fong) Contracts: translation.** This bill requires certain residential property lenders, after having negotiated a mortgage loan transaction in Spanish, Chinese, Tagalog, Vietnamese, or Korean, to provide a translation to the contracting consumer at least three days after initial application for the loan. The bill applies primarily to banks, savings and loans, and credit unions, but federally chartered banks and credit unions are specifically exempted. This bill authorizes the appropriate licensing agency to levy specified administrative penalties against financial organizations that do not comply with the translation requirements. Status: Chapter 274, 2009.

**AB 1639 (Nava, Bass, & Lieu) Facilitated Mortgage Workout Program.** This bill would have established a facilitated Mortgage Workout Program for borrowers facing foreclosure whereby a borrower could request to participate in conciliation sessions with their lender to examine mortgage loan modification options or foreclosure alternatives. Status: Dead, Asm. Inactive file.

**AB 1720 (Galgiani) Buyers Choice Act.** This bill would have amended the Buyer's Choice Act to require the seller of foreclosed residential real property to provide the buyer with a standard form that conspicuously acknowledges the buyer's existing right to choose his or her own title insurer or escrow agent. Status: Dead, Sen. Jud.

**AB 2347 (Feuer) Mortgage defaults: secondary public financing.** This bill permits a public entity to postpone a foreclosure by up to 60 days if the property at issue contains five or more multifamily units and the public entity is a party to a regulatory agreement or a recorded deed restriction for the property, as specified. Status: Chapter 597, 2010.

**SB 94 (Calderon) Mortgage loans.** This bill prohibits persons from charging advance fees to borrowers in connection with a loan modification, and requires those who wish to charge a fee for loan modification services to provide a notice to borrowers regarding other options available to the borrower. Status: Chapter 630, 2009.

**SB 483 (Corbett) Mortgage foreclosure: tenant notice.** As heard by this committee, this bill would have updated state statutes to reflect recent changes in federal law which in some circumstances may permit tenants in foreclosed residential properties to receive 90 days written notice of eviction, rather than the 60-days under California law. This bill would similarly have revised the content of the notice required to be posted on the foreclosed residential properties. The bill was later amended in the Assembly to address an unrelated issue. Status: Dead, Asm. Rev & Tax.

**SB 931 (Ducheny) Mortgages: deficiency judgments.** This bill requires the holder of a first mortgage or deed of trust that is secured by residential real property to accept, as full payment, the proceeds of a short sale to which it agrees in writing, and obligates that note holder to fully discharge the remaining amount of the borrower's indebtedness on the deed of trust or mortgage following the sale. Status: Chapter 701, 2010.

**SB 1149 (Corbett) Residential tenancies: foreclosure.** This bill prohibits the release of court records in a foreclosure-related eviction unless the plaintiff landlord prevails, as specified, and requires that a prescribed cover sheet, notifying a tenant of his or her rights and responsibilities, be attached to any eviction notice that is served within one year after a foreclosure. Status: Chapter 641, 2010.

**SB 1221 (Calderon) Mortgages: notice of sale.** This bill permits a trustee to notice the sale of a property in a non-judicial foreclosure approximately five days earlier by allowing a Notice of Sale to be given 85 days, instead of three months, after the filing of a Notice of Default. Status: Chapter 180, 2010.

**SB 1223 (Calderon) Escrow agents: auctions: foreclosures.** This bill, with regard to an auction sale of real property that has been the subject of a foreclosure sale, would have required an escrow agent to give back all deposits and fees to a bidder once the escrow agent receives escrow instructions from the auctioneer or auction company directing the return of such funds. This bill also would have required the surety or sureties of a bond established by an escrow agent to give notice to the Insurance Commissioner and to Fidelity Corporation of any release, substitution, cancellation, withdrawal, or nonrenewal of a bond. Status: Vetoed.

**SB 1275 (Leno and Steinberg) Mortgages: foreclosures.** This bill would have created a series of declarations and compliance systems required of mortgage loan servicers for particular loans before initiation of the foreclosure process. Among other things, this bill would have required a servicer to provide a notice to delinquent borrowers informing them of their rights under the foreclosure process, and would have required, in some cases, a servicer to gather all of the borrower's documents and determine if the borrower qualifies for a loan modification prior to the initiation of the foreclosure process. Status: Dead, Asm. Floor.

**SB 1427 (Price) Foreclosures: property maintenance.** This bill provides that, prior to imposing a fine or penalty for failure to maintain a vacant foreclosed property, a governmental entity shall provide the owner of that property with a notice of violation and an opportunity to correct the violation. This bill also provides that any assessment or lien to recover the costs of such nuisance abatement measures shall not exceed the actual and reasonable costs of nuisance abatement. Status: Chapter 527, 2010.

### **Personal Property**

**AB 655 (Emmerson) Self-service storage facilities.** This bill makes various changes to the remedies and procedures of the California self-Service Storage Facility Act (Act) for self-storage facility owners when occupants are delinquent in paying rent or other charges. Status: Chapter 439, 2010.

**AB 918 (Adams) Salvageable personal property: collection boxes.** This bill requires an organization that owns an unattended collection box, used for soliciting or collecting

donations of personal property, to conspicuously display specified information about itself on the exterior of all such collection boxes. This bill also authorizes local jurisdictions to prohibit the organization from employing any collection box if it does not adhere to these disclosure requirements. Status: Chapter 75, 2010.

**AB 1245 (Monning) Recovery of public records.** This bill establishes a process by which the Secretary of State or a local agency may seek the return of public records belonging to the state or a local agency from a person, organization, or institution not authorized by law to possess those records, or require that person to respond in writing and declare why the records do not belong to the state or local agency. Status: Chapter 519, 2009.

**AB 1291 (Niello) Unclaimed property.** This bill makes various changes to the Unclaimed Property Law (UPL) intended to improve notification of property owners when their property is about to escheat to the state, alleviate some concerns of property holders that have transferred escheated property to the State Controller, and penalize holders that do not comply with the notification and reporting requirements of the UPL. Among other things, this bill: (1) requires holders to provide a notice when an account or safe deposit box is opened that warns the owner that their property could escheat due to inactivity; (2) precludes the escheatment of the contents of a safe deposit box when an owner has other accounts or activity with the holder, as specified; and (3) requires the Controller to hold safe deposit box contents with no commercial value for seven years rather than the 18-month requirement under existing law. Status: Chapter 522, 2009.

**AB 1685 (Jeffries) Controller: duties: unclaimed funds.** This bill would have required the State Controller to remit the unclaimed funds belonging to a county political party or a state or local governmental agency that are held by the Controller to the party or governmental agency without first being contacted. Status: Dead, Asm. Jud.

**AB 2117 (Niello) Unclaimed property.** This bill would have: (1) eliminated the regular transfer of approximately \$270 million in unclaimed property funds from the Abandoned Property Fund to the General Fund; (2) required the Controller to add an interest payment to any claim for unclaimed property that the Controller pays to its owner; (3) extended the escheat period for most types of unclaimed property from three years to five years without any provision improving notice requirements for holders of unclaimed property. Status: Failed, Asm. Jud.

**SB 459 (Wolk) Tidelands and submerged lands: removal of vessels.** This bill would have enhanced the authority of the State Lands Commission (Commission) to remove and dispose of abandoned boats and vessels by allowing it to take immediate action, without notice, to remove a vessel that poses a significant threat to the environment, public health, safety, or welfare, or that constitutes a public nuisance. This bill would have authorized the Commission, after using reasonable means to identify and locate the owner and any lienholder, to direct disposition of the property at a properly noticed Commission meeting if the owner cannot be located, fails to respond, or fails to remove the property. Status: Vetoed.

## **Real Property**

**AB 329 (Feuer) Reverse mortgages.** This bill amends California reverse mortgage law to strengthen existing counseling and cross-selling provisions, and requires lenders to provide the borrower with a checklist prior to counseling that highlights the risks and alternatives to reverse mortgages. Among other things, this bill prohibits any person who participates in the origination of a reverse mortgage from (1) requiring an applicant for that mortgage to purchase an annuity as a condition of obtaining the reverse mortgage loan, and (2) employing, referring the borrower to, or being associated with anyone offering for purchase an annuity or other financial product prior to closing the reverse mortgage, as provided. Status: Chapter 236, 2009.

**AB 568 (Lieu) Counterfeit goods: abatement.** This bill provides that every nonresidential building or place used for the purpose of willfully manufacturing, intentionally selling, or knowingly possessing for sale any counterfeit goods is a nuisance which shall be enjoined, abated, and prevented, and for which damages may be recovered. This bill, which sunsets on January 1, 2015, also permits a district attorney, city attorney, or any citizen or resident to bring an action to abate and prevent the nuisance and perpetually enjoin the person conducting or maintaining the nuisance. Status: Chapter 453, 2009.

**AB 957 (Galgiani) Residential real estate transfers: title insurance.** This bill prohibits a seller of residential real property from requiring a buyer to purchase title insurance or escrow services, in connection with the sale of a property, from a company chosen by the seller, as specified. This bill limits its provisions to properties improved by four or fewer dwelling units purchased at a foreclosure sale, and will sunset on January 1, 2015. Status: Chapter 264, 2009.

**AB 985 (De La Torre) Real property: discriminatory restrictions.** This bill would have required a county recorder, title insurance company, or other entity transferring a deed or other written instrument relating to title in real property to provide the recipient with a document that will allow the recipient to remove an unlawful restrictive covenant and to create a public record which does not contain the restrictive covenant. Status: Vetoed.

**AB 1046 (Anderson) Enforcement of judgments: exemptions: homesteads.** This bill increases homestead exemptions by specified amounts to reflect inflation. The exemption amounts represent the specified portion of equity in a homestead, defined as the principal dwelling in which a judgment debtor resides, that is exempt from execution to satisfy a judgment debt. This bill also requires the Judicial Council to determine, at three-year intervals, the amount by which the exemption should be increased and to report that amount to the Legislature, who must approve the proposed increases before they may take effect. Status: Chapter 499, 2009.

**AB 1246 (Jones) Workforce housing cooperative trust.** This bill provides for a new type of limited-equity housing cooperative known as a “workforce housing cooperative trust” by defining this term and including this form of housing within the exemption to the Subdivided Lands Law. With respect to both limited-equity cooperatives and workforce housing cooperatives, this bill also establishes new procedures and standards for dissolution and allows a court to award attorney’s fees and, under specified circumstances, punitive damages to the prevailing party in a lawsuit alleging non-compliance with this bill. Status: Chapter 520, 2009.

**AB 1502 (Eng) Nuisance abatement.** This bill authorizes a county counsel to bring civil action to abate a public nuisance, a controlled substances nuisance, or a gambling or prostitution nuisance. The bill thereby extends to county counsel an authority already conferred upon district attorneys and city prosecutors. This bill also requires the county counsel to submit a report to the Senate and Assembly Judiciary Committees on the use of abatement actions by October 1, 2013. Status: Chapter 570, 2010.

**AB 1684 (Jeffries) Civil actions: adverse possession of real property.** This bill requires the timely payment of specified taxes relative to an action for adverse possession of real property and provides that payment shall be established by certified records of the county tax collector. Status: Chapter 55, 2010.

**AB 1927 (Knight) Real property: common interest developments.** This bill would have provided that any provision that is added to or included in a governing document initially recorded on or after January 1, 2011, that prohibits the rental or lease of a separate interest is void, unless the provision imposing the prohibition is approved by the owners of separate interests, as specified. This bill would also have required the owner of a separate interest, when a governing document prohibits the rental or leasing of all or any of the separate interests, to provide a statement describing the prohibition. Status: Vetoed.

**AB 2016 (Torres) Common interest developments: requests for notices of default.** This bill allows a homeowners association in a common interest development to record a single request for a copy of a trustee's deed upon sale of a separate interest within the homeowners association. Status: Chapter 133, 2010.

**AB 2502 (Brownley) Community interest developments: order of payment.** This bill would have provided that the provisions of existing law that prescribe the order in which a homeowner's payments to the homeowners association are to be allocated (first to assessments and only then to late fees and costs relating to collection) shall also apply to any agent of the association or other third party that is contracted to collect the debt. Status: Dead, Asm. Jud.

**AB 2664 (Chesbro) Public lands: State Lands Commission: violations.** This bill would have prohibited certain activities on state lands under the jurisdiction of the State Lands Commission without an applicable easement, lease, or permit. This bill also would



have provided for civil penalties for violations and authorizes the Commission to pursue an administrative action to obtain legal remedies. Status: Vetoed.

**SB 109 (Calderon) Auctioneers: real estate.** This bill would have revised the definition of "auction" to include sales of real estate, effectively bringing auctions of real estate within current rules governing the conduct of auctioneers. As a result, this bill would have required: (1) notification to an audience of all fees that will be levied as a condition of bidding on an auction of real estate; (2) an explanation of certain terms relating to the auction; and (3) the return of deposits and fees in a specified time if the high bidder's offer is rejected or if the seller does not respond to the offer. Status: Vetoed.

**SB 183 (Lowenthal) Residential building safety.** This bill requires a carbon monoxide device that has been approved by the State Fire Marshall (SFM) to be installed in every existing dwelling intended for human occupancy that has a fossil fuel burning heater or appliance, fireplace, or an attached garage by specified deadlines. This bill, among other things, requires the SFM to develop a certification and decertification process to approve and list carbon monoxide devices that must include consideration of their effectiveness and reliability, including their propensity to record false alarms. Status: Chapter 19, 2010.

**SB 306 (Calderon) Real property transactions.** This bill modifies or clarifies a number of existing provisions relating to real property transactions. First, this bill creates a so-called "short pay demand statement" to facilitate the disbursement of escrow funds under specified circumstances. This bill also clarifies that fidelity coverage required of licensed escrow agents does not extend to deposits made by an "exchange facilitator," since these deposits are personal property with separate coverage. Additionally, this bill makes a number of "clean up" changes to SB 1137 (2008), relating to the timing requirements for filing, publishing, and recording certain foreclosure-related notices, including requiring that the notice of sale of real property must be posted 20 days prior to the date of the foreclosure sale. Status: Chapter 43, 2009.

**SB 407 (Padilla) Property transfers: plumbing fixtures replacement.** This bill requires the replacement of all non-water conserving plumbing fixtures, as defined, with water-conserving fixtures in commercial and residential properties built prior to 1994. Replacement compliance is required by 2017 for single-family residential properties or by 2019 for multi-family residential or commercial properties, with certain exceptions. Under this bill, the responsibility for replacement falls upon either the property owner or a building permit applicant as a condition for issuance of a certificate of occupancy or building permit. This bill also requires the seller or transferor of property to disclose in writing to the prospective purchaser or transferee whether the property includes any noncompliant plumbing fixtures and the deadline for achieving compliance. Status: Chapter 587, 2009.

**SB 555 (Kehoe) Eminent domain law: conservation easements.** This bill would have required a person seeking to acquire, by eminent domain, a property subject to a conservation easement to give the holder of the conservation easement a notice

containing specified information and an opportunity to comment on the acquisition. In addition, this bill would have required the holder of the conservation easement or any public entity that provided funds for the purchase of the easement, or both, to provide the person seeking to acquire the property with written comments on the proposed acquisition, including identifying any potential conflict between the proposed public use and the terms of the conservation easement. Status: Vetoed.

**SB 660 (Wolk) Reverse mortgages.** This bill would have imposed a duty of honesty, good faith, and fair dealing on any lender, broker, person, or entity who recommends the purchase of a reverse mortgage to a borrower in anticipation of financial gain. This bill additionally would have required the lender to provide a specified checklist to a mortgage loan applicant prior to their mandatory counseling session, with the checklist to be signed by both the counselor and prospective borrower and returned to the lender prior to any approval of a loan application. Status: Dead, Asm. Banking & Finance.

**SB 1035 (Hancock) Municipal utility district: utility charges: delinquencies.** This bill authorizes a municipal utility district to collect delinquent fees incurred by a commercial or residential lessee, tenant, or subtenant by charging the delinquent fees to the property owner's tax roll, as specified. This bill also deletes a provision of existing law which exempts water and sewer service to residential property from the lien remedy for collection of delinquent fees. Status: Chapter 485, 2010.

**SB 1178 (Corbett) Real property: deficiency judgments.** This bill would have provided that longstanding deficiency judgment protections for a loan used to pay all or part of the purchase price of real property or an estate for years includes subsequent loans, mortgages, or deeds of trust that refinance or modify the original loan, but only to the extent that the subsequent loan was used to pay debt incurred to purchase the real property. Status: Vetoed.

### **Rental Property**

**AB 530 (Krekorian) Unlawful detainer: controlled substances and firearms.** This bill reauthorizes two pilot programs allowing city attorneys and prosecutors in participating cities to bring eviction proceedings in the name of the people against a tenant for unlawful activities regarding firearms, ammunition, and controlled substances. This bill also exempts the City of Los Angeles from the sunset date of the controlled substances program, thereby extending the program indefinitely for that city. Finally, the bill includes changes to the notice and reporting requirements of both pilot programs, as specified, in order to facilitate better evaluation of the merits of the pilot program by the California Research Bureau in 2014. Status: Chapter 244, 2009.

**AB 1263 (Strickland) Unlawful detainer: service of notice.** This bill would have revised the provision governing the methods of serving notice of unlawful detainer upon a tenant by deleting the requirement that service be made at the tenant's place of residence or usual place of business. Instead, this bill would have required that service be made either by: (1) delivering a copy of the notice to the tenant personally; (2) leaving a

copy of the notice at the property with a person of suitable age and discretion and mailing a copy of the notice to the tenant at the address of the property; or (3) affixing a copy of the notice in a conspicuous place on the property and mailing a copy of the notice to the tenant at the address of the property. This bill would have defined the term “property,” for purposes of these provisions, to refer to the property that is the subject of the lease. Status: Dead, Asm. Jud.

**AB 1803 (Nava) Mobilehome tenancy.** This bill would have enacted the Mobile Home Dispute Resolution Act and established a Mobilehome Residency Law Dispute Resolution Fund in order to facilitate dispute resolution between mobile home owners and mobile home park management. The bill would have required the Attorney General to administer the dispute resolution program, as specified. Status: Dead, Asm. Housing & Comm. Development.

**AB 1838 (Bill Berryhill) Unlawful detainer: controlled substances and firearms.** This bill would have, until January 1, 2012, permitted San Joaquin County to participate in an existing pilot project that allows local authorities to file actions for unlawful detainer in order to abate unlawful conduct relating to controlled substances or illegal weapons or ammunition possession. Status: Vetoed.

**AB 2743 (Nava) Real property: rentals: animals.** This bill would have prohibited landlords from imposing conditions on occupancy of real property that might cause an animal that is allowed on the premises to be surgically devocalized or declawed. Specifically, this would have included requiring devocalization or declawing of an animal as a condition of occupancy, as well as advertising the availability of property in a manner designed to discourage application for occupancy because an applicant's animal has not been devocalized or declawed. Status: Vetoed.

**SB 120 (Lowenthal) Residential tenancies: utility service.** This bill revises existing public utility termination notice provisions, which currently apply only to the multi-unit residential tenancies, to any residential structure, including a single-family dwelling. Specifically, this bill permits a tenant of any residential dwelling to assume responsibility for payment for utility services and to deduct utility charges from any periodic rent owed, if the rent amount includes charges for utility services. This bill also requires utility providers, when a utility account in the name of the apartment owner or manager is in arrears, to make a good faith effort to inform the actual occupants of the residence by means of a specified written notice that service will be terminated at least 10 days prior to the termination, except as specified. Status: Chapter 560, 2009.

**SB 290 (Leno) Tenancy: notices.** This bill repeals the sunset date for the existing law requiring the owner of a residential rental property to give at least 60-day notice prior to terminating the periodic tenancy of a tenant who has lived in the unit for one year or more, thereby extending the law indefinitely. Status: Chapter 347, 2009.

**SB 782 (Yee) Residential tenancies: domestic violence.** This bill prohibits a landlord from terminating a tenancy based upon an act or acts of domestic violence, sexual assault,

or stalking against the tenant or tenant's household member, if the act or acts can be appropriately documented and the perpetrator is not a tenant of the same dwelling unit as the tenant. This bill also permits a tenant to change locks of the dwelling unit, or request the landlord to do so, as specified, if the tenant has a restraining order against another person based on that other person's acts of domestic violence, sexual assault, or stalking against the tenant. Status: Chapter 626, 2010.

## MISCELLANEOUS

### State Commissions and Boards

**AB 25 (Gilmore) Water discharges: mandatory minimum civil penalties.** As referred to this committee, this bill would have allowed the State Water Resources Control Board and the Regional Water Quality Control Boards, in lieu of assessing a mandatory minimum penalty (MMP) for certain waste discharge violations, to instead elect to require a public school district or a publicly owned treatment works serving a small community of 20,000 persons or less (an increase from 10,000 persons or less) to apply an amount of money equivalent to the MMP towards a compliance project to remediate the causes of the violations. The bill was subsequently gutted and amended to address an unrelated issue. Status: Vetoed.

**AB 153 (Ma) High-Speed Rail Authority.** As heard by this committee, this bill would have authorized the California High-Speed Rail Authority (HSRA) to employ its own legal staff or to contract with other state agencies for legal services, clarified the HSRA's ability to exercise eminent domain power, and would have changed the HSRA's authority governing project development. Subsequently, the bill was gutted and amended to address an unrelated issue. Status: Chapter 226, 2010.

**AB 606 (Ma) California Blueberry Commission.** This bill creates the California Blueberry Commission with prescribed membership, powers, duties and responsibilities, and requires a positive referendum vote by blueberry producers and handlers, as specified, to activate. This bill authorizes the Commission to commence a civil action against a person who fails to pay assessments or who violates Commission rules or regulations as provided by the bill. Status: Chapter 366, 2009.

**AB 1912 (Evans) Apiary Research Commission.** This bill creates the California Apiary Research Commission with a prescribed membership, and specifies the powers, duties, and responsibilities of the Commission. This bill authorizes the Commission to conduct research and education programs relating to honeybees, and the beekeeping industry, to levy an assessment on bee producers, and to spend those funds for purposes of implementing these provisions. Status: Chapter 585, 2010.

**AB 2469 (Bill Berryhill) State Air Resources Board: dispute resolutions.** This bill would have required the Air Resources Board (ARB) to adopt a discretionary alternative process to resolve appropriate disputes regarding proposed penalties for violation of any requirement of specified clean-air laws, or any requirement, rule, regulation, or order

administered by the ARB, as long as certain conditions were met. Status: Dead, Asm. Approps.

**AB 2695 (Hernandez) California Nursery Producers Commission.** This bill creates the California Nursery Producers Commission and specifies its powers, duties, and responsibilities. This bill authorizes the Commission to levy an annual assessment, not to exceed \$0.0006 per dollar of gross sales, on producers of nursery products and authorizes the expenditure of these funds for purposes of implementing and administering these provisions. Status: Chapter 605, 2010.

**ACR 49 (Evans) California Law Revision Commission: studies.** This resolution authorizes the California Law Revision Commission (CLRC) to study whether specified laws should be revised, authorizes the CLRC to study the legal and policy implications of treating a charter school as a public entity for the purposes of the Tort Claims Act, and authorizes removal of one topic from the calendar of the CLRC. Status: Res. Chapter 98, 2009.

**SB 1402 (Dutton) State Air Resources Board: administrative and civil penalties.** This bill requires the Air Resources Board to provide a specified written explanation prior to imposing an administrative or civil penalty for a violation of air pollution law, make these explanations available to the public, annually report specified administrative penalties imposed, and publish a penalty policy pertaining to vehicular air pollution control. Status: Chapter 413, 2010.

### **Other Topics**

**AB 343 (Saldaña) Pupils: military families.** This bill enacts, until January 1, 2013, the Interstate Compact on Educational Opportunity for Military Children, which addresses key issues experienced by children of military families who transfer schools frequently, including the transfer of student records, course sequencing, and graduation requirements. In addition, the compact provides for a detailed governance structure at both the state and national levels with built in enforcement and compliance mechanisms. Status: Chapter 237, 2009.

**AB 442 (Arambula) Notaries public.** This bill would have authorized a notary public to reasonably rely on a Matricula Consular issued by the government of Mexico as proper identification to prove the identity of an individual who executes a written instrument. Status: Vetoed.

**AB 1211 (Torrico) Gang recruitment: penalties.** This bill would have created a misdemeanor, punishable by up to one year in the county jail and/or by fine of not more than \$2,500 for any person who omits the performance of any duty which causes any person under the age of 18 years of age to become an active participant in a criminal street gang, as specified. Status: Dead, Asm. Public Safety.

**AB 1268 (Gaines) Financial institutions.** This bill reorganizes and consolidates provisions of the Financial Code administered by the Department of Financial Institutions (DFI), by moving the powers and authority of the Commissioner of Financial Institutions into one chapter of the Financial Code and consolidating other laws that are applicable to all of DFI's licensees into one body of law. Status: Chapter 532, 2010.

**AB 1647 (Hayashi) High school athletics: training for coaches.** This bill would have established new certification and training requirements for athletic trainers, and would have prohibited individuals from calling themselves a "certified athletic trainer" unless they meet those requirements. Status: Vetoed.

**AB 1745 (Ammiano) Vital records: fees: disposition of human remains.** This bill would have authorized the local registrar of a county to charge each applicant for a permit for the disposition of human remains (i.e. a burial permit) an additional fee of up to \$8 to fund the disposition of the remains of indigent residents of that county. In addition, this bill would have exempted this fee from annual adjustments pursuant to existing law governing burial permit fees. Status: Vetoed.

**AB 1993 (Strickland) State government: report declarations.** This bill would have required written reports submitted to the Legislature, a member of the Legislature, or any state legislative or executive body to include a signed statement by the head of the entity declaring that the factual contents of the report are true. Status: Dead, Sen.Rules.

**AB 2026 (Arambula) Standardized testing: Matricula Consular: valid identification.** This bill would have required a test sponsor to accept the Matricula Consular de Alta Seguridad (MCAS) issued by the government of Mexico within the last five years as a valid form of identification for purposes of admitting a test subject to take a standardized test, and would have provided that no other identification shall be required for test takers who present a valid Matricula Consular. Status: Vetoed.

**AB 2101 (Fong) Elections: prohibiting payments.** This bill provides that, upon conviction of a violation of specified crimes relating to voter registration or signature gathering for petitions, the court may order as a condition of probation that the convicted person be prohibited from receiving money or other valuable consideration for assisting another person to register to vote by receiving the completed affidavit of registration, or for gathering signatures on an initiative, referendum, or recall petition. Status: Chapter 372, 2010.

**AB 2205 (Calderon) State finance: line item veto.** This bill would have provided that, for purposes of the California Constitution, the term "items of appropriation" does not include reductions made in a bill to previously enacted items of appropriation. This bill would also have stated Legislative intent to supersede the Court of Appeal (1st Dist.) decision in *St. John's Well Child and Family Center, et al. v. Schwarzenegger, et al.* (2010). Status: Dead, Asm. Jud.

**AB 2767 (Judiciary) Civil omnibus.** This bill makes several non-controversial and clarifying changes to the codes related to various aspects of civil law, including correcting drafting errors from legislation enacted in 2009. Status: Chapter 212, 2010.

**ACR 42 (Fong) Chinese Americans in California.** This resolution acknowledges the history of the Chinese in California, recognizes the contributions made to the State of California by Chinese Americans and Chinese immigrants, and expresses regret for past discriminatory laws and constitutional provisions which resulted in the persecution of Chinese living in California. Status: Res. Chapter 79, 2009.

**ACR 46 (Saldana) Girl Scouts.** This resolution would have made various legislative findings to commend the Girl Scouts of the United States of America on its 98th anniversary for its service to the community and for inspiring millions of girls with high ideals of character, conduct, and patriotism. Status: Dead, Sen. Rules.

**ACR 76 (Eng) Day of Inclusion.** This resolution designates December 17 as an annual “Day of Inclusion” in recognition of the contributions of all immigrants to the greatness of our state and country. Status: Res. Chapter 108, 2009.

**ACR 119 (Garrick) Boy Scouts of America.** This resolution would have made various legislative findings to congratulate the Boy Scouts of America on the anniversary of the granting of its Federal Congressional Charter. Status: Failed, Asm. Jud.

**ACR 129 (Monning) International treaties: reports.** This resolution requests the Attorney General to publicize specified international human rights treaties and protocols to cities, counties, and state agencies, and to prepare templates for cities, counties, and state agencies to use to create reports pertaining to those treaties and protocols. Status: Res. Chapter 149, 2010.

**SB 188 (Runner) Temporary restraining orders: schools.** This bill authorizes specified officers of a private postsecondary educational institution, a student of which has suffered a credible threat of violence made off the school campus or facility from any individual, to seek a temporary restraining order (TRO) and an injunction, on behalf of the student and, at the discretion of the court, any number of other students at the campus or facility, as specified. Under this bill, authority exists only if the threat of violence can reasonably be construed to be carried out or to have been carried out at the school campus or facility, and the TRO can be obtained only with the written consent of the student. The bill would provide that any intentional and knowing violation of the temporary restraining order is a misdemeanor, punishable as specified. Status: Chapter 566, 2009.

**SB 544 (Judiciary) Civil law: omnibus bill.** This bill, the Senate Committee on Judiciary’s omnibus bill, does the following: (1) permits the State Bar’s Board of Governors to delegate specified authority to one of their Committees to clarifying the authority of the Judicial Council to provide administrative support to a tax-exempt public benefit nonprofit corporation; (2) clarifies a fee arbiter’s authority to issue a subpoena; (3) removes certain requirements relating to the recording of oil and gas leases; (4)

clarifies the deadline for the return of documents relating to writs of execution; and (5) make other technical and clarifying changes. Status: Chapter 54, 2009.

**SB 950 (Wiggins) Veterans homes: accounting for charges: written notification.**

This bill requires the written notice given to a resident of a California veterans home to include the terms and conditions upon which the member fees and costs can be changed, and requires a signature of the veteran to acknowledge that he or she has read and understands the notice. This bill also requires the notice to be written in plain, straightforward language and posted in each veterans' home. Status: Chapter 509, 2010.

**SB 1046 (Cogdill) Government tort claims: California State University.** This bill removes the California State University (CSU) from the jurisdiction of the Victim Compensation and Government Claims Board by allowing CSU to process its own tort claims. Status: Chapter 636, 2010.

**SB 1330 (Judiciary) Maintenance of the codes.** This bill makes numerous technical, non-substantive changes in the California codes that have been recommended by the Legislative Counsel's Office. Status: Chapter 328, 2010.

**SB 1417 (Cox) Corporations for prevention of cruelty to animals.** This bill establishes new procedures and requirements for the appointment and confirmation of humane officers by non-profit organization formed for the purpose of preventing cruelty to animals. Among other things, this bill specifies examples of documents and evidence that a petitioning organization shall submit to the court to ensure that the court has sufficient information to evaluate the petition for appointment. This bill also establishes continuing education and training requirements for humane officers and procedures for maintaining compliance. Status: Chapter 652, 2010.

**SCR 76 (Corbett) Human trafficking awareness.** This resolution encourages members of the Legislature, as well as organizations, businesses, and individuals, to bring visibility and support to efforts to recognize and combat human trafficking and slavery, and encourages all Californians to become educated about human trafficking and slavery, and work to eradicate these criminal practices both within and outside of California. Status: Res. Chapter 81, 2010.

**SJR 24 (Yee) International Violence Against Women Act.** This resolution urges the United States Congress to pass the International Violence Against Women Act, legislation that would establish new offices and policies to implement a comprehensive approach to preventing violence against women and girls around the world. Status: Res. Chapter 53, 2010.

**SJR 28 (Kehoe) 2020 Census.** This resolution urges the Congress and the President of the United States and the Secretary of Commerce to enact legislation or adopt policies to have the 2020 Census and other surveys gather data on sexual orientation and gender identity. Status: Res. Chapter 137, 2010.