

ASSEMBLY COMMITTEE ON JUDICIARY

2021

BILL SUMMARY

*A Comprehensive Breakdown of
Legislation Considered by the
Committee in 2021*

MARK STONE

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ED CHAU

DAVID CHIU

LAURIE DAVIES

LORENA GONZALEZ

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ASH KALRA

KEVIN KILEY

BRIAN MAIENSCHIN

ELOISE REYES

Staff

ALISON MERRILEES

Chief Counsel

LEORA GERSHENZON

Deputy Chief Counsel

TOM CLARK

Counsel

NICHOLAS LIEDTKE

Counsel

JITH MEGANATHAN

Counsel

CINDY MORANTE

Committee Secretary

GRANT SILVA

Assistant Secretary



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STATE CAPITOL

P.O. BOX 942849
 SACRAMENTO, CA 94249-0108
 (916) 319-2334

Assembly California Legislature

ASSEMBLY COMMITTEE ON JUDICIARY

MARK STONE, CHAIR

CHIEF COUNSEL

ALISON MERRILEES

DEPUTY CHIEF COUNSEL

LEORA GERSHENZON

COUNSEL

TOM CLARK

NICHOLAS LIEDTKE

JITH MEGANATHAN

COMMITTEE SECRETARY

CINDY MORANTE

COMMITTEE SECRETARY

GRANT SILVA

November 2021

The counsel and staff of the Assembly Judiciary Committee have prepared this comprehensive report of bills that were considered by the Committee in 2021, the first year of the 2021-22 legislative session. Because of the continuing COVID-19 pandemic, the Committee again heard somewhat fewer bills than usual in 2021. Nevertheless, the Committee was still responsible for one of the largest and most complex bill loads in the Legislature, encompassing virtually all areas of our civil justice and legal system. Some of the highlights are described below, while a more detailed summary of all bills referred to the Committee follows this overview.

Immigration and State-Federal Relations. *As in recent years, the Committee heard a number of bills and resolutions relating to immigrants and immigration policy. One bill that is symbolically important and that became law strikes the offensive and dehumanizing term "alien" from multiple California Code sections in which it is used to describe a person who is not a citizen or national of the United States. Another important bill, that would have eliminated the ability that law enforcement agencies have under existing law (the Values Act) to cooperate with federal immigration authorities and prohibited all state and local agencies from assisting, in any manner, the detention, deportation, or interrogation, of an individual by immigration enforcement, did not move to the Governor's desk.*

Courts, Civil Procedure and Practice, and Related Matters. *Once again the Committee grappled with legislation seeking to address the impacts of the COVID-19 pandemic on California courts and civil justice system. To that end, the Committee heard and approved several measures that authorized remote proceedings in both courts and administrative law proceedings, expanded the use of electronic filing of litigation documents, and protected the public's access to court proceedings regardless of whether a legal proceeding was held in-person or remotely. The Committee also ensured that changes to the operations and structure of the Commission on Judicial Performance (CJP) are developed in a comprehensive and thoughtful manner. A measure to establish a 15-member committee to study and make recommendations for changes in the operations and structure of the CJP and require a report of recommendations to be provided to the Legislature was signed into law within AB 143 (Committee on Budget), replicating a bill authored by the Committee.*

Family Law, Children, and Related Matters. *As in the past, the Committee heard many bills relating to family law, domestic violence, and juvenile dependency. The Committee passed and the Governor signed into law legislation to improve the placement of foster children with family members by changing the criminal background check process during the resource family approval process for relatives of children placed in the child welfare system and permitting the court to authorize placement of children with relatives in certain circumstances, regardless of the status of any criminal exemption or resource family approval process. Also becoming law this year was a bill to better protect refugee children in state-licensed foster homes and several bills that increase information provided to foster children aging out of the child welfare system. This Committee also passed legislation that became law that eliminated the confidentiality of proceedings and records under the Uniform Parentage Act, except in parentage cases involving assisted reproduction. Also becoming law, effective 2023, is a bill to allow a domestic violence*

restraining order to include a provision restraining a party from accessing records regarding health care, education, daycare, recreational activities, or employment of a minor child of the parties.

Conservatorships, Guardianships, and Trusts and Estates. Conservatorships were in the news a great deal in 2021 and were also addressed in numerous legislative proposals. This Committee and the Legislature passed, and the Governor signed, legislation to overhaul California's probate conservatorship system to require more investigations and discipline of licensed professionals by the Professional Fiduciaries Bureau, additional penalties against unscrupulous conservators and guardians, and more court oversight, although the additional court protections are not effective until specifically funded. Also becoming law this year was a bill to protect abused and neglected children by requiring better coordination of cases between probate court and juvenile dependency court and the child welfare system. Finally, the Legislature passed and the Governor signed a bill to extend the Revocable Transfer on Death Deed for an additional 10 years.

Business and Consumer Protection, including Creditor-Debtor Relations. As is typical, the Committee heard several bills regulating the relationship between creditors and debtors. These included bills requiring private student loan lenders and debt collectors to have competent evidence of ownership of the debt at issue and the exact amount owed in order to file suit; forbidding hospitals from selling medical debt to debt buyers unless certain conditions are met; regulating the conduct of debt settlement services; simplifying the process by which victims of identity theft can avail themselves of protections under state law; and amending the Rosenthal Fair Debt Collection Practices Act to require collectors to provide certain information and notices to alleged debtors. In addition, the Committee heard, and the Governor signed, consumer protection measures making clear that a contract cannot be formed based on a minor's representation that their parent or guardian has consented to the contract; expanding a provision of the Consumers Legal Remedies Act which governs home solicitations of seniors to include solicitations of Property Assessed Clean Energy (PACE) financing; and permitting county counsel standing to bring actions under the Unfair Competition Law (UCL) so long as the county contains a city with a population greater than 750,000.

Employee Rights. The Committee heard several important measures designed to protect the rights of employees and ensure they have adequate remedies to enforce those rights. The most significant measures sought to expand protections to particularly vulnerable workers, including garment workers, domestic workers, and fast food workers. Of the measures enacted, one limits the use of piece rate pay for garment workers and, more significantly, ensures that all businesses in the garment manufacturing industry will share liability for Labor Code and wage order violations. Another enacted measure requires Cal-OSHA to create an advisory committee to recommend changes that will extend Cal-OSHA protections to domestic workers. However, a measure that would have established industry-wide standards and working conditions for fast-food workers failed to reach the Governor. Other enacted measures make it easier for public employee unions to obtain employee information; place certain public transit employees under the jurisdiction of the Public Employee Relations Board; limit the use of non-disclosure agreements in certain harassment and discrimination cases; prohibit severance agreements that prevent an employee from discussing unlawful conduct in their former workplace; expand existing direct contractor liability to include liquidated damages under certain circumstances; and allow Cal-OSHA, when issuing fines and penalties for certain "egregious" employer violations, to count each employee affected by a violation as a separate violation. As usual, several bills attempting to weaken the Labor Code's Private Attorneys General Act (PAGA) failed to reach the Committee. However, the Committee heard one PAGA measure that became law. That measure prevents janitorial employees from exercising their rights under PAGA if the employees are represented by a labor organization and other specified conditions apply.

Landlord-Tenant. In the area of landlord-tenant law, a subject over which the Committee has primary jurisdiction, the Committee passed, and the Governor signed, an urgency measure that extended existing COVID-19-related eviction protection measures until the end of September, and put into place, beginning in October, measures meant to prevent tenants from being evicted for nonpayment unless they fail to qualify for state-provided rental assistance. The Committee also heard several other bills in this area, including a bill meant to provide protections to small businesses affected by COVID-19, which failed to pass the Assembly, and another bill that would have created a Homeless Prevention Fund to provide legal assistance to tenants, which was vetoed by the Governor.

Civil and Constitutional Rights. The Committee passed several measures pertaining to civil, personal, and constitutional rights, though most of the ones that became law made only modest changes to existing law. For example, in the area of personal and civil rights, enacted measures modify the exemption from the Sex Equity in Education Act afforded to certain programs sponsored by the American Legion; and require the County Recorders to begin a process for identifying and removing offensive language from racially restrictive covenants and making it easier for other individuals and groups to record modifications to racially restrictive covenants. Another enacted measure clarifies the right of a student to wear culturally significant adornments at their high school graduation. Finally, the Committee heard a provision of a very important measure that dealt primarily with police officer decertification, but also eliminated specified immunity provisions for peace officers and custodial officers for actions brought under the Tom Bane Civil Rights Act because of ambiguity in the bill's language.

Civil Liability and Immunity. As always the Committee heard numerous bills related to liability and immunity. In the wake of the pandemic, the Committee evaluated several bills regarding liability for health care providers and at-risk patients. Additionally, as a result of the growing impact of climate change in California, the Committee evaluated several measures regarding liability for controlled burns to mitigate wildfire risk, liability related to state-approved takeovers of small, failing, water districts, and efforts to hold investor-owned utilities accountable for starting wildfires.

Open Government and the Public Records Act. The Committee heard and passed several bills relating to the California Public Records Act (CPRA) this session. Most significantly, the Committee passed and the Governor approved a bill that expands the categories of police personnel records that are subject to disclosure under the CPRA. Specifically, that important bill makes public new types of personnel records related to sustained findings of an officer's bias or use of excessive or unreasonable force; extends the time period for agencies to retain records; prohibits destruction of records that are subject to a CPRA request or litigation; and clarifies what costs an agency may charge a requester of public records. Another bill approved by the Committee and signed into law recodifies and reorganizes the provisions of the CPRA without making any substantive changes to the act.

The following report contains a summary of each bill referred to the Committee, as well as helpful statistical data regarding the disposition of the bills assigned to the Committee in the first year of the 2021-22 legislative session. We hope you find this information useful.

Sincerely,



Alison Merrilees
Chief Counsel, Assembly Judiciary Committee

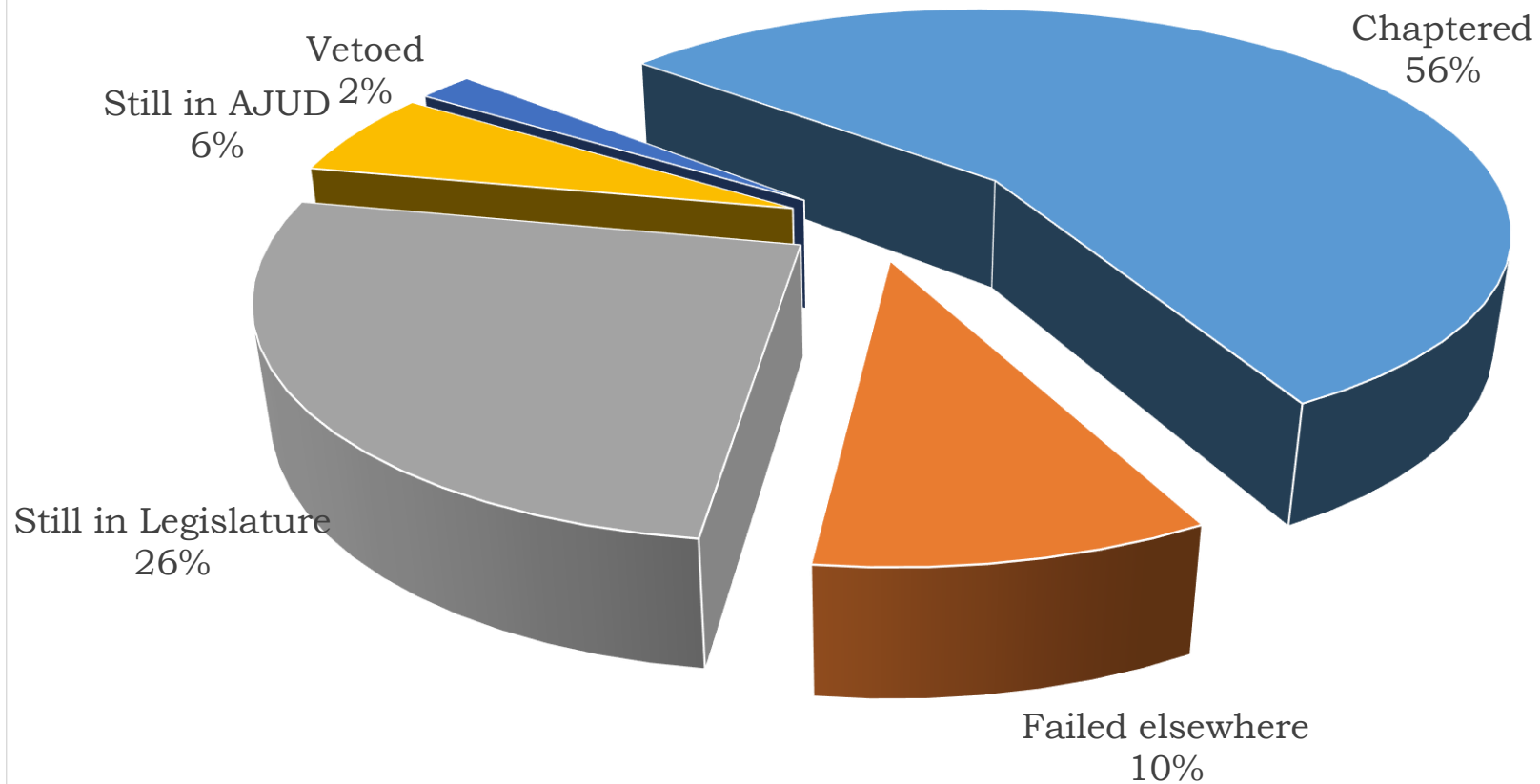
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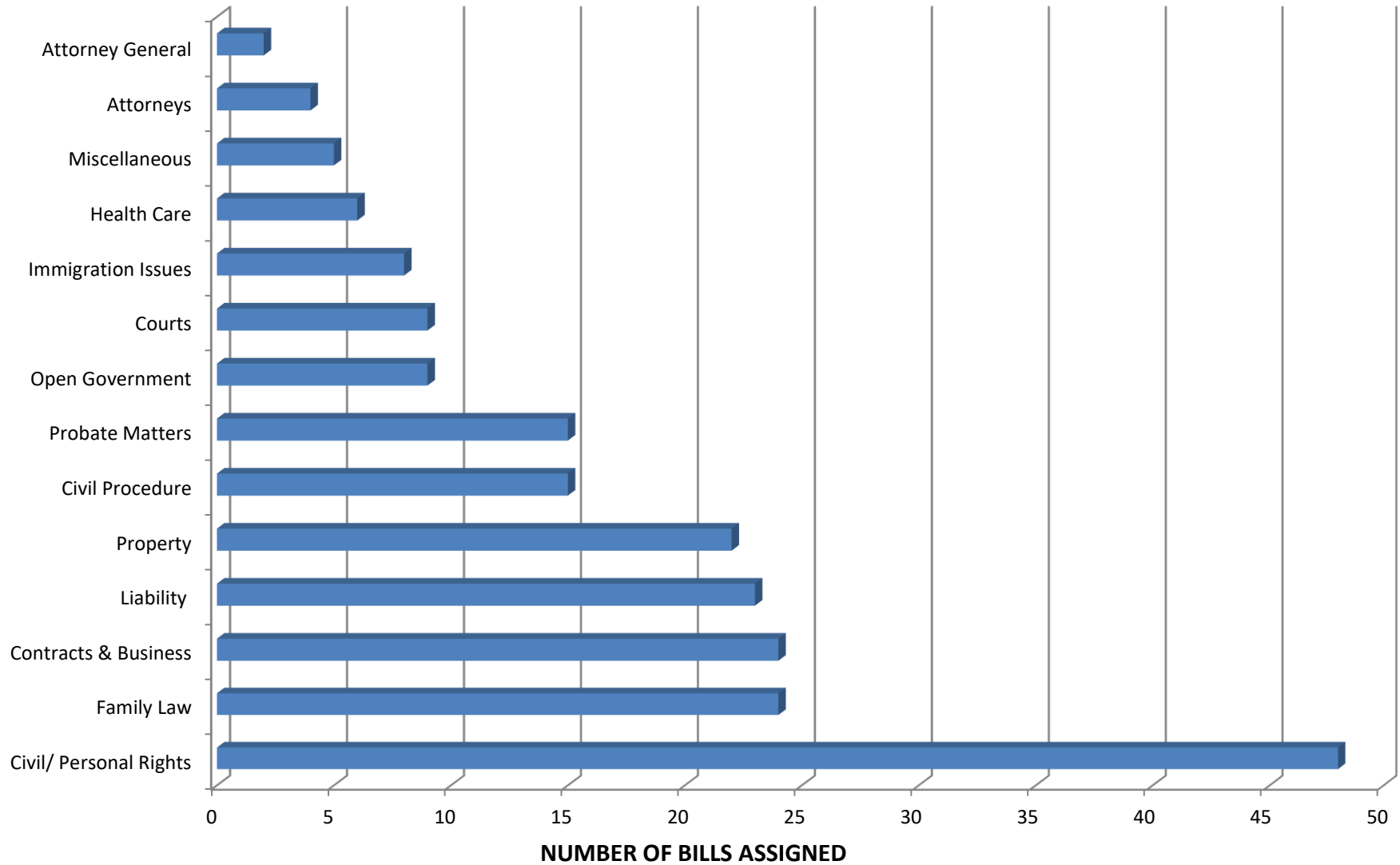
DISPOSITION OF BILLS ASSIGNED TO THE COMMITTEE IN 2021

ASSIGNED	Assembly: 140 Senate: 74 Total: 214	
CHAPTERED/ ADOPTED	Assembly: 70 Senate: 51 Total: 121	56%
STILL IN LEGISLATURE	Assembly: 45 Senate: 10 Total: 55	26%
STILL IN AJUD	Assembly: 10 Senate: 3 Total: 13	6%
FAILED IN AJUD	Assembly: 0 Senate: 1 Total: 1	.5%
FAILED ELSEWHERE	Assembly: 14 Senate: 6 Total: 20	9.5%
VETOED	Assembly: 1 Senate: 3 Total: 4	2%

**DISPOSITION OF BILLS ASSIGNED TO THE
ASSEMBLY JUDICIARY COMMITTEE IN 2021**



TYPES OF BILLS ASSIGNED TO THE ASSEMBLY JUDICIARY COMMITTEE IN 2021



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ATTORNEY GENERAL - ENFORCEMENT AND OVERSIGHT

AB 598 (R. Rivas) Unflavored tobacco list. This bill requires the Attorney General to establish and maintain on the Attorney General's internet website a list of tobacco product brand styles that lack a characterizing flavor, as specified. Status: Asm Health.

AB 900 (Reyes) Charitable trusts. This bill requires a trustee holding assets subject to a charitable trust to give written notice to the Attorney General at least 20 days before the trustee sells, leases, conveys, exchanges, transfers, or otherwise disposes of all or substantially all of the charitable assets. Status: Chap. 708, Stats. 2021.

ATTORNEYS AND RELATED MATTERS

Attorneys and Related Services

AJR 12 (Stone) Veterans' educational benefits. Requests that the United States Congress address provisions in the federal "GI Bill" related to law schools that presently prohibit federal veterans' educational benefits from being provided for attendance at non-American Bar Association law schools, including institutions deemed a California accredited law school by the State Bar of California. Status: Res. Chap. 118, Stats. 2021.

SB 774 (Hertzberg) Lawyer-client privilege: DFEH. In order to facilitate the work of the Department of Fair Employment and Housing (DFEH), this bill clarifies that the lawyer-client privilege applies to the confidential communications of the department's lawyers with complainants and other persons on whose behalf a complaint is filed and requires the complainants to assert the privilege on behalf of DFEH. Status: Asm Inactive.

State Bar

SB 211 (Umberg) State bar: attorneys' annual license fees, discipline system review, and general oversight. This bill sets the 2022 annual licensing fees for attorneys in California, requires the State Auditor to audit the State Bar's discipline system, requires the State Bar to develop case processing standards, codifies the Legal Services Trust Fund Commission, and revises the definition of "civil legal services" for purposes of eligible work by qualified legal services organizations and support centers. Status: Chap. 723, Stats. 2021.

SB 498 (Umberg) Funds for the provision of legal services to indigent persons: eligibility criteria for services. This bill increases the income limit for free legal services funded by grants administered by the State Bar of California from the current 125 percent of the federal poverty line (FPL) to 200 percent of the FPL, and exempts compensation to veterans for service-related disabilities from this income calculation. Status: Chap. 688, Stats. 2021.

CIVIL PRACTICE AND PROCEDURE

Civil Procedure

AB 287 (Quirk) Civil actions: statute of limitations. This bill creates a three-year statute of limitations on civil actions for violations arising from a person engaging in unlicensed cannabis activities, extending the current one-year statute of limitations. Status: Chap. 264, Stats. 2021.

AB 514 (Ward) Injunctions: undertakings: sexually explicit material. This bill exempts a person who is a victim of the distribution of sexually explicit material from an undertaking, or bond, requirement, as specified. The bill also alters the knowledge threshold that makes a person liable for distributing sexually explicit materials, and allows a victim of the distribution of sexually explicit material to serve notice on a redistributor to cease distributing the material. Status: Chap. 518, Stats. 2021.

AB 621 (R. Rivas) California Environmental Quality Act: streamlined environmental review: standard of review: hospitals. This bill provides for an expedited 270-day court review of all litigation under the California Environmental Quality Act for projects to construct a new hospital project or hospital expansion or modernization project if the construction project qualified as an environmental leadership hospital project, as specified. Status: Asm Nat Resources.

AB 693 (Chau) Proposition 65: enforcement. This bill modifies several procedural requirements for both the filing and settling of lawsuits related to Proposition 65, including adopting a 14-day right to cure period upon the commencement of litigation. Status: Asm Environmental Safety and Toxic Materials.

AB 919 (Grayson) Construction defects: actions: statute of limitations. This bill shortens the statute of limitations for filing construction defect claims against a nonprofit housing corporation, who utilized a skilled and trained workforce to construction a residential development, from ten years to five years. Status: Asm Judiciary.

AB 930 (Levine) Subsurface installations: attorney's fees and costs. This bill provides reasonable attorney's costs and fees to a prevailing subsurface excavator who is found to, generally, not be at fault for damaging a subsurface installation due to errors on the part of the operator who owns, and is legally responsible for labeling the location of, the subsurface equipment. Status: Chap. 173, Stats. 2021.

AB 1143 (Berman) Civil procedure: restraining orders. This bill provides that in lieu of personal service of a petition for a civil harassment restraining order, a court may authorize another method of service that is reasonably calculated to give actual notice to the respondent, if a respondent's address is unknown and the court determines that a petitioner made a diligent effort to accomplish service. The bill then allows the court to prescribe the manner in which proof of service must be made. Status: Chap. 156, Stats. 2021.

AB 1277 (Rubio) California Environmental Quality Act: student housing development projects: expedited judicial review. This bill provides for an expedited 270-day court review of all litigation under the California Environmental Quality Act for projects proposed by a public university to construct student housing, as specified, within two miles of the boundary of the university campus. Status: Asm Nat Resources.

AB 1455 (Wicks) Sexual assault by law enforcement officers: statute of limitations. This bill exempts from all government claims requirements a claim arising out of an alleged sexual assault, as defined, by a law enforcement officer if the alleged assault occurred on or after the plaintiff's 18th birthday and while the officer was employed by a law enforcement agency. The bill requires the claim to be commenced within the later of either 10 years after the date of judgment against a law enforcement officer in a criminal case, as specified, or 10 years after the law enforcement officer is no longer employed by the law enforcement agency. The bill also revives, as specified, a claim seeking to

recover damages arising out of a sexual assault by a law enforcement officer, if the alleged sexual assault occurred on or after the plaintiff's 18th birthday while the officer was employed by a law enforcement agency, and the claim has not been settled or litigated to finality. Status: Chap. 595, Stats. 2021.

AB 1574 (Committee on Jobs, Economic Development, and the Economy) Public contracts: small business liaisons and advocates and disabled veteran business enterprises: preferences. This bill enacts the Leveraging State Procurement for an Inclusive Economic Recovery Act of 2021, and makes various changes to California's certified small and microbusiness, Disabled Veteran Business Enterprise and Target Area Contract Preference Act programs, including enhanced public promotion of the programs, authorizing specified public entities to bring a civil action for a violation involving a knowingly fraudulent representation, and expanding and clarifying the Target Area Contract Preference Act. Status: Chap. 756, Stats. 2021.

SB 44 (Allen) California Environmental Quality Act: streamlined judicial review: environmental leadership transit projects. This bill establishes, until January 1, 2025, an expedited 365-day judicial review of legal challenges, pursuant to the California Environmental Quality Act, for the first seven projects determined to qualify as an "environmental leadership transit project" located within the County of Los Angeles that meet specified requirements. Status: Chap. 633, Stats. 2021.

SB 323 (Caballero) Local government: water or sewer service: legal actions. This bill provides for a 120-day statute of limitations for challenges against water or sewer service rate setting and requires local agencies to include a statement that water and sewer rates have a 120-day statute of limitations in any written notice of a rate increase, clarifies that the 120-day period doesn't apply to billing errors or similar incorrect charges, and provides that the 120-day period commences after final action or the effective date of the rate increase, whichever is later. Status: Chap. 216, Stats. 2021.

SB 447 (Laird) Civil actions: decedent's cause of action. This bill authorizes a decedent's personal representative or successor in interest to recover damages for a decedent's pain, suffering, or disfigurement in an action or proceeding on the decedent's cause of action if the action or proceeding was granted a preference pursuant to Section 36 of the Code of Civil Procedure before January 1, 2022, or was filed on or after January 1, 2022, and before January 1, 2026. The bill requires the plaintiff who recovers such damages to submit to the Judicial Council a copy of the judgment, consent judgment, or court-approved settlement agreement, along with a cover sheet detailing specified information. Status: Chap. 448, Stats. 2021.

SB 688 (Wieckowski) Judgments by confession. This bill provides that a judgment by confession (a device by which a debtor or a party to a contract agrees that if it later defaults or breaches the contract, the creditor or other party is permitted to summarily obtain a legal judgment that it may enforce against the defaulting or breaching party's assets) is unenforceable and may not be entered in any superior court. It does not apply to judgments by confession entered before January 1, 2022. Status: Asm Rules.

SB 762 (Wieckowski) Contracts. This bill requires, in order to start the arbitration process, an arbitration services provider to transmit an invoice of their costs and fees to all parties in arbitration immediately after all proper documentation is received, thereby providing for a clear start date for the 30-day timeline for paying arbitration fees established in existing law. Additionally, this bill clarifies that any time specified in a contract of adhesion for the performance of an act required to be performed under the contract must be reasonable. Status: Chap. 222, Stats. 2021.

CONTRACTS, BUSINESS AND COMMERCIAL MATTERS

Business and Consumer Protection

AB 371 (Jones-Sawyer) Shared mobility devices: insurance requirements. This bill requires shared mobility devices, as defined, to include specified information in raised characters and Braille, as specified. It also requires the mandatory liability insurance maintained by the provider to cover injuries to a pedestrian, as specified, and requires providers to notify customers of the likelihood that their existing policy coverages will not cover liability related to the use of a shared mobility device. Status: Sen Insurance.

AB 587 (Gabriel) Social media companies: terms of service. This bill requires social media companies, as defined, to post their terms of service on their websites and to submit quarterly reports to the Attorney General regarding their terms of service, their content moderation policies, and the outcomes of these policies. Status: Sen Judiciary.

AB 782 (Cooper) Congo Child Labor Act of 2021. This bill enacts the Congo Child Labor Act of 2021 which prohibits a retail seller or manufacturer doing business in this state from selling or making a product containing 300 or more grams of cobalt with gross receipts of \$10 million or more per year unless it certifies, under penalty of perjury, that the cobalt is not mined or refined using child labor. Status: Asm A&AR.

AB 790 (Quirk-Silva) Consumers Legal Remedies Act: home solicitations of seniors: Property Assessed Clean Energy financing. This bill expands Consumers Legal Remedies Act provisions regulating home solicitations of seniors so that these provisions will also apply to Property Assessed Clean Energy (PACE) financing. Status: Chap. 589, Stats. 2021.

AB 1084 (Low, C. Garcia) Gender neutral retail departments. This bill requires a retail department store with 500 or more employees which sells childcare items or toys to maintain a gender neutral section or area, and subjects a retail department store that fails to comply with the requirement to a civil penalty, as specified, beginning on January 1, 2024. Status: Chap. 750, Stats. 2021.

AB 1093 (Jones-Sawyer) Remote online notaries public. This bill authorizes the Secretary of State to register notaries public as remote online notaries public, and to adopt rules necessary to implement this registration. Status: Asm Judiciary.

AB 1221 (Flora) Consumer warranties: service contracts: class of products: automatic renewal. This bill allows the sale in California of service contracts that govern a class of products, rather than a single product, and that renew automatically until canceled, rather than covering a fixed term. However, vehicle service contracts may not be automatically renewed. Status: Chap. 452, Stats. 2021.

AB 1287 (Bauer-Kahan, C. Garcia) Price Discrimination: Gender. This bill would have prohibited any person or business entity from charging a different price for substantially similar goods if those goods were priced differently based on the gender of the individuals for whom the goods are marketed and intended. Status: Held, Asm Appropriations.

AB 1341 (C. Garcia) Dietary supplements for weight loss and over-the-counter dietary pills: sale. This bill seeks to reduce the risks posed to consumers, particularly minors, by the sale of dietary supplements for weight loss and over-the-counter dietary pills through regulating the sale of these products by retailers. Status: Asm Appropriations.

SB 218 (Jones) Corporations: ratification or validation of noncompliant corporate actions. This bill provides two mechanisms for a California corporation to ratify or validate an otherwise-lawful corporate action that was not in compliance with either the General Corporation Law, the corporation's articles or bylaws, or a plan or agreement to which the corporation was a party, at the time of the action. Status: Asm Judiciary.

SB 288 (Jones) Corporations: conversions. This bill provides a process for a California corporation to convert into a business entity organized under the laws of another jurisdiction. Status: Recon, Asm Judiciary.

SB 343 (Allen) Environmental advertising: recycling symbol: recyclability: products and packaging. This bill enhances the accuracy requirements regarding the use of the "chasing arrows" recycling symbol and better regulates when claims regarding recyclability can be made. The bill additionally provides that the improper use of the chasing arrows symbol may be deemed a violation of the state's Unfair Competition Law, False Advertising Law, and Consumer Legal Remedies Act. Status: Chap. 507, Stats. 2021.

SB 349 (Umberg) California Ethical Treatment for Persons with Substance Use Disorder Act. This bill establishes the California Ethical Treatment for Persons with Substance Use Disorder (SUD) Act. The bill requires a SUD treatment provider to adopt a client bill of rights for persons receiving treatment for a SUD and to make the bill of rights available to all clients and prospective clients. This bill also imposes requirements, proscribes unlawful acts relating to marketing and advertising with respect to SUD treatment providers, and provides a civil penalty and other remedies for unlawful acts. Status: Asm Inactive.

SB 461 (Cortese) Unfair Competition Law: standing: counties. This bill authorizes the county counsel of any county in which a city has a population in excess of 750,000 people to bring actions under the Unfair Competition Law (UCL). Status: Chap. 140, Stats. 2021.

Vehicles

AB 1211 (Muratsuchi) Electric mobility manufacturers. This bill establishes a framework for regulating transactions between consumers and electric mobility manufacturers, as defined, providing a consumer with the ability to become a member of an electric mobility vehicle program. The bill establishes minimum insurance, liability, and privacy requirements. Status: Asm Privacy and Consumer Protection.

SB 361 (Umberg) Uniform Electronic Transactions Act: motor vehicle sales and leases. This bill amends California's Uniform Electronic Transactions Act so that it no longer excludes conditional sale and lease contracts for motor vehicles, thereby authorizing the use of electronic contracts and electronic signatures in such transactions. Status: Asm Judiciary.

Contracts

AB 272 (Kiley) Enrollment agreements. This bill authorizes a minor to disaffirm a provision in an educational institution's enrollment agreement that purports to waive a legal right, remedy, forum, proceeding, or procedure, arising out of a criminal sexual assault or criminal sexual battery, as defined, of that minor, regardless of whether a parent or legal guardian has signed the enrollment agreement on the minor's behalf. Status: Chap. 146, Stats. 2021.

AB 676 (Holden) Franchises. This bill modifies provisions of the California Franchise Relations Act to prohibit contractual provisions waiving the applicability of the Act and makes other technical changes to existing franchise law. Status: Asm Business and Professions.

AB 891 (Cunningham) Contracts: consent by minors. This bill provides that a representation by a minor that the minor's parent or legal guardian has consented to a contract shall not be considered consent for purposes of contractual formation under California law. Status: Chap. 28, Stats. 2021.

Creditor-Debtor Relations

AB 424 (Stone) Private Student Loan Collections Reform Act. In order to improve fairness of the collection process, this bill establishes standards for the documentation and evidence necessary to collect private student loan debts and file collection actions to recover such debts. Status: Chap. 559, Stats. 2021.

AB 430 (Grayson) Proof of identity theft. This bill allows a victim of identity theft to use a Federal Trade Commission (FTC) identity theft report, in lieu of a police report, when seeking to utilize civil protections under the Rosenthal Fair Debt Collection Practices Act, the Identity Theft Law, and the Penal Code. Status: Chap. 265, Stats. 2021.

AB 1405 (Wicks) Fair Debt Settlement Practices Act. This bill enacts the Fair Debt Settlement Practices Act, setting forth consumer protections for purchasers and prospective purchasers of debt settlement services and related payment processing services. Status: Chap. 454, Stats. 2021.

AB 1580 (Committee on Judiciary) Enforcement of money judgment: debtor's examination: organizations. This bill establishes procedures for identifying a natural person who must appear – and can be held accountable for failing to appear – at a debtor's examination on behalf of an organization, when that organization fails to specify someone else who will appear on its behalf. Status: Chap. 30, Stats. 2021.

SB 531 (Wieckowski) Rosenthal Fair Debt Collection Practices Act: required notices. This bill amends the Rosenthal Fair Debt Collection Practices Act to require specified notices be provided to debtors when delinquent consumer debt is assigned for collection. The bill also provides debtors with the right to request certain information from debt collectors, and requires debt collectors to cease collection until they can provide this information. Status: Chap. 455, Stats. 2021.

COURTS AND RELATED MATTERS

Courts

AB 618 (Choi) Payment options for criminal fines and fees. This bill would have required that whenever a criminal defendant is assessed charges resulting from a criminal prosecution on or after January 1, 2022, that the defendant is given the opportunity to pay the charge with a payment plan. Status: Held, Asm Appropriations.

AB 716 (Bennett) Court access: remote access: media and public. This bill specifies that court proceedings include remote access, as defined; that the court shall not exclude the public from physical access because remote access is available, unless it is necessary to protect the health or safety of the public or court personnel; that the court shall provide, as a minimum, a public audio stream or telephonic means by which to listen to the proceedings when the courthouse is physically closed,

except when the law authorizes or requires the proceedings to be closed. Status: Chap. 526, Stats. 2021.

AB 855 (Ramos) Judicial holidays. This bill replaces Columbus Day with Native American Day as an approved judicial holiday. Status: Chap. 283, Stats. 2021.

AB 1576 (Committee on Judiciary) Court lactation room access. This bill, commencing July 1, 2024, requires the superior court to provide any court user access to a lactation room in any courthouse in which a lactation room is also provided to court employees, as specified. The bill requires the lactation room for court users to be located within the court facility in an area that is accessible to the public or in any location that is reasonably accessible to the public using the court facility. The bill, except as provided, also requires the lactation room for court users to meet all of the requirements imposed upon an employer with respect to providing a lactation room for employees. Status: Sen Inactive.

ACR 9 (Gray) Dr. Charles James Ogletree, Jr. Courthouse. This resolution calls for the Superior Court of California, Merced Courthouse to be renamed the Dr. Charles James Ogletree, Jr. Courthouse Superior Court of California. Status: Asm Judiciary.

SB 355 (Becker) Court fees and costs: eligibility for waiver. This bill expands the categories of persons eligible for a waiver of fees and costs charged by California courts. Recipients of unemployment compensation and participants in the California Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) would automatically receive waivers. In addition, the current household income eligibility level for a waiver would change from 125 percent of the federal poverty line to 80 percent of the area median income (AMI) for the county with the highest median income in California. Status: Asm Inactive.

Court Reporting and Recording

SB 241 (Umberg) Civil actions. This bill adopts numerous provisions related to remote court proceedings and court reporting. The bill provides the Court Reporters Board a method for permitting out-of-state deposition reporters to register with and be governed by the California Board; establishes a statutory framework for conducting court proceedings in civil cases through the use of remote technology, including requiring a court reporter to be physically present in the courtroom for most proceedings; extends the general rule that a trial continuance or postponement caused by the COVID-19 pandemic extends other case deadlines to arbitration continuances or postponements as well; requires, as of July 1, 2024, courts to electronically transmit documents issued by the court where parties have consented to, or are required to use, electronic service; and requires courts to hear minors' compromise petitions within 30 days of filing and to issue a decision at the conclusion of the hearing if the petition is uncontested. Status: Chap. 214, Stats. 2021.

Juries

AB 1452 (Ting) Pilot program: increased fee for low-income jurors: criminal trials. This bill creates a pilot program in the San Francisco Superior Court, in conjunction with the City and County of San Francisco and their justice partners, to determine whether paying low-income jurors \$100 a day for their service on a criminal jury would lead to a more diverse panel of jurors. Due to time constraints exacerbated by the COVID-19 pandemic, this bill was not referred to the Committee for a hearing pursuant to Assembly Rule 77.2. Status: Chap. 717, Stats. 2021.

Judges

AB 1577 (Committee on Judiciary) Commission on Judicial Performance. This bill establishes a committee consisting of 15 members to study and make recommendations for changes in the operations and structure of the Commission on Judicial Performance (CJP) and requires the report of recommendations to be completed no later than March 30, 2023. The bill is identical to a provision within AB 143 (Committee on Budget), which was signed into law as Chap. 79, Stats. 2021. Status: Sen Rules.

FAMILY LAW, CHILDREN AND RELATED MATTERS

Adoption

AB 746 (Cervantes) Adoption: stepparent adoption. This bill clarifies that there is no minimum amount of time that a couple must be in a legally-recognized union before becoming eligible for stepparent adoption, and the parties cannot be required to provide verification of their income or education. Status: Chap. 199, Stats. 2021.

AB 993 (Patterson) Adoption: parent-child relationship. This bill would have made various changes to adoption law, including (1) the treatment of a provider of ova or embryos for use in assisted reproduction; (2) requiring a court, when considering the unfitness of a parent who has been convicted of a felony for purposes of determining whether to terminate parental rights, to consider the parent's criminal record; (3) expanding venue provisions for readoption of a nondependent child; and (4) expanding use of post-adoption contact agreements. Status: Held, Sen Appropriations.

Children

AB 260 (Stone) Guardianships. *See Civil Commitment, Conservatorship and Guardianship.*

AB 546 (Maienschein) Dependent children: documents: housing. This bill adds information regarding housing assistance to the list of information that a county welfare department must provide to a foster youth and must report to the juvenile court at the review hearing prior to a foster youth's 18th birthday and at every regularly scheduled hearing thereafter. Status: Chap. 519, Stats. 2021.

AB 549 (Gipson) Nonminor dependents. This bill would have allowed a court, until January 1, 2023, to hold a dispositional hearing for a youth who is subject to dependency jurisdiction of the juvenile court, but who turned 18 prior to disposition of the dependency petition, provided the youth consented. Status: Held, Asm Appropriations.

AB 670 (Calderon) Child abuse or neglect: minor and nonminor dependent parents. This bill provides additional support and protections to parents under the jurisdiction of the juvenile court, including (1) requiring, when a report alleging abuse or neglect of the child of a dependent or nonminor dependent is made, the agency that received the report to notify the youth's dependency counsel within 36 hours of the report; (2) providing that the provisions governing denial of reunification based on a sibling or half sibling of the child do not apply if the only times the court ordered termination of reunification services or severed parental rights occurred while the parent was under the jurisdiction of the juvenile court; (3) requiring a social worker or probation officer to use a strengths-based approach to supporting a minor or nonminor dependent parent in providing a safe and permanent home for their child; and (4) prohibiting an investigation from being conducted for the child

of a minor parent or nonminor dependent parent unless a report has been made pursuant to the Child Abuse and Neglect Reporting Act. Status: Chap. 585, Stats. 2021.

AB 674 (Bennett) Dependent children: CalFresh documents. This bill requires, as part of the report a county welfare department must make to a juvenile court judge before a foster youth reaches age 18, the department to verify that it has provided the youth with written information regarding CalFresh benefits. Status: Chap. 524, Stats. 2021.

AB 788 (Calderon) Dependent children: reunification. This bill clarifies the meaning of “resisted” for the purposes of existing law that enables a juvenile dependency court to deny reunification services to a parent who has a history of drug or alcohol abuse and has resisted court-ordered treatment. This bill specifically provides that “resisted” means that a parent refused to participate meaningfully and does not include “passive resistance,” as defined. Status: Chap. 201, Stats. 2021.

AB 841 (Cunningham) Dependent children: noncustodial parent. This bill prohibits a child from being found to be within the jurisdiction of the juvenile court due solely to the failure of the child's parent or alleged parent to pursue court orders seeking custody of the child. Status: Chap. 98, Stats. 2021.

AB 1140 (R. Rivas) Foster care: rights. This bill clarifies that the duties of the California Department of Social Services include protecting the rights of children who are in state-licensed foster facilities and homes while in the custody of the Office of Refugee Resettlement of the federal Department of Health and Human Services. The bill also clarifies that the duties of the Office of the State Foster Care Ombudsperson include investigating and attempting to resolve complaints made by or on behalf of these same children. Status: Chap. 297, Stats. 2021.

AB 1318 (Stone) Change of name and gender: minors. *See Personal Rights.*

SB 233 (Umberg) Compromise of minor’s disputed claim. This bill requires the court to schedule a hearing on a petition to compromise a minor’s disputed claim within 30 days from the date of filing and, if the petition is unopposed, requires the court to enter a decision at the conclusion of the hearing. The provisions of this bill were ultimately placed into SB 241 (Umberg), Chap. 214, Stats. 2021. Status: Asm Rules.

SB 354 (Skinner) Placement of foster children: criminal background checks. This bill adopts changes to the criminal background check process during the resource family approval (RFA) process for relatives of children placed in the child welfare system; permits the court to authorize placement of children with relatives in certain circumstances, regardless of the status of any criminal exemption or RFA; and, requires, no later than January 1, 2024, the Department of Social Services to submit a report to the Legislature related to criminal record exemptions as specified. Status: Chap. 687, Stats. 2021.

Child Custody and Visitation

SB 654 (Min) Child custody. This bill requires a court that grants unsupervised visitation to a parent with a history of abuse, neglect, or substance abuse to state its reasons for doing so in writing or on the record; and provides that if a child addresses a court regarding custody or visitation, they generally must be permitted to do so without the parties being present. Status: Chap. 768, Stats. 2021.

Marriage

AB 583 (Davies and Chiu) Remote marriage license issuance and solemnization. This bill provides, until January 1, 2024, for the use of remote technology, as defined, for the issuance, witnessing, and solemnization of marriage licenses, as specified. Status: Chap. 620, Stats. 2021.

Paternity and Child, Family and Spousal Support

AB 429 (Dahle) Parentage: access to records and court hearings. This bill eliminates, as of January 1, 2023, provisions in existing law governing the confidentiality of proceedings and records under the Uniform Parentage Act, except in parentage cases involving assisted reproduction. Status: Chap. 52, Stats. 2021.

SB 454 (Bates) Child support: enforcement. This bill would have increased the threshold for placement of a real or personal property lien for a child support obligor in arrears from one month of support to over \$1,000 or three months of support, whichever occurs first. The bill would also have required the Department of Child Support Services to adopt or amend regulations, including emergency regulations, necessary to implement the above. Status: Held, Asm Appropriations.

Domestic Violence

AB 277 (Valladares, Davies) Domestic violence: victims: address confidentiality. This bill requires the Secretary of State, by January 1, 2023, to provide application forms, notices, and explanatory materials related to the Safe at Home program in at least five languages. It also requires the Judicial Council to include information about the Safe at Home program on its existing forms relating to domestic violence. Status: Chap. 457, Stats. 2021.

AB 611 (Quirk-Silva) Safe at Home: Homeowner Association documents. This bill requires homeowner associations of common interest developments to accept and use, for all homeowner association (HOA) communications, the address designated by the Safe at Home program for Safe at Home participants who are HOA members. Status: Chap. 151, Stats. 2021.

AB 887 (Levine) Domestic violence: restraining orders. Upon an appropriation of funds, this bill requires all courts to accept petitions for domestic violence restraining orders and domestic violence temporary restraining orders that are submitted electronically and that there be no fee for filing these petitions electronically. Court responses must be remitted to the petitioner electronically, unless the petitioner elects to receive the documents by regular mail or pick them up from the court. The bill also requires that information about access to self-help services regarding domestic violence restraining orders be prominently visible on a court's internet website and requires the Judicial Council to develop or amend rules to implement this. Status: Chap. 681, Stats. 2021.

SB 24 (Caballero and S. Rubio) Domestic violence: information pertaining to a child. This bill allows, effective January 1, 2023, an ex parte domestic violence restraining order (and, as a result, also an order after hearing) to include a provision restraining a party from accessing records regarding health care, education, daycare, recreational activities, or employment of a minor child of the parties. The bill also requires an "essential care provider" or a "discretionary services provider," as defined, to develop protocols to ensure that a restrained party is not able to access records or information pertaining to the child. Status: Chap. 129, Stats. 2021.

SB 320 (Eggman) Domestic violence protective orders: possession of a firearm. This bill codifies existing Rules of Court related to the relinquishment of a firearm and ammunition by a person who is subject to a civil domestic violence restraining order and requires courts to notify law enforcement and the county prosecutor's office when there has been a violation of a firearm relinquishment order. Status: Chap. 685, Stats. 2021.

SB 374 (Min) Protective orders: reproductive coercion. This bill adds "reproductive coercion" as an additional example of coercive control which disturbs the peace of another and for which a restraining order may be granted under the Domestic Violence Prevention Act. The bill defines "reproductive coercion" as controlling the reproductive autonomy of another through force, threat of force, or intimidation, which may include unreasonably pressuring the other party to become pregnant, deliberately interfering with contraception use or access to reproductive health information, or using coercive tactics to control, or attempt to control, pregnancy outcomes. Status: Chap. 135, Stats. 2021.

SB 538 (S. Rubio) Domestic violence and gun violence restraining orders. In order to give petitioners an additional option for how to file a petition, and parties and witnesses additional ways to appear for hearings, this bill facilitates the filing of a domestic violence restraining order (DVRO) and gun violence restraining order (GVRO) by allowing petitions to be submitted electronically and hearings to be held remotely. Status: Chap. 686, Stats. 2021.

Family Law

AB 627 (Waldron) Recognition of tribal court orders: rights to retirement plans or deferred compensation. This bill establishes a simplified procedure for a California superior court to recognize a tribal court order that gives a spouse, former spouse, child, or other dependent of a participant in a retirement plan or other plan of deferred compensation an assignment of all or a portion of the benefits payable. Status: Chap. 58, Stats. 2021.

AB 1579 (Committee on Judiciary) Family law omnibus. This technical clean-up bill updates cross-references in two sections of the Family Code. Status: Chap. 213, Stats. 2021.

HEALTH CARE

AB 381 (Davies, Petrie-Norris) Licensed facilities: duties. This bill requires licensed residential alcoholism or drug abuse recovery or treatment facilities to maintain on their premises at least two unexpired doses of naloxone hydrochloride or other FDA-approved medication to treat opioid overdose, and have at least one staff member on the premises who knows the location of the naloxone and who has been trained on the administration of it. The bill further provides that a trained staff member who administers the opioid antagonist in good faith to a person appearing to experience an opioid-related overdose shall not be liable in a civil action or subject to criminal prosecution, except where the person acted with gross negligence or recklessness, or engaged in willful and wanton misconduct. As originally referred to this Committee, the bill expanded existing law. After being amended to conform with existing law and due to pandemic-related time limitations, the bill was removed from this Committee's jurisdiction. Status: Chap. 437, Stats. 2021.

AB 705 (Kamlager) Health care: facilities: medical privileges. In order to prevent undue interference in the practice of medicine due to improper motives, including discrimination, profit or cost control, business or competition, or any other nonmedical motives, this bill prevents corporations

and any other entity that is not licensed to practice medicine from interfering, controlling, or otherwise limiting a patient's medical care based on nonmedical reasons. Status: Asm Health.

AB 1020 (Friedman) Hospital Fair Pricing Act: hospital debt collection. This bill increases the income threshold for qualifying for hospital charity care and discount programs, transfers oversight of hospital fair pricing policies to the Department of Health Care Access and Information, adds requirements for debt collectors and debt buyers seeking to collect hospital debt, and makes other changes to California law meant to help inform patients about charity care and discount payment requirements and avoid debt collection litigation. Status: Chap. 473, Stats. 2021.

AB 1132 (Wood) Health Care Consolidation and Contracting Fairness Act. As referred to the Committee, this bill enacted the Health Care Consolidation and Contracting Fairness Act to regulate various practices with potentially anti-competitive effects in the health care market. The bill was subsequently amended to address health insurance and behavioral health treatment for county jail inmates and juvenile inmates, thus removing the bill from this Committee's jurisdiction. Status: Sen Health.

AB 1234 (Arambula) Physician Orders for Life Sustaining Treatment forms. This bill allows an electronic signature to be used for the purposes of an advance health care directive and Physician Orders for Life Sustaining Treatment (POLST) form. The bill also requires the California Health and Human Services Agency to create a statewide electronic POLST registry system for the purpose of collecting a patient's POLST information received from a health care provider or the provider's designee and disseminating the information therein to an authorized user. Status: Asm Health.

SB 744 (Glazer) Communicable diseases: respiratory virus information. This bill would have required the California Department of Public Health to create a program that provides expedited release of specified health data during a declared public health emergency to only qualified researchers at bona fide research institutions of higher education and required researchers to keep all personal information confidential. Status: Held, Asm Appropriations.

IMMIGRATION ISSUES

AB 829 (Levine) Foster care: immigration counsel. This bill requires a county to make best efforts to provide undocumented minors and nonminor dependents in foster care under the jurisdiction of the juvenile court with access to immigration legal services, which may be provided through outside providers. It also requires placing agencies to notify the attorney for a dependent child or nonminor dependent within five business days after learning the child or dependent is an undocumented immigrant. Status: Chap. 528, Stats. 2021.

AB 937 (Carrillo, Kalra, Santiago) Immigration enforcement. This bill eliminates the ability that law enforcement agencies have under existing law (the Values Act) to cooperate with federal immigration authorities by giving them notification of release for inmates or facilitating inmate transfers and to prohibit all state and local agencies from assisting, in any manner, the detention, deportation, interrogation, of an individual by immigration enforcement. Status: Sen Inactive.

AB 1096 (L. Rivas) Alien: change of terms. This bill strikes the offensive and dehumanizing term "alien" from multiple California Code sections in which it is used to describe a person who is not a citizen or national of the United States, replaces it with other terms that do not include the word "alien," and makes other related nonsubstantive changes. Status: Chap. 296, Stats. 2021.

AJR 1 (Kalra) Abolition of U.S. Immigration and Customs Enforcement. This resolution urges the 117th United States Congress to abolish U.S. Immigration and Customs Enforcement (ICE), and on or before the abolition of ICE, to implement an orderly and just transfer of essential and basic legally required functions in a manner that upholds values of due process, equality under the law, and family unity. Status: Asm Inactive.

AJR 15 (McCarty) World Refugee Day. This resolution recognizes June 20, 2021, as World Refugee Day. It urges the President and Congress to strengthen the international leadership role of the United States in addressing and preventing conflicts and aiding the displaced. It further urges Congress to make a bipartisan commitment to promote the safety, health, and well-being of refugees and displaced persons. Status: Res. Chap. 97, Stats. 2021.

AJR 16 (Reyes) Federal immigration reform. This resolution urges the President, Vice President, and the Congress of the United States to take a workable, humane, and just approach in solving our nation's broken immigration system. Status: Res. Chap. 116, Stats. 2021.

SB 452 (Gonzalez) Immigrant and Refugee Affairs Agency. This bill would have established the Immigrant and Refugee Affairs Agency as a new Cabinet-level agency in state government. The agency's responsibilities would have included coordinating immigrant and refugee services among state agencies; assisting state agencies in evaluating the effectiveness and reach of their services; making policy recommendations to the Governor and Legislature; and coordinating with local immigrant affairs offices to maximize the impact of the services they provide. Status: Held, Asm Appropriations.

SJR 2 (Hueso) Federal immigration reform. This resolution urges Congress and the President of the United States to work together to create a comprehensive and workable approach to improving the nation's immigration system. Status: Res. Chap. 118, Stats. 2021.

LIABILITY AND RELATED MATTERS

Damages and Civil Penalties

AB 21 (Bauer-Kahan) Forestry: electrical transmission and distribution lines: clearance: penalties. This bill establishes specified civil penalties for the violation of utility vegetation management requirements in the State Responsibility Area and creates the Utility Accountability and Wildfire Prevention Fund to collect penalty revenues. Status: Asm Judiciary.

AB 453 (C. Garcia) Sexual battery: nonconsensual condom removal. This bill expands the definition of sexual battery in the Civil Code to include nonconsensual condom removal. Specifically, the bill provides that a person who removes a condom and thereby causes contact between a sexual organ (from which a condom has been removed) and the intimate part of another person, without that person's consent, is civilly liable for sexual battery. Status: Chap. 613, Stats. 2021.

AB 556 (Maienschein) Misuse of sperm, ova, or embryos: damages. This bill establishes a private cause of action for damages against a person who misuses sperm, ova, or embryos in violation of Section 367g of the Penal Code. The bill provides for damages for a prevailing plaintiff, including actual or statutory damages. Status: Chap. 170, Stats. 2021.

AB 818 (Bloom) Solid waste: premoistened nonwoven disposable wipes. This bill provides for labeling requirements on specified nonwoven disposable products indicating whether the product

should not be flushed, and establishes civil enforcement for violations of the labeling requirement and a consumer education and outreach program. Status: Chap. 590, Stats. 2021.

AB 1007 (Carrillo) Forced or Involuntary Sterilization Compensation Program. This bill establishes the Forced or Involuntary Sterilization Compensation Program, to be administered by the California Victim Compensation Board, to provide compensation to any survivor of the following: (1) a state-sponsored sterilization conducted pursuant to eugenics laws that existed in California between 1909 and 1979, and (2) any coercive sterilization performed on an individual under the custody and control of the Department of Corrections and Rehabilitation after 1979. AB 137 (Committee on Budget, 2021) contained identical provisions and was signed into law as Chap. 77, Stats. 2021. Status: Sen Appropriations.

AB 1138 (Blanca Rubio) Unlawful cannabis activity: civil enforcement. This bill provides an additional enforcement mechanism against unlicensed cannabis activities by establishing a civil penalty for a high-level person with control of decisions in a cannabis activity who knowingly aids and abets unlicensed cannabis activities, as defined, of up to \$30,000 per violation, with each day of unlicensed cannabis activity constituting a separate violation. The bill also specifies that the civil penalty may be sought by city attorneys and prosecutors, and county attorneys, in jurisdictions of 750,000, in addition to the Attorney General. Status: Chap. 530, Stats. 2021.

AB 1371 (Friedman) Recycling: plastic: packaging and carryout bags. This bill prohibits the use of single-use plastics in shipping envelopes, cushioning or void fill for packaging and transport. The bill reestablishes the in-store plastic bag collection that sunset in 2020. Finally, the bill authorizes civil penalties for violations of both of the above provisions. Status: Recon, Asm Floor.

SB 252 (Wiener) Toxicological testing on dogs and cats. This bill would have prohibited testing facilities from conducting canine or feline toxicological experiments, unless required by federal law, and would have imposed civil penalties upon any entity that is determined to have violated the prohibition. Status: Held, Asm Appropriations.

SB 297 (Durazo) Subsurface installations: penalties. This bill enhances the civil penalties for operators or excavators who cause damage to a gas or hazardous liquid pipeline subsurface installation that results in the escape of any flammable, toxic or corrosive gas or liquid, raising the penalty from \$10,000 to \$100,000 per violation. Status: Chap. 726, Stats. 2021.

SB 501 (Wieckowski) Claims against public entities. This bill extends the conditions under which certain injured parties who are minors or who are physically or mentally incapacitated are entitled to file untimely claims against public entities. Status: Chap. 218, Stats. 2021.

SB 660 (Newman) Initiative, referendum, and recall petitions: compensation for signatures. This bill would have prohibited a person from paying money or providing any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition. The bill permitted the Attorney General, or a private person, acting as a qui tam plaintiff, to bring a civil action for a violation of this prohibition and imposes a monetary penalty, as specified. Status: Vetoes.

SB 703 (Hurtado) Diseased animals: laboratory services. This bill requires the California Department of Food and Agriculture to establish a certification program for laboratories that test samples from deceased animals, and imposes civil penalties on those laboratories that do not obtain

proper certification and those laboratories that conduct tests outside of the provisions of this bill. Status: Chap. 495, Stats. 2021.

SB 776 (Gonzalez) Safe drinking water and water quality. This bill enhances and clarifies the enforcement authority provided to the State Water Resources Control Board to assist in the enforcement of the Safe and Affordable Drinking Water Act by, among other provisions, adopting a range of civil penalties designed to punish those falsifying information transmitted to the State Water Resources Control Board, deter misappropriating funds, and ensure that the State Water Resources Control Board can recover funding spent in violation of the law. Status: Chap. 187, Stats. 2021.

Immunity, Scope of Liability and Related Issues

AB 247 (Ramos) COVID-19: immunity from civil liability. This exempts a small business or nonprofit organization with 100 or fewer employees from liability for an injury or illness to a consumer, as defined, due to coronavirus (COVID-19) based on a claim that the consumer contracted COVID-19 while at that small business or nonprofit organization, or due to the actions of that small business or nonprofit organization. The bill repeals these provisions on January 1, 2023. Status: Asm Judiciary.

AB 315 (Stone) Voluntary stream restoration property owner liability: indemnification. This bill, generally, requires the state to indemnify a landowner who volunteers to permit a state or federally funded streambed alternation or habitat restoration to occur on their property so long as the liability arises from the construction, design specifications, surveying, planning, supervision, testing, or observation of construction related to the project, the landowner plays no active role in the project, and specifies state permits are obtained by the project's proponents. Status: Chap. 580, Stats. 2021.

AB 575 (Fong) Civil liability: prescribed burning activities: gross negligence. This bill holds that a private entity engaging in a prescribed burning activity that is supervised by a person certified as a burn boss is liable for damages to a third party only if the prescribed burning activity was carried out in a grossly negligent manner. Status: Asm Judiciary.

AB 662 (Rodriguez) Mental health: involuntary treatment: liability of emergency medical personnel dispatch and response. This bill requires the Health and Human Services Agency to convene a working group no later than July 1, 2022, to examine existing dispatch and response protocols when providing emergency medical services to an individual who may require evaluation and treatment for a mental health disorder. Status: Asm Inactive.

AB 849 (Reyes) Skilled nursing facilities: intermediate care facilities: liability. This bill clarifies that a licensee is liable for up to \$500 per violation when a current or former resident, or patient, or a specified legal representative of a resident or patient, of a long-term care facility brings a civil action against the facility for violation of any rights of the resident or patient as set forth in the Patient's Bill of Rights or any other right provided for by federal or state law or regulation. Status: Chap. 471, Stats. 2021.

AB 1182 (Stone) Online marketplaces: strict liability. This bill, in any strict products liability action, makes an electronic place that, by contract or other arrangement with one or more third parties, engages in specified acts strictly liable for all damages proximately caused by a defective product purchased or sold through the electronic place. The electronic place's liability for selling the defective product would be the same as a retailer's liability would be for selling the defective product in the

retailer's physical store, regardless of whether the electronic place ever takes physical possession of, or title to, the defective product. Status: Asm Judiciary.

AB 1313 (Bigelow) COVID-19: immunity from civil liability. This bill exempts a business, as defined, from liability for a person's injury or illness due to coronavirus (COVID-19) based on a claim that the person contracted COVID-19 while at that business, or due to actions of that business, if the business substantially complied with all applicable state and local health laws, regulations, and protocols. The bill does not permit this exception to apply if the injury or illness resulted from a grossly negligent act or omission, willful or wanton misconduct, or unlawful discrimination by the business or an employee of the business. Status: Asm Judiciary.

AB 1430 (Arambula) Pharmacy: dispensing: controlled substances. This bill would have required that certain prescription medications, specifically those listed in Schedule II or Schedule IIN of the federal Controlled Substances Act, are dispensed in a lockable vial with a code that is chosen, as a general rule, by the patient. The bill also exempted a person who prescribes a controlled substance dispensed in a lockable vial from liability for any adverse consequences resulting from the prescription medication being dispensed in a lockable vial except when damages are caused by a defective product, or as the result of willful or wanton misconduct, recklessness, or gross negligence. Status: Held, Asm Appropriations.

SB 332 (Dodd) Civil liability: prescribed burning operations: gross negligence. This bill provides that no person is liable for any fire suppression or other costs incurred as the result of a prescribed burn, unless the burn is conducted in a grossly negligent manner, if specified conditions are met, including that a landowner or tribal organization has approved the prescribed fire on their land. Status: Chap. 600, Stats. 2021.

SB 687 (Hueso) Emergency response: trauma kits. This bill would have enacted the Tactical Response to Traumatic Injuries Act, which requires certain buildings constructed on or after January 1, 2022, with an occupancy of 200 or more to have at least six trauma kits on the premises of the building or facility. The bill also exempted a person using a trauma kit from liability for civil damages resulting from any acts or omissions in the rendering of emergency care with the kit if certain requirements are satisfied. Status: Held, Asm Appropriations.

CIVIL, CONSTITUTIONAL, AND PERSONAL RIGHTS

Civil Rights

AB 1000 (Ward) Fair Employment and Housing: housing status: fines, penalties, or charges. This bill adds housing status as a protected characteristic under both the employment and housing provisions of the Fair Employment and Housing Act (FEHA). The bill also prohibits a "background check service provider," as defined, from including in a background check information about fines, penalties, or charges that arise from certain enumerated characteristics commonly associated with being unhoused. Status: Asm Housing and Community Development.

AB 1241 (Jones-Sawyer) Rental housing: applications: criminal records. This bill amends the Fair Employment and Housing Act (FEHA) to regulate rental property owners' use of criminal records when considering prospective applicants for rental housing. Status: Asm Housing and Community Development.

AB 1372 (Muratsuchi) Right to temporary shelter. This bill requires every city, or every county in the case of unincorporated areas, to provide temporary shelter, mental health treatment, resources for job placement, and job training to a person who is unhoused and meets other specified criteria. The bill further provides such a person with the ability to bring a civil action to enforce this right, requiring any civil penalties to be placed in a fund for the creation of temporary shelters in the jurisdiction. Status: Asm Housing and Community Development.

AB 1466 (McCarty, Bonta, Chiu) Real property: discriminatory restrictions. This bill requires each county recorder's office to establish a program to proactively identify, catalog, and redact any unlawfully discriminatory restrictive covenants in that county's property records and authorizes the imposition, if approved by the respective county board of supervisors, of a fee to fund the program. The bill also modifies the procedures for redacting such covenants to facilitate greater use of this procedure. Status: Chap. 359, Stats. 2021.

AB 1467 (Cervantes) Students: sexual assault. This bill would have required college sexual assault counselors to be independent of the campus Title IX office and to be appointed based on specified qualifications. The bill would also have authorized the Chancellor of the California State University (CSU), when reviewing and updating executive orders relating to policies and protocols on handling incidents of sexual assault, to collaborate with designated persons and entities. Status: Held, Asm Appropriations.

SB 2 (Bradford) Peace officers: certification: civil rights. This bill grants new powers to the Commission on Peace Officer Standards and Training (POST) to investigate and determine peace officer fitness and to decertify officers who engage in "serious misconduct," and creates an Advisory Board that is required to hold public meetings to review its findings after an investigation and make a recommendation related to POST based upon those findings. The bill also eliminates governmental immunity provisions for peace and custodial officers, or public entities employing peace or custodial officers, that are sued under the Tom Bane Civil Rights Act. Status: Chap. 409, Stats. 2021.

SB 272 (Laird) State government: gender-neutral terms: California Conservation Corps. This bill updates numerous provisions of law that contain outdated gendered terms by replacing them with non-gendered pronouns. It also modifies eligibility rules for participating in the California Conservation Corps. Status: Chap. 272, Stats. 2021.

SB 352 (Eggman) The military: sexual harassment. This bill establishes that an act of sexual harassment by a member of the active militia is punishable by specified military proceedings or by a court-martial, requires the California Military Department to report aggregate annual statistics regarding the prevalence of sexual harassment in the department, and clarifies that crimes (including sexual crimes) committed while on active duty are not protected from civil or criminal liability. Status: Chap. 183, Stats. 2021.

SB 363 (Leyva) Educational equity: government instruction conferences. This bill, commencing January 1, 2023, exempts from specified provisions of the Sex Equity in Education Act, gender-segregated programs or activities of the American Legion or the American Legion Auxiliary related to their respective yearly Girls State and Boys State conferences and any promotion of, or selection of pupils for, any of those conferences by secondary educational institutions. In order for the exemption to apply, the conferences are required to comply with certain conditions, including requirements to provide substantially similar access to government officials and facilities; substantially similar programming, except as specified; an equal number of participation opportunities; and, for pupils who

do not identify as either male or female, or with their assigned birth gender, opportunities for those pupils to participate in either conference. Status: Chap. 676, Stats. 2021.

SB 647 (Laird) Unruh Civil Rights Act: service of process: Department of Fair Employment and Housing. This bill requires anyone filing documents in court to send a copy of those documents to the Director of the California Department of Fair Employment and Housing if the matter at issue involves the violation, application, or construction of the Unruh Civil Rights Act and other specified civil rights laws. Status: Asm Rules.

SB 807 (Wieckowski) Enforcement of Civil Rights: Department of Fair Employment and Housing. This bill makes several modest procedural modifications to how the Department of Fair Employment and Housing enforces California's civil rights and anti-discrimination laws and changes certain deadlines and record retention periods to better conform to recent changes in the law. Status: Chap. 278, Stats. 2021.

Constitutional Rights

AB 35 (Chau) Social media platforms: false information. This bill requires a person or entity that operates a social media platform, as defined, to conspicuously disclose whether the platform has a policy to address the spread of false information. The bill establishes a tiered system of civil penalties for failure to comply, which may be sought in a civil action brought by the Attorney General or other public prosecutors. Status: Sen Judiciary.

AB 945 (Ramos) Adornments at school graduations. This bill establishes a 10-member task force, convened by the State Department of Education, to gather certain information and develop recommendations for best practices, protocols, proposed legislation, and other policies that will address how to comprehensively implement all aspects of existing law related to wearing traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies. The bill requires the task force, on or before April 1, 2023, to submit a report to the Legislature on that information and those recommendations. Status: Chap. 285, Stats. 2021.

AB 1114 (Gallagher) Social media platform: limited public forum. This bill requires a social media platform located in California to develop a policy addressing unprotected speech and demonstrably false information. As referred, the bill declared that a social media platform located in California is a traditional First Amendment forum. This latter provision was struck from the bill in this Committee's hearing on the bill. Status: Asm Arts, Entertainment, Sports, Tourism, and Internet Media.

AB 1349 (Mathis) Broadband adoption account: religious organizations. This bill adds nonprofit religious organizations to the list of groups eligible for grant funding from the California Advanced Services Fund broadband adoption account. Status: Asm Inactive.

AB 1379 (E. Garcia) Political Reform Act: online platform disclosures. This bill requires an online platform to maintain and make available for online public inspection a description of the audience requested by a political campaign committee and the types of personal information, as defined, used by the online platform to target the advertisement, including use by the online platform of characteristics such as age, gender, race, or other protected classifications under law. Status: Asm Elections.

ACR 83 (McCarty) Loving Day. This resolution makes relevant findings and declarations and proclaims Saturday, June 12, 2021, as Loving Day to be observed and celebrated as the official

commemoration of the landmark Supreme Court decision, *Loving v. Virginia* (1967) 388 U.S. 1, which legalized interracial marriage throughout the United States. Status: Res. Chap. 75, Stats. 2021.

AJR 14 (Boerner Horvath) Title IX: 49th anniversary. This resolution seeks to acknowledge the profound impact of Title IX of the Education Amendments of 1972 and to emphasize the importance of working together to achieve the goals set by Title IX of increased opportunities for girls and women in academics, sports, and other educational activities. Status: Res. Chap. 104, Stats. 2021.

Personal Rights

AB 218 (Ward) Change of gender: updated marriage and birth certificates. This bill extends the existing framework for petitioners changing their names and/or genders on their own birth certificates to further update their marriage licenses and certificates and the birth certificates of their children. The bill extends eligibility for certain processes to persons not born or residing within the state and recognizes orders in foreign jurisdictions for purposes of sufficient documentation. Status: Chap. 577, Stats. 2021.

AB 378 (Bauer-Kahan) Public officials and fair political practices act: non-gendered pronouns. This bill eliminates gendered terms from various provisions of the California Codes that relate to elected officials, the Fair Political Practices Act, and the California Coastal Act. Status: Chap. 50, Stats. 2021.

AB 1094 (Arambula) Sexual orientation and gender identity data collection. This bill requires the Department of Public Health (DPH) to establish a three-year pilot program in up to six counties (northern, southern and central regions) that agree to participate, for the identification and collection by coroners and medical examiners of gender identity and sexual orientation in cases of violent death. Status: Chap. 177, Stats. 2021.

AB 1318 (Stone) Change of name and gender: minors. As heard by the Committee, this bill allowed for a minor who is a ward under the jurisdiction of the juvenile court to petition for a name and/or gender change with that court, and waived the publication requirement for name and/or gender change for all minors under the jurisdiction of the juvenile court. The bill was subsequently amended to extend the operative date of the Transitional Age Youth Pilot Program in the Counties of Alameda, Butte, Napa, Nevada, Santa Clara, and Ventura until January 1, 2024. Status: Chap. 210, Stats. 2021.

SB 380 (Eggman) End of life. This bill extends the January 1, 2026 sunset date of the End of Life Option Act (EOLA) to January 1, 2031; permits an individual to make a second oral request for medical aid in dying a minimum of 48 hours from the first request; eliminates the final attestation form required to be filled out by the qualified individual within 48 hours prior to self-administering the aid-in-dying medication; and requires health care providers who elect not to participate in EOLA to inform a patient and transfer records to another health care provider. Status: Chap. 542, Stats. 2021.

Privacy Rights

AB 814 (Levine) Personal information: contact tracing. This bill would have provided that data collected, received, or prepared for purposes of contact tracing shall not be used, maintained, or disclosed for any purpose other than facilitating contact tracing efforts, except as provided. The bill would have required such data to be deleted, as specified, and would have prohibited the involvement of law enforcement in contact tracing, except as provided. Status: Held, Sen Appropriations.

SB 41 (Umberg) Privacy: genetic testing companies. This bill establishes the Genetic Information Privacy Act, a comprehensive legal framework to regulate the collection, use, maintenance, and disclosure of genetic data collected or derived from a direct-to-consumer genetic testing product or service, including enhanced notice and opt-in consent requirements. The bill imposes civil penalties between \$1,000 and \$10,000 for any violation of the bill and grants authority for enforcement to the Attorney General, district attorneys, and city attorneys. Status: Chap. 596, Stats. 2021.

Employment Rights

AB 257 (Gonzalez) Fast Food Employment Standards. This bill establishes a Fast Food Sector Council – representing government, industry, and workers – to establish industry-wide standards on wages and working conditions in the fast food industry. In addition, the bill makes food franchisors responsible for ensuring that their franchisees comply with specified labor laws, and makes the franchisor subject to, and jointly and severally liable for, any penalties or fines imposed for violations of these laws, and their respective rules and regulations. Status: Asm Inactive.

AB 364 (Rodriguez) Foreign labor contractor registration: agricultural workers. This bill deletes an exemption in existing law so that foreign labor contractors, including those recruiting farmworkers abroad, are required to register with the California Labor Commissioner and follow existing requirements for other foreign labor contractors, as specified. Status: Sen Inactive.

AB 385 (Flora) Labor Code: Private Attorneys General Act. This bill prohibits an aggrieved employee from maintaining an action on behalf of themselves or any other aggrieved employee under the Labor Code’s Private Attorneys General Act if certain conditions apply, including if the aggrieved employee has brought an action under the act in conjunction with, or in addition to, claims for monetary damages or penalties for violations of the Labor Code, as specified. Status: Asm Labor & Employment.

AB 530 (Fong) Labor Code: Private Attorneys General Act. This bill requires an aggrieved employee who brings an action under the Labor Code’s Private Attorneys General Act to inform the employer which specific violations of the code are being brought under each subdivision of the act and to inform the employer if the statutory right to cure provisions apply. Status: Asm Labor & Employment.

AB 1028 (Seyarto, Bigelow) Telework Flexibility Act. This bill permits an employee, not otherwise exempted, to request a remote flexible work schedule, providing workdays up to 10 hours per day in a 40 hour week, and allows an employer to implement this schedule without the obligation to pay overtime for those additional hours. The bill specifies that if an employee-selected remote work flexible work schedule is adopted, the employer shall pay overtime at one and one-half times the employee’s regular rate of pay for all hours worked over 40 hours in a workweek or over 10 hours in a workday, whichever is the greater number of hours. Status: Asm Labor & Employment.

AB 1033 (Bauer-Kahan) Small employer family leave mediation: pilot project. This bill modifies procedural aspects of the Department of Fair Employment and Housing’s pilot program for mediating family leave disputes between small businesses and their employees in order to ensure that employers are aware of their option to force employees to participate. In addition, the bill clarifies that employers covered under the California Family Rights Act must grant eligible employees up to 12 weeks of job-protected time off from work annually for the purpose of providing care to a parent-in-law with a serious medical condition. Status: Chap. 327, Stats. 2021.

AB 1119 (Wicks) Employment discrimination. This bill would have expanded the list of protected characteristics, for purposes of defining unlawful employment discrimination under the Fair Employment and Housing Act, to include “family responsibilities,” and makes corresponding changes, as specified. Status: Held, Asm Appropriations.

AB 1122 (C. Garcia, Holden) Employment discrimination: protected groups. This bill provides that it is not a violation of the Fair Employment and Housing Act when an employer does not hire an individual who is a member of a protected group that is underrepresented in the type of job in question in the relevant general workforce if the employer hires or promotes another individual who is a member of a protected group and the employer determines that individual is qualified for the job or promotion in question. The bill provides other exemptions, as specified. Status: Asm Labor & Employment.

AB 1256 (Quirk) Employment discrimination: cannabis screening test. This bill prohibits an employer from discriminating against a person in hiring, termination, or any term or condition of employment because a drug screening test has found the person to have non-psychoactive cannabis metabolites in their urine, hair, or bodily fluids. The bill exempts an employer in the building and construction trades or an employer who is required to conduct testing by federal law or regulations, as specified. The bill authorizes a person who has suffered discrimination in violation of the bill’s provisions to institute and prosecute a civil action, as specified. Status: Asm Labor & Employment.

SB 62 (Durazo) Employment: garment manufacturing. This bill, for the purpose of wage claim enforcement in the garment industry, expands the definition of garment manufacturing to include brand guarantors. The bill also eliminates piece rate pay, provides for joint and several liability among manufacturers, brand guarantors, and contractors, and creates a rebuttable presumption of the identity of a brand guarantor by the provision of a brand's label. Status: Chap. 329, Stats. 2021.

SB 76 (Nielsen) Excluded employees: binding arbitration. This bill would have created, until January 1, 2027, the Excluded Employee Arbitration Act, which gives excluded employees, such as managers and supervisors, the option of requesting binding arbitration as a method for resolving disputes with their state employers after first exhausting the current grievance resolution procedures. Status: Vetoed.

SB 206 (McGuire) Firefighters Procedural Bill of Rights Act. This bill extends the protections of the Firefighters Procedural Bill of Rights to seasonal temporary appointment firefighters, as specified. Status: Chap. 722, Stats. 2021.

SB 270 (Durazo) Public employment: labor relations: employee information. This bill authorizes a public employee bargaining representative to file an unfair labor practice claim with the Public Employee Relations Board if a public employer fails to provide certain employee information in a timely and accurate manner and subjects the employer to certain penalties, among other provisions. Status: Chap. 330, Stats. 2021.

SB 321 (Durazo) Employment safety standards: household domestic services. This bill requires Cal-OSHA to convene an advisory committee to provide voluntary guidance and make recommendations on policies the state may adopt to protect the health and safety of privately funded household domestic service employees. The bill requires Cal-OSHA to post the report to its internet website and submit a copy to the Legislature no later than January 1, 2023. Status: Chap. 332, Stats. 2021.

SB 331 (Leyva) Settlement and nondisparagement agreements. This bill prohibits the use of non-disclosure agreements to settle employment and housing-related legal claims involving unlawful harassment, discrimination, or related retaliation of any kind, with limited exceptions when requested by the complainant. The bill also prohibits the inclusion, in an employment severance agreement, of terms that prohibit the separated employee from discussing unlawful conduct at their former workplace, unless the separated employee agrees to those terms under specified conditions designed to safeguard the separated employee's rights. Status: Chap. 638, Stats. 2021.

SB 338 (Gonzalez) Misclassification of employees: enforcement: port drayage. This bill requires the Division of Labor Standards Enforcement to post on its webpage essential information for a port drayage motor carrier that previously engaged in unlawful conduct related to misclassification of employees and that has subsequently been found in violation of a labor and employment law. The bill further establishes a process for the carrier to be removed from the posting upon certifying that the violation has been corrected. Status: Chap. 333, Stats. 2021.

SB 505 (Hertzberg) Wages: withholdings: written authorizations. This bill requires employers to attempt to consult with an employee to resolve a monetary obligation before resorting to third-party collection services and ensure that an agreement to resolve the obligation does not place undue financial strain on that employee. Status: Asm Rules.

SB 572 (Hertzberg) Labor Commissioner: enforcement: lien on real property. This bill enables the Labor Commissioner to directly create a lien on real property in order to collect amounts due under any final citation, findings, or decision, instead of having to obtain a court judgment and an abstract of judgment as a precondition for creating a lien. Status: Chap. 335, Stats. 2021.

SB 598 (Pan) Sacramento Regional Transit District: employee relations. This repeals, recasts, and modifies provisions of the Public Utilities Code relating to the Sacramento Regional Transit District in order to give the Public Employment Relations Board jurisdiction over employer-employee relations, as specified. Status: Chap. 492, Stats. 2021.

SB 606 (Gonzalez) Workplace safety: citations: employer retaliation. This bill authorizes Cal-OSHA to issue a citation for an egregious violation of an occupational safety or health standard, order, special order, or regulation, for each willful violation determined by Cal-OSHA, and count each employee affected by the violation as a separate violation for the purposes of the issuance of fines and penalties. Status: Chap. 335, Stats. 2021.

SB 646 (Hertzberg) Labor Code Private Attorneys General Act: janitorial employees. This bill exempts janitorial employees, as defined, from the Labor Code's Private Attorneys General Act, so long as the janitorial employee is represented by a labor organization that has represented janitors before January 1, 2021, and employed by a janitorial contractor who registered with the commissioner as a property service employer in calendar year 2020, with respect to work performed under a valid collective bargaining agreement in effect any time before July 1, 2028, that contains certain provisions. The bill requires a janitorial contractor who has entered into such an agreement to share, within 60 days of entering the agreement, information about the agreement with the Labor and Workforce Development Agency. The bill specifies that its provisions do not apply to existing cases filed before the effective date of the bill and does not prevent a janitorial employee from filing certain actions. The bill authorizes the exception until the collective bargaining agreement expires or until July 1, 2028, whichever is earlier, and repeals the bill's provisions on July 1, 2028. Status: Chap. 337, Stats. 2021.

SB 657 (Ochoa Bogh) Employment: electronic documents. This bill provides that in instances where an employer is required to physically post information in the workplace, an employer may also distribute that information to employees by email with the document or documents attached. It specifies, however, that distribution by email shall not alter the employer's obligation to physically post the information in the workplace. Status: Chap. 109, Stats. 2021.

SB 727 (Leyva) Labor-related liabilities: direct contractor. This bill expands the existing direct contractor liability, for contracts entered into on or after January 1, 2022, to include liquidated damages and penalties in circumstances where the direct contractor fails to meet payroll monitoring and corrective action requirements, as specified. Status: Chap. 338, Stats. 2021.

OPEN GOVERNMENT AND PUBLIC RECORDS

AB 277 (Valladares, Davies) Domestic violence: victims: address confidentiality. *See Family Law, Children And Related Matters/Domestic Violence.*

AB 343 (Fong) California Public Records Act Ombudsperson. Establishes, within the California State Auditor's Office, the California Public Records Act Ombudsperson, who would receive requests for review from members of the public who believe that a public agency has improperly denied their request for public records. Status: Sen Judiciary.

AB 386 (Cooper) Public Employees' Retirement Fund: investments: confidentiality. This bill establishes a new exemption to the California Public Records Act (CPRA) for records of internally managed private loans made by the Public Employees' Retirement Fund. Specifically, the bill provides that notwithstanding any other law, certain records regarding an internally managed private loan made by a public investment fund are not subject to public disclosure in response to a CPRA request, unless the information has already been publicly released by the keeper of the information. Status: Recon, Asm PER.

AB 409 (Seyarto) Crimes: public records: disclosure of information. This bill would have required a law enforcement official to inform a witness or victim of a gang-related offense that the person's name could be made public under the California Public Records Act, and collect articulable evidence, if appropriate, to support a conclusion that disclosure of the person's name would endanger that person's safety. Status: Held, Asm Appropriations.

AB 473 (Chau) California Public Records Act. This bill recodifies and reorganizes the provisions of the California Public Records Act in the CPRA Recodification Act of 2021 without making any substantive changes to the act and makes related findings. Status: Chap. 614, Stats. 2021.

AB 474 (Chau) California Public Records Act: conforming revisions. This bill makes various conforming and technical changes related to another bill, AB 473 (Chau) of the current legislative session, that recodifies and reorganizes the California Public Records Act. Status: Chap. 615, Stats. 2021.

AB 478 (Ting) Thermoform containers: release of records. This bill would have set content standards for thermoform plastic containers to include a minimum amount of postconsumer recycled plastic, helping to create a circular economy that will produce, collect, recycle and reprocess post-consumer plastic thermoformed containers. The bill also provided limited exemptions from the

California Public Records Act and state antitrust laws to producers of such plastic containers. Status: Held, Sen Appropriations.

SB 16 (Skinner) Peace officers: release of records. This bill expands the categories of police personnel records that are subject to disclosure under the California Public Records Act (CPRA) and modifies existing provisions regarding the release of records subject to disclosure. Specifically, the bill makes more types of personnel records related to sustained findings of an officer's bias or use of excessive or unreasonable force subject to public disclosure; extends the time period for agencies to retain records; prohibits destruction of records that are subject to a CPRA request or litigation; and clarifies what costs an agency may charge a requester of public records. Status: Chap. 402, Stats. 2021.

SB 533 (Stern) Electrical corporations: wildfire mitigation plans: deenergization events. This bill requires electrical corporations to identify circuits that have frequently been deenergized to mitigate the risk of wildfire and the measures taken to reduce the need for future deenergization of those circuits, as specified. As referred to the Committee, this bill contained provisions related to limiting the right of access to the meetings of public bodies or the writings of public officials and agencies. These provisions were removed by the Committee on Utilities and Energy and, as a result, the bill was ultimately not heard by this Committee. Status: Chap. 244, Stats. 2021.

SB 702 (Limón) Gubernatorial appointments: report. This bill would have required the office of the Governor to publish a report containing the demographic information of individuals who have applied to or been appointed to a state board or commission. Additionally, the bill would have created a working group to discuss and provide recommendations on ways to diversity state boards and commissions. Status: Vetoed.

PROBATE AND RELATED MATTERS

Civil Commitment, Conservatorship and Guardianship

AB 260 (Stone) Guardianships. This bill establishes processes to ensure abused or neglected children are not improperly diverted into probate guardianships in lieu of the foster care system, and requires the Judicial Council to develop a form regarding the differences between probate guardianships and the foster care system, as specified. Status: Chap. 578, Stats. 2021.

AB 574 (Chen) Guardians ad litem: mental illness. This bill establishes a new procedure for the appointment of a guardian ad litem for a person who lacks the capacity to make rational informed decisions regarding medical care, mental health care, safety, hygiene, shelter, food, or clothing with a rational thought process due to a mental illness, defect, or deficiency. The bill authorizes certain persons to petition the court for the appointment of a guardian ad litem under these provisions, and establishes the procedures that would govern the filing of a petition, the content of its notice provisions, and court procedures. Under certain circumstances, the bill requires the court to appoint the public defender or private counsel to represent a person who is the subject of such a petition. Status: Asm Health.

AB 596 (Nguyen) Conservatorships: appointed counsel. This bill requires an attorney who is appointed to represent a conservatee or proposed conservatee to report to the court if the conservatee is unable to communicate, and requires the court, if warranted, to discharge the attorney and appoint a guardian ad litem for the conservatee or proposed conservatee. The bill also requires that an attorney appointed to represent a conservatee, proposed conservatee, or a person who lacks capacity acts as an

advocate for the client and may not substitute their judgment for the client's expressed interest. Status: Asm Judiciary.

AB 1062 (Mathis) Guardians and conservators: disposition of property. This bill requires a guardian or conservator to notify specific individuals before disposal of "valueless property" and provides a process to settle disputes over the "valueless property." The bill also requires the court, if the guardian or conservator becomes a successor trustee, to supervise the trust, unless it is not in the best interest of the conservatee or ward. Status: Sen Judiciary.

AB 1194 (Low) Conservatorships. This bill makes multiple reforms intended to protect wards and conservatees from unscrupulous guardians and conservators, including (1) requiring the Professional Fiduciaries Bureau to investigate allegations against a licensee and to impose sanctions upon a finding that the professional fiduciary breached a duty to, or abused, an elder or dependent adult, or otherwise violated applicable laws; (2) establishing new court oversight, contingent on an appropriation, including reviewing conservatorships annually to determine if a conservatorship is still needed and, if not, terminating the conservatorship; (3) requiring a court to allow representation by an attorney for whom a conservatee, proposed conservatee, or person alleged to lack legal capacity expresses a preference, even if the attorney is not on the court's list of court-appointed attorneys; and (4) specifying that the role of legal counsel for a conservatee, proposed conservatee, or person alleged to lack legal capacity is that of a zealous, independent advocate representing the wishes of their client, consistent with their ethical duties under existing law. Status: Chap. 417, Stats. 2021.

AB 1340 (Santiago) Mental health services. This bill expands the definition of "gravely disabled" under the Lanterman-Petris-Short Act, allowing for involuntary commitment and treatment of persons with specified mental health disorders to apply to a broader group of people. The bill also seeks to implement recommendations by the State Auditor for improving the provision of mental health services in California. Status: Asm Health.

SB 340 (Stern) Lanterman-Petris-Short Act: hearings. This bill authorizes a family member, friend, or acquaintance with personal knowledge of the person receiving treatment under the Lanterman-Petris-Short Act to make a request to testify in the judicial review proceedings, in writing, to the counsel of a party to the judicial review. The bill requires the receiving counsel, or their designee, to determine whether the requester's testimony will assist the proceeding and, within a reasonable time, respond to the requester, in writing, with an approval or denial. Status: Asm Health.

SB 507 (Eggman) Mental health services: assisted outpatient treatment. This bill broadens criteria to permit assisted outpatient treatment (AOT) for a person who is in need of AOT services, as specified, without also requiring the person's condition to be substantially deteriorating. The bill also permits specified individuals to testify at a court hearing via videoconferencing, as specified. This bill permits a court to order AOT for eligible conservatees, as specified, when certain criteria are met. Status: Chap. 426, Stats. 2021.

SB 516 (Eggman and Stern) Certification for intensive treatment: review hearing. This bill permits evidence considered in a certification review hearing under the Lanterman-Petris-Short Act to include information regarding a person's medical condition, as defined, and how that condition bears on certifying the person as a danger to self or others, or as gravely disabled. Status: Asm Health.

SB 578 (Jones) Lanterman-Petris-Short Act: hearings. This bill clarifies and strengthens an existing statute that makes proceedings under the Lanterman-Petris-Short (LPS) Act presumptively nonpublic by clarifying that all hearings under the LPS Act, including certification review hearings and jury

trials, are presumptively closed to the public if the hearings involve the disclosure of confidential information. The bill permits an individual who is the subject of an LPS proceeding to request the presence of a family member or friend without waiving the right to keep the proceeding closed to the rest of the public. Status: Chap. 389, Stats. 2021.

SB 782 (Glazer) Assisted outpatient treatment programs. This bill permits a court to order a person to obtain assisted outpatient treatment (AOT) services if the court finds that the petition establishes the person either is a conservatee or former conservatee and would benefit from AOT services to reduce the risk of deteriorating mental health, as specified. Status: Asm Rules.

Elder Abuse

AB 1243 (Blanca Rubio) Protective orders: elder and dependent adults. This bill, effective January 1, 2023, allows, after notice and a hearing, an interested party to seek a protective order for isolation of an elder or dependent adult under the Elder Abuse and Dependent Adult Civil Protection Act (EADACPA) and for the court to make a finding that specific debt was incurred as the result of financial abuse of the elder or dependent adult. Status: Chap. 273, Stats. 2021.

Trusts and Estates

AB 1079 (Gallagher) Trusts: incompetence of settlor. This bill clarifies which beneficiaries under a revocable trust are owed duties by the trustee if the settlor (or other person holding the power to revoke the trust) is deemed incompetent. Status: Chap. 749, Stats. 2021.

SB 315 (Roth) Revocable transfer on death deed. This bill extends the sunset date for revocable transfer on death deeds (RTDDs) for 10 years, until January 1, 2032, and makes other changes to the RTDD recommended by the California Law Revision Commission. Status: Chap. 215, Stats. 2021.

SB 329 (Jones) Wills and trusts: no contest clauses. This bill exempts actions to enforce no-contest clauses in wills or trusts from the “anti-SLAPP” statute. Status: Asm Judiciary.

PROPERTY AND RELATED MATTERS

Personal Property

AB 293 (Kalra) Unclaimed Property Law: preneed funeral arrangements. This bill establishes procedures for when and how preneed funeral arrangements that are not claimed upon a beneficiary’s death should escheat to the state under the Unclaimed Property Law. Status: Chap. 514, Stats. 2021.

AB 1208 (Ting) Unclaimed Property Law: claims streamlining. This bill provides the State Controller’s Office with statutory authority to streamline both the claims process and the payment of claims under the Unclaimed Property Law. Status: Asm Inactive.

SB 308 (Min) Unclaimed Property Law: electronic funds transfer: holders. This bill requires that any holder of unclaimed cash under the Unclaimed Property Law to electronically transfer these funds to the State Controller’s Office if they total at least \$2,000, rather than the current \$20,000, pursuant to regulations adopted by the Controller. Status: Chap. 103, Stats. 2021.

Common Interest Developments

AB 1101 (Irwin) Common interest developments: funds: insurance. This bill prohibits homeowner associations from being able to self-insure against specified losses stemming from the malfeasance of an association management company, limits the accounts in which homeowner association funds can be deposited into to only those funds that are federally insured, and revises and recasts the amount of assets a homeowner association's manager can move between funds without approval from the association's board. Status: Chap. 270, Stats. 2021.

AB 1410 (Rodriguez) Associations: declared emergency: protected uses. This bill prohibits the governing documents from restricting a homeowner's right to rent or lease a portion of the homeowner occupied separate interest for 30 days or more, without regard to whether such restriction existed at the time the homeowner acquired title to the separate interest, and prohibits an association from taking any enforcement action regarding landscaping of a homeowner's separate interest during a declared emergency, or on days where the air quality is unhealthy, as determined by the State Air Resources Board. Status: Asm Housing and Community Development.

SB 391 (Min) Common interest developments: emergency powers and procedures. This bill authorizes common interest development boards to meet by teleconference, without identifying a physical location where members of the common interest development may attend, in an area affected by a disaster or emergency, so long as all members may access the meeting via video or teleconference and adequate technical support is provided to members, as specified. Status: Chap. 276, Stats. 2021.

SB 392 (Archuleta) Common interest developments: document delivery. This bill requires homeowners associations to deliver specified notices by the delivery method specified by the member, and clarifies that the homeowners association is only required to post specified notices on its website if it already has a website. Status: Chap. 640, Stats. 2021.

SB 432 (Wieckowski) Common interest developments. This bill makes several minor modifications to homeowner association election laws including prohibiting an individual from running for a board seat if they have reached the number of terms provided for in the associations governing documents, specifies that individuals appointed by an inspector of elections to verify signatures and count and tabulate votes in homeowner association elections must meet the same requirements of third party inspectors of elections, and provides that all election materials must be retained for 12 months after an election. Status: Chap. 642, Stats. 2021.

Real Property

AB 633 (Calderon) Uniform Partition of Heirs Property Act. This bill enacts the Uniform Partition of Heirs Property Act, which establishes a set of protections to help families retain ownership of real property that has been passed down without a will. The bill is meant to enhance opportunities for intergenerational wealth accumulation and transfer, particularly in communities of color that have historically been the target of predatory real estate practices. Status: Chap. 119, Stats. 2021.

AB 870 (Santiago) Hazardous materials: liens. This bill requires the Department of Toxic Substances Control to determine the costs to remediate hazardous materials released into the environment, issue an order for corrective action, and authorizes the Department to impose a lien upon the real property owned by a responsible party that is subject to, or affected by, the response or

corrective action for the cost of remediating the conditions. Status: Asm Environmental Safety and Toxic Materials.

AB 1375 (Bloom) Real property sales: termination of offer. This bill grants a prospective buyer two additional days to terminate an offer to purchase a single-family home after receiving written disclosures from a seller. Status: Asm Judiciary.

Rental Property

AB 255 (Muratsuchi) COVID-19 Emergency Small Business Eviction Relief Act. This bill requires a landlord who received a certificate of hardship from a commercial tenant to enter into good faith negotiations to form a plan allowing the tenant a reasonable opportunity to repay COVID-19 lease debt while minimizing the hardship to the landlord. As heard by the Committee, the bill included an urgency clause which was later removed. Status: Asm Inactive.

AB 780 (Ting) Tenancies: notifying landlord of claim. As referred to the Committee, this bill clarified an existing statute, which requires tenants to immediately notify their landlords of any legal proceeding seeking recovery of their rental property, to allow tenants to provide the required notification by letter, email, or another medium that provides a written or electronic record. The bill was subsequently amended to address rezoning of school district property in order to permit districts to offer housing to district employees, thus removing the bill from this Committee's jurisdiction. Status: Asm Local Gov.

AB 832 (Chiu) COVID-19 Rental Housing Recovery Act. This bill extends for three months certain COVID-19-related eviction protections which were set to expire on July 1, 2021. It also puts into place new procedures governing unlawful detainer cases based on nonpayment of rent, to take effect between October 1, 2021 and March 31, 2022. Status: Chap. 27, Stats. 2021.

AB 854 (Lee) Ellis Act: residential real property: withdrawal. This bill clarifies the Ellis Act in a number of ways. Specifically, it prohibits the following: (1) an owner of a rental property from filing a notice to withdraw the property from the rental market under the Ellis Act, unless the owner has owned the property for five continuous years or more; (2) any person or entity that withdraws a property under the Ellis Act from withdrawing another property if it is purchased within ten years of the initial filing; and (3) persons from acting in concert to circumvent either of those prohibitions. The bill also establishes a private right of action for violations of (1) or (2). Status: Asm Housing and Community Development.

AB 1188 (Wicks) Rental property data registry. As referred to the Committee, this bill required each local government, as defined, to collect and disseminate specified information about rental properties within the local government's jurisdiction. The bill was subsequently amended to require the Department of Housing and Community Development to retain data from local rental registries and from COVID-19 rental assistance programs, thus removing the bill from this Committee's jurisdiction. Status: Held, Asm Appropriations.

AB 1487 (Gabriel) Legal Services Trust Fund Commission: Homelessness Prevention Fund. This bill would have established the Homelessness Prevention Fund to fund education, outreach, and legal services targeted towards preventing homelessness among particularly vulnerable renter populations. The Fund would have been administered by the Legal Services Trust Fund Commission under the State Bar of California, and funded through appropriation by the Legislature. Status: Vetoes.

SB 555 (McGuire) Local agencies: transient occupancy taxes: online short-term rental facilitator: collection. This bill would have authorized local agencies to enact an ordinance exclusively delegating their authority to collect transit occupancy tax (TOT) to the newly created California Department of Tax and Fee Administration (CDTFA) and required a “short-term rental facilitator” to collect such tax from a “purchaser” and transmit it to the CDTFA, which would then transmit the county’s TOT back to the county. Status: Held, Asm Appropriations.

Affordable Housing

AB 258 (Villapudua) Emergency Housing and Assistance Program: pets. This bill would have removed barriers to accessing housing options by requiring specified state programs providing interim housing to follow low barrier practices, including permitting pets, partners and personal possessions to be brought into emergency shelters, navigation centers, motel vouchers, recovery-oriented interim interventions, Project Roomkey or Project Homekey sites used as interim housing. Status: Held, Asm Appropriations.

AB 721 (Bloom) Covenants and restrictions: affordable housing. This bill provides that covenants, restrictions, or private limits on the density of a property are unenforceable against a property owner who is developing a 100% affordable project, as specified. It also provides that any covenants, restrictions, or private limits held for a land conservation easement by a land trust, as specified, are exempt from the provisions of this bill. Status: Chap. 349, Stats. 2021.

AB 1258 (Nguyen) Housing element: regional housing need plan: judicial review. This bill subjects the Department of Housing and Community Development’s final determination regarding a local government’s compliance with state-mandated regional housing needs to judicial review in actions brought by a local council of governments. Status: Asm Housing and Community Development.

SB 591 (Becker) Senior citizens: intergenerational housing developments. This bill authorizes the establishment of an intergenerational housing development for senior citizens, caregivers, or transition age youths so long as 80 percent of units are for seniors, and those living with seniors, and 20 percent of units for these at-risk young adults. Status: Chap. 364, Stats. 2021.

MISCELLANEOUS

AB 358 (Flora) Electrified security fences: permitted use. This bill makes a number of changes to state law dealing with electrified fences that are used to protect non-agricultural property, including the height and compliance with zoning requirements of such fences. The bill authorizes a property owner to install and operate electrified security fences on their property, whether combined with an alarm system or not, provided that the fences meet specified conditions and are not prohibited by a local ordinance. Status: Chap. 148, Stats. 2021.

AB 938 (Davies) Maintenance of the codes. This bill makes nonsubstantive changes in various provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature. Status: Chap. 124, Stats. 2021.

AB 1578 (Committee on Judiciary) Judiciary omnibus. This bill adopts nearly two-dozen technical changes to various code sections related to the jurisdiction of the Assembly Judiciary Committee, including permanently codifying procedures for remote administrative law hearings originally adopted

during the pandemic as emergency rules, codifying the California Supreme Court's holding in *Property Reserve Inc. v. Superior Court* (2016) 1 Cal. 5th 151, providing that a property owner subject to an eminent domain action may seek to recover damages as a defendant and that the property owner possess a waivable right to a jury trial to seek compensation for pre-condemnation damages, and extending several expiring sunset provisions. Status: Chap. 401, Stats. 2021.

ACR 24 (Chau) California Law Revision Commission: studies. This resolution grants approval to the California Law Revision Commission (CLRC) to continue its study of 13 designated topics that the Legislature previously authorized or directed the CLRC to study. The resolution also authorizes and requests the CLRC to study and report on whether the law should be revised to provide special rules that would apply to an area affected by a state of disaster or emergency declared by the federal government, a state of emergency proclaimed by the Governor, or a local emergency proclaimed by a local governing body or official. Status: Res. Chap. 108, Stats. 2021.

ACR 95 (Cunningham and Wicks) California Law Revision Commission: antitrust study. This resolution grants approval to the CLRC to study ways to improve antitrust laws in California, including whether to outlaw monopolies by single companies; whether antitrust injury reflects competitive benefits such as innovation and permitting the personal freedom of individuals to start their own businesses and not solely whether such monopolies act to raise prices; and whether the law should be revised in any other fashion such as approvals for mergers and acquisitions and any limitation of existing statutory exemptions to the state's antitrust laws to promote and ensure the tangible and intangible benefits of free market competition for Californians. Status: Sen Rules.