

ATTORNEYS AND RELATED MATTERS

Attorneys and Related Services

AB 360 (Muratsuchi) State Bar pro bono program: veterans. This bill seeks to encourage local bar associations, legal organizations, veterans' service providers, and volunteer attorneys to provide legal services to veterans throughout the state. Specifically, it requires the State Bar to do the following: (1) provide educational materials to attorneys and the public; (2) post a list of those organizations willing to provide pro bono legal services to veterans, categorized by city and county, on its Internet website; (3) conduct a statewide survey of programs that provide civil legal assistance to veterans in order to better identify where there is a need for legal advice clinics; (4) publish a report and recommendations based upon its findings no later than December 31, 2018; and (5) post the report on its internet website. Status: Chap. 401, Stats. 2017.

AB 386 (Gonzalez Fletcher) Legal services for deported veterans. As heard by this Committee, this bill would have required the Department of Social Services to either contract with a qualified nonprofit legal services organization or contract with a nonprofit agency to administer funding to nonprofit legal services organization subcontractors, in order to provide legal services to deported veterans, as defined, and would have required the entities providing services pursuant to these contracts to meet specified conditions. The bill was subsequently amended to address an unrelated issue. Status: Held, Sen Appropriations.

AB 1146 (Flora) Cities and counties: legal services: contingency fee contracts. This bill would have prevented an attorney or law firm that has made a political campaign contribution to a candidate running for local public office from entering into, or submitting a bid for, a contract to provide civil litigation legal services for that local agency. Status: Dead, Asm Local Government.

AB 1159 (Chiu) Marijuana: attorney-client relationship. This bill modifies current state law to clarify that an attorney may provide legal advice to a person who is engaged in a marijuana business in conformity with state law, without violating ethical duties or compromising the attorney-client privilege. It also specifically allows for the formation of contracts involving a marijuana business that is operating in conformity with state law. Status: Chap. 530, Stats. 2017.

AB 3027 (Chavez) California Environmental Quality Act: attorney's fees. This bill would have limited the awarding of attorney's fees in California Environmental Quality Act lawsuits to prevailing parties who are adjacent property owners, business owners, tenants, or large environmental organizations. Status: Failed, Asm Nat Resources.

AB 3204 (Gray) Attorneys: mandatory pro bono legal services. This bill would have required each licensee of the State Bar to annually complete a minimum of 25 hours of pro bono legal service. The bill would have created an exception to that requirement for acting judges, inactive members, attorneys currently working for a legal aid organization, members who earned less than a certain amount the previous year, and attorneys who are newly admitted to the State Bar. The bill also would have allowed an attorney, as an alternative to providing the 25 hours of pro bono legal service, to contribute \$500 per year to the State Bar in order to support legal services to indigent persons. Status: Dead, Asm Judiciary.

AB 3217 (Berman) Advertising: legal services. This bill would have specified that advertising legal services by making a material misrepresentation about an FDA-approved prescription medication or a medical device, or omitting a fact that is necessary to make the advertisement, as a whole, not materially misleading, is a violation of the Consumer Legal Remedies Act. Status: Dead, Sen Judiciary.

AJR 10 (Santiago) Access to legal counsel. See summary under Immigration Issues.

SB 6 (Hueso) Immigrants: removal proceedings: legal services. See summary under Immigration Issues.

SB 316 (Wieckowski) Attorneys: pro bono legal aid services. This bill would have required all attorneys in the state to annually report to the State Bar their pro bono legal aid service hours and contributions to legal aid, and established an aspirational benchmark of 50 pro bono service hours each year by attorneys. Status: Dead, Asm Appropriations.

SB 766 (Monning) International commercial arbitration: representation. Permits an attorney who is licensed out of state or in a foreign jurisdiction to provide legal services in California in a commercial arbitration proceeding or a related proceeding, provided certain conditions are met. Status: Chap. 134, Stats. 2018.

State Bar

AB 3249 (Judiciary) State Bar: annual licensing fees. This bill reauthorizes the State Bar to collect up to \$390 for active licensing fees for 2019, augments attorney discipline, revises the biannual audit of the State Bar's finances, and directs the State Bar to enhance diversity. Status: Chap. 659, Stats. 2018.

SB 36 (Jackson) State Bar: annual dues, deunification, and reforms. This bill reauthorizes the State Bar to collect up to \$390 for active membership dues for 2018, separates the Sections of the Bar into a separate nonprofit corporation, and makes other reforms to the Bar's governance structure. Specifically, it eliminates the six elected Board of Trustees members and reduces the membership of the Board from 19 members to 13 members, extends terms of Board members from three to four years, requires the Supreme Court to appoint the chair and vice chair (previously, the president and vice president) of the Board, clarifies that the Bar may require members to be fingerprinted and re-fingerprinted for purposes of criminal background checks, allows excess funds in the Attorney Diversion and Assistance Program (also known as the Lawyer Assistance Program) that are not needed to support that program to be transferred to fund the Client Security Fund, provides for the division of the proceeds from the Bar's offer of discounts and other benefits, including insurance products, to its members, between the California Bar Foundation, the Association (for the 2018 year only), legal services programs, and the State Bar for discipline functions, and requires the State Bar to adhere to a Supreme Court-approved policy to identify and address any proposed decision of the Board that raises antitrust concerns, as provided. Status: Chap. 422, Stats. 2017.

SB 690 (Jackson) State Bar: bar exam disclosures. This urgency bill provides that, subject to laws protecting education records, the State Bar is not prohibited from disclosing, among other things, the names of applicants who have passed any Bar examination and information provided

to a law school that is necessary for the purpose of the law school's compliance with accreditation or regulatory requirements, including beginning with the release of results from the July 2018 bar examination, the bar examination results of the law school's graduates and the scores of any graduates who did not pass the bar examination and who consent to the release of exam scores to the law school. These provisions apply retroactively to January 1, 2016. This bill also provides that, notwithstanding any other law except laws protecting education records, any information received from an educational or testing entity that is collected by the State Bar for the purpose of conducting a Law School Bar Exam Performance Study, other than aggregate, summary, or statistical data that does not identify any person and does not provide substantial risk of identification of any person, shall be confidential and shall not be disclosed pursuant to any state law. Status: Chap. 433, Stats. 2017.

CIVIL PRACTICE AND PROCEDURE

Civil Procedure

AB 383 (Chau) Civil actions: discovery status conference. This bill gives a court the discretion to conduct an informal discovery conference upon the request of a party or upon a court's own motion to assist in the resolution of a discovery dispute in a civil action. The bill provides the procedures and timelines for such conferences. The bill specifies that the outcome of the discovery conference does not preclude the filing of any discovery motion or prejudice the disposition of a discovery motion. The bill sunsets on January 1, 2023. Status: Chap. 189, Stats. 2017.

AB 644 (Berman) Civil procedure: pleadings. This bill requires a party—prior to filing either a motion to strike or a motion for judgment on the pleadings—to meet and confer with the opposing party to attempt to resolve the specific dispute. The bill also requires the moving party to file and serve a meet-and-confer declaration before filing the motion. The bill also clarifies that its provisions do not apply to certain actions, including an anti-SLAPP motion, or a motion brought less than 30 days before trial. The bill sunsets on January 1, 2021. Status: Chap. 273, Stats. 2017.

AB 814 (Bloom) Consumer protection: enforcement powers. This bill would have given to city attorneys of cities with a population exceeding 750,000 and a city attorney of both a city and county the same powers that are now granted to the Attorney General in order to conduct investigations of suspected violations of laws related to prohibited restraints on competition and unfair trade practices, including the power to issue pre-litigation subpoenas. Status: Dead, Sen Inactive.

AB 828 (Oberholte) Civil actions: fee recovery. This bill expands the list of recoverable allowable costs in a civil action to include the electronic presentation of exhibits, including costs of rental equipment and electronic formatting. Status: Chap. 583, Stats. 2017.

AB 889 (Stone) Secrecy in litigation. This bill would have limited the ability of litigants to enter into "secret" settlement agreements, or obtain court protective orders that prevent the disclosure of evidence, when the subject of the litigation involves a danger to public health and safety, as defined, unless a court makes certain findings. Status: Dead, Asm Floor.

AB 905 (Maienschein) Foreign money judgments. This bill revises the standards for recognizing money judgments under the Tribal Court Civil Money Judgment Act and the Uniform Foreign-Country Money Judgments Recognition Act, as recommended in a recent California Law Revision Commission Report that was mandated by the Legislature. Status: Chap. 168, Stats. 2017.

AB 984 (Calderon) Courts: frivolous actions or tactics. This bill clarifies the standards, conditions, and procedures that a trial court must follow when it orders sanctions against a party, party's attorney, or both, as the result of an action or tactic made in bad faith, that are frivolous or solely intended to cause unnecessary delay. The bill provides that its provisions apply to actions or tactics that were part of a civil case filed on or after January 1, 2015. Status: Chap. 169, Stats. 2017.

AB 1056 (Kiley) Asbestos Trust Transparency Act. This bill would have established additional procedures with respect to asbestos tort claims, as defined. Among other things, it would have required a plaintiff to disclose specified information with respect to any asbestos trusts, as defined, against which the plaintiff has or could pursue a claim. The bill would have entitled a defendant to discovery with respect to relevant information pertaining to the plaintiff that is held by an asbestos trust. The bill would have limited the ability of a plaintiff in an asbestos tort claim to obtain a trial preference. Status: Dead, Asm Judiciary.

AB 1093 (Chen) Service of process. This bill clarifies the manner in which service of process on the first delivery attempt may be effected on a person whose only address reasonably known is a private mailbox obtained through a commercial mail receiving agency. Status: Chap. 129, Stats. 2017.

AB 1619 (Berman) Sexual assault: statutes of limitations on civil actions. See summary under Domestic Violence, Sexual Assault, and Human Trafficking.

AB 1693 (Judiciary) Civil actions: intervention. This bill clarifies that a party seeking to intervene in a civil action may plead with an answer in intervention. The bill also provides that if leave to intervene is granted, the intervenor must serve both the order or notice of the court's decision or order, and the pleadings in intervention upon the other party. The bill also recasts provisions of existing law and makes conforming changes. Status: Chap. 131, Stats. 2017.

AB 1980 (Quirk) Statutes of limitations: hazardous materials. This bill extends the statute of limitations for aboveground petroleum storage act violations from one to five years, allowing more time for investigation and prosecution of cases. Status: Chap. 141, Stats. 2018.

AB 2185 (Chiu) Civil actions: fictitious name to avoid removal/detention. This bill authorizes the filing of certain civil actions while using a pseudonym or other fictitious name. The bill provides a procedure for parties, and the court, to contest the use of a fictitious name and provides the court criteria upon which the use of a fictitious name shall be evaluated. As heard in this Committee, this bill applied broadly to all civil actions, however, subsequent amendments limited the bill to cases exclusively involving the appointment of a guardian ad litem. Status: Chap. 817, Stats 2018.

AB 2230 (Berman) Civil actions. This bill provides that in lieu of a separate statement in connection with a motion to compel further responses to discovery requests, the court may allow the moving party to submit a concise outline of the discovery request and each response in dispute. Amendments taken after the bill was heard in Committee add provisions extending the timelines within which courts are required to rule on motions for new trial and motions to set aside and vacate judgments. Status: Chap. 317, Stats. 2018.

AB 2267 (Wood) Administrative proceedings: arbitrary or capricious action: attorney's fees. As introduced, this bill would have increased the maximum allowable amount of reasonable attorney's fees that a complainant may collect in any civil action to appeal or review the award, finding, or other determination of an administrative proceeding, if it is shown that the award, finding, or other determination was the result of arbitrary or capricious action or conduct by the public entity or officer, from \$7,500 to \$8,000. The bill was later amended to address a different subject—the California Environmental Quality Act. Status: Dead, Sen Inactive.

AB 2286 (Chen) Civil actions: service of notice. Extends the hours provided for leaving notice or other papers with an adult at a party to litigation's home by specifying that any attempt at serving of notice or other papers on a party at the party's home must occur between 8 a.m. and 8 p.m. Status: Chap. 212, Stats. 2018.

AB 2376 (Stone) Taxpayer standing. This bill amends the taxpayer standing statute to make clear that sales and use taxes, income taxes, business license taxes, and property taxes, among others, are sufficient to establish standing to sue a particular government entity for alleged wasteful or illegal expenditures. The bill also clarifies that the resident taxpayer who files the suit must be a person who lives, works, owns property, or attends school in the defendant jurisdiction, but need not be a United States citizen. Status: Chap. 319, Stats. 2018.

AB 2648 (Friedman) Civil actions: limitations: property. This bill would have provided that the 10-year statute of limitation does not apply to an action for a personal injury resulting from water contamination due to a latent construction defect. Status: Dead, Asm Judiciary.

AB 2651 (Kiley) Civil actions. This bill would have enacted several procedural changes to the civil litigation process including increasing the deadline for hearing a motion for summary judgment from 30 to 75 days prior to trial and decrease the amount of time to file opposition to such a motion from 14 to 10 days. Additionally, this bill would have increased the amount of time necessary to seek a judgment notwithstanding a verdict or filing a new trial from 60 to 75 days. Status: Dead, Asm Judiciary.

AB 2655 (Gloria) Minor vehicle infractions: civil adjudication. This bill would have required the Judicial Council to develop, on or before January 1, 2021, a proposal to evaluate and implement a model for the civil adjudication of "minor" vehicle infractions. The bill would have also required the Judicial Council to submit its proposal to the Legislature, as specified. Status: Held, Asm Appropriations.

AB 2677 (Stone) Deposition notices. Existing law prescribes the procedure for taking oral depositions inside the state and requires a party desiring to take the oral deposition of a person to give a notice in writing that provides specified information, including the date of the deposition

and the address where the deposition is to be taken. This bill would have required the content of the deposition notice, as specified, to be in at least 12-point type. Status: Dead, Asm Judiciary.

AB 2793 (Kiley) Asbestos actions: civil procedure. This bill would have required a plaintiff in an asbestos tort action to disclose specified documents relating to any actual or potential claims that the plaintiff might have against an asbestos trust, as defined. The bill would have given the court continuing jurisdiction over the action and required the plaintiff to provide to all defendants copies of any subsequent additional claims filed against asbestos trusts. Status: Dead, Asm Judiciary.

AB 3019 (Reyes) Deposition notices. This bill ensures that a notice for an oral deposition is reasonably legible. Specifically, it requires that a notice for an oral deposition, required under existing law to be in writing and to include specified information, to also be in 12-point type. Status: Chap. 268, Stats. 2018.

AB 3247 (Judiciary) Arbitration: contract rescission. In response to a recommendation made by the California Supreme Court, this bill changes the word "revocation" in a section of the California Arbitration Act to "rescission," which is the correct term according to the Court. Status: Chap. 106, Stats. 2018.

SB 467 (Wilk) Civil actions: appearance by electronic means. This bill would have authorized a party to appear by electronic means, including by telephone, video teleconferencing, or other electronic means that provide remote access, at specified pretrial hearings. Status: Dead, Asm Judiciary.

SB 543 (Morrell) Civil actions: personal service of documents. This bill clarifies several instances when a party may serve a document on an opposing party by personal service, including in a good faith settlement involving multiple tortfeasors, a discovery request or motion, and a discovery exchange of information concerning expert witnesses. Status: Chap. 64, Stats. 2017.

SB 548 (Atkins and Leyva) PERB: expedited resolution. This bill would have codified regulations of the Public Employment Relations Board (PERB) and authorized expedited status for certain matters pending before the board. The bill, as referred to this Committee, included a "right to sue" provision that brought it within the jurisdiction of this Committee; however, that provision was removed and the Committee waived hearing. Status: Dead, Asm Inactive.

SB 550 (Pan) Public school employment: legal actions: attorney's fees. This bill requires a public school employer to pay an employee organization's reasonable attorney's fees and expenses if the employer rejects the employee organization's settlement offer and fails to obtain a more favorable judgment or reward than that provided in the settlement offer. The bill specifies that this fee-shifting provision does not apply to unfair practice or arbitration proceedings. Status: Chap. 812, Stats. 2017.

SB 632 (Monning) Civil discovery: depositions. This bill would have placed a seven-hour limit on a deposition of a deponent suffering from mesothelioma in a civil action for an injury or illness resulting in mesothelioma. The bill also would have allowed the court, in its discretion, to grant an additional seven hours of deposition time if the court finds (1) that the extension is in

the interest of fairness, and (2) that the health of the deponent does not appear to be endangered by the grant of additional time. Status: Dead, Asm Inactive.

SB 642 (Wieckowski) Civil actions: renewal of judgments. This bill would have clarified the service requirements for a motion by a judgment debtor to vacate the renewal of the judgment. Status: Dead, Asm Inactive.

SB 755 (Beall) Civil discovery: mental examination. This bill provides that in a civil action where there are allegations of sexual abuse of a minor, no civil discovery mental examination of the minor shall exceed three hours, inclusive of breaks, unless the court grants an extension for good cause. The bill also requires the examiner to have expertise in understanding child abuse and trauma. Status: Chap. 133, Stats. 2017.

SB 820 (Leyva) Settlement agreements: confidentiality: sexual harassment. This bill prohibits a provision in a settlement agreement that prevents the disclosure of factual information relating to certain claims of sexual assault, sexual harassment, or harassment or discrimination based on sex, that are filed in a civil or administrative action. The bill makes a provision in a settlement agreement that prevents the disclosure of such information void and against public policy. The bill creates an exception, not applicable if a party is a government agency or public official, for an agreement that shields the identity of the claimant and all facts that could lead to the discovery of his or her identity and the agreement is requested by the claimant. Status: Chap. 953, Stats. 2018.

SB 954 (Wieckowski) Mediation confidentiality: disclosure. This bill requires an attorney representing a client who is participating in a mediation or a mediation consultation to provide the client with a written disclosure containing the mediation confidentiality restrictions provided in the Evidence Code. It also requires an attorney to obtain a printed acknowledgment signed by the client stating that the client has read and understands the confidentiality restrictions. The bill specifies that the disclosure is provided and the acknowledgement is obtained as soon as reasonably possible before the client agrees to participate in the mediation or mediation consultation. Status: Chap. 350, Stats. 2018.

SB 1012 (Hertzberg) Jurisdiction: limited civil cases. This bill would have doubled the amount in controversy jurisdictional limitation for limited civil cases from \$25,000 to \$50,000. The bill was subsequently amended after being heard in this Committee to amend the author to Senator Delgado and replace this bill's provisions to address homelessness teams. Status: Chap. 786, Stats. 2018.

SB 1453 (McGuire) Statutes of limitation. This bill provides that an action for specified violations of the Z'berg-Nejedly Forest Practice Act of 1973 involving the conversion of timberland to nonforestry-related agricultural uses must be commenced within three years. Status: Chap. 796, Stats. 2018.

Evidence

AB 1116 (Grayson) CISM teams: evidence: immunity. This bill would have created the Peer Support and Crisis Referral Services Act. The bill would have made certain communications arising out of the provision of peer support services, as defined, confidential and would have

prohibited their disclosure in a civil or administrative proceeding, except as specified. The bill would also have provided that, except in medical malpractice action, a peer support team or a peer support team member is not liable for damages for any harm caused in the rendering of those support services. Status: Vetoed.

AB 1290 (Obernolte) Attorney-client privilege: holder of the privilege. This bill provides that notwithstanding existing law which provides that a guardian or conservator of a person who is represented by an attorney is deemed to be a holder of the privilege for attorney-client communications, a guardian or conservator does not hold the privilege when the guardian or conservator has an actual or apparent conflict of interest with the client. Status: Chap. 475, Stats. 2018.

AB 1736 (Cunningham) Evidence: hearsay: prior inconsistent statements. This bill extends the “prior inconsistent statement” exception to the hearsay rule within certain parameters. While current law only provides for video recordings or transcripts to be admitted as a record of the original unsworn statement, this bill allows for audio recordings to be admitted, as well. Such recordings would still be required to be relevant and properly authenticated in order to satisfy the foundational requirements of the Evidence Code. Status: Chap. 64, Stats. 2018.

AB 1896 (Cervantes) Sexual assault counselor-victim privilege. This bill clarifies that a person who is engaged in sexual assault counseling on the campus of a public or private institution of higher education is a “sexual assault counselor” for purposes of the sexual assault counselor-victim privilege in existing law. Status: Chap. 123, Stats. 2018.

AB 2647 (Rubio) Evidence: criminal history. This bill would have prohibited evidence of the criminal history of an employee or former employee from being admitted, under specified circumstances, in a civil action that is based on the conduct of the employee or former employee against an employer, an employer’s agents, or an employer’s employees. Status: Failed, Asm Judiciary.

AB 3121 (Kalra) Privileged communications: union agents. This bill would have provided that a union agent, as defined, and a represented employee or represented former employee, have a privilege to refuse to disclose any confidential communication between the employee or former employee and the union agent while the union agent was acting in his or her representative capacity, except as specified. Status: Dead, Sen Inactive.

SB 217 (Wieckowski) Evidence: admissibility. This bill would exempt certain disclosures—specifically those required by Sections 2104 and 2105 of the Family Code—from the mediation privilege, which generally prohibits evidence of statements or admissions made “for the purpose of, in the course of, or pursuant to, a mediation or a mediation consultation” from being “compelled, in any arbitration, administrative adjudication, civil action, or other noncriminal proceeding in which, pursuant to law, testimony can be compelled to be given.” Status: Chap. 60, Stats. 2017.

SB 331 (Jackson) Evidentiary privileges: domestic violence counselor-victim privilege. This bill expands the definition of a “domestic violence victim service organization” for purposes of the domestic violence counselor-victim privilege. The bill adds organizations that operate on the

campus of a public or private college or university with the primary mission to provide support or advocacy services to victims of domestic violence to the definition of “domestic violence victim service organization” so that communications between victims and counselors at such campus organizations are covered by the privilege. Status: Chap. 178, Stats. 2017.

SB 785 (Weiner) Evidence: immigration status. See summary under Immigration Issues.

CONTRACTS, BUSINESS AND COMMERCIAL MATTERS

Business and Consumer Protection

AB 228 (Gloria) Collectibles: sale of autographed memorabilia. This bill revises and recasts consumer protections for purchasers of autographed collectibles and narrows the scope of the law to sports and entertainment collectibles that are sold for more than \$50. The bill also clarifies the definition of a dealer of these goods, modifies the civil penalties, provides a three-day right of cancellation, and updates the warranty and record retention provisions. Status: Chap. 696, Stats. 2017.

AB 1491 (Caballero) Sales of dogs and cats: contracts. This bill declares void as against public policy a contract entered into on or after January 1, 2018 that purports to transfer ownership of a dog or cat when ownership is contingent upon the buyer making payments over a period of time after the transfer of possession of the dog or cat, unless those payments are made on an unsecured loan for the purchase of that animal. This bill also declares void as against public policy a contract entered into on or after January 1, 2018, for the lease of a dog or cat that provides for or offers the option of transferring ownership of the dog or cat at the end of the lease term. Status: Chap. 761, Stats. 2017.

AB 1583 (Chau) Proposition 65 enforcement: certificate of merit. For an action brought pursuant to Proposition 65, this bill requires the Attorney General to serve a letter upon the noticing party and upon the alleged violator if she or he finds, after reviewing the certificate of merit, that there is no merit to the action. The bill requires the Governor's Office of Business and Economic Development (GO Biz) to post on its internet website information relating to a business's obligations under Proposition 65. Status: Chap. 510, Stats. 2017.

AB 1621 (Allen) Toxic substances: Proposition 65 certificate of merit. This bill would have required anyone bringing an action under Proposition 65 to provide the certificate of merit and the factual information forming the basis for the certificate of merit – which under existing law must be provided to the Attorney General – to the alleged violator. Status: Dead, Asm Environmental Safety and Toxic Materials.

AB 1913 (Kalra) Foreign labor contractors. This bill would have extended the existing foreign labor contractor law to cover temporary foreign farm workers and farm labor contractors by deleting a section of existing law that expressly limits the law's application to "nonagricultural" workers and expressly exempts farm labor contractors. Status: Failed, Asm Floor.

AB 2353 (Frazier) Construction defects: actions. This bill would have required inspectors conducting pre-litigation inspections on residential property with alleged defects to be licensed

by the Contractors State License Board, unless the inspection requires the use of a specialized subject-matter expert. Status: Dead, Sen Inactive.

AB 2429 (Caballero) Insurance: time-limited demands. This bill would have required time-limited offers to settle an insurance claim to be in writing and to include specified information, including the time period within which the offer remains open, the entire amount of monetary payment requested for a full and final settlement of the claim, and an offer of a full and final unconditional release from all present and future liability arising out of the occurrence giving rise to the claim. Additionally, the bill would have required the plaintiff issuing a time-limited demand to include documentation supporting their claims, and would have authorized an insurer to accept the time-limited demand by providing written acceptance of the material terms within the time period set forth in the demand. Status: Dead, Asm Judiciary.

AB 2658 (Calderon) Secretary of the Government Operations Agency: working group: blockchain technology. This bill requires the Secretary of the Government Operations Agency (GOA) to appoint a blockchain working group, on or before July 1, 2019, to evaluate the use of the technology for the public, businesses, and state government. The bill additionally requires the working group to transmit a report on the potential use of blockchain to the Legislature by July 1, 2020. Status: Chap. 875, Stats. 2018.

SB 33 (Dodd) Arbitration agreements. This bill prohibits a court from granting a motion to compel arbitration if the petitioner is a state or federally chartered depository institution that, on or after January 1, 2018, seeks to apply a written agreement to arbitrate contained in a contract consented to by a consumer if the petitioner fraudulently created the purported contractual relationship without the consumer's consent and by unlawfully using the consumer's personal identifying information. Status: Chap. 480, Stats. 2017.

SB 378 (Portantino) Alcoholic beverages: licenses: emergency orders. This bill would have authorized the Department of Alcoholic Beverage Control to temporarily suspend or condition an alcohol license upon a showing of evidence that such action is urgent and necessary to protect against an immediate threat to health or safety, and specified due process protections that must be provided to the licensee. Status: Held, Asm Appropriations.

SB 559 (Morrell) Private Investigator Act: license: limited liability company. This bill extends the sunset date for the Bureau of Security and Investigative Services' (BSIS's) authority to issue private investigator licenses to limited liability companies (LLCs). Among other things, the bill also revises provisions relating to current education and experience requirements for licensees; requires public posting of claims against the liability insurance of LLCs beginning July 1, 2018; and requires license applicants and licensees applying for reassignment to notify the BSIS if they are an LLC beginning July 1, 2018. Status: Chap. 569, Stats. 2017.

SB 579 (Galgiani) Collectibles: sale of autographed collectibles. As heard in this Committee, the bill would have revised and recast consumer protections for purchasers of autographed collectibles and narrowed the scope of the autographed collectible law to only sports and entertainment collectibles sold for more than \$50. The bill also would have clarified the definition of a dealer of these goods, modified the civil penalties, and provided for a three-day

right of cancellation. The bill was later amended to address an unrelated issue. Status: Dead, Asm Rules.

SB 826 (Jackson and Atkins) Corporations: board of directors: gender. This bill requires, no later than December 31, 2019, a publicly held corporation whose principal executive offices are located in California to have a minimum of one female, as defined, on its board of directors. No later than the close of the 2021 calendar year, the bill would increase that required minimum number to two female directors if the corporation has five directors or to three female directors if the corporation has six or more directors. The bill requires the Secretary of State to publish various reports on its Internet Web site documenting, among other things, the number of corporations in compliance with these provisions. The bill would also authorize the Secretary of State to impose fines for violations of the bill's provisions, as specified. Status: Chap. 954, Stats. 2018.

SB 904 (Wieckowski) Alarm companies: limited liability companies. This bill extends the authorization of the Bureau of Security and Investigative Service (BSIS) to issue an alarm company operator license to a limited liability company (LLC) until January 1, 2024. The bill also requires the BSIS to share information with the appropriate policy committees of the Legislature related to claims made against limited liability insurance policies and makes other conforming changes. Status: Chap. 406, Stats. 2018.

SB 969 (Dodd) Automatic garage door openers: backup batteries. This bill requires all new automatic garage door openers sold or installed on or after July 1, 2019 to include a battery backup designed to operate the opener in case of an electrical failure. Status: Chap. 621, Stats. 2018.

SB 1249 (Galgiani) Animal testing: cosmetics. This bill makes it unlawful for a manufacturer of cosmetic products to import for profit, sell, or offer for sale in this state, any cosmetic, if the cosmetic was developed or manufactured using an animal test that was conducted or contracted by the manufacturer, or any supplier of the manufacturer, on or after January 1, 2020, as specified. The bill provides that violations are punishable by an initial \$5,000 fine and an additional \$1,000 for each day the violation continues. Finally, the bill provides retailers with up to 180 days to remove products that were found to be in violation of the test ban; provides for state pre-emption of local government ordinances; and provides trade secret protections for safety testing data requested by prosecutors. Status: Chap. 899, Stats. 2018.

SB 1402 (Lara) Labor contracting: customer liability. This bill requires a customer that uses the services of a port drayage motor carrier to share all civil legal responsibility with that carrier if the carrier has committed specified labor law violations and has been placed on a published list of violators established by the Division of Labor Standards Enforcement. Subject to certain exceptions, the shared liability would not apply to customers who engage a drayage motor carrier whose employees are covered by a collective bargaining agreement or to a customer who wishes to terminate an existing contract, as specified. The bill provides that any waiver of its provisions is contrary to public policy, and therefore void and unenforceable. Status: Chap.702, Stats. 2018.

SB 1424 (Pan) Internet: social media: false information. This bill would have required the Attorney General, subject to receipt of sufficient private funds, to establish an advisory group,

with specified stakeholders, to study the problem of the spread of false information through Internet-based social media platforms, and to draft a model strategic plan for Internet-based social media platforms to use to mitigate this problem. The bill would have required the Attorney General, by December 31, 2019, to present the results of the study and the model strategic plan to the Legislature and specified legislative committees. Status: Vetoed.

Vehicles

AB 218 (Bonta) Local agencies: airports: customer facility charges. This bill authorizes airports, until January 1, 2023, to collect customer facility charges from car rental customers to finance permitted improvements of airport car rental facilities, as provided, without using bonds or incurring other forms of indebtedness. Status: Chap. 311, Stats. 2017.

AB 1286 (Friedman) Airports: alternative customer facility charges. This bill reauthorizes airports, until 2025, to seek authority to charge the "alternative customer facility charge" to customers of car rental companies at California airports. Under this bill, an airport may initiate the statutory process for obtaining the authority to charge or increase the alternative fee, as long as the airport does so before January 1, 2025. Status: Chap. 325, Stats. 2017.

AB 2246 (Friedman) Rental cars. This bill would have expressly made personal vehicle sharing programs, as defined, subject to specified rules and regulations applicable to rental car businesses, including provisions of the Consumer Automotive Recall Safety Act. Status: Dead, Asm Judiciary.

AB 2873 (Low) Personal vehicle sharing. This bill provides that personal vehicle sharing programs (PVSPs), as currently defined under the Insurance Code, are prohibited from facilitating transportation with any vehicles that are subject to a manufacturer's safety recall, subject to certain timelines. The bill aligns PVSPs more closely with existing recall laws that prohibit auto dealers and rental car companies from loaning, renting, or offering for loan or rent any vehicle subject to a manufacturer's recall. Status: Chap. 591, Stats. 2018.

Contracts

AB 2708 (Reyes) Contracts: translation. This bill would have required a person engaged in a trade or business, or a supervised financial organization, to provide a translation of a contract or agreement to a consumer who primarily speaks one of specified foreign languages if the transaction is negotiated in English by a minor on behalf of the consumer. Status: Dead, Asm Appropriations.

AB 3109 (Stone) Contracts: waiver of free speech. This bill makes a provision in a contract or settlement agreement void and unenforceable if the provision purports to waive a party's right to testify in an administrative, legislative, or judicial proceeding concerning alleged criminal conduct or sexual harassment. Status: Chap. 949, Stats. 2018.

SB 1077 (Wilk) Construction contracts: wrap-up insurance and indemnification. This bill would have expanded the mandatory disclosures that must be made to contractors or subcontractors regarding owner-controlled or contractor-controlled wrap-up insurance for a public or private work of improvement that is considered a public works project, or other project

that is not residential, in order to better align the law regarding wrap-up insurance policies between residential and non-residential projects. Status: Dead, Asm Floor.

Creditor-Debtor Relations

AB 1214 (Stone) Levying Officer Electronic Transactions Act. As heard by this Committee, this bill would have required an electronic record transmitted to a levying officer to include, in addition to the information already required by law, the mailing address of the sender who transmits the electronic record. The bill was subsequently amended to revise the procedure to determine the mental competency of a juvenile charged with a crime. Status: Chap. 991, Stats. 2018.

AB 1278 (Low) Contractor licensing: judgment debtor prohibition. This bill specifies that if a judgment is entered against a contractor licensee, a person who is a qualifying person or personnel of record of that licensee is prohibited from serving the judgment on another license if the person was serving the licensee at the time of the activities on which the judgment is based until that judgment is satisfied. Status: Chap. 506, Stats. 2017.

AB 1526 (Kalra) Collection actions: time of commencing. This bill prohibits a debt collector from collecting or attempting to collect a consumer debt by sending a written communication to a debtor in an attempt to collect a time-barred debt without providing the debtor a specified written notice. The bill also provides that when the applicable statute of limitations to bring a suit has run, a person shall not bring suit or initiate arbitration or another legal proceeding to collect the debt. Status: Chap. 247, Stats. 2018.

AB 2440 (Acosta) Fair debt collection practices: debt collector responsibilities. This bill would have required a debt collector who is also the original creditor, upon determination that an alleged debt is not due and owing from a person, for any reason other than identity theft, to terminate debt collection activities based on this determination. Among other things, the bill would have also required a debt collector, upon request from a person under these circumstances, to provide a written notification to that person confirming that the debt is not due and owing within 30 calendar days after making its determination. Status: Dead, Asm Banking & Finance.

AB 2825 (Jones-Sawyer) Debt collection. As heard in this Committee, this bill would have expanded the existing consumer protections around debt collection to also cover debt arising from “nonconsensual obligations to pay”, which are defined as charges from a lien (e.g., vehicle towing and storage charges), unpaid parking penalties, and overdue residential rent. The bill was later amended and would have provided consumer protections around government debts related to towing, impounding, and storing of vehicles. Status: Held, Sen Appropriations.

SB 16 (Wieckowski) Wage garnishment restrictions: exempt earnings: student loans. This bill would have reduced the maximum amount that a creditor may garnish from the wages of a debtor for a judgment based on private student loan debt under state law. Under the revised formula, the maximum amount that could be garnished would have been lowered from 25% of the debtor's disposable income to 15% of such income, unless the debtor is a low-wage worker in which case the amount may be calculated to be a smaller percentage of the debtor's income. Status: Failed, Asm Floor.

SB 298 (Wieckowski) Enforcement of money judgments: exemptions. This bill would have automatically exempted an amount of up to \$1,200 in a debtor's bank account from being levied to satisfy creditors seeking to recover a judgment debt from the debtor. The bill specifically would have made this amount exempt without requiring the judgment debtor to make a claim for exemption, and apply the exemption on a per-debtor basis, not per account. Status: Failed, Asm Floor.

SB 1431 (Morrell) Obligations: release. With respect to existing law relating to the release of a legal obligation by a party (Civil Code Sections 1541 and 1542), this bill clarifies that the terms "creditor" and "debtor," as used in those sections, mean the "releasing party" and the "released party," respectively. Status: Chap. 157, Stats. 2018.

COURTS AND RELATED MATTERS

Courts

AB 452 (Bloom) Courts. This bill changes statutory references to the Clerk of the Supreme Court to Clerk/Executive Officer of the Supreme Court, and changes references to the Clerk/Administrator of the Court of Appeal to Clerk/Executive Officer of the Court of Appeal. The bill also provides that any state law reference to the Administrative Office of the Courts means the Judicial Council. Status: Chap. 36, Stats. 2017.

AB 976 (Berman) Electronic filing and service. This bill expands the use of permissive and mandatory electronic filing and service in civil courts as well as in criminal, probate, and juvenile courts. The bill also clarifies the rules relating to electronic filing and service, including but not limited to: the consent of the party; the use of electronic signatures; and the timing, notice, and transmission attendant to the filing. The bill provides a grace period for a local child support agency to comply with the electronic filing requirements. Status: Chap. 319, Stats. 2017.

AB 1443 (Levine) Court records. This bill updates existing law governing the retention and destruction of court records relating to gun violence restraining orders. The bill also eliminates the requirement that trial courts provide a list of all destroyed records to the Judicial Council. Status: Chap. 172, Stats. 2017.

AB 1531 (Berman) Court fees: electronic filing. This bill provides that in case of a duplicate payment by a party or an electronic filing service provider submitting a payment on behalf of the party, the court must issue any appropriate refund to the entity that made the most recent payment. The bill also provides a mechanism whereby the court can sanction the attorney of record if fees to the electronic service provider remain unpaid 20 days after a specified notice is provided to the filer. Status: Chap. 248, Stats. 2018.

AB 2201 (Mayes) Court fees: name changes. This bill provides a fee waiver for petitions for change of name filed on behalf of certain minors who are at risk of stalking or domestic violence, or who have been victims of sexual assault or human trafficking. Status: Chap. 818, Stats. 2018.

AB 2309 (Bloom) Sale of the West Los Angeles Courthouse. This bill authorizes the Judicial Council to sell the West Los Angeles Courthouse and the Mental Health Courthouse in Los Angeles County. Additionally the bill requires that the Judicial Council consult with, and first

offer the right to purchase the properties at fair market value, to the county of Los Angeles; and requires the Judicial Council to deposit the net proceeds from the sales of the courthouses into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund. This bill additionally makes legislative findings in support of its provisions and contains an urgency clause. Status: Chap. 536, Stats. 2018.

AB 3066 (Stone) Judicial Council study: interpreters. As heard by this Committee, this bill would have eliminated a Judicial Council study, required before January 1, 1992, to establish guidelines pursuant to which it shall determine which testing organizations, agencies, or educational institutions will be approved to administer tests for certification of court interpreters for individuals who are deaf or hard of hearing, and would have eliminated the Judicial Council's requirement to obtain public comments and then publish, by January 1, 1997, the resulting guidelines. The bill was subsequently amended to address the Mobilehome Residency Law Protection Act. Status: Chap. 774, Stats. 2018.

SB 403 (Cannella) Sale of county courthouses. This bill authorizes the Judicial Council to sell several superior courthouses (e.g., Chico, Corning, Clovis, Firebaugh, Reedley, Avenal, and Corcoran), and allows the Judicial Council to deposit the net proceeds from the sales into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund. The bill requires the Judicial Council to consult with the county in which the property is located, and provide that county with the opportunity to purchase the property before offering it for public sale. Status: Chap. 358, Stats. 2017.

SB 1155 (Hueso) Court interpreters: small claims proceedings. This bill deletes several provisions of existing law that were impermissibly deterring the deployment of language interpreters in small claims court with the goal of expanding language access to limited-English proficient parties in small claims court. Status: Chap. 852, Stats. 2018.

SB 1208 (Judiciary) Courts: judicial emergencies. This bill recasts and expands the emergency conditions, which, when such conditions threaten the orderly operation of a superior court location or locations within a county or render presence in, or access to, an affected court facility or facilities unsafe, a presiding judge can request various actions in response to war, an act of terrorism, public unrest or calamity, epidemic, natural disaster, or other substantial risk to the health and welfare of court personnel or the public, or the danger thereof, the destruction of or danger to the building appointed for holding the court, a large influx of criminal cases resulting from a large number of arrests within a short period of time, or a condition that leads to a state of emergency being proclaimed by the President of the United States or by the Governor pursuant to Section 8625 of the Government Code. The bill also makes several technical changes related to court services in the event of an emergency. Status: Chap. 201, Stats. 2018.

Court Reporting and Recording

AB 701 (Gallagher) Access to judicial and nonjudicial proceedings: deaf or hard of hearing. This bill would have prohibited the official reporter or pro tem reporter assigned to produce the official transcript of a court proceeding to be the same person as the operator of a computer-aided-transcription system in a court. The bill would have also required the Court Reporters Board of California to adopt rules and identify standards to certify operators of a

computer-aided transcription system no later than January 1, 2019. Status: Held, Asm Appropriations.

AB 1450 (Oberholte) Court reporters: electronic transcripts. This bill requires an official reporter or pro tem reporter to deliver their transcripts to the parties and the court in electronic form, except as otherwise provided. The bill's exceptions include the request of a party for a paper transcript prior to January 1, 2023, or when the court or the reporter lacks the technical ability to deliver a transcript in electronic form. The bill also provides that if a paper transcript is delivered, the reporter shall provide a full text-searchable portable document format to the court. This bill also provides that the adopted rule of court must be technology-neutral. The bill does not apply to deposition transcripts. Status: Chap. 532, Stats. 2017.

AB 2354 (Rubio) Family law: court reporters. This bill would have required that the court provide a court reporter at every child custody or Domestic Violence Prevention Act hearing at which testimony is received. Status: Held, Sen Appropriations.

AB 2531 (Gallagher) Access to judicial and nonjudicial proceedings: individuals who are deaf or hard of hearing: operators of computer-aided transcription systems. This bill would have authorized the Court Reporters Board of California to identify a certification process for operators of computer-aided transcription systems that is conducted by a state or national association. Additionally, on or before January 1, 2022, and upon appropriation by the Legislature, would have required the Court Reporters Board of California to adopt standards for certifying operators of computer-aided transcription systems, and would have authorized the board to satisfy this requirement by approving a state or national association to certify operators of computer-aided transcription systems. The bill, by January 1, 2026, would have required the Court Reporters Board of California to report to the Legislature on the number of operators that have successfully achieved certification between January 1, 2022 and July 1, 2025. Additionally, this bill would have required the Judicial Council to maintain data on the utilization rates connected with operators of computer-aided transcription systems. Status: Vetoed.

AB 2664 (Holden) Court reporters. This bill clarifies that if an official court reporter is not available, a party may arrange for, at the party's expense, the presence of a shorthand certified reporter to serve as an official pro tempore reporter. Status: Chap. 497, Stats. 2018.

AB 2757 (Reyes) Court reporters. This bill, commencing July 1, 2019, would have incrementally increased the fee charged for original transcripts and copies purchased at the same time, and copies purchased thereafter without the original transcript, except as specified. The bill would also have increased the fee for transcription an additional 50% for special daily copy service. Status: Held, Sen Appropriations.

SB 484 (Roth) Deposition reporting services: unlawful business practices. This bill would have made it unlawful for a person who is employed by or who independently contracts with an entity that arranges for deposition officers to give or receive any gift, incentive, reward, or anything of value as inducement or compensation in connection with the provision of services by a deposition officer. The bill would also have provided for a civil fine of up to \$5000 per

violation, to be prosecuted by the Attorney General, district attorney, or city attorney. Status: Dead, Asm Judiciary.

Juries

AB 535 (Jones-Sawyer) Trial jurors: eligibility. This bill would have modified the criteria for making a person ineligible to serve as a prospective juror. The bill would have specified, consistent with the California Constitution, that a conviction for one of the following offenses, rather than a conviction for any felony, disqualifies a person from serving as a prospective juror: perjury, forgery, malfeasance in office, or another high crime. The bill also would have excluded from eligibility to serve as prospective jurors all persons who have been convicted of felonies but who have not completed probation, parole, post-release community supervision, or mandatory supervision for those convictions. Status: Dead, Asm Floor.

AB 1541 (Kalra) Jury selection: criminal. This bill requires a judge to consider several factors when determining the scope and time limits of voir dire in a criminal case. The bill prohibits the court from imposing specific unreasonable or arbitrary time limits, or establishing an inflexible time limit policy for voir dire. The bill also provides that during jury selection in a criminal case, the court shall permit liberal and probing examination calculated to discover bias or prejudice with regard to the circumstances of the particular case or the parties before the court. The bill also clarifies various voir dire procedures for criminal cases. Status: Chap. 302, Stats. 2017.

AB 2240 (Grayson) Trial jury selection. This bill would have exempted probation, parole, correctional officers from jury service in criminal trials. As referred to this Committee, this bill contained an identical provision providing exemptions for civil jury trials. That provision was subsequently removed from the bill. Status: Vetoed.

ACR 12 (Gallagher) Civil Grand Jury Awareness Month. This resolution proclaims the month of March 2017 as Civil Grand Jury Awareness Month in California, recognizes those who volunteer to serve on civil grand juries, and encourages all Californians to learn about the role of civil grand juries in our government. Status: Res. Chap. 33, Stats. 2017.

ACR 189 (Gallagher) Civil Grand Jury Awareness Month. This resolution proclaims March 2018 as Civil Grand Jury Awareness Month, and recognizes the dedication and tenacity of those who volunteer to serve on a grand jury. Encourages all Californians to learn about the great role of the civil grand jury in our system of government, and applauds those who have made the civil grand jury a successful institution. Status: Res. Chap. 37, Stats. 2018.

SB 658 (Wiener) Jury selection: civil. This bill requires a judge to consider several factors when determining the scope and time limits of voir dire in a civil case. The bill prohibits the court from imposing specific unreasonable or arbitrary time limits or from establishing an inflexible time limit policy for voir dire. The bill also clarifies various voir dire procedures for civil cases. Status: Chap. 337, Stats. 2017.

Judges

AB 414 (Medina) Suspension and allocation of vacant judgeships. This bill would have required that up to four vacant judgeships in superior courts with more authorized judgeships

than their assessed judicial need be allocated to those superior courts with fewer authorized judgeships than their assessed judicial need. This proposal was enacted in the budget. Status: Dead, Sen Judiciary.

AB 740 (Reyes) Oaths and affirmations. This bill streamlines the process for retired judges and justices to be certified by the Commission on Judicial Performance (CJP) to administer oaths or affirmations by doing the following: (1) removes a provision of state law that requires all retired judges, disabled or not, to obtain a doctor's statement verifying that they have no cognitive impairment or other mental or physical condition affecting the judge's ability to administer oaths or affirmations; (2) requires the CJP to approve an application for certification, except when the former judge was retired or removed from office for specified reasons; (3) allows the CJP to require an applicant to obtain a medical certification in order to receive or renew a certification to administer oaths and affirmations; and (4) makes a judge's certification permanent in most cases. Status: Chap. 82, Stats. 2017.

AB 745 (Reyes) Commissioners: criminal proceedings: pilot. This bill would have authorized the counties of Riverside and San Bernardino to have court commissioners perform specified criminal magistrate duties until January 1, 2021. Status: Held, Asm Appropriations.

AB 1463 (Levine) Election of judges: working group. This bill, as amended by this Committee, would have required the Judicial Council to establish a working group to examine how to improve voter education of candidates for judicial election. The working group would have included representatives from the Commission on Judicial Nominees Evaluation of the State Bar of California, county election officials, and the Secretary of State. Status: Held, Asm Appropriations.

AB 2446 (Obernolte) Courts: judgeships. This bill would have authorized eleven judicial positions and appropriated \$16.015 million from the General Fund to pay for one additional appellate court justice in the San Bernardino/Riverside area and ten additional judges and supporting staff statewide. Status: Held, Asm Appropriations

SB 38 (Roth) Courts: judgeships. This bill would have authorized an additional judge to serve on the Court of Appeal for the Fourth Appellate District. Status: Held, Asm Appropriations.

SB 235 (Allen) Judicial election: designations. This bill limits the ballot designations for candidates for superior court to three words describing the candidate's official job title at the time of registering as a candidate or, if applicable, to commonly used designations for lawyers: "Attorney," "Attorney at Law," "Lawyer," or "Counselor of Law." Status: Chap. 512, Stats. 2017.

FAMILY LAW, CHILDREN AND RELATED MATTERS

Adoption

AB 724 (Choi) Foreign adoption orders: recognition and domestication. This bill would have revised the process by which an intercountry adoption finalized outside of California is recognized in California, including requiring that the adoption be readopted or finalized within a

set period of time and requiring that the adoption agency take steps to finalize the adoption if the adoptive parents do not. Status: Vetoed.

AB 1105 (Patterson) Adoption: appeal of final determination. This bill would have provided that an order that is a final determination of a parent's rights in an adoption, or the rights of any other person seeking to prevent an adoption, may be appealed in the same manner as an order of the juvenile court declaring a person to be a ward of the juvenile court, and is conclusive and binding upon the parent. The bill also would have provided that after making an order that is a final determination, the court has no power to set aside, change, or modify that order. Status: Dead, Asm Judiciary.

AB 1352 (Friedman) Adoption: elimination of notice to a presumed father. This bill would have allowed a court, in an adoption case, to dispense with notice to a person who is a presumed parent based on being married to the mother, but is not the biological parent of the child, when the court makes specified findings. Status: Dead, Asm Judiciary.

AB 2818 (Patterson) Termination of parental rights: adoption. This bill would have provided that a presumed father's properly executed waiver of the right to notice of any adoption proceeding is a sufficient basis for a court to order the termination of the presumed father's parental rights without further notice. Status: Dead, Asm Judiciary.

AJR 39 (Choi) Citizenship: internationally adopted children who are now adults. This resolution urges passage of the federal Adoptee Citizenship Act of 2018 which would grant U.S. citizenship to children adopted through international adoptions to U.S. citizens, regardless of their current age. Status: Res. Chap. 203, Stats. 2018.

Children

AB 404 (Stone) Continuum of Care Reform. This bill revises the Continuum of Care Reform effort, which reduces the reliance on long-term congregate foster care placements, establishes Intensive Services Foster Care for children with high needs, creates an option to license respite caregivers, and defines outcome requirements for foster family agencies, by making various changes to the resource family approval process. Status: Chap. 732, Stats. 2017.

AB 604 (Gipson) Nonminor dependents: extended foster care benefits. This bill requires the court to assume transition jurisdiction over a minor or nonminor whose adjudication was vacated because he or she was a victim of human trafficking when the crime was committed, as specified. The bill also grants a nonminor who was adopted but is no longer receiving support from his or her parents the right to petition a court for entry into extended foster care, even if the adoptive parents are still receiving aid for the nonminor. Status: Chap. 707, Stats. 2017.

AB 1006 (Maienschein) Foster youth: permanency. This bill requires a social worker or probation officer to provide the prospective adoptive family of a dependent child or ward of the court with information about the importance of working with mental health providers that have specialized adoption clinical training, as specified. The bill defines "specialized permanency services," as those designed for and with a child to address the child's history of trauma, separation, and loss, as specified. The bill requires the case plan for a child who has been in care

for three years or more to describe the specialized permanency services provided, or why such services were not provided, and makes related changes. Status: Chap. 714, Stats. 2017.

AB 1181 (Stone) Dependent children: sealing of records. This bill would have required a court to automatically order the sealing of all records related to a dependency petition, defined broadly, that has been dismissed or for which jurisdiction has terminated, unless the court finds compelling evidence that the records should not be sealed. The bill would have provided for certain, specific and limited access to the sealed records in the future. Status: Dead, Asm Appropriations.

AB 1332 (Bloom) Dependent children: removal from noncustodial parent. This bill enables the removal of a child from the physical custody of a parent with whom the child did not reside by providing the juvenile court with statutory authority to find clear and convincing evidence that there would be a substantial danger to the physical health, safety, protection, or physical or emotional well-being of the child if placed with that parent. Status: Chap. 665, Stats. 2017.

AB 1371 (Stone) Dependent, nonminor dependent, and ward parents: family preservation. This bill affirms and expands the rights of parents who are minor or nonminor dependents, or wards of the court to consult with legal counsel prior to their children being removed from their custody. The bill eliminates, where one or both minor parents are wards, the provision that reunification services need not be provided in instances where there has been a termination of reunification services for, or permanent severance of, parental rights over any siblings or half siblings, as specified, unless other specified circumstances eliminating the need for reunification services also exist. Status: Chap. 666, Stats. 2017.

AB 1401 (Maienschein) Juveniles: protective custody warrant. This bill clarifies that a court may issue a protective custody warrant for the protection of a child when the child is not already the subject of a dependency petition under specified circumstances. Specifically, the bill allows a protective custody warrant to be issued without filing a petition under Welfare and Institutions Code (WIC) Section 300 if the court finds probable cause to support all of the following: (1) the child is a person described in WIC Section 300; (2) there is a substantial danger to the safety, or to the physical or emotional health of the child; and (3) there are no reasonable means to protect the child's safety or physical health without removal. Status: Chap. 262, Stats. 2017.

AB 1617 (Bloom) Juvenile case files: inspection. This bill authorizes certain parties who are not generally authorized to inspect juvenile case files but previously received authorization from the juvenile court, and who file a notice of appeal or petition for writ challenging a juvenile court order or who are respondents in that appeal or real parties in interest in that writ proceeding, for purposes of that appeal or writ proceeding, to inspect and copy any records in the juvenile case file to which the party was previously granted access by the juvenile court, subject to the existing limitations on dissemination of records. Status: Chap. 992, Stats. 2018.

AB 1682 (Burke) Department of Justice: Children's Justice Fund. This bill would have created the Children's Justice Fund in the State Treasury and required that direct payments made to California as penalties recovered by the Attorney General from an action or settlement of a claim brought by the Attorney General's Bureau of Children's Justice be deposited into the Children's Justice Fund. The bill would have required that moneys in the Children's Justice

Fund, upon appropriation by the Legislature, be used by the Bureau of Children's Justice within the Department of Justice's Public Rights Division to support investigations and prosecutions of laws intended to protect the rights and well-being of children. Status: Held, Sen Appropriations.

AB 2337 (Gipson) Nonminor dependents. This bill expands the circumstances under which a nonminor dependent under the age of 21 who was previously a dependent or delinquent child of the juvenile court may petition the court to assume dependency jurisdiction to include youth who would have received Kin-GAP payments were it not for the receipt of SSI or other aid from the federal Social Security Administration, and extends eligibility to Aid to Families with Dependent Children-Foster Care, adoption assistance payments, and Kin-GAP, to nonminor dependents who, but for the receipt of SSI or similar benefits, would have received benefits, as provided. Status: Chap. 539, Stats. 2018.

AB 2340 (Friedman) Nonminor dependents: victims of sexual trafficking. This bill expands eligibility and allows re-entry into extended foster care for a nonminor former foster youth who was a recipient of Kin-GAP or adoption assistance benefits before turning 16 years of age, and was a victim of sexual trafficking, as defined, before the adoption was vacated or the guardianship was terminated. Status: Held, Asm Appropriations.

AB 2344 (Thurmond) Juvenile dependency. This bill would have required the dependency court, for a child who has been removed from the physical custody of a relative or friend, to develop a process by which the child may be returned to the physical custody of the relative or friend and by which qualifying foster care payments may be continued, only if the court makes a finding that the home is suitable for the child's return. Status: Dead, Asm Judiciary.

AB 3046 (Gipson) Foster care: rights. This bill would have revised the rights of children and nonminor dependents and would include additional rights, including, among others, the right to be referred to by a youth's preferred name and gender pronoun, the right to maintain the privacy of a youth's lesbian, gay, bisexual, transgender, queer, and questioning status and gender identity, except as provided, and the right to have reasonable access to computer technology and the Internet. Status: Dead, Asm Human Services.

AB 3047 (Daly) Court fees: waivers: Indian Child Welfare Act. This bill provides that the pro hac vice fees that otherwise would be required to be paid to the court shall be waived when the applicant is an attorney representing a tribe in a child welfare matter under the federal Indian Child Welfare Act. Status: Chap. 399, Stats. 2018.

AB 3076 (Reyes) Indian Child Welfare Act: legal services. This bill would have required the State Bar, subject to an appropriation to the State Bar of not less than \$1 million in the annual Budget Act, to administer grants to qualified legal services projects and support centers for the purposes of providing legal services to Indian tribes in child welfare matters under Indian Child Welfare Act. Status: Held, Sen Appropriations.

AB 3176 (Waldron) Indian Child Welfare Act. This bill updates the Indian Child Welfare Act provisions in the Welfare and Institutions Code in order to comply with recent Federal Bureau of Indian Affairs regulations. Status: Chap. 833, Stats. 2018.

SB 213 (Mitchell) Placement of children: criminal background checks. This bill streamlines the background check process for prospective foster and adoptive parents by establishing a list of non-exemptible crimes, a list of crimes for which an exemption may be granted and a list of crimes for which exemptions must be granted absent a reasonable belief that the person is not of good character at present. Status: Chap. 733, Stats. 2017.

SB 245 (Leyva) Foster youth: sexual health education. This bill would have required sexual health education to be included in the foster care case plan for youth 10 years of age and older and required the Department of Social Services to develop a curriculum and training for case management workers and foster care providers, as specified. Status: Dead, Asm Human Services.

SB 462 (Atkins) Juvenile delinquency files: access for data reporting and research. This bill provides access to information in a juvenile delinquency case file, including a sealed case file, as required by state or federal law or by a grant requirement or for research, provided no personally identifying information is released. Status: Chap. 462, Stats. 2017.

SB 925 (Beall) Court Appointed Special Advocate: child and family team. This bill requires a child's or youth's Court-Appointed Special Advocate (CASA), if one is appointed and unless the child or youth objects, to be included on the child's or youth's child and family team, and makes technical changes. Status: Chap. 151, Stats. 2018.

Child Custody and Visitation

AB 369 (Waldron) Bifurcated family law proceedings: child custody appeals. This bill adds a final order or judgment in a bifurcated proceeding regarding child custody or visitation rights to the list of judicial actions that may be appealed. Status: Chap. 41, Stats. 2017.

AB 808 (Cunningham) Child custody: appointment of minor's counsel. Existing law allows the court to appoint counsel for a minor in a child custody case and requires the minor's counsel to meet specified education and training requirements. This bill would have authorized a court to appoint counsel who does not meet those education and training requirements if the court determines that an attorney who meets those requirements is not available and the appointment is in the best interests of the child. Status: Dead, Asm Judiciary.

AB 2044 (Stone) Child custody: domestic violence. This bill clarifies the best interests determination for child custody and legislative findings and declarations on child custody, and strengthens the presumption against custody to a perpetrator of domestic violence. The bill requires the court to grant reasonable visitation to a parent when it is shown that visitation is in the child's best interests. The bill also requires that existing judicial training on domestic violence also include training on the detriment to children of residing with a person who perpetrates domestic violence and that domestic violence can occur without a party seeking or obtaining a restraining order, without a substantiated child protective services finding, and without other documented evidence of abuse. Status: Chap. 941, Stats. 2018.

AB 2294 (Oberholte) Child custody: findings of child abuse. This bill would have provided that if allegations of child abuse, including child sexual abuse, are made during a child custody proceeding and the court determines that the court cannot, through custody or protective orders,

protect the child from future child abuse, requires the court to request that the local child welfare services agency conduct an investigation of the allegations as provided. Upon completion of the investigation, the child welfare agency would report its findings to the court. Status: Vetoed.

AB 2792 (Calderon) Termination of the parent and child relationship: severe sexual abuse. This bill clarifies that a prior finding of severe sexual abuse in the context of a juvenile dependency proceeding constitutes evidence of neglect or cruel treatment for the purposes of a separate proceeding to terminate parental rights. Status: Chap. 83, Stats. 2018.

HR 113 (Rubio) Domestic violence: child custody. This resolution resolves that court professionals should be trained to recognize domestic violence and child abuse, that court reporters should record all contested custody and domestic violence proceedings, and that, when children witness domestic violence or are injured or abused, child safety should have priority over all other considerations in custody and visitation cases. Status: Adopted.

Marriage

AB 430 (Irwin and Low) Marriage: solemnization. This urgency bill authorizes, to the extent not prohibited by law, specified officials, including retired judges and retired commissioners, to accept compensation for solemnizing a marriage, provided that the compensation is reasonable. Status: Chap. 42, Stats. 2017.

AB 1236 (Gonzalez Fletcher) Records: maiden name. This bill would have updated the terms "maiden name" and "mother's maiden name" with the terms "surname before first marriage" and "parents' surname before first marriage," respectively, throughout state statutes. Status: Held, Asm Appropriations.

AB 2274 (Quirk) Division of community property: pet animals. This bill provides specifications on the rights of parties in a proceeding for marital dissolution or legal separation to petition a court for sole or joint ownership of a community property pet. The bill also authorizes a court, also upon the request of a party, to order a party to care for the pet animal prior to the final determination of ownership. Status: Chapter 820, Stats. 2018.

SB 273 (Hill) Marriage: minors. This bill creates additional requirements and court oversight before a minor may marry or establish a domestic partnership, except as specified, by requiring that, among other things, Family Court Services separately interview the parties and, if applicable, at least one parent or guardian; Family Court Services prepare and submit to the court a written report containing any finding of potential force, threat, persuasion, fraud, coercion, or duress by either of the parties or their family members; and the court separately interview in camera each of the parties prior to making a final determination on an order granting or denying permission to marry or establish a domestic partnership, as provided. The bill also requires reporting of data on marriages and domestic partnerships involving minors. Status: Chap. 660, Stats. 2018.

Paternity and Child, Family and Spousal Support

AB 1396 (Burke) Parentage: surrogacy. This bill eliminates the requirement that any parental rights of a surrogate be terminated when establishing the parental rights of the intended parents

and makes a clarifying change to correct a statutory cross-reference. Status: Chap. 326, Stats. 2017.

AB 2684 (Bloom) Parentage establishment. This bill updates the Uniform Parentage Act to ensure equal treatment of same-sex couples; updates provisions regarding genetic testing for parentage; and establishes a process for children conceived from donated sperm or eggs to receive medical information about the donor, and, if the donor agrees, identifying information. Status: Chap. 876, Stats. 2018.

AB 2780 (Bloom) Child and spousal support: vocational assessment. This bill provides that a vocational training counselor allowed to conduct vocational examinations in spousal support proceedings is not required to have a master's degree in the behavioral sciences, but could instead meet the educational requirement with another postgraduate degree that the court finds provides sufficient training to perform a vocational evaluation. The bill also provides that in determining the annual net disposable income that a parent has for purposes of the child support guideline calculation, a court, in its discretion, may consider the earning capacity of a parent in lieu of the parent's income, consistent with the best interests of the child, taking into consideration the overall welfare and developmental needs of the child, and the time that parent spends with the child. Status: Chap. 178, Stats. 2018.

AB 2802 (Friedman) Insurance Payment Intercept Program: child support. This bill establishes the Insurance Intercept Payment Program and requires insurers to cooperate with the Department of Child Support Services to identify insurance claimants who are also obligors who owe past due child support. Status: Chap. 439, Stats. 2018.

AB 3248 (Judiciary) Family law omnibus. This bill is the annual family law omnibus bill, which makes technical and non-controversial changes to the Family Code. In particular, this bill makes changes to the duty of support for children between 18 and 19 who have not yet completed high school, provides local child support agencies with access to confidential parentage files, extends the local child support agencies exemption from complying with mandatory electronic court filing and service requirements for two years, and makes other changes to the Department of Child Support Services' State Disbursement Unit to comply with federal regulations. Status: Chap. 504, Stats. 2018.

SB 469 (Skinner) Child support guideline: low-income adjustment. This bill continues, until January 1, 2021, the maximum low-income adjustment to the child support guideline of \$1,500 net disposable income per month, adjusted annually for cost of living increases. The bill clarifies that the low-income adjustment may reduce the child support obligation by an amount that is no greater than the amount calculated by multiplying the child support amount otherwise determined under guideline by a specified fraction. Status: Chap. 730, Stats. 2017.

Domestic Violence, Sexual Assault, and Human Trafficking

AB 260 (Santiago) Human trafficking: notice. This bill increases the number of businesses and other establishments that are required to post a notice on their premises related to slavery and human trafficking, including information related to specified nonprofit organizations that provide services in support of the elimination of slavery and human trafficking. Specifically, the bill adds hotels, motels, bed and breakfast inns, other than personal residences, to the list of

businesses and other establishments that are required to post information about human trafficking on their premises. Status: Chap. 547, Stats. 2017.

AB 326 (Salas) Board of Barbering and Cosmetology: domestic violence and sexual assault awareness training. This bill allows the Health and Safety Advisory Committee within the Board of Barbering and Cosmetology to promote awareness of physical and sexual abuse by means of mail, television, radio, motion picture, newspaper, book, Internet, or other electronic communication and requires the Committee to develop a training program on physical and sexual abuse awareness as part of an educational program approved by the Board. The bill also requires the training program to be taught in schools approved by the board. Course development shall include pilot testing of the course and training classes to prepare instructors to effectively use the course. Status: Chap. 312, Stats. 2017.

AB 929 (Rubio) Spousal support factors: domestic violence. This bill requires a court to consider all documented evidence of any history of domestic violence, between the parties or perpetrated by either party against either party's child, when deciding whether to order spousal support. Status: Chap. 938, Stats. 2018.

AB 953 (Baker) Protective orders: minor's personal information. This bill authorizes a minor or a minor's guardian to petition the court to keep all of a minor's information confidential when issuing a protective order under either the Code of Civil Procedure or the Family Code. The court may grant such a petition if the court expressly finds that, among other things, (1) the minor's right to privacy overcomes the right of public access to the information, and (2) no less restrictive means exist to protect the minor's privacy. Under this bill, confidential information may be made available to law enforcement to the extent necessary and only for the purpose of enforcing the order. Status: Chap. 384, Stats. 2017.

AB 1495 (Maienschein) Civil liability: sexual abuse: children. This bill would have created a new civil action for child victims of sexual exploitation, and would have allowed for the recovery of civil penalties, damages, and other remedies to provide for the benefit and well-being of the child victim. Status: Held, Sen Appropriations.

AB 1619 (Berman) Sexual assault: statutes of limitations on civil actions. This bill increases the statute of limitations for recovering damages for adult sexual assault from three years to ten years from the date of the last act, attempted act, or assault with the intent to commit an act (or 3 years from the date the plaintiff discovers or reasonably should have discovered that an injury or illness resulted from an act, attempted act, or assault with intent to commit an act, of sexual assault by the defendant against the plaintiff, whichever is later). Status: Chap. 939, Stats. 2018.

AB 2034 (Kalra) Human trafficking notice. This bill requires, as of January 1, 2021, businesses and establishments that operate in transportation or handle high volumes of traffic to train their employees in recognizing the signs of human trafficking and reporting suspected human trafficking. Specifically, this bill requires that all operators of mass transit intercity passenger rail systems, light rail systems, and bus stations provide at least 20 minutes of training to their new and existing employees who may interact with, or come into contact with, a victim of human trafficking or who are likely to receive, in the course of their employment, a report from another employee about suspected human trafficking. The training is required to include

instruction on recognizing the signs of human trafficking and how to report suspected human trafficking to the appropriate law enforcement agency. Status: Chap. 812, Stats. 2018.

AB 2128 (Kiley) School employees: suspension or dismissal proceeding: evidence of sexual or abusive behavior or communication. See summary under Employment Rights – General.

AB 2234 (Jones-Sawyer) School employees: egregious misconduct: suspension or dismissal proceeding: testimony of minor. See summary under Employment Rights – General.

AB 2694 (Rubio) Domestic violence restraining orders: notice. This bill clarifies that a temporary restraining order to prevent domestic violence may be ordered without notice to the restrained party. For a permanent restraining order, the bill allows a court to provide for alternatives to personal service when, after diligent efforts, a petitioner is unable to personally serve the respondent, as long as there is reason to believe that the restrained party is evading service. Status: Chap. 219, Stats. 2018.

AB 2786 (Chau) Child sex abuse prevention: online training. This bill would have required the Office of Child Abuse Prevention, within the Department of Social Services, to create appropriate online child abuse detection training for employees of public and private organizations serving youth. The bill would have required an employee of the public or private organization that qualifies as a mandated reporter, due to their employment as a coach, camp administrator, or administrator or employee at a youth center, youth recreation program, or youth organization, to complete the training. Status: Dead, Asm Judiciary.

AB 2967 (Quirk-Silva) Domestic violence: batterer's program. Existing law specifies that the terms of probation granted to a person who has been convicted of domestic violence are required to include, among other things, successful completion of a batterer's program for a period of not less than one year. For defendants who are chronic users or serious abusers of drugs or alcohol, existing law also requires that standard components in the program include concurrent counseling for substance abuse and violent behavior, and, in appropriate cases, detoxification and abstinence from the abused substance. This bill, as introduced, would have stated the intent of the Legislature to enact legislation that would remove the conflation of alcohol or substance abuse treatment with a batterer's program, but the bill was later amended to address a different subject. Status: Chap. 551, Stats. 2018.

AB 3120 (Gonzalez Fletcher) Childhood sexual assault: statute of limitations. This bill would have extended the time for commencement of actions for childhood sexual assault to 40 years of age or five years from discovery of the injury; provided enhanced damages for a cover up, as defined, of the assault; and provided a three-year window in which expired claims are revived. Status: Vetoed.

AB 3189 (Cooper) Consent to treatment: intimate partner violence. This bill provides that a minor who is 12 years of age or older and who states he or she is injured as a result of intimate partner violence may consent to medical care related to the diagnosis or treatment of the injury and the collection of medical evidence with regard to the alleged intimate partner violence. It requires, except under specified circumstances, a health practitioner who provides treatment to the minor and believes that the acts causing the injuries to the minor constitute child abuse that must be reported to law enforcement pursuant to the health practitioner's duties as a mandated

reporter of child abuse, to inform the minor that the report will be made; attempt to contact the minor's parent or guardian and inform them of the report; and note in the minor's treatment record the date and time of the attempt to contact the parent or guardian and whether the attempt was successful or unsuccessful. Status: Chap. 1003, Stats. 2018.

SB 204 (Dodd) Domestic violence: Canadian protective orders. This bill enacts the Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act which authorizes the enforcement of a valid Canadian domestic violence protection order in a tribunal of this state under certain conditions. The bill prescribes the criteria for a court to determine whether a Canadian protection order is valid under these provisions, as specified, and authorizes the registration of such a protection order in the Domestic Violence Restraining Order System. The bill requires a law enforcement officer of this state to enforce a protection order under these provisions upon determining that there is probable cause to believe that a valid protection order exists and has been violated. Status: Chap. 98, Stats. 2017.

SB 225 (Stern) Human trafficking: notice. This bill revises the model notice that is required to be posted on the premises of certain businesses to include instructions for victims of human trafficking to text, in addition to call, the National Human Trafficking Resource Center to access help and services. The bill also requires, on or before January 1, 2019, the Department of Justice to revise and update the model notice to comply with the requirements of this bill and make the updated model notice available for download on the department's Internet Web site. Status: Chap. 565, Stats. 2017.

SB 597 (Leyva) Human trafficking: victim confidentiality. This bill makes the address confidentiality program administered by the Secretary of State, known as the Safe at Home program, available to victims of human trafficking. The bill also expands the Safe at Home program to include household members of victims of domestic violence, sexual assault, stalking, and human trafficking. Status: Chap. 570, Stats. 2017.

SB 1089 (Jackson) Civil and criminal protective orders: CLETS. In response to evidence that some courts have issued “non-CLETS protective orders” even though such orders are not defined or authorized in statute, this bill clarifies that all civil and criminal protective orders must be entered into the California Law Enforcement Telecommunications System (CLETS). Status: Chap. 89, Stats. 2018.

SB 1129 (Monning) Domestic violence conviction: forfeiture of spousal support, attorney's fees, retirement benefits. This bill prohibits the award of spousal support, attorney's fees, and community property interest in retirement, pension, or insurance benefits to individuals convicted of felony domestic violence against their spouses and creates a presumption against an award of similar benefits to those spouses convicted of misdemeanor domestic violence. Status: Chap. 850, Stats. 2018.

Family Law

AB 712 (Bloom) Change of venue: emergency family law orders. This bill enables a court transferring jurisdiction of a family law action to retain jurisdiction over the matter in order to make orders designed to prevent immediate danger or irreparable harm to a party or to the children involved in the matter, or to prevent the immediate loss or damage to property subject to

disposition in the matter, if transfer to another court's jurisdiction has not yet been perfected. Status: Chap. 316, Stats. 2017.

AB 1692 (Judiciary) Family law omnibus. This bill ratifies the authority of the Judicial Council to convert 10 subordinate judicial officer (SJO) positions to judgeships in 2017-18, provided the conversion of these positions will result in judges being assigned to family or juvenile law assignments previously presided over by an SJO. The bill also permits a court, until January 1, 2020, at a party's request, prior to the filing of a child custody or visitation petition, to set a custody or visitation issue for mediation. Status: Chap. 330, Stats. 2017.

AB 2298 (Chau) Assisted reproduction agreements. This bill would have clarified that in order to rebut otherwise applicable presumptions of parenthood, assisted reproduction agreements must include a disclosure that a child conceived through sexual intercourse of a gestational carrier is indeed the child of the gestational carrier. Status: Vetoed.

AB 2373 (Acosta) Dissolution of marriage: disclosure of assets and liabilities. This bill would have created a process by which the party to a dissolution complying with the requirement to disclosure of assets and liabilities could waive the non-complying party's disclosure requirements by declaration. To do so, the bill would have required the complying party to file and serve by mail a declaration, executed under penalty of perjury, unilaterally waiving receipt of the noncomplying party's preliminary or final disclosure requirement, prior to entry of final judgment on support and property issues. The bill would have provided that the declaration would not affect the rights to set aside the judgment, as provided. Status: Dead, Sen Judiciary.

HEALTH RELATED

AB 651 (Muratsuchi) Nonprofit health facilities: AG approval of sale of assets. This bill extends the time frame for the Attorney General (AG) to approve or reject the proposed sale of a nonprofit health facility from 60 to 90 days and requires the public notice of a hearing regarding the proposed sale of such a facility to be provided in English, the primary languages spoken at the facility, and the threshold languages for Medi-Cal as determined by the Department of Health Care Services for the county in which the facility is located. The bill also requires the AG to consider whether the sale will have a significant effect on the availability and accessibility of cultural interests provided by the facility in the affected community. Status: Chap. 782, Stats. 2017.

AB 937 (Eggman) Healthcare directives and POLSTs: conflicting directives. As heard by this Committee, this bill would have required that if an individual's request regarding resuscitative measures directly conflicts with his or her known individual health care instruction, whether written or oral, then the most recent order or instruction of the individual is effective to the extent of the conflict. The bill would also have provided that a request regarding resuscitative measures executed by the individual or the individual's surrogate, agent or conservator is deemed to be a request of the individual. The bill was subsequently amended to address biodegradable plastic. Status: Dead, Sen EQ.

AB 2296 (Waldron) Licensed professional clinical counselors: licensed clinical social workers. This bill extends existing law requiring a medical release to accompany any demand for settlement or offer to compromise of a professional negligence claim against a licensed

physician or surgeon, or a licensed marriage or family therapist, to demand and offer of professional negligence claims against licensed clinical social workers and licensed professional clinical counselors. Status: Chap. 389, Stats. 2018.

AB 2874 (Thurmond) Hospital closures: notice. This bill would have required any health facility, not less than 180 days before closing a facility or eliminating emergency medical services at the facility, to notify the California Attorney General (AG) of the plan. It would have then required the AG to review the plan and hold at least one public meeting regarding the plan. The bill would have also imposed requirements that are very similar to those in the Corporations Code which govern the AG's review of proposed transfers of public hospital assets by nonprofit corporations. Status: Failed, Asm Floor.

AB 3114 (Thurmond) Personal care services. This bill would have authorized a county board of supervisors to contract with a nonprofit consortium or to establish a public authority to provide personal care services for persons who are eligible for nursing facility services because they are aged, blind, or disabled and would have provided that a county which met specified conditions would not be deemed to be the employer of these individuals for purposes of liability due to negligence or intentional torts of the individual provider. The bill also would have made specified information regarding persons paid by the state to provide waiver personal care services exempt from inspection and disclosure public pursuant to the California Public Records Act. Status: Dead, Asm Human Services.

AB 3211 (Kalra) Advance health care directive: organ donation. This bill revises and updates the statutory provisions governing the content of the Advance Health Care Directive form with regard to optional organ donation. Status: Chap. 287, Stats. 2018.

AJR 42 (Kamlager-Dove) Title X: family planning. This resolution urges the United States Department of Health and Human Services to reevaluate any proposed rules that are dangerous to women and an intentional attack on reproductive and women's health care. It also urges that rulemaking be guided by science, data, and humanitarianism. Status: Res. Chap. 198, Stats. 2018.

HR 6 (Burke) Women's reproductive health. This resolution urges the President of the United States and the United States Congress to express their support for a woman's fundamental right to control her own reproductive decisions, as well as their support for a woman's right of access to comprehensive reproductive health care, including the services provided by Planned Parenthood. Status: Adopted.

SB 413 (Morrell) Dementia: major neurocognitive disorder. This bill replaces the term "dementia" with the term "major neurocognitive disorder" in the Health & Safety and Probate Codes and makes other technical changes. Status: Chap. 122, Stats. 2017.

SB 481 (Pan) Long-term health care facilities. In its original form, this bill would have required a physician, skilled nursing facility, or intermediate care facility, before implementing a medical intervention that requires informed consent for a resident of a long-term health care facility who lacks the mental capacity to make health care decisions and does not have a designated person with legal authority to make medical decisions on their behalf, to promptly notify the resident, orally and in writing, that it has been determined that the resident lacks

capacity. However, the bill was subsequently amended to address redevelopment successor agencies. Status: Chap. 506, Stats. 2018.

SB 687 (Skinner) Health facilities: emergency centers: Attorney General. This bill would have required a nonprofit corporation that operates a health facility that includes a licensed emergency center, regardless of whether it is currently operating or providing health care services or has a suspended license, to obtain written consent from the Attorney General prior to eliminating or reducing the level of emergency medical services provided at the facility. Status: Vetoed.

IMMIGRATION ISSUES

AB 21 (Kalra) Public postsecondary education: federal immigration enforcement. Requires the California State University, California Community Colleges, and each Cal Grant eligible independent institution of higher education, and requests the University of California, to establish various policies and actions to be implemented to safeguard against immigration enforcement activities on campuses of public institutions of higher education. Status: Chap. 488, Stats. 2017.

AB 291 (Chiu) Housing: Immigrant Tenant Protection Act of 2017. This bill establishes various protections and safeguards against the unauthorized disclosure of tenants' immigration or citizenship status to federal immigration authorities or other parties, as well as against the potential harassment, retaliation, or discrimination of tenants based on their immigration or citizenship status, or perceived immigration or citizenship status. Among other things, the bill prohibits landlords from issuing threats, especially threats to disclose information regarding immigration or citizenship status, and contains measures intended to deter landlords from reporting tenants to immigration authorities or disclosing tenant information regarding immigration status, as specified. Status: Chap. 489, Stats. 2017.

AB 299 (Calderon) Hiring of real property: immigration or citizenship status. Existing law prohibits landlords from collecting information about the immigration or citizenship status of their tenants, and also prohibits cities and counties from requiring landlords to collect or report such information about their tenants, among other actions. This bill expands the scope of the latter rule to also prohibit state agencies and public entities, as defined, from requiring landlords to collect or report the immigration or citizenship status of their tenants. Status: Chap. 490, Stats. 2017.

AB 450 (Chiu) Employment: immigration worksite enforcement. This bill prohibits an employer, except as otherwise required by federal law, from allowing an immigration enforcement agent to enter any nonpublic areas of a place of labor without a judicial warrant, or from providing an immigration enforcement agent to access, review, or obtain the employer's employee records without a subpoena, unless the employer has been provided a Notice of Inspection to inspect I-9 Employment Eligibility Verification forms and other records. The bill also requires an employer to provide specified information to employees regarding worksite enforcement actions, as provided. Status: Chap. 492, Stats. 2017.

AB 638 (Caballero) Immigration consultants. This bill would have repealed California's immigration consultant law, effective January 1, 2019, and instead would have prohibited any

person from engaging in the business or act in the capacity of an immigration consultant within the state, except for attorneys, paralegals acting under the active supervision of an attorney, or persons authorized by federal law to represent persons in an immigration matter. Status: Failed, Sen Floor.

AB 699 (O'Donnell) Educational equity: immigration and citizenship status. This bill requires the Attorney General to publish model policies limiting assistance with immigration enforcement at public schools, requires local educational agencies (LEAs) to adopt the model policies or equivalent policies, and establishes measures to provide education and support to immigrant students and their families. Status: Chap. 493, Stats. 2017.

AB 1252 (Allen) State law: immigration: local government: state grants. Existing state law, the TRUST Act, prohibits law enforcement officials from detaining an individual on the basis of a United States Immigration and Customs Enforcement hold after that individual becomes eligible for release from custody, unless, at the time that the individual becomes eligible for release from custody, certain conditions are met, including, among other things, the individual has been convicted of specified crimes. This bill would have repealed the TRUST Act and instead prohibited a city, county, or city and county designated as a sanctuary jurisdiction, as defined, from receiving grant funding from the state. Status: Failed, Asm Public Safety.

AB 1862 (Santiago and Carrillo) Immigration services: funding: recipients of Temporary Protected Status. As heard by this Committee, this bill sought to appropriate \$10 million in funding for qualified organizations to contract with the Department of Social Services to provide immigration services for persons who are current or former recipients of federal Temporary Protected Status. The bill was subsequently amended to address an unrelated subject. Status: Dead, Sen Rules.

AB 2090 (Gonzalez Fletcher) Guardianships: special immigrant juvenile status. This bill clarifies that a parent is authorized to file a petition for guardianship for his or her child for the limited purpose of applying for, and meeting the requirements of, Special Immigrant Juvenile Status, as provided by the federal Immigration and Nationality Act. Status: Chap. 209, Stats. 2018.

AB 2732 (Gonzalez Fletcher) Employment: unfair immigration-related practices: janitorial workers: sexual violence and harassment prevention training. This bill would have made it unlawful for an employer to knowingly destroy, conceal, remove, confiscate, or possess any passport or other immigration-related document of another person in the course of committing, or with the intent to commit, trafficking, peonage, slavery, involuntary servitude, or a coercive labor practice. The bill would have imposed civil penalties and a misdemeanor for violations of this unlawful employment practice and would have required employers to provide employees with a "Worker's Bill of Rights," in multiple languages which provides information on labor laws and protections against human trafficking. Additionally, after being heard in this Committee, subsequent amendments sought to make changes to Labor Code provisions dealing with janitorial service employers and their business registration process. Status: Vetoed.

AB 2827 (Allen) Employer consent: immigration enforcement. This bill would have authorized an employer to provide voluntary consent, as defined, to an immigration enforcement

agent to enter any nonpublic areas of a place of labor, in the absence of a federal law requirement. The bill would have deleted the penalties for a violation of entry and record access provisions provided in existing law, and it would have required a court to grant a prevailing defendant costs and reasonable attorney's fees. Status: Held, Asm Labor and Employment.

AB 2931 (Patterson) Law enforcement: cooperation with immigration officials. This bill would have expanded the list of qualifying criminal offenses about which California law enforcement personnel is allowed to notify federal immigration authorities for purposes of transfer or notification requests regarding inmates. Status: Failed, Asm Public Safety.

AB 2948 (Allen) Law enforcement: data sharing. This bill would have repealed the California Values Act (SB 54 (De Leon, Chap. 495, Stats. 2017) which defines the circumstances under which law enforcement agencies (LEAs) may assist in the enforcement of federal immigration laws and participate in joint law enforcement task forces. Status: Failed, Asm Public Safety.

AJR 10 (Santiago) Access to Counsel Act. This measure urges Congress to support S. 349, the Access to Counsel Act, which would ensure that those persons held or detained while attempting to enter the United States, whether at a border crossing or a port of entry, are guaranteed access to legal counsel. Status: Res. Chap. 143, Stats. 2017.

AJR 14 (Ting) 135th anniversary of the Chinese Exclusion Act. This resolution observes the 135th anniversary of the Chinese Exclusion Act of 1882 on May 6, 2017, notes the parallels between the Act and recent actions taken by the current presidential administration to exclude immigrants from the United States based on national origin, and declares the Legislature's opposition to three controversial executive orders on immigration enforcement issued by the president in 2017. Status: Res. Chap. 120, Stats. 2017.

AJR 36 (Ting) Chinese Exclusion Act. This resolution observes the 136th anniversary of the Chinese Exclusion Act, and declares the Legislature's opposition to recent executive orders on immigration enforcement. Status: Res. Chap. 134, Stats. 2018.

HR 66 (Gipson and Reyes) Deferred Action for Childhood Arrivals (DACA). This measure condemns President Donald Trump's rescission of DACA and calls upon Congress to take affirmative steps toward development of a bipartisan and more effective version of DACA that provides a pathway to citizenship. Status: Adopted.

HR 69 (Carrillo and Santiago) Immigrants from El Salvador: Temporary Protected Status. This resolution urges the President to reverse his decision to terminate Temporary Protected Status (TPS) designation for El Salvador, and to work with Congress to create a legislative solution to establish permanent legal status for Salvadorans who were granted TPS. Status: Adopted.

SB 6 (Hueso) Immigrants: removal proceedings: legal services. As referred to this Committee, this bill would have required the Department of Social Services to either contract with qualified nonprofit legal services organizations, or contract with a nonprofit agency to administer funding to nonprofit legal services organization subcontractors, to provide legal services to individuals in immigration removal proceedings who are not otherwise entitled to legal representation under an existing local, state, or federal program. The bill was subsequently

amended to address an unrelated subject before being heard in this Committee. Status: Chap. 455, Stats. 2017.

SB 29 (Lara) Law enforcement: immigration. This bill establishes, effective January 1, 2018, contracting restrictions and new notice and public hearing requirements, as specified, for local governments and local law enforcement agencies with respect to contracts, building permits, and other official actions involving the federal government, federal agencies, or private corporations seeking to house or detain noncitizens for purposes of civil immigration custody. Status: Chap. 494, Stats. 2017.

SB 54 (De Leon) Law enforcement: data sharing. This bill, in order to ensure that state and local resources are used to investigate and enforce state and local laws, rather than federal immigration laws, prohibits—among other things--state and local law enforcement agencies in California from doing any of the following: (1) using agency or department money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes; (2) placing peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement; (3) using immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody; (4) transferring an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or if the individual meets specified criteria regarding their past offenses; (5) providing office space exclusively dedicated for immigration authorities for use within a law enforcement facility; or (6) contracting with the federal government for the use of California law enforcement agency facilities to house federal detainees, except as specified by existing law. Status: Chap. 495, Stats. 2017.

SB 174 (Lara) Public employment: immigration status. This bill would have allowed all California residents to serve on appointed government boards and commissions, regardless of immigration status. The bill, additionally, would have eliminated unconstitutional components of the existing statutory definition for California state citizenship. Status: Vetoed.

SB 613 (De Leon) Immigration status. This bill repeals longstanding requirements in the Welfare and Institutions Code that require the Division of Juvenile Justice (DJJ), Department of State Hospitals (DSH), and Department of Developmental Services (DDS) to "cooperate with" federal immigration authorities in "arranging for the deportation of all aliens" who are confined in their respective institutions. Status: Chap. 774, Stats. 2017.

SB 691 (Lara) Educational equity: immigration status. This bill would have clarified that, under the Equity in Higher Education Act, all persons in post-secondary educational institutions are entitled to equal rights and freedom from discrimination on the basis of their immigration status. Status: Dead, Senate Inactive.

SB 785 (Wiener) Evidence: immigration status. This bill prohibits the disclosure of a person's immigration status in open court unless the judge presiding over the matter first determines that the evidence is admissible in an in camera hearing, as provided. This prohibition applies in all criminal proceedings and in civil actions other than those for personal injury or wrongful death. Status: Chap. 12, Stats. 2018.

SJR 16 (Wilk & Hueso) Federal Temporary Protected Status. This resolution condemns the federal government's decision to end Temporary Protected Status (TPS) designation for people from five specified countries, and urges Congress to enact a bipartisan solution for establishing permanent legal status for these affected TPS holders. Status: Res. Chap. 113, Stats. 2018.

SJR 29 (Pan) Immigration. This resolution calls upon President Trump and Congress to acknowledge that the separation of immigrant children from their families at the border is detrimental to the short and long-term physical and mental well-being of children, and calls upon Congress to issue a formal apology to the parents and children who have been separated by federal immigration authorities pursuant to the Trump administration's controversial "zero-tolerance" border policy. Status: Res. Chap. 245, Stats. 2018.

LIABILITY AND RELATED MATTERS

Damages and Civil Penalties

AB 334 (Cooper) Sex assault. This bill would have set the time for commencement of any civil action for damages suffered as a result of sexual assault, as defined, where the assault occurred on or after the plaintiff's 18th birthday, to either of the following (whichever is later): (1) within 10 years from the date of the last act, attempted act, or assault with intent to commit an act, of sexual assault; or (2) within three years from the date the plaintiff discovers or reasonably should have discovered that an injury or illness resulted from such an act, attempted act, or assault. The bill also would have established standards for the examination and treatment of victims of sexual assault and required that the costs of the examination for a sexual assault victim who chooses not to participate in a criminal investigation are to be reimbursed to the local law enforcement agency by the Office of Emergency Services at the locally negotiated rate in an amount not to exceed \$1,000. Status: Dead, Sen Public Safety.

AB 619 (Dahle) Sierra Lakes County Water District. This bill authorizes the Sierra Lakes County Water District (District) to adopt, by ordinance, requirements relating to the installation and use of small tanks used for the storage of petroleum in order to regulate or control the discharge of pollutants from those tanks into groundwater or surface water. Among other things, this bill permits the District to adopt an ordinance that includes authorization for the District to bring a civil action to redress a violation of the ordinance. Status: Chap. 109, Stats. 2017.

AB 672 (Jones-Sawyer) Utility services. This bill would have authorized a civil action for damages against a person who intentionally and knowingly commits, authorizes, solicits, aids, abets, or attempts, among other things, the diversion of utility services. Status: Dead, Asm Judiciary.

AB 1147 (Salas) Solid waste disposal: civil enforcement. This bill would have subjected a person to civil penalties and damages for collecting, removing, or transporting solid waste generated by another person on residential, commercial, or industrial premises, except in compliance with applicable law. The bill would have required a court, if a plaintiff prevails in a civil action brought pursuant to these and related provisions, to award to the plaintiff reasonable attorney's fees, expert witness fees, and costs incurred in the course of the litigation, except as specified. Status: Dead, Assembly Natural Resources.

AB 1495 (Maienschein) Civil liability: sexual abuse: children. See summary under Domestic Violence, Sexual Assault, and Human Trafficking.

AB 2105 (Maienschein) Punitive damages: minors: commercial sexual exploitation. This bill allows for a recovery of up to three times the amount of an award in a civil action brought by, or on behalf of, or for the benefit of, a person who is a minor or nonminor dependent and is a victim of commercial sexual exploitation, “whenever a trier of fact is authorized by a statute to impose either a fine, or a civil penalty or other penalty, or any other remedy the purpose or effect of which is to punish or deter,” if that trier of fact finds any specified factors exist. It further authorizes a court to award a civil penalty of \$10,000 to \$50,000 where the trier of fact is not authorized by statute to impose a civil penalty. Status: Chap. 166, Stats. 2018.

AB 2709 (Cooper) Class actions: judgments: residual funds. Existing law provides that the unpaid cash residue and unclaimed or abandoned funds, plus any accrued interest which has not otherwise been distributed to class members must be distributed in a specific manner. Specifically, existing law requires that 25% of these residual funds to be transmitted to the State Treasury for deposit in the Trial Court Improvement and Modernization Fund; 25% to be transmitted to the State Treasury for deposit in the Equal Access Fund of the Judicial Branch; and the remaining 50% to be transmitted to other enumerated programs, such as nonprofit organizations and foundations providing civil legal services to the indigent. This bill would have added nonprofit organizations or advocacy programs providing legal services to victims of employment law violations, sexual harassment, pay inequity, or race, ethnicity, or age discrimination to the list of enumerated programs so that they could also receive a share of the residual funds. Status: Dead, Asm Judiciary.

AB 3120 (Gonzalez Fletcher) Childhood sexual assault: statute of limitations. See summary under Domestic Violence, Sexual Assault, and Human Trafficking.

AB 3138 (Muratsuchi) Hazardous materials: civil liability. This bill restructures civil and administrative penalties for violations of the California Accidental Release Prevention program. The bill modifies existing maximum civil or administrative penalty for a violation of the program from \$2,000 per day to \$5,000 per day, and provides for a maximum penalty of \$25,000 per violation per day for any person or stationary source that knowingly violates the law. Status: Chap. 308, Stats. 2018.

SB 71 (Weiner) Solid waste: disposal. This bill would have provided the prevailing party in litigation to enforce a franchise or other contractual authorization to collect waste, with the ability to recover attorney fees and other costs and required reporting of litigation to enforce agreements to CalRecycle. The bill would have exempted from the awarding of fees and other costs any litigation involving materials valued at \$50 or less, specified organic materials, food for human consumption, and feed stock. Status: Held, Asm Appropriations.

SB 387 (Jackson) False Claims Act. The state False Claims Act provides that a person who submits a false claim for money, property, or services to the state or a political subdivision shall be liable to the state or political subdivision for damages and a civil penalty. Federal law increases a state’s share of amounts recovered for false claims involving federal Social Security programs by ten percent if the civil penalty imposed by state law is equal to or greater than the

civil penalty authorized under federal law. This bill ensures that the state will continue to receive the ten percent increase in the share recovered by adjusting state fines and penalties to those provided by the Federal Civil Penalties Inflation Adjustment Act of 1990. Status: Chap. 121, Stats. 2017.

SB 631 (Nielsen) Nitrous oxide: retail sales. This bill would have prohibited a retailer of tobacco-related products from selling or offering for sale nitrous oxide, and would have subjected any retailer who does so to a civil penalty. The bill would have allowed the Attorney General, a city attorney, a county counsel, or a district attorney to enforce the violation through a civil action. The bill also would have allowed the suspension of the retailer's tobacco license for up to 60 days. Status: Dead, Asm Judiciary.

SB 819 (Hill) Electrical and gas corporations: rates. This bill would have prohibited an electrical corporation from recovering a fine or penalty through a rate approved by the California Public Utilities Commission. This bill also would have prohibited an electrical corporation or gas corporation from recovering through a rate, approved by the California Public Utilities Commission, costs or expenses resulting from damages caused by the utility's electric facilities or gas facilities, if the California Public Utilities Commission determines that the electrical corporation did not reasonably construct, maintain, manage, control, or operate the facility and the utility's, or their agent's, unreasonable act or omission increased the risk of the plant causing those damages. This bill would have clarified that the California Public Utilities Commission is authorized to apportion costs between ratepayers and shareholders. Status: Vetoed.

SB 1053 (Beall) Local public entities: presentation of childhood sexual abuse claims. This bill exempts claims of childhood sexual abuse against a local public entity, which are already exempt from the Government Tort Claims Act early presentation of claims procedures, from being governed by procedures prescribed in any charter, ordinance, or regulation adopted by the local public entity; and states that this is declarative of existing law. Status: Chap. 153, Stats. 2018.

SB 1394 (Newman) Petitions: compensation for signatures: civil actions. This bill would have made it unlawful for a person to pay or to receive money or any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition. Status: Dead, Asm Elections and Redistricting.

SB 1487 (Stern) Iconic African Species Act. This bill would have prohibited the possession of specified African species or body parts or products including the African elephant and black rhinoceros by any individual, firm, corporation, association, or partnership in California, and applied civil penalties between \$5,000 and \$40,000 on any person found to have violated the prohibition. Status: Vetoed.

Immunity, Scope of Liability and Related Issues

AB 28 (Frazier) Department of Transportation: environmental review process: state immunity and consent to federal court jurisdiction. This bill provides that, in an action relating to the federal surface transportation project delivery program, the State of California will

consent to federal court jurisdiction and will not assert its Eleventh Amendment immunity in those claims. This bill sunsets on January 1, 2020. Status: Chap. 4, Stats. 2017.

AB 68 (Mathis) Schools: proximity to farm pesticides: immunity from liability. As referred to this Committee, this bill would have prohibited a local educational agency, charter school, or private school from acquiring real property to build a school facility if the proposed site is located within two miles of an operating farm, unless the agency or school agrees to hold the farm harmless and without fault for any harm to the health of pupils or school staff caused by the use of pesticides on the farm, as specified. The bill was later amended to address provisions outside of this Committee's jurisdiction. Status: Dead, Asm Education.

AB 421 (Santiago) Hazardous substances: liability. This bill would have provided that for a cause of action under the Carpenter-Presley-Tanner Hazardous Substance Account Act, the term "disposal" also includes emissions into the air, thereby specifying that contamination caused by aerial emissions is eligible for cost recovery, as provided. Status: Dead, Asm Judiciary.

AB 909 (Steinorth) Emergency response: public access trauma kit. This bill would have required certain private and public buildings to make a "trauma kit," designed and intended for treatment of emergency medical care, available on their premises. The bill also would have clarified that a "Good Samaritan" who uses such a kit to administer emergency medical care and an entity that trains lay rescuers to use the kit is not liable for injuries resulting from such use. Finally, the bill would have protected a person or entity that acquires a trauma kit from liability for misuse of the kit, as long as minimum requirements regarding installation and maintenance are satisfied. Status: Held, Asm Appropriations.

AB 946 (Ting and Gonzalez) Resist the Wall Act: PERS and STRS: immunity from liability. This bill would have prohibited the boards of the Public Employees' Retirement System and the State Teachers' Retirement System from making new investments or renewing existing investments of public employee retirement funds in a border wall construction company, as defined, and required the boards to liquidate investments in such a company, as specified. The bill also would have provided that board members and other officers and employees shall be held harmless and be eligible for indemnification in connection with actions taken pursuant to the bill's requirements. Status: Dead, Asm PER&SS.

AB 965 (Kiley) Department of Transportation: limited civil liability. This bill would have reduced the financial exposure of the California Department of Transportation (Caltrans) in civil actions brought against it. Specifically, the bill would have (1) provided that Caltrans' liability for economic damages in any action against the department for personal injury, property damage, or wrongful death is several only and not joint; and (2) limited Caltrans' liability to only the amount of economic damages allocated to the department in direct proportion to its percentage of fault. The bill also would have required Caltrans, on an annual basis, to identify savings as a result of limiting tort liability and direct those savings as specified. Status: Dead, Asm Judiciary.

AB 1219 (Eggman) Food donation: immunity from liability. This bill expands existing provisions of the Civil Code, Food and Agricultural Code, and Health and Safety Code, relating to civil immunities and liabilities of entities that donate food to charitable organizations and food banks. In addition to certain clarifying changes, the bill distinguishes between the donation of

perishable and nonperishable foods beyond a manufacturer's recommended shelf life date by providing qualified immunity for the donation of nonperishable foods that exceed the date, but only if the donor makes a good faith evaluation that the donated food is wholesome and fit for human consumption. Status: Chap. 619, Stats. 2017.

AB 1247 (Chen) Collateral Recovery Act: repossession agencies: limited liability companies. As heard by this Committee, this bill would have authorized, until January 1, 2022, a repossession agency to be licensed as a limited liability company (LLC) by the Bureau of Security and Investigative Services (BSIS). The bill was subsequently amended in the Senate to address an unrelated subject. Status: Vetoed.

AB 1389 (Bigelow) Employment safety: boiler and tank inspections: immunity from liability. This bill would have made an insurer exempt from liability for an injury caused by failure of the California Division of Occupational Health and Safety to inspect a workplace tank or boiler, or for making an inadequate or negligent inspection. Status: Dead, Asm Labor & Employment.

AB 1517 (Muratsuchi) Securities: qualifications: liability. This bill would have amended the rules governing how to qualify to obtain a permit to sell securities in the state. Specifically, the bill would have amended those rules in order to facilitate and a type of investing described as “crowdfunding.” Status: Held, Asm Appropriations.

AB 1605 (Caballero) Contaminant levels: water: immunity from liability. This bill would have provided that a person or entity providing drinking water to replace ground water with contaminant levels for nitrate that exceed the maximum contaminant level for nitrate allowed by law shall not be deemed to have caused pollution or a nuisance to groundwater, or to be liable for negligence or trespass if the person or entity is a signatory to the Interim Replacement Water Settlement Agreement of March 29, 2017, as specified. Status: Dead, Asm Judiciary.

AB 1776 (Steinorth) Emergency medical transport: police dogs: liability. This bill authorizes the County of San Bernardino to conduct a three-year pilot project, commencing January 1, 2019, that would authorize transportation for a police dog, as defined, injured in the line of duty to a facility that is capable of providing veterinary medical services to that dog. The bill was referred to this Committee because of a provision granting transporters a qualified immunity from liability. This provision was removed and the Committee waived hearing. Status: Chap. 272, Stats. 2018.

AB 1912 (Rodriguez) JPA retirement systems: liability. This bill prohibits member agencies of Joint Powers Authority (JPA) from disclaiming the retirement liability of a JPA, and requires the apportionment of retirement liability among JPA member agencies if the JPA's agreement with the Board of Administration of the California Public Employees' Retirement System (CalPERS) is terminated, or if the JPA dissolves or ceases operations as applied to other California public retirement systems or associations, among other provisions. Status: Chap. 909, Stats. 2018.

AB 1949 (Santiago) Flamethrower device: liability. This bill would have modified the existing definition of a "flamethrowing device" to create a two-tier system; established additional

criteria for obtaining a flamethrowing device permit; and imposed certain restrictions and requirements on persons who sell flamethrowing devices. Status: Held, Asm Appropriations.

AB 2009 (Maienschein) Schools: AEDs: immunity from liability. This bill requires a school district or charter school that elects to offer any interscholastic athletic program to ensure that there is a written emergency action plan in place and acquire at least one automated external defibrillator (AED) for each school for the purpose of emergency care in the event of cardiac arrest and other related medical emergencies. The bill also clarifies that existing law providing conditional liability protections to those acquiring or using these AEDs would apply. Status: Chap. 646, Stats. 2018.

AB 2071 (Bloom) Accessory dwelling units: public utilities: immunity. As heard in this Committee, the bill would have provided that the City of Los Angeles is covered under existing state laws providing immunity to public entities for cases of injury or damages related to city-owned utilities and accessory dwelling units. The bill was subsequently amended to cover a different issue related to accessory dwelling units. Status: Dead, Sen Inactive.

AB 2073 (Chiu) Lead paint: homeowner immunity. This bill would have provided that any property owner, or agent thereof, who participates in a program to abate lead-based paint created as a result of a judgment or settlement in any public nuisance or similar litigation shall be immune from liability in any lawsuit seeking to recover inspection, abatement, or any other costs associated with that abatement program and the activities conducted pursuant to that abatement program. Status: Dead, Sen Inactive.

AB 2074 (Bloom) Lead paint: liability: risk contribution. This bill would have established a risk-contribution theory of liability for injuries caused by lead-based paint, as specified, to enable plaintiffs to pursue claims against lead paint pigment manufacturers in cases where the injured plaintiff is unable to identify the exact manufacturer of the lead paint pigment that caused the injury. Status: Dead, Asm Inactive.

AB 2527 (Muratsuchi) Securities transactions: qualification requirements, exemptions, and liability. This bill would have established a new exemption from the qualification provisions for an offer or sale of any security for which the issuer is a California or foreign corporation that is not a corporation regulated by current state or federal law and is not subject to certain reporting requirements of the Securities Exchange Act of 1934. The bill would have required, among other criteria, that the offer or sale be conducted in accordance with certain requirements of federal law limiting the total offering of securities to \$300,000 in a 12-month period, less the aggregate offering price for all securities sold, as specified. Status: Dead, Asm Banking and Finance.

AB 2585 (Patterson) Prescribed burns: immunity from liability. This bill would have defined and authorized prescribed burns for certain fire prevention purposes. Additionally, it would have required that, on or before January 1, 2020, the Department of Forestry and Fire Protection develop a training and certification program for prescribed burn managers. Finally, the bill would have declared that a property owner and his or her agent conducting a prescribed burn in accordance with the bill is not liable for damage or injury caused by fire or smoke, unless negligence is proven. Status: Dead, Asm Nat Resources.

AB 2803 (Limon) Lead paint: homeowner immunity. This bill would have provided that residential lead-based paint interferes with a public right if it affects the health of a considerable number of people. The bill also would have established that a party may be liable for public nuisance if it promoted lead-based paint with actual or constructive knowledge that it was hazardous, and would have established that an aggrieved party does not need to identify the specific party which caused the injury, but instead may infer causation from other evidence. Status: Dead, Sen Appropriations.

AB 2995 (Carrillo) Lead paint: civil action: abatement. This bill would have defined lead-based paint on a residence or other building as a physical injury to property, and would have established that in any civil action to recover damages for injury to property due to the presence of lead-based paint, the time for commencement of the action shall be three years from the date the aggrieved party has actual knowledge of the presence of lead-based paint in or on that property. Status: Failed, Asm Floor.

SB 502 (Portantino) AEDs: transit systems: immunity from liability. This bill requires operators of commuter rail systems, by July 1, 2020, to ensure that each train be equipped with an Automated External Defibrillator (AED), as specified. The bill also exempts the commuter rail operator from civil liability for the use of an AED, if the current required maintenance schedule is followed. Status: Chap. 602, Stats. 2018.

SB 542 (Leyva) Manufactured Housing Act of 1980: notice of transfer and release of liability. This bill provides that the owner of a new or used manufactured home or mobilehome who sells or transfers ownership of the home shall not be subject to civil or criminal liability for vehicle license fees or local property taxes after the seller both delivers possession of the home to the purchaser or transferee and provides specified notice to the Department of Housing and Community Development. Status: Chap. 832, Stats. 2017.

SB 881 (Wieckowski) Flood control: County of Santa Clara: South San Francisco Bay Shoreline Project: immunity from liability. This bill authorizes the state to provide subvention funds to the Santa Clara Valley Water District for the South San Francisco Bay Shoreline Project. The bill also specifies that the state assumes no liability for damages that may result from the project unless the damages result from activities of the State Coastal Conservancy. Status: Chap. 685, Stats. 2018.

SB 1305 (Glazer) Emergency medical services providers: domesticated animals. This bill permits an emergency responder to provide basic first aid, as specified, to a dog or a cat, without being in violation of the Veterinary Medicine Practice Act. While the bill originally included a new immunity from civil liability provision for emergency medical service providers who provide basic first aid, the bill in its final form instead cross-references immunity provisions in existing law that apply to emergency care providers. Status: Chap. 900, Stats. 2018.

SB 1397 (Hill) Automated external defibrillators: requirement: modifications to existing buildings: immunity from liability. This bill requires certain renovated buildings with an occupancy of 200 or more to have an Automated External Defibrillator (AED) installed in those buildings and provides immunity from civil liability for a person or entity that complies with the requirement. Status: Chap. 1014, Stats. 2018.

CIVIL, CONSTITUTIONAL, AND PERSONAL RIGHTS

Civil Rights

AB 1576 (Levine) Gender Price Discrimination Act. As referred to this Committee, this bill would have prohibited a business establishment from discriminating with respect to the price charged for goods of a substantially similar or like kind, as defined, because of the gender of the targeted user of the good. Available remedies relating to a violation of this bill would have been the same as those provided under the Unruh Civil Rights Act. The bill was subsequently amended to address an unrelated issue. Status: Held, Asm Appropriations.

AB 1615 (E. Garcia) Gender discrimination: actions. This bill requires an attorney to attach specified forms when sending a demand letter or serving a complaint that alleges gender discrimination in the pricing of services and requires the Judicial Council and Department of Consumer Affairs (DCA) to develop forms and materials accordingly. Status: Chap. 156, Stats. 2017.

AB 1694 (Judiciary) Ralph Civil Rights Act. As heard by this Committee, this bill would have named the Ralph Civil Rights Act and the Tom Bane Civil Rights Act in order to distinguish them from the Unruh Civil Rights Act. The bill was subsequently amended to address an issue relating to foster care payments. Status: Chap. 10, Stats. 2018.

AB 2123 (Cervantes) District-based elections: voting rights. This bill permits a political subdivision and a prospective plaintiff to make a written agreement to extend, by up to 90 days, the time period during which a prospective plaintiff is prohibited from commencing an action under the California Voting Rights Act, if the purpose of the extension is to provide additional time to conduct public outreach, encourage public participation, and receive public input. The bill also provides a timeline for establishing district boundaries and requires a political subdivision that enters into a written agreement described above to prepare and make available on its Internet Web site a tentative schedule of the public outreach events and the public hearings to be held. Status: Chap. 277, Stats. 2018.

AB 2231 (Brough) Election Code violations: attorney's fees. This bill would have modified the perquisites for bringing claims under the California Voting Rights Act (CVRA) alleging that an at-large method of election illegally impairs the ability of a protected class of voters to elect the candidate of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of a protected class. Also the bill would have allowed successful defendants in non-frivolous CVRA lawsuits to recover attorneys' fees from the plaintiff. Status: Failed, Asm Elections and Redistricting.

AB 2432 (Oberholte) Voting Rights Act. In an action challenging an at-large method of election under the California Voting Rights Act, this bill would have prohibited the court from imposing district-based elections unless the plaintiff had established that district-based elections would remedy the dilution or abridgment of voting rights and that alternatives to district-based elections would not achieve greater voting rights and other benefits. Status: Dead, Asm Elections and Redistricting.

ACR 172 (Low) State historical anti-LGBT laws. This resolution apologizes for the enactment of past discriminatory laws and constitutional provisions that resulted in the persecution and oppression of lesbian, gay, bisexual, and transgender individuals and their communities; and expresses the Legislature’s commitment to taking the steps needed to be a fully inclusive state and preserving the rights of all people. Status: Res. Chap. 104, Stats. 2018.

AJR 16 (Low and Cunningham) Anti-LGBT actions in the Chechen Republic. This resolution makes findings relating to human rights violations in the Chechen Republic and calls upon the President and Congress of the United States to condemn anti-LGBT actions in Chechnya and to encourage federal immigration officials to grant asylum and refugee status, as specified, to victims of anti-LGBT persecution. Status: Res. Chap. 163, Stats. 2017.

HR 59 (Chiu) Anti-Semitism and other biases and prejudices. Under this measure, the Assembly would have affirmed, in light of the recent increase in the volume and frequency of acts of intolerance and xenophobia, and the evolving nature of anti-Semitism, the Assembly’s commitment to an open and inclusive state that actively opposes all forms of prejudice, bias, or discrimination against people based on religion, ethnicity, race, sex, national origin, immigration status, sexual orientation, gender identity and expression, or disability. Status: Dead, Asm Judiciary.

SB 31 (Lara) California Religious Freedom Act: disclosure of religious affiliation. This bill prohibits a state or local agency or a public employee from disclosing to the federal government information regarding a person’s religious beliefs, practices, or affiliation when the information is sought for the purpose of compiling a database of individuals based on religious belief, practice, or affiliation, national origin, or ethnicity for law enforcement or immigration purposes. The bill imposes other restrictions on the ability of state agencies to use its resources, databases, or personnel to collect information on the religious beliefs, practices, or affiliation of any individual, or to investigate, enforce, or assist in the investigation or enforcement of any requirement that individuals register with the federal government or any federal agency. The bill terminates, to the extent of any conflict, any existing agreements that make any agency or department information or database available in conflict with the bill's provisions. The bill clarifies that it does not prevent the collection, retention, or disclosure of personal information or documents as required by federal law or a court order. Status: Chap. 826, Stats. 2017.

SB 169 (Jackson and De Leon) Education: Sex equity. This bill would have required schools, colleges, and universities to comply with specified federal guidelines and regulations and would have made conforming changes to provisions of the California Education Code. Among other things, the bill would have defined “sexual harassment” to include “sexual violence.” More generally, the bill would have required the governing board or body of each elementary and secondary school that receives state financial assistance to adopt policies consistent with federal regulations and guidelines adopted during the Obama Administration. Status: Vetoed.

SB 219 (Wiener) Long-term care facilities: rights of residents. This bill enacts the Lesbian, Gay, Bisexual and Transgender (LGBT) Long-Term Care Facility Residents’ Bill of Rights and makes it unlawful for any long-term care facility, as defined, to take specified actions on the basis of a person’s actual or perceived sexual orientation, gender identity, gender expression, or HIV status. Status: Chap. 483, Stats. 2017.

SB 491 (Bradford) Civil rights discrimination: enforcement. This bill would have provided that a local government entity is permitted under the California Fair Employment and Housing Act to refer a person alleging discrimination to the Department of Fair Employment and Housing (DFEH) and to provide the person with relevant information and resources, as appropriate. The bill would require DFEH to establish an advisory group to study the feasibility of authorizing local government entities to enforce antidiscrimination statutes and make a report to the Legislature, should it find legislation advisable. Status: Vetoed.

SB 990 (Wiener) Inmates: name, gender pronouns, and access to programs. This bill would have required that inmates be called by their appropriate names, gender pronouns, and honorific titles, and that inmates housed outside the general population for their own protection have equal access to programs and work opportunities as inmates housed in the general population. Status: Held, Asm Appropriations.

SB 1427 (Hill) Discrimination: veteran or military status. This bill sought to prohibit landlords from turning away a prospective tenant based on their potential use of Housing and Urban Development Veterans Affairs Supportive Housing (HUD-VASH) vouchers as a source of income. The bill also would have added military and veteran status to the protected classes listed under the Fair Housing and Employment Act and other anti-discrimination laws. Status: Vetoed.

SB 1500 (Veterans Affairs) Prohibited discrimination against service members. This bill extends protections against, among other things, discharge from employment to members of the federal reserve components of the Armed Forces of the United States and members of the State Military Reserve. The bill also prohibits a person from refusing entrance into specified places to any member of the Armed Forces of the United States because that member wears the uniform of the organization to which he or she belongs. While existing laws prohibit discrimination in employment and public accommodation based on current, past, or future military service, certain anti-discrimination provisions in the Military and Veterans Code were enacted in 1935 and now contain outdated references to ranks and divisions of the Armed Forces. This bill updates the language used in the anti-discrimination provisions of the Military and Veterans Code. Status: Chap. 117, Stats. 2018.

SCR 78 (Jackson) Discrimination against women. This resolution urges the state and the private sector to adhere to the principles of the international Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to analyze their policies in light of those principles, and to make necessary changes to realize those principles. This measure acknowledges and makes findings as to the continued need for the state of California to protect the human rights of women and girls and to analyze the operations of state departments, policies, and programs in order to identify discrimination and, if identified, to remedy that discrimination. Status: Res. Chap. 16, Stats. 2018.

SJR 14 (Glazer) Confederate names and statues. This resolution urges Congress and the President of the United States to rename any federal buildings, parks, roadways, highway markers, landmarks, or other federally owned property, such as United States military bases, that bear the names of elected or military leaders of the Confederate States of America and urges Congress that statues or busts of elected or military leaders of the Confederate States of America

in the United States Capitol be removed and placed in museums where they can be viewed in proper historic context. Status: Res. Chap. 240, Stats. 2018.

Constitutional Rights

AB 233 (Gloria) Pupils: dress code: graduation. This bill would have permitted a student to wear religious, ceremonial, or cultural adornments, as defined, at school graduation ceremonies. The bill would have declared that nothing in its provisions shall be construed to limit a local educational agency's authority to prohibit a student from wearing an item that is likely to cause a substantial disruption of, or interference with, the ceremony or to expand or diminish any pupil rights established under specified provisions of the Education Code related to school dress codes and pupil freedom of speech. Status: Vetoed.

AB 517 (Harper) State government travel: political beliefs. This bill would have prohibited a state agency, department, board, or commission, as specified, from prohibiting or denying an employee's request to travel to states on the basis of the employee's political beliefs. Status: Dead, Asm Judiciary.

AB 1034 (Chau) Government interruption of communications: due process. This bill implements recommendations of the California Law Revision Commission (CLRC) to reorganize and ensure the constitutionality of the existing statute that governs the ability of government entities to interrupt communication services. The bill maintains, for the most part, the substance of existing law, but moves provisions from the Public Utilities Code to the Penal Code. Most notably, the bill adds a provision requiring prior notice to the affected consumer, as specified, in order to comply with constitutional due process requirements demanded by a recent California Supreme Court decision. Status: Chap. 322, Stats. 2017.

AB 1248 (Gloria) Graduation ceremonies. This bill allows a student to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment, as defined, at school graduation ceremonies. The bill declares, however, that nothing in its provisions shall be construed to limit a local educational agency's discretion and authority to prohibit an item that is likely to cause a substantial disruption of, or material interference with, the ceremony. Status: Chap. 804, Stats. 2018.

AB 2081 (Melendez) Campus free speech. This bill would have established the Campus Free Speech Act which, among other things, would have required each higher education institution to develop and adopt a prescribed policy on free expression. The bill would have made this policy supersede any of the institution's policies and regulations deemed inconsistent with the requirements of this bill. Finally, the bill would have made any higher education institution that failed to comply with the bill ineligible for any state funding, except for Cal Grant Program funds. The bill would have exempted educational programs or activities offered by faith-based higher education institutions to the extent that the bill's provisions were inconsistent with the religious tenets of the institution. Status: Failed, Asm Higher Education.

AB 2374 (Kiley and Quirk) Free Speech on Campus Act. This bill would have required a campus of the California Community Colleges or the California State University, and would have requested a campus of the University of California, to make and disseminate a free speech

statement that affirms the importance of, and the campus's commitment to promoting, freedom of expression. The bill would have required those campuses to supplement that statement with educational programming, including, but not limited to, online resources. Status: Held, Asm Appropriations.

ACA 14 (Melendez) Campus Free Speech Act. This constitutional amendment would have established the Campus Free Speech Act and required, among other things, that the governing board or body of a higher education institution adopt a policy on free expression that contains specified provisions. The bill would have authorized the Attorney General, and any person denied the right to engage in expressive activity, to bring an action, as specified. A person's whose rights were infringed upon by a violation of this bill's provisions would have been entitled to injunctive relief, reasonable court costs, attorney's fees, and damages of \$1,000 or actual damages, whichever is higher. The act would have made a higher education institution that fails to comply with the act ineligible for any state funding, except as specified. The act would have exempted religious institutions, as specified. Status: Dead, Asm Judiciary.

ACR 21 (Kiley) Colleges: free speech policy. This resolution urges all private and public universities in California, to the extent that they have not done so, to adopt free speech statements consistent with the principles articulated by the Chancellor of the University of California at Irvine, and the Free Expression Statement formally adopted by the University of Chicago. Status: Res. Chap. 103, Stats. 2017.

AJR 2 (Levine) Latino and Muslim Americans: First Amendment. This measure commends Latino Americans and Muslim Americans for their economic, political, and cultural impact on California and the United States and requests the President and the President-elect of the United States and Members of the United States Congress to respect the First Amendment of the United States Constitution and reject efforts to build a wall along the United States-Mexico border, monitor mosques, police and profile Muslim Americans, or adopt any immigration policy based on discrimination. Status: Dead, Asm Judiciary.

HR 63 (Gallagher) Free speech on campus. This resolution makes a number of legislative findings and, based upon those findings, condemns the violent tactics of anti-fascist groups that sometimes identify themselves as "Antifa." It also urges all citizens to commit to expressing their beliefs in respectful, reasoned, and civil debate. The resolution further calls on the University of California, the California State University, and community college campuses and the cities in which they are located, to commit to securing the rights of individuals to free speech and to take actions to ensure that groups like Antifa are not permitted to use violence and intimidation to suppress the free speech rights of others. Status: Adopted.

SCR 128 (Nguyen) American Flag. This resolution declares that the American flag represents the values of freedom and liberty, urges state and local governments to prohibit any government entity from banning the American flag from public property, and recognizes June 14 as National Flag Day. Status: Res. Chap. 125, Stats. 2018.

Disability Rights

AB 150 (Mathis) Disabled persons: rights. This bill would have required a plaintiff who is denied access to a public building, public accommodation, or other facility that is required by

law to be open and accessible to all persons, regardless of disability, to overcome a number of procedural hurdles before pursuing a civil claim for denial of access. Specifically, the bill would have prevented a plaintiff from filing a complaint under the Disabled Persons Act against a business with fewer than 50 full-time employees unless the plaintiff notified the business of the violations, described how those violations should be corrected, and waited six months to see if the violations were remedied. Finally, the bill would have precluded the plaintiff from pursuing the complaint if the owner or operator of the small business has made a “good faith effort” to correct the violation. Status: Failed, Asm Judiciary.

AB 688 (Calderon) Enforcement of money judgments: exemptions. This bill exempts funds in an Achieving a Better Life Experience (ABLE) account, not to exceed \$100,000, from a money judgment, commencing on September 1, 2018. This bill provides that a judgment in favor of the State Department of Health Care Services is not subject to the exemption. Status: Chap. 529, Stats. 2017.

AB 913 (Gray) Disability access: extremely high frequency litigants. This bill would have authorized a court to enter a pre-filing order prohibiting an “extremely high-frequency litigant” (defined as a plaintiff who has filed 15 or more complaints alleging violations of construction-related accessibility standards in one year) from filing any new litigation in the courts of this state without first obtaining leave of the court where the litigation is proposed to be filed, allowing such a complaint to be filed. Status: Failed, Asm Judiciary.

AB 1148 (Steinorth) Commercial property disclosures: disability access. This bill defines the term “commercial property” for purposes of an existing statute mandating disclosures about the accessibility of the property to be made by owners or lessors of commercial property to prospective tenants. The bill defines “commercial property” to mean property that is offered for rent or lease to persons operating, or intending to operate, a place of public accommodation as specified or facility to which the general public is invited, at those premises. Status: Chap. 87, Stats. 2017.

AB 1379 (Thurmond) CASp funding. This bill seeks to increase funding for the state Certified Access Specialist Program (CASp) program in order to increase the availability of CASp services and ultimately improve compliance with state and federal construction-related accessibility standards. The bill, among other things, requires, on and after January 1, 2018, through December 31, 2023, any applicant for a local business license or equivalent instrument or permit, and any applicant for the renewal of a business license or equivalent instrument or permit, to pay an additional fee of \$4 for that license, instrument, or permit, in order to fund CASp services by the city, county, or city and county that issued the license, instrument, or permit. Status: Chap. 667, Stats. 2017.

AB 1569 (Caballero) Disability rights: reasonable accommodations: animals. This bill would have revised the law governing requests for disability-related reasonable accommodations to keep an animal on rental property. Upon such a request, this bill would have authorized a person renting or leasing property to request that a prospective or current tenant provide reliable verification of the disability and the disability-related need for the animal, if the disability is not readily apparent or the disability-related need for an animal is not apparent. Status: Dead, Asm Judiciary.

AB 3002 (Grayson) Disability access: information to applicants for building permits and business licenses. This bill promotes disability access at commercial businesses and places of public accommodation by requiring local government agencies to provide building permit applicants with an advisory about federal and state disability access laws, encouragement to obtain an inspection from a Certified Access Specialist (CASp), information about how to contact a CASp, and notice regarding the availability of state and federal programs to assist small businesses with disability access expenditures. Status: Chap. 680, Stats. 2018.

AB 3158 (Mathis) Disability access: construction-related access barrier: civil actions. This bill would have prevented a plaintiff from filing a complaint alleging a construction-related accessibility violation until and unless (1) the plaintiff satisfies a number of difficult and specific requirements, including to notify the owner or operator of the public accommodation a list of specific laws and regulations that have been violated and have no contact with the owner or operator for the next 45 days, and to wait at least 90 and as long as 120 days (resulting in a minimum of 135 days from the date when access is denied, to well over 165 days, depending on when the initial 45 day period starts running); (2) the entity alleged to have denied the plaintiff access to the public accommodation fails to do a long list of specific actions; and (3) it is determined, regardless of whether the above requirements are satisfied, that no other complaint alleging a construction-related accessibility violation by the owner or operator of a public accommodation is pending. Status: Failed, Asm Judiciary.

ACR 115 (E. Garcia) Disabled individuals: tech and info access. This resolution encourages the state to ensure that its policies and procedures, to the greatest extent possible, make technology and information accessible to all individuals with disabilities. Status: Res. Chap. 191, Stats. 2017.

Personal Rights

AB 720 (Eggman) Inmates: psychiatric meds: informed consent. This bill applies the existing framework for involuntary administration of medication to a person in county jail after being sentenced on a criminal conviction, to other inmates in county jail, including those awaiting arraignment, trial, or sentencing. It also limits the time period for an involuntary medication order for county jail inmates awaiting arraignment, trial, or sentencing to six months. The bill requires counties to report to the Legislature on the involuntary medication of inmates awaiting arraignment, trial, or sentencing, if a county engages in such a practice. Finally, the bill provides a sunset date of January 1, 2022 for its provisions. Status: Chap. 347, Stats. 2017.

AB 1690 (Judiciary) Personal rights: compensatory relief. This bill extends protections in existing law that prohibit inquiry into a litigant's immigration status in civil actions brought to enforce state labor, employment, civil rights, and housing laws, to actions brought to enforce the state's consumer protection laws. Specifically, this bill clarifies that for purposes of civil actions to enforce state consumer protection laws, a person's immigration status is irrelevant to the issue of liability, and in proceedings or discovery undertaken to enforce those laws, no inquiry shall be permitted into a person's immigration status, except where the person seeking to make this inquiry has shown by clear and convincing evidence that the inquiry is necessary in order to comply with federal immigration law. Status: Chap. 160, Stats. 2017.

AB 2747 (Holden) Student Athlete Bill of Rights. This bill would have added to the protections of the Student Athlete Bill of Rights by requiring institutions of higher education to provide students with notices regarding their legal rights so that student athletes are aware of their rights under state and federal law, prohibiting an institution from retaliating against a student exercising their rights under the law, and finally, permitting institutions of higher education to create degree completion funds for student athletes. Status: Held, Sen Appropriations.

AB 2943 (Low) Unlawful business practices: sexual orientation change efforts. This bill would have made it unlawful for any individual to advertise, offer for sale, or sell services constituting sexual orientation change efforts (SOCE) to an individual in a transaction that is intended to result or which results in the sale or lease of goods or services to any consumer. Status: Dead, Asm Inactive.

AB 3112 (Grayson) Controlled substances: butane. This bill makes it unlawful for a manufacturer, wholesaler, reseller, or retailer to sell non-odorized butane to a customer, and authorizes a civil penalty to be assessed for the violations. Status: Chap. 595, Stats. 2018.

AB 3212 (Irwin) Service member protections. This bill expands the classes of federal military and state militia members who receive specified civil liability protections; extends the duration of existing protections following military service as specified; adds a category of debt to existing protections that cap interest rates for members called to active duty, as specified; and expands existing provisions allowing members who have been called to active duty to seek release from lease obligations, among other changes. Status: Chap. 555, Stats. 2018.

ACR 260 (Low) Statutes: gender-neutral language: pronouns. This resolution encourages the Legislature to engage in a coordinated effort to revise existing statutes and introduce new legislation that is inclusive of all people, including transgender and nonbinary people, by using gender-neutral pronouns. Status: Res. Chap. 190, Stats. 2018.

AJR 22 (Low) Transgender service members. This resolution proclaims that the Legislature respectfully disagrees with the statements posted on Twitter by the President of the United States proposing to ban transgender Americans from serving in the military. This resolution also urges United States Secretary of Defense James Mattis to allow transgender individuals to serve in the United States military and calls on Governor Brown to direct the California National Guard and other state military forces to take no action that discriminates against transgender service members, unless required by federal law or formal directive from the United States Department of Defense. Status: Res. Chap. 209, Stats. 2017.

HR 39 (McCarty) Loving Day. This resolution designates Monday, June 12, 2017, as Loving Day, to be observed as the official commemoration of the landmark United States Supreme Court decision, *Loving v. Virginia* (1967) 388 U.S. 1, which legalized interracial marriage in the United States. Status: Adopted.

HR 71 (Caballero) Planned Parenthood. This resolution urges the President and Congress of the United States to express their support for a woman's fundamental right to control her own

reproductive decisions, and to support access to comprehensive reproductive health care, including care provided by Planned Parenthood. Status: Adopted.

HR 81 (McCarty) Loving Day. This resolution commemorates June 12th, 2018 as Loving Day, in honor of *Loving v. Virginia*, the landmark unanimous Supreme Court decision that struck down laws banning interracial marriages and reinforced the holding that the right to marriage is a fundamental right under the United States Constitution. The resolution also makes several findings marking the celebration of Loving Day, and recognizes California's place in history in advancing marriage equality. Status: Adopted.

SB 49 (De Leon) California Environmental, Public Health, and Workers Defense Act of 2017. This bill would have enacted the California Environmental, Public Health, and Workers Defense Act of 2017, which would have required specified state agencies to regularly assess proposed and final changes to federal statutes and regulations that threaten to weaken existing environmental or public health standards. The bill also would have provided that if the specified state agency determined that a change to federal law reasonably could result in a negative impact to the environment or public health or welfare in California, the state agency would take appropriate action to maintain protections at least as stringent as baseline federal standards, as provided. The bill also sought to create a civil action to allow public interest enforcement of protections adopted by the state agency if baseline federal standards were weakened, or if federal environmental civil actions were restricted or repealed. Status: Dead, Asm Rules.

SB 175 (McGuire) Developmental services: commitment. This bill, an urgency measure, expands the power of a court to admit a person with a developmental disability to the custody of the State Department of Developmental Services, specifically allowing such persons to be committed, until June 30, 2021, to a separate and distinct unit at the Canyon Springs Community Facility due to an acute crisis. Status: Chap. 884, Stats. 2018.

SB 179 (Atkins) Gender Recognition Act. This bill enacts the Gender Recognition Act, which modifies the process for individuals to change their name and/or gender marker, such as female, male, or nonbinary, to conform to their gender identity in several identity documents, including a birth certificate and driver's license. Status: Chap. 853, Stats. 2017.

SB 183 (Lara) Civil arrest: courthouses. As heard by this Committee, this bill would have codified the common law privilege from arrest and service of process while attending, and going to and from, court proceedings, and would have provided the means and remedies necessary for protecting that privilege. The content of this bill was subsequently placed into SB 349, which was vetoed by the Governor. This bill, SB 183, was later amended to education equity. Status: Chap. 779, Stats. 2018.

SB 224 (Jackson) Personal rights: civil liability and enforcement. This bill adds a number of other professional relationships (elected official, lobbyist, investor, director, and producer) to existing law which provides a cause of action for sexual harassment in business or professional relationships. Additionally, this bill removes the requirement that an individual who brings a cause of action for sexual harassment would need to demonstrate that the relationship would not be easy to terminate. It also extends individual liability for sexual harassment to cases in which a

business, professional, or service relationship has not officially commenced, but has been offered. Status: Chap. 951, Stats. 2018.

SB 310 (Atkins) Name and gender change: prisons and county jail. This bill, commencing on September 1, 2018, allows incarcerated persons to petition for a name change or gender change proscribed under existing law, and requires the name change petitioner to provide notice to the Department of Corrections and Rehabilitation (CDCR) or the county jail. Status: Chap. 856, Stats. 2017.

SB 393 (Lara) Arrests: sealing. This bill provides a uniform process for a person to petition a court to seal records of an arrest that did not result in a conviction and for a court to notify custodians of such records of its sealing order, with specified exceptions. It also provides, among other things, penalties for the failure to comply with the court's order. Specifically, the bill provides that a person or entity who improperly disseminates information relating to a sealed arrest is subject to a civil penalty of not less than \$500 and not more than \$2,500 per violation. However, the bill only authorizes the new civil penalty to be enforced by a city attorney, deputy district attorney, or the Attorney General. Status: Chap. 680, Stats. 2017.

SCR 110 (Weiner) Sex characteristics. This resolution makes several findings alleging improper surgeries, and the harms caused by such surgeries, upon children born with "inter-sex" conditions, as described. The resolution calls upon stakeholders in the health profession to defer medical or surgical intervention until the inter-sex child is old enough to participate in decision making. Status: Res. Chap. 225, Stats. 2018.

Privacy Rights

AB 1185 (O'Donnell) Rental passenger vehicles: use of electronic surveillance information. This bill would have reduced, from one week to three calendar days, the time car rental companies must wait before using and accessing customer information to locate a missing rental vehicle. The bill also would have allowed several existing notice requirements to be met through use of an electronic display. Status: Dead, Sen Judiciary.

AB 1859 (Chau) Privacy of customer records: civil actions. This bill requires consumer credit reporting agencies (CCRAs) and affiliated third parties that know, or reasonably should know, that one of their computer systems is subject to a security vulnerability that poses a significant risk to the security of computerized data containing personal information to begin the process of implementing available software updates in a timely manner, as specified. Status: Chap. 532, Stats. 2018.

AB 3005 (Chen) Juvenile case files: inspection. Existing law makes all information regarding a minor in proceedings in the juvenile court and related court proceedings generally confidential, limits access to juvenile case files, and allows only certain individuals to inspect a juvenile case file, including, among others, the minor, his or her parents or guardian, and the attorneys for the parties, judges, referees, other hearing officers, probation officers, and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the minor. This bill would have authorized an investigator employed by a county auditor-controller who is authorized by a county board of supervisors to investigate suspected acts of waste, fraud, or

abuse, to access, inspect, and copy a juvenile case file, or portions thereof, as necessary for the performance of his or her duties. Status: Dead, Asm Judiciary.

SB 157 (Wieckowski) Invasion of privacy: distribution of sexually explicit material. This bill amends existing law that provides a private cause of action against a person who distributes sexually explicit material, as specified. Specifically, this bill provides that when a plaintiff uses a pseudonym in such an action, all other parties must use the plaintiff's pseudonym in all pleadings and other documents filed or served in the action and at any proceedings open to the public. The bill requires a party filing any document in the action to exclude or redact identifying characteristics of the plaintiff, and requires the court to keep the plaintiff's name and excluded or redacted characteristics confidential. Status: Chap. 233, Stats. 2017.

SB 466 (Bates) Rental passenger vehicle transactions: electronic surveillance technology: AMBER Alert. This bill authorizes electronic surveillance technology to be used, accessed, or obtained by a rental company in circumstances in which the rental vehicle is the subject of an AMBER Alert. The bill requires a rental company, if it uses the equipment in this manner, to notify law enforcement that one of the rental company's vehicles is the subject of an AMBER Alert upon becoming aware of the situation, except as specified. Status: Chap. 163, Stats. 2017.

SB 597 (Leyva) Human trafficking: victim confidentiality. See summary under Domestic Violence, Sexual Assault, and Human Trafficking.

SB 1121 (Dodd) Personal information: data breach. As heard in Committee, this bill would have updated and recast provisions of the California Customer Records Act to better protect consumers against modern, large-scale data breaches. This bill was subsequently amended to provide for clean-up language to the California Consumer Privacy Act of 2018. Status: Chap. 735, Stats. 2018.

SB 1194 (Lara) Privacy: lodging and common carriers. This bill prohibits businesses that offer lodging, or any employee or agent thereof, from disclosing, producing, providing, releasing, transferring, disseminating, or otherwise communicating all or any part of a guest record, as defined, orally, in writing, or by electronic or any other means to a third party, other than a California peace officer, without a court-issued subpoena, warrant, or order, as specified. The bill also prohibits an owner or operator of a private or charter bus transportation company, or any employee or agent thereof, from disclosing, producing, providing, releasing, transferring, disseminating, or otherwise communicating all or any part of a passenger manifest, as defined, orally, in writing, or by electronic or any other means to a third party, other than a California peace officer, without a court-issued subpoena, warrant, or order, as specified. Status: Chap. 853, Stats. 2018.

SB 1196 (Jackson) Personal identifying information: unlawful use: business entity filing. This bill authorizes a person whose personal identifying information has been used unlawfully in a business entity filing, and has initiated a law enforcement investigation, to petition a court for an order directing the alleged perpetrator of the act and the person using the personal identifying information in the filing to appear and show cause as to why the information should not be labeled to show the information is impersonated and should not be associated with the business entity. The bill provides the relevant court process and requires a court that finds the petition

meritorious, to order that the name and personal identifying information in the business entity filing be redacted or labeled to show the data is impersonated and to order the removal of the personal identifying information from publicly accessible electronic indexes and databases. Status: Chap. 696, Stats. 2018.

Employment Rights - Harassment and Retaliation

AB 2055 (Levine) Legislative ethics: sexual harassment: education: lobbying. This bill requires the semiannual course taught by the legislative ethics committees for lobbyists to include information on each house of the Legislature's policies against harassment, including sexual harassment, in connection with lobbying activities. Status: Chap. 964, Stats. 2018.

AB 2366 (Bonta) Employment: sexual harassment. This bill would have allowed victims of sexual harassment to take time off from work in order to obtain legal relief and other services in the same manner that existing law allows victims of domestic violence, sexual assault, and stalking to take time off from work. The bill would have extended the existing right to job-protected leave to family members, as defined, of victims. Finally, the bill would have prohibited an employer from discharging, or discriminating or retaliating against, an employee who is a victim of sexual harassment or who invokes the rights provided under this bill. The bill would have specified that "employer" included the state, any political subdivision of the state, and the Legislature. Status: Held, Asm Appropriations.

AB 2713 (Rodriguez) Public employment: sexual harassment training. This bill would have required, by January 1, 2020, that the California Department of Human Resources and the Department of Fair Employment and Housing create and make public an annual report on sexual harassment complaints in state agencies. Status: Vetoed.

AB 2770 (Irwin) Employment: sexual harassment: privileged communications: immunity from liability. This bill codifies California defamation case law as it relates to allegations of workplace sexual harassment, by specifying that (1) employees who report sexual harassment to their employer are not liable for any resulting injury to the alleged harasser's reputation, so long as the communication is based on credible evidence and without malice; (2) communications between employers and anyone with an interest in a sexual harassment complaint are not liable for any resulting damage to the alleged harasser's reputation, as long as the communication is made without malice; and (3) former employers are not liable for any resulting injury to a former employee's reputation if, in response to inquiries from prospective employers, the former employers indicate that they would not rehire the former employee based on a determination that the former employee engaged in sexual harassment, so long as the statement is made without malice. Status: Chap. 82, Stats. 2018.

AB 2946 (Kalra) Division of Labor Standards: complaint. This bill would have extended the statute of limitations for complaints alleging workplace retaliation from six months to three years, and would have authorized the payment of attorney's fees to employees who successfully sue for retaliation based on whistleblowing. Status: Failed, Asm Floor.

AB 3080 (Gonzalez Fletcher) Employment discrimination: enforcement. This bill would have limited the abuse of non-disparagement agreements by making it unlawful for employers to

prohibit workers from disclosing an instance of sexual harassment, opposing an unlawful practice, or participating in any investigation relating to harassment or discrimination. Secondly, to prevent the use of arbitration from keeping allegations of sexual harassment from becoming public, this bill would have ensured that California workers who sign agreements to waive their rights to any particular forum or procedure for dispute resolution do so voluntarily and that those who elect not to sign such agreements are not subjected to retaliation as a result. Status: Vetoed.

AB 3081 (Gonzalez Fletcher) Employment: sexual harassment. This bill would have prohibited an employer from discharging, or discriminating or retaliating against, an employee because of the employee's status as a victim of sexual harassment. In addition, the bill would have created a rebuttable presumption of unlawful retaliation if the employer takes an adverse employment action against the employer within 30 days after an employer learns that an employee has been the victim of domestic violence, sexual assault, sexual harassment or stalking; imposed joint liability between a client employer and a labor contractor, as specified; and prohibited the employer and labor contractor from taking any adverse action against any worker for providing notification of violations or for filing a claim or civil action. Status: Vetoed.

AB 3082 (Gonzalez Fletcher) IHSS: sexual harassment training. This bill requires the Department of Social Services (DSS), in consultation with interested stakeholders, to develop or identify educational material about sexual harassment prevention, to make this material available to In-Home Support Services (IHSS) providers and recipients, and to propose a method for uniform data collection to identify the prevalence of sexual harassment in the IHSS program. The bill also requires DSS, on or before September 30, 2019, to provide a copy of the educational materials and a description of the proposed method of data collection to the relevant legislative committees. Status: Chap. 948, Stats. 2018.

SB 295 (Monning) Farm labor contractors: sexual harassment training. This bill strengthens an existing law that requires licensed farm labor contractors to provide sexual harassment prevention training to supervisors and employees. Specifically, this bill requires that training must be provided in the language understood by the employee and also that the contractor must submit information regarding the training upon application for a license renewal. The bill requires a licensee, as part of the application for license renewal, to provide to the Labor Commissioner with the total number of agricultural employees trained in the prior calendar year and requires the commissioner to aggregate and publish this data, as specified. The bill imposes specified civil penalties for failure to comply with the above provisions. Status: Chap. 424, Stats. 2017.

SB 306 (Hertzberg) Retaliation actions: complaints: administrative review. This bill authorizes the Division of Labor Standards Enforcement to commence an investigation of an employer when specified retaliation or discrimination is suspected during the course of a wage claim or other investigation. The bill authorizes the Labor Commissioner, upon finding reasonable cause to believe that the violation has occurred, to petition a superior court for injunctive relief, as provided. The bill also authorizes the commissioner to establish hearing procedures, issue citations, and prescribe civil penalties, as specified. Finally, the bill authorizes an employee who is bringing a civil action under these provisions to seek injunctive relief, as specified. Status: Chap. 460, Stats. 2017.

SB 419 (Portantino) Legislative sexual harassment: retaliation: retention of records: civil liability. This urgency bill enacts the Legislative Discriminatory Harassment Retaliation Prevention Act to prohibit retaliation or discrimination against a legislative advocate or legislative employee who opposes the violation of laws prohibiting harassment and discrimination or other acts that constitute discriminatory harassment. The bill also makes clarifying changes to the Legislative Employee Whistleblower Protection Act (See AB 403 (Melendez), above). Status: Chap. 952, Stats. 2018.

SB 1038 (Leyva) FEHA: violations: personal liability. For purposes of the unlawful employment provisions of the Fair Employment and Housing Act, this bill would have made an employee personally liable for an act of retaliation against an employee who had reported or otherwise objected to an unlawful act of harassment, but only if the employee who commits the act of retaliation also committed the underlying act of unlawful harassment. Status: Dead, Asm Inactive.

SB 1300 (Jackson) Unlawful employment practice: discrimination and harassment. This bill makes several changes relating to unlawful discrimination and harassment in employment. The bill (1) clarifies that an employer may be responsible for the acts of nonemployees with respect to harassment activity; (2) generally prohibits an employer from conditioning a raise, bonus, or other condition of employment upon a release of any claim or right or the signing of an agreement that purports to deny the employee the right to disclose information about unlawful acts in the workplace, and makes any such agreement unenforceable; (3) authorizes an employer to provide bystander intervention training, as specified, to their employees; (4) provides that a prevailing defendant may not be awarded fees and costs unless the court finds that the action was frivolous, unreasonable, or groundless, as specified; and (5) makes findings and declarations that purport to provide guidance to the courts on how to apply the "severe or pervasive" standard in sexual harassment cases. Status: Chap. 955, Stats. 2018.

Employment Rights - General

AB 31 (Rodriguez) Whistleblower complaints: State Auditor. This bill amends the California Whistleblower Protection Act by providing a mechanism for confidential complaints about misconduct involving the State Auditor's Office (SAO) to be made to an investigator outside the SAO. The bill allows any person to make a confidential report about misconduct by the SAO, or employees of the SAO, by reporting such conduct to the California Department of Justice (DOJ). The bill also requires DOJ to determine whether an independent investigation of the complaint is warranted and, if so, to hire an independent investigator to conduct an investigation of the complaint. Status: Chap. 605, Stats. 2017.

AB 281 (Salas) Labor code: PAGA. This bill would have extended the period of time in which an employer may cure violations of the Labor Code that are enforced by the Labor Code Private Attorneys General Act of 2004 (PAGA) from 33 to 65 calendar days. Status: Dead, Asm Labor & Employment.

AB 403 (Melendez) Legislative Employee Whistleblower Protection Act. This bill enacts the Legislative Employee Whistleblower Protection Act to protect legislative employees (including volunteers, interns, fellows, and applicants) from interference with their ability to make protected

disclosures and retaliation for making protected disclosures. The bill imposes criminal and civil liability on Members of the Legislature and legislative employees who interfere with or retaliate against a legislative employee's exercise of the right to make a protected disclosure, defined by the bill to be a communication by a legislative employee that is made in good faith alleging that a Member of the Legislature or legislative employee engaged in, or will engage in, activity that may constitute a violation of any law, including sexual harassment, or of a legislative code of conduct. Status: Chap. 2, Stats. 2018.

AB 450 (Chiu) Employment: immigration worksite enforcement. See summary under Immigration Issues.

AB 518 (Harper) Travel ban: exemptions for athletic and academic competition. This bill would have exempted certain athletic and academic competitions from an existing statute that prohibits a state agency, department, board, or commission from requiring or funding employee or member travel to a state that has enacted a law that voids or repeals, or has the effect of voiding or repealing, existing protections against discrimination on the basis of sexual orientation, gender identity, or gender expression or has enacted a law that authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression. Status: Dead, Asm Judiciary.

AB 553 (Daly) Workers' compensation program: prohibition of attorney's fees. This bill, as referred to this Committee, would have required the Director of the Division of Workers' Compensation to distribute \$120,000,000 annually to eligible workers and require any remaining program funds to be distributed pro rata to those eligible workers, subject to a \$25,000 limit per calendar year. The bill, at the time of referral to this Committee, would have prohibited using any of the funds to pay attorney's fees. However, the attorney's fee provision was removed from the bill and the Committee waived hearing. Status: Vetoed.

AB 569 (Gonzalez Fletcher) Discrimination: reproductive health. This bill would have prohibited an employer from taking any adverse action against an employee based on his or her reproductive health decisions, including, but not limited to, the use of any drug, device, or medical service. The bill would have also specified that any contract or agreement, express or implied, made by an employee to waive the right guaranteed by this bill is null and void. The bill would require an employee handbook to include notice of employee rights and remedies under the provisions of this bill. Status: Vetoed.

AB 1017 (Santiago) Collective bargaining agreements: arbitration: litigation. This bill would have expanded to public employment the ability of a party to a collective bargaining unit to obtain attorney's fees when prevailing on claims against an arbitration or arbitrator's decision, unless the opposing party raises substantial issues involving complex or significant questions of law. As introduced, this bill would have prohibited the cost of attorney's fees from being passed onto the employee. In its final in print version, this bill would have provided that only a labor organization or an employer would be liable for attorney's fees. Status: Dead, Sen Desk.

AB 1102 (Rodriguez) Health facilities: whistleblower protections. This bill increases the amount of the fine that can be assessed for a willful violation of the whistleblower protection law (which prohibits discrimination and retaliation against a patient, employee, member of the

medical staff, or any other health care worker of the health facility who exercises his or her rights under the whistleblower protection law), a misdemeanor, from a maximum of \$20,000 to a maximum of \$75,000. The bill also clarifies that the criminal penalty is in addition to the possible civil penalty violation of up to \$25,000. Status: Chap. 275, Stats. 2017.

AB 1174 (Harper) Right to work: labor organizations. This bill would have established the “California Right to Work Act of 2017” to prohibit a person from requiring an employee, as a condition of obtaining or continuing employment, to contribute financial support to a labor organization. The bill would have permitted an employee or potential employee to seek injunctive relief, or monetary damages, or both, for violations or threatened violations of the bill's provisions. Status: Failed, Asm Labor & Employment.

AB 1429 (Fong) Labor Code: PAGA. This bill would have limited the type of violations for which an aggrieved employee is authorized to bring a civil action under the Labor Code Private Attorneys General Act (PAGA), and requires the employee to follow specified procedures before bringing an action. The bill would have capped the civil penalties recoverable under these provisions at \$10,000 per claimant, excluded the recovery of filing fees by a successful claimant, and required the superior court to review any penalties sought as part of a settlement agreement under these provisions. Status: Dead, Asm Labor & Employment.

AB 1430 (Fong) Labor Code: PAGA. This bill would have revised certain procedural provisions of the Labor Code Private Attorneys General Act (PAGA) in order to require the Labor and Workforce Development Agency (LWDA), after receiving notification of an alleged violation of PAGA, to investigate the alleged violation and either issue a citation or determine if there is a reasonable basis for a civil action. The bill would have authorized an aggrieved employee to commence an action upon receipt of notice from the agency that there is a reasonable basis for a civil action, or if the agency fails to provide notification in a timely manner. Status: Dead, Asm Labor & Employment.

AB 1710 (Veterans Affairs) Prohibited discrimination against service members. This bill makes several amendments to California Military and Veterans Code Section 394 in order to conform that section with 2011 amendments to the federal Uniformed Services Employment and Reemployment Rights Act (USERRA). The conforming amendments ensure that, like USERRA, Section 394 provides workplace protections to California service members who experience a hostile work environment due to their military service. Status: Chap. 591, Stats. 2017.

AB 1761 (Muratsuchi) Hotel workers' safety. This bill would have required a hotel employer to provide employees with a panic button, as specified, in order to summon immediate assistance when working alone in the guestroom. In addition, the bill would have required a hotel employer to (1) post specified notices; (2) permit an employee who is a victim of assault to take time off for specified purposes; and (3) provide reasonable accommodations to an employee who has been subjected to an act of violence, sexual assault, or sexual harassment by a guest. Upon request of an employee, the bill would have required an employer to report an act constituting a crime to law enforcement and to cooperate in any investigation. The bill would have prohibited a hotel employer from discriminating or retaliating against an employee who reasonably uses a panic button or invokes any other right granted under this bill. Status: Held, Sen Appropriations.

AB 2016 (Fong) PAGA: civil actions. This bill would have modified the procedures for bringing a civil action under the Labor Code Private Attorneys General Act of 2004 (PAGA); expanded the kinds of violations that may be cured; changed the timeline for curing those violation; and limited the remedies available to aggrieved employees. Status: Failed, Asm Labor and Employment.

AB 2128 (Kiley) School employees: suspension or dismissal proceeding: evidence of sexual or abusive behavior or communication. This bill allows additional evidence of prior misconduct to be introduced at teacher disciplinary proceedings, even when it occurs more than four years before the proceeding. Specifically, it allows decisions relating to the dismissal or suspension of an employee to be based on behaviors or communications of a sexual or abusive nature with a pupil that occurred more than four years before the notice of intent to dismiss was filed. Status: Chap. 816, Stats. 2018.

AB 2234 (Jones-Sawyer) School employees: egregious misconduct: suspension or dismissal proceeding: testimony of minor. This bill authorizes witness testimony by a minor under 18 years of age, in a dismissal hearing, in a suspension or dismissal hearing of a certificated or classified employee where the employee is alleged to have engaged in egregious misconduct, to be taken in a room outside the hearing room and be televised by two-way closed circuit television (CCTV); requires a witness under 18 years of age or a dependent with cognitive impairment to be protected from undue harassment or embarrassment; requires the appointment of a support person for a minor witness in such a proceeding; and, requires a court order or subpoena to obtain pupil contact information. Status: Chap. 996, Stats. 2018.

AB 2389 (Harper) Discrimination: state employee travel. This bill would have exempted travel to academic conferences and competitions, athletic events, and for purposes of athletic recruiting from an existing law that otherwise bans state-sponsored and state-funded travel to states that discriminate against the LGBTQ community, as specified. Status: Failed, Asm Judiciary.

AB 2409 (Kiley) Occupational regulation: appeal of license denial. Would have established a right to engage in a profession or vocation without being subject to an occupational regulation that imposes a substantial burden on that right, and would have established a private right of action for individuals to sue a regulatory board in court, wherein the board must have proved through a preponderance of evidence that any challenged occupational regulation is limited to what is demonstrably necessary and narrowly tailored to fulfill a legitimate public health, safety, or welfare objective. Status: Failed, Asm Business and Professions.

AB 2496 (Gonzalez Fletcher) Janitorial employees: burden of proof. This bill would have created a rebuttable presumption that a worker in the janitorial field is an employee, rather than an independent contractor, and therefore is entitled to the same protections and privileges as other employees under the law. Status: Vetoed.

AB 2765 (Low) Employment benefits: digital marketplace: discrimination. This bill would have authorized a "digital marketplace," as defined, to contribute to a benefit plan, as specified, and prescribed certain minimum benefits for such a plan. In addition, the bill would have provided that, for purposes of all provisions of state and local employment laws, a marketplace

contractor that offers services through a digital marketplace is an independent contractor of the digital marketplace. Finally, the bill would have made it an unlawful employment practice for a digital marketplace to discriminate against any individual because of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status, in receiving, classifying, disposing, or otherwise acting upon applications to participate with the digital marketplace as a marketplace contractor. Status: Dead, Asm Labor and Employment.

AB 2907 (Flora) PAGA. This bill would have authorized an employer to cure a wage statement violation that is alleged in an action brought under Labor Code's Private Attorney's General Act within a 33-day period after being notified of the violation. Status: Failed, Asm Labor and Employment.

AB 3094 (Patterson) Agricultural Labor Relations Act. This bill would have expanded the bases upon which the Agricultural Labor Relations Board (ALRB) may refuse to certify a union election to include misconduct by ALRB personnel or a union, as specified. The bill would have permitted the ALRB to order a second election unless misconduct by the employer or union is deemed sufficiently egregious, in which case ALRB will certify against the offending party. Status: Failed, Asm Labor and Employment.

AB 3126 (Brough) Contractors: bonding requirements. This bill repeals the existing authority for the Contractors State License Board to accept a deposit in lieu of a surety bond, beginning January 1, 2019, unless the deposit is cash or a cashier's check, and requires all other existing alternatives for a deposit in a lieu of a bond to be replaced with a surety bond or cash or a cashier's check deposit by January 1, 2020. Status: Chap. 925, Stats. 2018.

SB 51 (Jackson) Professional licensees: environmental sciences and climate change: whistleblower and data protection. This bill would have prohibited state professional licensing entities from taking disciplinary action against a public employee for reporting improper governmental activity or sharing information about scientific or technical research in a scientific or a public forum or with the media. The bill also would have required the Secretary for Environmental Protection to make every reasonable effort to preserve and make available to the public scientific information and other data at risk of censorship or destruction by the federal government. Status: Vetoed.

SB 63 (Jackson) Unlawful employment practice: parental leave. This bill makes it an unlawful employment practice for an employer of twenty or more employees to refuse to allow an eligible employee to take up to twelve weeks of job-protected parental leave to bond with a new child within one year of the child's birth, adoption or foster care placement. The bill also prohibits an employer from refusing to maintain and pay for the employee's continued group health coverage during the leave. Status: Chap. 686, Stats. 2017.

SB 76 (Nielsen) Excluded employees: arbitration. As heard in this Committee, this bill would have established the Excluded Employee Arbitration Act which would have authorized an organization that represents excluded state employees to request on behalf of an excluded state employee binding arbitration for alleged violations of working conditions, as specified, when the grievance was not resolved satisfactorily. The bill also would have specified how the arbitrator

is selected, and outlined procedures for how the arbitration proceeding is to be conducted. The bill was subsequently amended to address an unrelated issue. Status: Dead, Asm Transportation.

SB 486 (Monning) Contractors' State License Law: letter of admonishment. This bill authorizes the Contractors' State License Board (CSLB) to issue a letter of admonishment to an applicant, licensee, or registrant, under certain prescribed circumstances, instead of issuing a citation, and establishes procedures for administrating or contesting such a letter. Status: Chap. 308, Stats. 2017.

SB 1284 (Jackson) Employers: annual report: pay data. This bill would have required certain employers to submit a report each year to the Department of Fair Employment and Housing (DFEH) detailing the employer's pay data for specified job categories broken down by race, ethnicity, and sex. Status: Held, Asm Appropriations.

OPEN GOVERNMENT AND PUBLIC RECORDS

AB 459 (Chau) Public records: body-worn cameras. This bill, in order to provide victims of sexual or domestic violence with greater certainty that unredacted body-worn camera footage depicting them won't be disclosed to the public, prohibits a law enforcement agency from publicly disclosing video and audio recordings held by the agency which depict a victim of sexual or domestic violence pursuant to a request made under the California Public Records Act (CPRA). The bill also requires that the victim or victim's family is given access to a copy of the recording upon their request. Status: Chap. 291, Stats. 2017.

AB 492 (Grayson) Public records: solicitation fees. This bill permits a nongovernmental entity to solicit a fee for providing a copy of a public record if that solicitation meets specified requirements, including by providing a disclosure stating that the document is an advertisement. The solicitation must also state the fee or cost charged by the relevant state or local government agency to obtain a copy of the record offered, and must include contact information for the state or local agency that has custody of the record. The bill authorizes the Attorney General, a district attorney, or a city attorney to bring an action against a person who violates the provisions of the bill and provides for civil penalties for such violations. Status: Chap. 293, Stats. 2017.

AB 748 (Ting) Peace officers: body worn cameras. This bill allows for the public disclosure of a video or audio recording depicting a "critical incident," and defines that term as an incident involving a peace officer's use of force, violation of law, or violation of agency policy, except as specified. The bill also limits this requirement in a number of ways, including the following: 1) delays implementation until July 1, 2019; 2) limits the level of force that triggers disclosure from serious bodily injury to great bodily injury; 3) specifies that the standard to withhold release of records shall be clear and convincing evidence after one year; and 4) removes baton strikes to the head or neck as a category of force requiring release. Status: Chap. 960, Stats. 2018.

AB 1455 (Bocanegra) Public records: collective bargaining records. This bill extends an existing Public Records Act exemption that applies to documents relating to collective bargaining between a state agency and its employees to documents relating to collective bargaining between a local public agency and employees governed by the Meyers-Milias-Brown Act, so that those documents are also exempt from disclosure. Status: Chap. 560, Stats. 2017.

AB 1478 (Jones-Sawyer) Charter schools. This bill would have required charter schools, including an entity managing a charter school, to comply with the same open government and conflict of interest requirements that apply to school districts. Specifically, charter schools and their managing entities must comply with applicable provisions of the following: the Ralph M. Brown Act; the Bagley-Keene Open Meeting Act; the California Public Records Act; Government Code Section 1090; and the Political Reform Act of 1974. Status: Failed, Asm Floor.

AB 1479 (Bonta) Public record: denied access. This bill would have required, until January 1, 2023, a public agency to designate a person or office to act as the agency's custodian of records in order to respond to any request made pursuant for a public record and any inquiry from the public about a decision by the agency to deny a request for records. Status: Vetoed.

AB 2013 (Cunningham and E. Garcia) Criminal gang reports: CPRA. This bill would have prohibited law enforcement agencies from disclosing, in response to a request from the public, any names of the victims of, and witnesses to, specified gang related offenses, except under limited circumstances. Specifically, the bill would have allowed a law enforcement agency to withhold from public disclosure, in response to a CPRA request, the name of a victim of, or witness to, any crime defined by subdivision (a) or (d) of Section 186.22 of the Penal Code, upon request of the victim or witness. It would have required that an employee of a law enforcement agency who personally receives a report involving specified gang related offenses to inform the victim and any witnesses, that their name will become a matter of public record unless they request that it not become a matter of public record and required a written police report involving specified gang offenses to indicate that the alleged victim and any witnesses have been properly informed about their right to request non-disclosure of their names and shall memorialize their responses. Status: Held, Asm Appropriations.

AB 2032 (Judiciary) Legislative records: sexual harassment and misconduct. This bill would have improved transparency of Legislative records while protecting the privacy interests of victims and other witnesses and complainants by doing the following: (1) requiring the release of records related to complaints of harassment, discrimination, or other misconduct by a Member of the Legislature or "high-level employee" if the complaint was found to be true, discipline was imposed as a result of the complaint, or there was reasonable cause to believe that the complaint is well-founded; (2) created a rebuttable presumption that identifying information about the accuser, complainant, and any witness must be redacted from the released records, unless on the facts of the particular case the public interest served by making the information public clearly outweighs the public interest served by not disclosing that information; (3) clarified that the Legislature may publicly disclose additional records about harassment, discrimination, or other misconduct, and records relating to misconduct by persons who are not Members of the Legislature or high-level employees; and (4) allowed the Legislature to release its records to a law enforcement agency that is conducting a criminal investigation. Status: Dead, Asm Rules.

AB 3077 (Caballero) Vehicles: children safety. As introduced, this bill would have authorized a school district to install and operate an automated school bus video enforcement system and provided that, notwithstanding any other law, including the California Public Records Act (CPRA), any information, image, or other data captured or generated by the automated school bus video enforcement system is confidential and shall be available only to the school district,

contractor, law enforcement, or offender for specified purposes. The CPRA provision was removed from the bill prior to it being heard by the Committee, thus removing the bill from this Committee's jurisdiction. Status: Chap. 502, Stats. 2018.

SB 19 (Hill) Public Utilities Commission: Public Records Act. This bill makes several reforms to the operations of the California Public Utilities Commission (CPUC), including the transfer of four transportation-related functions from the CPUC to other agencies or jurisdictions. The bill also clarifies and, in some cases codifies, the responsibilities and oversight of various positions within the CPUC. The bill clarifies the notification requirements for the CPUC to contract for outside legal services. Most significant to this Committee, at the time that it was heard by this Committee, the bill permitted a civil action to be brought against the CPUC under the California Public Records Act in superior court (instead of having to be brought in appellate court). That provision was subsequently removed from the bill. Status: Chap. 421, Stats. 2017.

SB 54 (DeLeon) Law enforcement: data sharing. See summary under Immigration Issues.

SB 244 (Lara) Privacy: agencies: personal information: CPRA. This bill limits the disclosure of several types of records in order to protect the privacy of persons whose information is included in those records. Specifically, it limits the collection and dissemination of the following: (a) information and documents obtained by a city, county, or other local agency for the purpose of issuing a local identification card; (b) documents provided by an applicant for an original or renewed California Driver's License in order to prove their identity, name, or residence address; (c) documents provided by an applicant for a driver's license that is issued to persons who are unable to submit satisfactory proof that they are in the United States lawfully in order to prove their identity or residency; and (d) information collected by the state, local governments, and public hospitals to assess eligibility for, or to administer, public health services or programs. Second, the bill clarifies that it is a form of discrimination that violates existing law to notify a law enforcement agency that an individual holds a driver's license that is issued to persons who are unable to submit satisfactory proof that they are in the United States lawfully when such notification is not required by law. Third, the bill prohibits a driver's license issued to a person who is unable to submit satisfactory proof that they are in the United States lawfully from being used as evidence of an individual's citizenship or immigration status for any purpose. Status: Chap. 885, Stats. 2018.

SB 573 (Lara) Student financial aid: service learning programs: CPRA. This bill would have authorized the University of California, the California State University, and the California Community Colleges to develop and implement a student service program for students with financial need who are exempt from paying nonresident tuition under current law, or who meet equivalent requirements adopted by the UC Regents. The bill also would have imposed limitations on the collection, retention, and public disclosure of records and information about applicants and participants in the program. Status: Dead, Asm Inactive.

SB 1127 (Hill) Administration of medical cannabis: schools: pupil records. This bill would have authorized the governing board of a school district, a county board of education, or the governing body of a charter school to adopt a policy that allows a parent or guardian to administer certain forms of medicinal cannabis to an authorized student at a school. The bill would also have provided that student records collected for the purpose of administering the

provisions of this bill shall be used only for the purpose of administration of medicinal cannabis, shall not be open to the public for inspection, and shall not be disclosed for any reason, except as required by a state or federal court order. Status: Vetoed.

SB 1244 (Wieckowski) Public records: disclosure: requester: court costs and fees. This bill replaces the term “plaintiff” with the term “requester” in Government Code Section 6259(d) to clarify that the court shall award court costs and reasonable attorney’s fees to the requester should the requester prevail in litigation filed pursuant to this section and to clarify that the court shall award court costs and reasonable attorney fees to the public agency if the court finds that the requester’s case is clearly frivolous. Status: Chap. 463, Stats. 2018.

PROBATE AND RELATED MATTERS

Civil Commitment, Conservatorship and Guardianship

AB 2113 (Obernolte) Guardianships. This bill provides that guardianship of a ward’s estate terminates upon the death of the ward, except when the law provides that the guardian has certain powers and responsibilities, including conserving the estate and paying unpaid expenses. Status: Chap. 73, Stats. 2018.

AB 2236 (Maienschein) Conservatorships. This bill clarifies that although a conservatorship terminates upon death of the conservatee, the conservator continues to have certain powers and responsibilities, including conserving the estate and paying unpaid expenses. Status: Chap. 126, Stats. 2018.

AB 2642 (Levine) Guardianship: special immigrant juvenile status. This bill provides, in an effort to ensure that unaccompanied minors are able to apply for Special Immigrant Juvenile Status immigration relief, that a nonprofit charitable corporation not incorporated in this state may be appointed as the guardian of a minor if specified requirements are met. Status: Chap. 103, Stats. 2018.

SB 438 (Roth) Legal guardianship: successor guardian. This bill authorizes the assessment of a legal guardian for a foster child to also include the naming of a prospective successor guardian if one is identified. The bill authorizes the named successor guardian to be assessed and appointed in the event of the incapacity or death of an appointed guardian pursuant to the existing procedures that govern the appointment of a legal guardian. Status: Chap. 307, Stats. 2017.

SB 931 (Herzberg) Conservatorships: custody status. This measure addresses cases in which an individual is held in custody, and as a result, may not be scheduled for an investigation to determine whether a Lanterman-Petris-Short (LPS) conservatorship would be appropriate. To promote the timely evaluation of individuals and avoid unnecessary delays, this bill clarifies that the custody status of a person — whether or not they are in jail — cannot be the sole reason for not scheduling an investigation for conservatorship. This bill seeks to ensure that when an individual is released, there are services and support immediately available. Additionally, the measure allows the professional person providing mental health treatment at a county jail, or that person’s designee, to recommend an LPS conservatorship, which is the first step to establishing a conservatorship. Status: Chap. 458, Stats. 2018.

SB 1045 (Wiener and Stern) Conservatorship: serious mental illness and substance use disorder. This bill creates, until January 1, 2024, a new conservatorship for individuals who are incapable of caring for their own health and well-being due to a serious mental illness and substance use disorder, as evidenced by frequent detention for evaluation and treatment under 72-hour involuntary holds, in Los Angeles, San Diego, and San Francisco Counties. Status: Chap. 845, Stats. 2018.

Elder Abuse

AB 575 (Jones-Sawyer) Elder and dependent adult abuse mandated reporters: substance use disorder counselors. This bill expands the definition of health care practitioner to include a substance abuse disorder counselor for the purposes of being a mandated reporter of elder abuse. Status: Chap. 407, Stats. 2017.

AB 611 (Dababneh) Mandated reporters of elder abuse: powers of attorney. This bill authorizes a person who is a mandated reporter of suspected financial abuse of an elder or dependent adult to not honor a power of attorney if that person reports to an adult protective services agency or a local law enforcement agency that the elder or dependent adult who executed the power of attorney may have been subjected to financial abuse by the person attempting to exercise the power of attorney on that person's behalf. Status: Chap. 408, Stats. 2017.

AB 859 (Eggman) Elder and dependent adult physical abuse: standard of abuse when defendant destroys or conceals evidence. This bill would have applied a preponderance of the evidence standard to any claim brought against a residential care facility for the elderly or a skilled nursing facility, except as specified, for remedies sought pursuant to the Elder Abuse and Dependent Adult Civil Protection Act, upon circumstances in which spoliation of evidence has been committed by the defendant, as specified. Status: Vetoed.

AB 2159 (Chu) Elder financial abuse: money transmitters. This bill would have made "money transmitters," as defined, mandatory reporters of suspected financial abuse of an elder or dependent adult for purposes of the Elder and Dependent Adult Civil Protection Act. Status: Dead, Asm Appropriations.

SB 1320 (Stern) Elder or dependent adult abuse: victim confidentiality. This bill allows victims of elder or dependent adult abuse, as defined, to participate in the Secretary of State's Safe at Home address confidentiality program. Status: Chap. 517, Stats. 2018.

Probate

AB 308 (Maienschein) Probate actions: civil procedure. This bill expands the requirements for notice provided to interested individuals in probate actions, specifically requiring the notice to include a description of the subject property and a description of the relief sought. Additionally, the bill clarifies how the Code of Civil Procedure's discovery rules apply to the Probate Code, by adding to the Probate Code when a petitioner may commence discovery. The bill does not expand whom discovery may be obtained from or allow discovery to commence any earlier. Status: Chap. 32, Stats. 2017.

AB 309 (Maienschein) Pour-over wills: trusts established after will. This bill provides that a written instrument executed within 60 days after the execution of the testator's will may be used to devise the testator's property if the trust is identified in the testator's will and its terms are set forth in the written instrument. Status: Chap. 33, Stats. 2017.

AB 439 (Gallagher) Trusts and estates: property claims. This bill would have authorized a petition to determine ownership of real or personal property claimed by an estate, ward, conservatee, or trustee to be filed in certain counties, including in the county where the property that is the subject of the petition is located, or in the county where the day-to-day administration of the trust in possession of, holding title to, or claiming an interest in the property takes place. Status: Dead, Asm Judiciary.

AB 1739 (Chau) Nonprobate revocable transfer on death deed. This bill clarifies that the "Common Questions" language in the statutory form for a revocable transfer on death deed need not be recorded along with the deed portion of the form. This bill is an urgency measure and takes effect immediately upon enactment. Status: Chap. 65, Stats. 2018.

AB 1960 (Oberholte) Estates and trusts: kindred. This bill defines "kindred" to exclude the spouse of a transferor for purposes of determining the distribution of property in a will, trust, deed, or other document when the transferee, who is kindred of the transferor, dies before the transferor. Status: Chap. 71, Stats. 2018.

AB 3004 (Kiley) Nonprobate revocable transfer on death deed. This bill would have changed rules regarding the revocable transfer on death deed, including authorizing a transferor to make a donative transfer to a charitable organization or nonprofit entity, requiring a revocable transfer on death deed to be recorded during the transferor's life to be effective, and modifying the provisions for notarization. Status: Dead, Asm Judiciary.

AB 3095 (Santiago) Uniform Electronic Transactions Act: wills. This bill would have modified the Uniform Electronic Transactions Act to permit the adoption of electronic wills that are signed and stored electronically. Additionally, this bill would have created a process whereby the witnesses to the signing of a will may be able to view the signing remotely via an electronic connection. Status: Dead, Asm Judiciary.

SB 1436 (Portantino) Intestate succession: establishing parentage. This bill clarifies that, for purposes of establishing parentage for determining intestate succession where it was impossible for a parent to hold a child out as that parent's own, evidence of parentage may include genetic DNA evidence acquired during the parent's lifetime and makes that provision gender neutral. Status: Status: Chap. 116, Stats. 2018.

Trusts and Estates

AB 307 (Maienschein) Trust distribution: allocation of principal and income. This bill provides revised directions for how a trustee is required to allocate money to beneficiaries of an estate or trust as either principal or income. The bill provides that the directions include, among other things, how a trustee is to determine that a distribution is a return of capital that is allocated as principal. Status: Chap. 577, Stats. 2017.

AB 926 (Irwin) Cemeteries: endowment funds. This bill authorizes a cemetery authority to convert its endowment care fund distribution method from a net-income distribution method to a unitrust distribution method upon application to- and approval from- the Cemetery and Funeral Bureau (Bureau), commencing on or after January 1, 2020. The bill requires the cemetery authority to demonstrate to the Bureau that the cemetery authority will manage the trust under the prudent investor rule, create a reserve and a rainy day fund, and cap trustee compensation. The bill also requires the cemetery authority to submit annual reports to the Bureau. Status: Chap. 750, Stats. 2017.

AB 2426 (Maienschein) Trustee: power to terminate trust. This bill increases the value of a trust that a trustee may terminate without court approval from \$40,000 to \$50,000. Status: Chap. 78, Stats. 2018.

SB 153 (Anderson) Trusts and estates: donative transfers. This bill updates the provisions regarding presumptive disqualification of donative transfers to certain individuals where fraud or undue influence is likely. In particular, the bill replaces the term “gift” with the term “donative transfer” with respect to presumptive disqualification of a donative transfer due to fraud or undue influence and adds to legislative intent that the presumptive disqualification of certain donative gifts is intended to supplement the common law on fraud, along with undue influence, without superseding or interfering in the operation of that law. Status: Chap. 56, Stats. 2017.

SB 333 (Anderson) Trusts: modification or termination. This bill revises and recasts provisions relating to the modification or termination of an irrevocable trust to delete the provision prohibiting a court from terminating an irrevocable trust that is subject to a valid restraint on the transfer of a beneficiary’s interest and instead authorize the court to terminate a trust with this restraint if the court finds good cause to do so. The bill specifies that a court is authorized to limit the class of beneficiaries whose consent is necessary to modify or terminate a trust when the class is described as “heirs” or “next of kin.” The bill also authorizes the trust to be modified or terminated by the written consent of the settlor and all beneficiaries without court approval of the modification or termination. Status: Chap. 61, Stats. 2017.

SB 909 (Hertzberg) Uniform Trust Decanting Act. This bill enacts the Uniform Trust Decanting Act, under which a fiduciary of an irrevocable trust may distribute the property of a first trust into a second trust or trusts, without first obtaining the consent of the beneficiaries or approval of the court, subject to certain exceptions. Status: Chap. 407, Stats. 2018.

PROPERTY AND RELATED MATTERS

Mortgage Lending and Foreclosure

SB 818 (Beall) Mortgages and deeds of trust: foreclosure. This bill restores protections for homeowners facing nonjudicial foreclosure that were enacted by the Homeowners' Bill of Rights (HBOR) in 2012, but that lapsed at the end of 2017. Generally, the bill re-establishes rules for servicers with respect to first-lien mortgages secured by owner-occupied principal residences containing one- to four-dwelling units. Status: Chap. 404, Stats. 2018.

SB 1183 (Morrell) Mortgages and deeds of trust: successors in interest. This bill clarifies that the Survivors Bill of Rights, which provides due process protections for successors in

interest going through the foreclosure process, does not apply to reverse mortgages, which by their nature are non-assumable loans not at issue in SBOR cases involving communication between lenders and surviving family members of the borrower seeking assumption of the decedent's mortgage. Status: Chap. 136, Stats. 2018.

Personal Property

AB 325 (Stone) Termination of tenancy: sale of personal property. Existing law provides that personal property left behind by a tenant after the premises have been vacated is required to be sold by the landlord at a public sale by competitive bidding, if after notice to the tenant the property remains unclaimed, as specified. Instead, this bill would have required the public sale of that property to be held in the county where the vacated premises are located. Status: Dead, Asm Judiciary.

AB 772 (Daly) Unclaimed property: publication of notice. This bill allows the State Controller to publish a specific notice to owners of unclaimed property in any manner the Controller determines to be reasonable, instead of only being allowed to publish the notice in a newspaper of general circulation. The bill clarifies that a reasonable manner of publication of the notice may include, but is not limited to, newspapers, Internet websites, radio, television, or other media. Status: Chap. 200, Stats. 2017.

AB 1108 (Daly) Self-service storage facilities: notice of public sale. This bill allows self-storage businesses to provide legal notices to customers by email, with the consent of the customer. The bill also clarifies that self-storage companies may use Internet auction sites when conducting public sale of storage unit contents. Status: Chap. 227, Stats. 2017.

AB 2173 (Santiago) Commercial real property: termination of tenancy: disposition of personal property. This bill increases the threshold amount that triggers a commercial landlord's duty to auction off personal property left behind when a commercial tenant vacates. Specifically, if a landlord reasonably believes that the value of the remaining personal property is worth less than either \$2,500 or an amount equal to the total rent due each month, whichever is greater, then the bill allows the landlord to dispose of the abandoned personal property in any manner, including retaining it for the landlord's own use. Status: Chap. 74, Stats. 2018.

AB 2209 (Choi) Unclaimed property: escheat period. This bill would have increased the escheat period from three to five years for specified types of unclaimed property held by a banking organization, and revises time frames that specify when banks may notify apparent owners that their property may escheat if no further action is taken. Status: Failed, Asm Judiciary.

AB 2350 (Oberholte) Unclaimed property: IOLTA funds. This bill gives the State Controller continuous appropriation authority to make payments from the Interest on Lawyers' Trust Accounts (IOLTA) Claims Reserve Subaccount, and codifies the Controller's use of the Franchise Tax Board Offset Account. Status: Chap. 390, Stats. 2018.

AB 2773 (Acosta) Unclaimed property: voluntary disclosure program. This bill would have required the State Controller to create a program, operative until January 1, 2024, for the voluntary disclosure of unclaimed property consistent with specified requirements. The bill

would have required the Controller to waive interest and penalty charges for holders who are accepted into the program, complete the voluntary disclosures in good faith, and act consistent with program requirements. Status: Dead, Asm Judiciary.

AB 2847 (Rubio) Commercial real estate: abandoned property. This bill allows a landlord of commercial property to give notice of belief of abandonment if the rent has been due and unpaid for at least the number of days required for the lessor to declare a rent default under the terms of the lease, but in no case less than three days. Status: Chap. 104, Stats. 2018.

Common Interest Developments

AB 534 (Gallagher) Common interest developments: mechanics liens. This bill clarifies the authority of a common interest development (CID) to authorize work or improvement to the common area of the CID. The bill also allows a mechanic's lien to be served on the CID association (e.g., homeowners association) in lieu of all the separate interest owners. The bill clarifies that a separate interest owner may remove their share of the mechanic's lien secured on the common area by obtaining and recording a lien release bond for that owner's pro rata share of the overall claim. Status: Chap. 44, Stats. 2017.

AB 634 (Eggman) Real property: solar energy systems. This bill prohibits homeowner's associations (HOAs) from requiring approval of the membership of the common interest development (CID) for installation of a solar energy system in specified locations, and clarifies provisions that allow the imposition of reasonable restrictions on solar energy systems. Among other things, the bill provides that the HOA may require the owner to pay costs for damage to the common area or other separate interests resulting from the installation, maintenance or other work involving the solar system and for disclosing to prospective buyers the existence of the solar system and the related responsibilities of the owner. Status: Chap. 818, Stats. 2017.

AB 690 (Quirk-Silva) Common interest developments: managers. This bill requires a common interest development (CID) manager or management company to disclose certain information before entering into a management agreement with a homeowner's association (HOA) and requires the HOA annual budget to contain specified information relating to charges for certain documents provided by the CID manager or management company. Status: Chap. 127, Stats. 2017.

AB 1412 (Choi) Common interest developments: notices: volunteer officers: liability. This bill authorizes a homeowners association to use the last address provided in writing by the owner of a separate interest in a common interest development (CID) when the owner fails to provide notice of change of address. The bill also limits the liability of a volunteer officer or director who does not own more than two residential separate interests in a development that is mixed use. Status: Chap. 278, Stats. 2017.

AB 1760 (Frazier) Common interest developments: emergency vehicle parking. This bill would have prohibited homeowners associations from enforcing any prohibition or restriction relating to parking of an emergency vehicle, as defined, that is owned or under the control of a member of the association. Status: Failed, Asm Judiciary.

AB 1917 (Steinorth) Common interest developments. Existing law provides that a declaration (part of the recorded documents creating a CID) that specifies a termination date, but that contains no provision for extension of the termination date, may be extended by the approval of members, except that no single extension of the terms of the declaration may exceed the initial term of the declaration or 20 years, whichever is less. This bill would have prohibited a single extension of the terms of the declaration from exceeding the initial term of the declaration or 25 years, whichever is less. Status: Dead, Asm Judiciary.

AB 2912 (Irwin) Common interest developments: finances. This bill requires the board of directors of a common interest development to review specified financial documents on a monthly basis, and prohibits electronic transfers of funds from homeowner association accounts without prior board approval. Status: Chap. 396, Stats. 2018.

SB 407 (Wieckowski) Common interest developments: noncommercial solicitation. This bill restricts the ability of HOAs to adopt bylaws or rules in their governing documents that prohibit CID members and residents from engaging in certain activities, as specified, that reflect free expression of speech, including political speech and freedom of assembly. Status: Chap. 236, Stats. 2017.

SB 1016 (Allen) Common interest developments: electric vehicle-dedicated meters. This bill makes void and unenforceable any covenant, restriction or conditions contained in any deed, contract, security instrument, or other instrument in a common interest development that prohibits or restricts the installation or use of an electric vehicle-dedicated time-of-use meter. Status: Chap. 376, Stats. 2018.

SB 1128 (Roth) Common interest developments: governance. This bill would have provided that a homeowner association (HOA) in a common interest development may provide a document by electronic means if the recipient has consented by email; reduced the notice requirement of a proposed rule change by the HOA board from 30 days to 28 days; and provided that the nominees to a board shall be declared elected by acclamation if the number of nominees does not exceed the number of vacancies on the board, as specified. Status: Vetoed.

SB 1173 (Vidak) Common interest developments: annual notices. This bill clarifies notice requirements for homeowners' associations (HOA) with respect to time-share properties that are also within a common interest development (CID). Specifically, the bill clarifies that an HOA does not need to obtain updated address and property use information for any time-shares within the CID, as long as the HOA obtains a copy of the time-share association's membership list at least once each year. In addition, the HOA must then enter the time-share owners' updated names and contact information into its own records, which shall be available in the same manner as any other CID records. Status: Chap. 91, Stats. 2018.

SB 1265 (Wieckowski) Common interest developments: elections. This bill sought numerous reforms to the laws governing elections in common interest developments (CIDs). Among other things, this bill would have: (1) limited the unchecked authority of homeowner associations to impose "qualifications" on members that may effectively disqualify them from running for the board of directors; (2) prohibited anyone currently employed or under contract to the HOA to serve as elections inspector; (3) protected against HOAs from disenfranchising members; (4)

required notice of specified election rules and procedures; (5) allowed for inspection and limited copying of election-related documents; and (6) prohibited HOAs from suing homeowners who have requested internal dispute resolution until after the association participates in that process. Status: Vetoed.

Real Property

AB 408 (Chen) Eminent domain: final offer of compensation. This bill would have required a court to award litigation expenses to a defendant in an eminent domain action if the government's final offer is less than 90% of the compensation finally awarded. Status: Dead, Asm Judiciary.

AB 794 (Gallagher) County officers: recorder: record correction. This bill allows specified persons to request that information in the recorder's index of record be corrected upon providing sufficient evidence, and requires the recorder to correct those indexing errors. The bill also clarifies a recorder's authority to correct certain indexing errors. Status: Chap. 349, Stats. 2017.

AB 1059 (Gonzalez Fletcher) Dual agency: commercial real estate transactions. This bill would have prohibited a real estate agent from acting as a dual agent in a commercial real estate transaction. The bill also would have prohibited a brokerage firm, broker, or any of its associate licensees from acting as an agent for both a seller and a buyer in the same commercial real estate transaction, and from acting as a dual agent in connection with its representation of any principal. Status: Failed, Asm Judiciary.

AB 1139 (Reyes) Real estate transfer fees: notice. This bill requires a specified advisory notice be given to potential homebuyers, unless certain exceptions apply, to inform them of federal restrictions associated with private transfer fees that may make it more difficult to obtain home financing. Status: Chap. 148, Stats. 2017.

AB 1289 (Arambula) Real property disclosure requirements. This bill, in conjunction with AB 749, revises and recasts dozens of provisions throughout the Real Estate Law, including replacing the use of terms such as "agent," "transferor", and "broker." In addition, the bill makes various changes to provisions pertaining to expert responsibility and real property disclosure requirements. Status: Chap. 907, Stats. 2018.

AB 1626 (Irwin) Real estate brokers: dual agency. This bill would have declared that the law regarding the responsibilities of associate licensees and supervising brokers in dual agency transactions requires clarification due to the holding in a specified California Supreme Court decision. The bill sought to define when dual agency exists; specify some of the duties of licensees in conducting dual agency transactions; and revise the mandatory disclosure form used in dual agency transactions. Status: Dead, Asm Judiciary.

AB 3041 (Cunningham) Real estate transfer fees. This bill prohibits developers from creating new property covenants, conditions, or restrictions that force subsequent owners to pay specially designated fees every time the property is transferred, unless the fee provides a "direct benefit" to the property, as defined in federal law. Status: Chap. 306, Stats. 2018.

SB 42 (Hill) Public lands: Martins Beach: property acquisition. This bill would have created the Martins Beach Subaccount in the Land Bank Fund (fund), and would have allowed the State Lands Commission to use up to \$1 million from the fund or any moneys deposited by public or private sources to acquire a right-of-way or easement for an access route to Martins Beach, as specified. Status: Vetoed.

SB 50 (Allen) Federal public lands: conveyances: recording. This bill provides that conveyances of federal public lands within the state of California are void unless the State Land Commission is first provided with the right of first refusal or the right to arrange for the transfer of the federal public land to another entity. The bill prohibits a person from knowingly presenting for recording or filing with the county recorder a deed, instrument, or other document related to the conveyance unless it is accompanied by a certificate of compliance. The bill subjects a person who violates this prohibition to a civil penalty not to exceed \$5,000. The bill requires the commission to ensure that future management of the conveyed federal public land is determined in a public process that gives consideration of past recognized and legal uses of those lands. Status: Chap. 535, Stats. 2017.

SB 479 (Morrell) Mortgages: default procedures: trustee's or attorney's fees. This bill raises, from \$425 to \$475, the maximum amount that a trustee may demand and receive for trustee's or attorney's fees arising out of a foreclosure sale. The bill also recasts the existing provisions that set forth the formula for calculating maximum fees associated with a trustee's sale, in order to make them easier to read and understand. Status: Chap. 217, Stats. 2017.

SB 824 (Lara) Insurers: declared disaster: homeowners' insurance policies. This bill prohibits an insurer from canceling or refusing to renew a homeowners' insurance policy for one year from the date of a declaration of a state of emergency, as specified; and requires admitted insurers with at least \$10 million in written premiums in California to biennially report to the California Department of Insurance specified fire risk information on residential property policies. Status: Chap. 616, Stats. 2018.

Rental Property

AB 291 (Chiu) Housing: Immigrant Tenant Protection Act of 2017. See summary under Immigration Issues.

AB 299 (Calderon) Hiring of real property: immigration or citizenship status. See summary under Immigration Issues.

AB 646 (Kalra) Rental property: disclosures: flood hazard areas: areas of potential flooding. This bill requires, for every lease or rental agreement for residential property entered into on or after July 1, 2018, the owner or person offering the property for rent to disclose to the tenant specified information pertaining to the risk of flooding, including, among other things, that the property is located in a special flood hazard area or an area of potential flooding, if the owner has actual knowledge of that fact. Status: Chap. 502, Stats. 2017.

AB 1242 (Grayson) Rental property: owner or owner's agent: contact information. This bill would have required an owner or the agent of the owner of a multifamily residential rental property that consists of 16 or more units to live within 5 miles of the property, rather than on the

premises itself. The bill also would have required the contact information for the owner or the owner's agent to be provided in writing to each tenant each year, upon signing a lease or rental agreement, and within 30 days of a change in any of that information. Status: Dead, Asm Judiciary.

AB 1691 (Judiciary) Consumer credit reports: consumer credit reporting agencies. This bill sought to repeal a statute that prohibits consumer agencies from furnishing a credit report that contains records of unlawful detainer actions where the lessor was the prevailing party, as specified, because the provision was invalidated by a court for being unconstitutional in 1995. Status: Dead, Sen Desk.

AB 2219 (Ting) Landlord-tenant: third-party payments. This bill requires, subject to specified limitations, a landlord or a landlord's agent to allow a tenant to pay rent through a third party. Status: Chap. 233, Stats. 2018.

AB 2343 (Chiu) Unlawful detainer. This bill provides that the three-day notice period for unlawful detainer for a tenant to address curable breaches of the lease, including nonpayment of rent and failure to perform certain duties under the lease, shall be counted so as to exclude weekends and judicial holidays. Similarly, the bill also provides that the five-day period in which the defendant may file his or her answer in response to a notice of summons in an unlawful detainer case shall be counted so as to exclude weekends and judicial holidays. Status: Chap. 260, Stats. 2018.

AB 2364 (Bloom) Ellis Act: punitive damages. This bill sought to make a number of revisions and changes to the Ellis Act, the state law that allows landlords of rent-controlled properties to exit the rental market by evicting the tenants, if certain procedures are followed. Among other things, this bill would have: (1) established that the date of withdrawal for the accommodations as a whole, for the purposes of calculating key restrictive time periods, shall be the last date of withdrawal of any extended tenancy; (2) clarified that the Act is not intended to permit an owner to return to the rental market anything less than all of the accommodations at issue; (3) extended the penalty period for violations of the Act from a 2-year window to a 5-year window; and (4) eliminated the cap on punitive damages that a tenant can seek for being illegally displaced under the Act. Status: Failed, Asm Floor.

AB 2413 (Chiu) Tenancy: law enforcement and emergency assistance. This bill expands protections for survivors of domestic violence and other types of abuse to not face eviction or other penalties on the basis of having summoned law enforcement or 911 emergency assistance on their own behalf, or on behalf of another, to respond to incidents of violence or abuse, as provided. Status: Chap. 190, Stats. 2018.

AB 2618 (Bonta) Landlords and property managers: training on tenant rights. This bill would have required landlords and property managers, with certain exceptions, to certify completion of educational coursework on fair housing, landlord-tenant law, and other topics, in order to legally engage in residential property management, as defined. Status: Held, Asm Appropriations.

AB 2925 (Bonta) Unlawful detainer: eviction: just cause. This bill would have required that cause for eviction be stated by the landlord in any notice to terminate tenancy or to recover possession when no notice is required. The bill would have stated the intent of the Legislature to encourage or incentivize cities to enact just cause eviction ordinances in order to prevent unnecessary displacement of tenants. Status: Failed, Asm Floor.

AB 2930 (Santiago) Nuisance eviction pilot program. This bill extends authority, until January 1, 2024, for two nuisance-eviction pilot programs that conditionally allows city attorneys and prosecutors in authorized cities to bring eviction proceedings against tenants for committing nuisance violations involving unlawful weapons or controlled substances. Status: Chap. 880, 2018.

Affordable Housing

AB 686 (Santiago) Housing discrimination: affirmatively furthering fair housing. This bill requires a public agency to administer its programs and activities relating to housing and community development in a manner that affirmatively furthers fair housing, as defined. In addition, the bill provides that if a public agency fails to meet its obligation to affirmatively further fair housing, that failure would constitute housing discrimination under the California Fair Employment and Housing Act. Status: Chap. 958, Stats. 2018.

AB 932 (Ting) Shelter crisis: homeless shelters. As heard by this Committee, this bill would have authorized, until 2027, a pilot program in San Francisco to suspend certain legal rules and standards during a declared shelter crisis, in order to expedite the design and construction of more shelters and long-term housing for the homeless. The bill was later amended to authorize emergency housing, upon the declaration of a shelter crisis by specified cities and counties, to include homeless shelters until January 1, 2021. Status: Chap. 786, Stats. 2017.

AB 1203 (Gloria) Housing: discrimination. Under existing law, the Planning and Zoning Law prohibits a city, county, city and county, and other local governmental agencies from discriminating against a residential development or emergency shelter because of specified reasons, and also prohibits such a local agency from imposing different requirements on a residential development or an emergency shelter that is subsidized, financed, insured, or otherwise assisted by the federal or state government or by a local public entity than those imposed on non-assisted developments. This bill would have applied these provisions to transitional housing. Status: Dead, Asm Housing and Community Development.

AB 3052 (Chen) Escheated funds: portable housing: elderly persons. As referred to this Committee, this bill would have required that all unclaimed money, including unclaimed money from a deceased person's estate, that has permanently escheated to the state be deposited in the Housing Rehabilitation Loan Fund for the construction, rehabilitation, or acquisition and rehabilitation of multifamily rental housing developments for elderly persons or households. The bill was subsequently amended to address a different subject. Status: Dead, Asm Housing & Community Development.

MISCELLANEOUS

AB 536 (Melendez) Counties: federal funding. This bill would have authorized a county to elect not to comply with any state law if the county determines that compliance with the state law would jeopardize federal funding. Status: Failed, Asm Judiciary.

AB 866 (Cunningham) Gateway monuments: flag display. This bill authorizes a city or county to display the Flag of the United States of America or the Flag of the State of California, or both, as part of a gateway monument, which is defined as any freestanding structure or sign, or nonintegral highway feature, constructed within the state's right-of-way, that communicates the name of the city or county. Status: Chap. 201, Stats. 2017.

AB 927 (Levine) Private schools: law enforcement services. This bill would have created a grant program, using public funds from the state's General Fund, to pay for supplemental law enforcement services at private schools in order to keep children (who attend private schools) safe and to protect them from fear of hate crimes and anxiety about the recent increase of hate crimes. Status: Held, Asm Appropriations.

AB 1040 (Mathis) DOJ: permits. This bill would have placed time limits on the process for the California Department of Justice (DOJ) to review and approve applications for permits to operate businesses such as a check cashing business and permits issued to a manufacturer, wholesaler, retailer or any other entity that sells, transfers, or furnishes specified controlled substances. It also would have required the department to notify the applicant, within 30 days of receiving the application, whether the department had deemed the application to be complete, as well as the date of that determination. Finally, the bill would have required the department to grant or deny a permit application within 180 calendar days. Status: Dead, Asm Public Safety.

AB 1516 (Cunningham) Code maintenance. This bill makes non-substantive changes to the codes that are recommended by the Legislative Counsel's office. Specifically, the bill makes various grammatical and other technical changes suggested by the Office of Legislative Counsel in order to correct non-substantive errors that exist in the original bill text. Status: Chap. 561, Stats. 2017.

AB 2636 (E. Garcia) Attorney General Environmental Justice Fund. This bill would have established the Environmental Justice Fund, within the State Treasury, to fund the Attorney General's efforts to protect environmental justice communities. Additionally, the bill would have permitted the fund to be used for investigations and litigation that protect communities that endure a disproportionate share of environmental pollution and promote the fair treatment of people of all races, cultures, and incomes with respect to the implementation and enforcement of environmental laws, regulations, and policies. Status: Dead, Sen EQ.

AB 3250 (Judiciary) Civil law omnibus. This bill makes several technical and noncontroversial changes to civil law and civil procedure including clarifying that legal document assistants and unlawful detainer assistants do not need to take legal ethics as a part of their bi-annual continuing legal education requirements, replacing the term "individual who is hearing impaired" with "individual who is deaf or hard of hearing" in Civil Code provisions related to court interpreters and court accessibility, clarifying provisions regarding the accrual of

interest on certain legal settlements, and making several technical amendments to the process utilized to legally change one's name and gender in court. Status: Chap. 776, Stats. 2018.

AJR 6 (Gloria) United States Postal Service. This measure urges Congress to support specific federal legislation on postal reform, and to require the United States Postal Service (USPS) to restore service standards that were in effect as of July 1, 2012, continue the mandate for 6-day delivery service, and continue operation of all mail sorting centers in California. Status: Res. Chap. 150, Stats. 2017.

SB 984 (Skinner) State boards and commissions: gender representation: appointments. This bill would have sought to promote greater gender diversity on state boards and commissions by requiring each one to have a minimum number (or percentage) of women by 2024. If the board or commission had five or more members, women would be required to constitute 40% of the membership. If the board or commission had four or fewer members, at least one member would have been required to be female. The bill would have required the Governor's Office to collect and release, at least annually, aggregate data relating to the race, ethnicity, gender identity, and sex of applicants, nominees, and appointees of the boards and commissions. Because this bill relies on both a gender classification and a quota system, it raised substantial equal protection concerns and would have been subject to heightened scrutiny if challenged in the courts. Status: Held, Asm Appropriations.

SB 1289 (Judiciary) Maintenance of the codes. This bill makes several non-substantive changes in various provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature. Status: Chap. 92, Stats. 2018.

SCR 91 (Roth) California Law Revision Commission studies. This resolution authorizes the California Law Revision Commission (CLRC) to continue its study of 24 topics that the Legislature previously authorized it to study, and a new topic, namely, hazardous waste control and hazardous waste substances. Status: Res. Chap. 158, Stats. 2018.