

## 2015-2016 Bill Summaries

### ATTORNEYS AND RELATED MATTERS

#### *Attorneys and Related Services*

**AB 686 (Daly) Unauthorized practice of law.** As introduced, the bill would have expanded the prohibition against individuals who are not active members of the State Bar from practicing law in California to include the act of referring a person injured in the course of employment to a lawyer or law firm for professional services in connection with the injury. The bill was later amended to address the issue of insurance fraud. Status: Dead, Assembly Insurance.

**AB 703 (Bloom) Juvenile attorney qualifications.** This bill establishes specified requirements for attorneys to be appointed by courts to represent minors in the juvenile justice system and requires the Judicial Council to establish, by July 1, 2016, minimum training and education requirements for counsel to be appointed in delinquency proceedings. Status: Chapter 369, Stats. 2015.

**AB 897 (Gonzalez) International arbitration.** As originally introduced, this bill would have recast existing state law governing arbitration proceedings for international commercial disputes in California, authorizing the parties to be represented or assisted by any person of their choice, regardless of whether the person is a member of the legal profession or licensed to practice law in California. The bill was later amended to deal with a different subject. In its final version, the bill establishes rules for the retention of grocery store workers. Status: Chapter 305, Stats. 2015.

**AB 1523 (Judiciary) IOLTA.** This bill would have made a technical correction to a legal definition relating to Interest on Lawyers' Trust (IOLTA) accounts. IOLTA accounts are required to be established by attorneys or law firms for the purpose of receiving or disbursing client funds. Status: Dead, Senate Judiciary.

**AB 1740 (Alejo) California Law Fellowship Program.** This bill would have established the California Law Fellowship Program for the purpose of offering licensed attorneys and other qualifying law school graduates limited-term placements as law fellows in public sector positions within state government. The bill would have provided that the services of participants within the program are not compensation, reward, or a gift to a Member of the Legislature for purposes of the Code of Ethics. The bill further would have provided that a participant is not an employee of the Legislature for purposes of the Code of Ethics. Status: Dead, Assembly Rules.

**AB 2804 (Brown) Cities and counties: legal services: contingency fee contracts.** This bill would have required a city council or the board of supervisors of a county, prior to entering into a contingency fee contract for legal services relating to civil litigation initiated by the city or county, to make a determination that use of a contingency fee contract would be cost-effective and in the public interest. The bill would have required this determination to be supported by specified findings and required any contract entered into by the city or county for legal services on a contingency fee basis to meet specified requirements. Status: Dead, Assembly Local Government.

**SB 134 (Hertzberg) Law school loan forgiveness: public interest employment.** This bill requires funds in IOLTA accounts that escheat to the state to be deposited into a segregated account. Under the provisions of the bill, a portion of those IOLTA funds would then be transferred each year into the Public Interest Attorney Loan Repayment Account for the purpose of providing, upon appropriation by the Legislature, funding to the existing Public Interest Attorney Loan Repayment Program that provides loan forgiveness for attorneys working in government and public service jobs. Status: Chapter 488, Stats. 2015.

**SB 1257 (Block) State Bar: admission: pro bono requirement.** This bill would have required any person who applies to become a licensed California attorney to complete at least 50 hours of pro bono service, supervised by a practicing lawyer or law professor, prior to filing an application for admission with the State Bar of California. Status: Vetoed.

**SB 1281 (Block) Law schools: unaccredited law school disclosures.** This bill requires certain information to be posted on the Internet Web sites of law schools in California that are not approved by the American Bar Association (ABA), including the following: tuition, fees, and financial aid; the number of full-time and part-time faculty, technically trained librarians, and administrators; the average class size of each required course and the number of clinical offerings; employment outcomes for graduates; and Bar passage data. Status: Chapter 87, Stats. 2016.

### *State Bar*

**AB 2878 (Judiciary) State Bar.** This bill would have reauthorized the State Bar to collect dues up to \$390 from active attorneys in for 2017 and made some governance reforms of the State Bar, including eliminating members of the board of trustees elected by attorneys and appointing a discipline monitor. Status: Dead, Assembly Concurrence.

**SB 387 (Jackson) State Bar: annual dues.** This bill authorizes the California State Bar to collect active membership dues of up to \$390 for the year 2016. This bill also requires the State Bar to develop and implement a workforce plan for its discipline system, conduct a public sector compensation and benefits study, conduct a thorough analysis of its operating costs and develop a spending plan to determine a reasonable amount for the annual membership fee, as specified, and requires the State Bar to contract with the California State Auditor's Office to conduct an in-depth financial audit of the State Bar. The bill also makes the State Bar subject to the Bagley-Keene Open Meeting Act and the California Public Records Act, as specified. Status: Chapter 537, Stats. 2015.

**SB 846 (Anderson) State Bar.** This bill would have reauthorized the State Bar to collect up to \$390 for active membership dues for 2017, would have implemented changes to the governance of the State Bar to maximize the Bar's prioritization of public protection in all of its activities and would have made other reforms to the Bar's governance structure. Status: Dead, Senate Rules.

## **CIVIL PRACTICE AND PROCEDURE**

### *Civil Procedure*

**AB 15 (Holden) Human trafficking: civil actions: statute of limitations.** This bill creates a 10-year statute of limitations that would apply to civil actions for specified offenses that also constitute torture, genocide, a war crime, an attempted extrajudicial killing, or a crime against humanity, as defined. Status: Chapter 474, Stats. 2015.

**AB 432 (Chang) Civil procedure: electronic signatures.** This bill provides that an electronic signature by a court or judicial officer is effective as an original signature. This bill defines “electronic signature,” for the purposes of the Code of Civil Procedure, to mean an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record. Status: Chapter 32, Stats. 2015.

**AB 459 (Daly) Insurable interest: declaratory relief.** This bill, until January 1, 2018, would have authorized the owner of record, who believes in good faith that a life insurer may challenge for lack of insurable interest a life insurance policy issued for delivery in California prior to January 1, 2010, with a death benefit equal to or greater than \$1 million, to bring an action for declaratory relief seeking a court order declaring the policy to have a valid insurable interest. Status: Dead, Senate Inactive.

**AB 555 (Alejo) Expedited jury trials.** This bill extends the provisions of the Expedited Jury Trials Act indefinitely and adds a new Mandatory Expedited Jury Trial program for cases where the amount in controversy is less than, or equal to, \$25,000. Status: Chapter 330, Stats. 2015.

**AB 641 (Mayes) Environmental quality: housing developments.** This bill would have required the Judicial Council, on or before July 1, 2016, to adopt a rule of court to establish procedures applicable to actions or proceedings seeking judicial review of a public agency’s action in certifying the environmental impact report and in granting approval for housing developments, as defined. The procedures would require the actions or proceedings, including any appeals therefrom, to be resolved, to the extent feasible, within 270 days of the certification of the record of proceedings. The bill would prohibit a court from staying or enjoining those housing developments unless it makes specified findings. Status: Failed, Assembly Natural Resources.

**AB 1068 (Allen) CEQA: priority projects.** This bill would have authorized each Member of the Legislature to nominate one project within his or her respective district each year, and the Governor to designate those projects as priority projects, thus making such projects eligible for an expedited CEQA review and approval process. Status: Dead, Assembly Natural Resources.

**AB 1141 (Chau) Civil actions.** This bill reenacts and makes permanent the former summary adjudication statute, Code of Civil Procedure Section 437(c) that was inadvertently allowed to sunset on January 1, Stats. 2015. In addition, this bill equalizes the treatment of expert witness costs that are awarded to a defendant and plaintiff after the other side's rejection of a settlement offer made pursuant to Code of Civil Procedure Section 998 so that a court may order a defendant or plaintiff to pay the opposing party's postoffer expert witness costs. Status: Chapter 345, Stats. 2015.

**AB 1152 (Gray) Construction defects.** This bill would have made the provisions of existing law, establishing certain prelitigation procedures for homeowners and defendants to attempt to resolve construction defect claims prior to filing lawsuits and establishing the parameters of a legal action seeking recovery for construction defects, the sole and exclusive procedures and remedies available for those types of claims. Status: Dead, Assembly Judiciary.

**AB 1197 (Bonilla) Deposition notices.** Existing law requires a party desiring to take the oral deposition of a person to give a notice in writing that provides specified information, including the address and date of the deposition. This bill requires the deposition notice to additionally include a statement disclosing the existence of a contractual relationship, if any is known to the noticing party, between the deposition officer or entity providing the services of the deposition officer and the party noticing the deposition or a third party who is financing all or part of the action, as specified. The bill also requires the deposition notice to contain a statement disclosing that the party noticing the deposition, or a third party financing all or part of the action, directed his or her attorney to use a particular officer or entity to provide services for the deposition, if applicable. Status: Chapter 346, Stats. 2015.

**AB 1267 (Bloom) Lawsuits, liens, and encumbrances.** This bill extends an existing law that prohibits a person from filing or recording lawsuits, liens, and other encumbrances against a public official or employee for purposes of harassment, and provides corresponding remedies to the victims thereof, to any person or entity subject to such lawsuit, lien, or encumbrance. Status: Chapter 208, Stats. 2015.

**AB 1390 (Alejo) Groundwater adjudication.** This bill creates procedural changes intended to streamline comprehensive groundwater adjudications. This bill was amended after leaving our Committee to better harmonize its provisions with the Sustainable Groundwater Management Act (SGMA) and the adjudication streamlining in SB 226 (see below). As part of that effort, this bill and SB 226 are contingent on the enactment of each other. This bill sets out the general provisions for streamlining groundwater adjudications and is applicable to any basin; SB 226 only applies to SGMA basins. Status: Chapter 672, Stats. 2015.

**AB 1391 (Gomez) Physical education requirements: Uniform Complaint Procedures.** This bill permits complaints regarding compliance with instructional minute requirements for physical education to be brought pursuant to the Uniform Complaint Procedures (UCP), and finds and declares that neither the original provisions of the applicable section, nor any subsequent amendments to it, were intended to create a private right of action. Status: Chapter 706, Stats. 2015.

**AB 1586 (Mathis) CEQA: Temperance Flat Reservoir.** The bill would have prohibited a court, in granting relief in an action or proceeding challenging the Temperance Flat Reservoir under the California Environmental Quality Act (CEQA), from staying or enjoining the construction or operation of the project. Status: Failed, Assembly Natural Resources.

**AB 1682 (Stone) Secret settlements.** This bill expands the type of civil actions which cannot be the subject of secret settlements. Specifically, it prohibits the secret settlement of a civil action based upon any of the following: 1) An act of childhood sexual abuse, whether a felony or a

misdeemeanor; and 2) An act of sexual exploitation of a minor; or 3) An act of sexual abuse of an elder or dependent adult. Status: Chapter 876, Stats. 2016.

**AB 1796 (Wilk) Civil actions: intervention.** This bill would have allowed a party seeking to intervene in a civil action the option of filing an answer-in-intervention rather than a complaint-in-intervention. The bill also would have required the intervenor to serve a notice of the court's decision or order granting leave to intervene and the pleadings in intervention on all other parties in the action or proceeding. Status: Dead, Senate Judiciary.

**AB 1902 (Wilk) Aliso Canyon gas leak: civil actions.** This bill would have provided a special three-year statute of limitations (in lieu of the standard two-year statute of limitations for environmental injuries) to residents of the upscale San Fernando Valley community of Porter Ranch affected by the rupture of the Aliso Canyon natural gas well between October of 2015 and February of 2016, who may have been injured by the gas leak, or may develop injuries as a result of the leak in the future. Status: Failed, Assembly Judiciary.

**AB 1963 (Calderon) Common interest developments: construction defects.** This bill extends, until July 1, 2024, a requirement that a homeowner association in a common interest development of more than 20 units must follow a specific pre-litigation dispute resolution procedure before commencing a design or construction defect action against a builder, developer, or general contractor. Status: Chapter 71, Stats. 2016.

**AB 2020 (Oberholte) Discovery: deposition schedules.** This bill would have required a deposition subpoena commanding the production of business records to be scheduled at least 15 days after the service of the subpoena, rather than 15 days after the issuance of the subpoena. The bill also would have required compliance with a subpoena duces tecum relating to consumer personal records or employment records no sooner than 20 days after service of the subpoena. Status: Dead, Senate Judiciary.

**AB 2026 (Hadley) CEQA: judicial challenge: contributors.** This bill would have required plaintiffs in CEQA lawsuits to identify every person or entity who contributed, or committed to contribute, \$1,000 or more to support the lawsuit. Status: Failed, Assembly Natural Resources.

**AB 2171 (Jones) Coastal resources: appeals.** This bill would have authorized any aggrieved person, living within 1000 feet of an impacted county, to file an appeal of any appealable action on a Coastal Development Permit or claim for exemption to a superior court instead of the California Coastal Commission. Status: Failed, Assembly Natural Resources.

**AB 2427 (Chau) Civil procedure: discovery.** This bill establishes a new exception to a prohibition against the dissemination of postmortem images taken by a coroner in order to allow these images to be used in certain civil actions upon the authorization of a legal heir of the deceased person. The bill requires an expert, whose deposition is noticed, to produce materials called for by the deposition notice (including electronically stored information (ESI)), no later than three business days before the expert's deposition. The bill also requires deponents who are required to produce ESI to provide a means of gaining direct access to, or a translation into a reasonably usable form of, any ESI that is password protected or otherwise inaccessible. Status: Chapter 467, Stats. 2016.

**AB 2446 (Gordon) State Water Resources Control Board: judicial review.** This bill expands the authority of the State Water Resources Control Board (State Water Board), and to a lesser extent regional water boards, to issue or not issue a stay pending board proceedings, prohibit certain judicial challenges to water board decisions until after the administrative process has run its course, and makes clarifying and conforming changes. Status: Chapter 523, Stats. 2016.

**AB 2452 (Quirk) CEQA: judicial remedies.** As referred to this Committee, this bill would have, in an action or proceeding under CEQA, prohibited a court from staying or enjoining transportation infrastructure projects, as defined, based solely on the project's potential contribution to the emissions of greenhouse gases. The bill was subsequently amended to address the contracting authority of the California Science and Technology Council. Status: Dead, Assembly Accountability and Administrative Review.

**AB 2748 (Gatto) Aliso Canyon gas leak and Exide Technologies Contamination: claims.** This bill would have proposed several remedies to assist persons affected by exposure to a hazardous material or toxic substance in connection with either the environmental disaster that occurred at Southern California Gas Company's Aliso Canyon gas storage facility, or the contamination surrounding the Exide Technologies facility in the City of Vernon. Among other things, it would have provided an extended statute of limitations for injuries caused by those incidents and specified that settlement agreements regarding such claims shall not be conditioned upon the release by the recipient of any current or future claim related to the environmental disaster or all future claims unrelated to the disaster. Status: Vetoed.

**AB 2756 (Thurmond) Oil and gas operations: civil enforcement.** This bill substantially revises the Division of Oil, Gas and Geothermal Resources' civil penalty structure for violations and procedures for appeals of its orders among other changes related to its enforcement actions. Status: Chapter 274, Stats. 2016.

**AB 2801 (Gallagher) Civil procedure: validation actions.** As referred to this Committee, this bill would have deleted the prohibition that limits the manner in which a contest to a validating proceeding may be made. The bill was subsequently amended to require local agencies to retain written protests for a minimum of two years. Status: Chapter 248, Stats. 2016.

**AB 2871 (Oberholte) Trials by declaration.** This bill would have eliminated in certain circumstances the provision in existing law that requires the courts to provide, by rule, that a defendant may elect to have a trial by written declaration upon any alleged infraction involving a violation of a state statute or a local ordinance relating to vehicles, except as specified, and requires the defendant to be granted a trial de novo if he or she is dissatisfied with a decision of the court in a proceeding pursuant to those provisions. Status: Dead, Assembly Judiciary.

**SB 226 (Pavley) Sustainable Groundwater Management Act: adjudication.** This bill makes several procedural changes intended to integrate and streamline the groundwater adjudication process for groundwater basins that are subject to the Sustainable Groundwater Management Act (SGMA). This bill and AB 1390 are contingent on the enactment of each other. AB 1390 (see above) similarly establishes procedures for streamlining groundwater adjudications and would be applicable to any basin; SB 226 only applies to the adjudication of SGMA basins. Status: Chapter 676, Stats. 2015.

**SB 383 (Wieckowski) Civil actions: objections to pleadings.** This bill establishes new civil procedure requirements for filing, amending, and resolving demurrers. Among other things, this bill: (1) generally requires that before filing a demurrer in response to a complaint or cross-complaint, a party must meet and confer with the opposing party who filed the pleading subject to demurrer, as specified; (2) prohibits a party from amending a complaint or cross-complaint more than three times in response to a demurrer filed before the case is at issue; and (3) prohibits a party from demurring to a pleading that is amended following a sustained demurrer as to any portion of the amended pleading on grounds that could have been raised by the prior demurrer. Status: Chapter 418, Stats. 2015.

**SB 470 (Jackson) Civil actions: summary judgment.** This bill provides that a court, in granting or denying a motion for summary judgment or summary adjudication, need rule only on those objections made to evidence that the court deems material to the disposition of the motion. The bill also provides that objections to evidence that are not ruled upon for purposes of the motion shall be preserved for appellate review. Status: Chapter 161, Stats. 2015.

**SB 672 (E. Hernández) Discovery: pharmacist review committees.** This bill adds "pharmacist" to the existing list of medical professionals whose peer review proceedings and records are exempt from civil discovery and required testimony, so as to encourage greater openness and candor in the peer review process. Status: Chapter 274, Stats. 2015.

**SB 1078 (Jackson) Civil procedure: arbitration.** This bill would have prohibited arbitrators in consumer arbitration cases from accepting certain work assignments or offers of employment during the course of an arbitration and required them to make additional disclosures about solicitations for work received during the course of an ongoing arbitration. Status: Vetoed.

**SB 1431 (Morrell) Service of summons or subpoena.** This bill allows investigators employed by the Office of the Attorney General, a county counsel, a city attorney, a district attorney, or a public defender to gain access to gated communities for a reasonable amount of time for the sole purpose of performing lawful service of process or service of a subpoena upon displaying a current driver's license or other identification, as provided. Status: Chapter 88, Stats. 2016.

### *Evidence*

**AB 593 (Levine) Hearsay: admissibility of statements.** This bill repeals the January 1, 2016 sunset date of the "forfeiture by wrongdoing" hearsay exception and makes this exception permanent. Status: Chapter 55, Stats. 2015.

**AB 1867 (Steinorth) Evidence: admissibility.** Permits certain seals and signatures that are electronically stored, faxed, or photocopied to be self-authenticating, and allows the use of certain electronically stored, faxed, or photocopied documents to verify the content of those writings. Status: Chapter 126, Stats. 2016.

**AB 2159 (Gonzalez) Evidence: immigration status.** This bill establishes that, in civil actions for personal injury or wrongful death, evidence of a person's immigration status is not admissible and discovery of a person's immigration status is not permitted. The bill also provides that these restrictions do not affect the standards of relevance, admissibility, or discovery under other specified provisions of existing law. Status: Chapter 132, Stats. 2016.

**SB 1087 (Anderson) Evidence: production of business records.** This bill authorizes a custodian of business records to comply with a search warrant for certain business records in the same manner that he or she would comply with a subpoena duces tecum, allowing records to be sent to a court with an affidavit of authenticity and allowing them to be admitted into evidence. As a result, a subpoena duces tecum for those same records, requiring them to be recopied and resent to the court after criminal charges are filed, is no longer required. Status: Chapter 85, Stats. 2016.

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

### ***Business and Consumer Protection***

**AB 285 (Gallagher) Legal document assistants.** This bill, until January 1, 2021, repeals all secondary county registration requirements for unlawful detainer assistants (UDAs) and legal document assistants (LDAs), establishes a 15-hour continuing legal education requirement for UDA and LDA registration and renewal, provides additional oral and written client disclosures, and provides that the venue for any disputes involving a UDA or LDA would be in the county of the client's primary residence. This bill also authorizes a county clerk to assign the same registration number to a UDA, LDA, process server, and professional copier renewing his or her registration as long as the registration has not lapsed for three or more years. Status: Chapter 295, Stats. 2015.

**AB 556 (Irwin) Charitable trusts: regulation and enforcement.** This bill strengthens the Attorney General's ability to enforce disclosure requirements for commercial fundraisers for charities and establishes a 10-year statute of limitations for enforcement actions against these commercial fundraisers, consultants, and other third parties who engage in fraud or prohibited conduct. Status: Chapter 299, Stats. 2015.

**AB 722 (Perea) Securities transactions.** This bill would have authorized a new form of securities to be offered in California to facilitate "crowdfunding" as an alternative to the financial products authorized for sale in California under the federal JOBS Act. Status: Held, Assembly Appropriations.

**AB 789 (Calderon) Contact lens sellers: prohibited practices.** This bill would have provided that sellers of contact lenses are not subject to a manufacturer's unilateral pricing policy (UPP), as specified, and raised the minimum fine for violating the Nonresident Contact Lens Seller Registration Act from \$1,000 to \$1,500. Status: Dead, Assembly Business & Professions.

**AB 1036 (Quirk) Notaries public: acceptance of identification.** This bill authorizes a notary public to rely, for the purpose of providing notary services, on any inmate identification issued by a sheriff's department to prove the identity of an individual who is in custody at a local detention facility,. Status: Chapter 42, Stats. 2015.

**AB 1252 (Jones) Proposition 65: enforcement.** This bill would have prohibited any person from bringing an enforcement action against a company that employs 25 people or less for failure to provide a warning regarding exposure to a chemical known to the state to cause cancer or reproductive toxicity, in violation of Proposition 65, unless certain conditions are met. Status: Failed, Assembly Environmental Safety and Toxic Materials.



**AB 1408 (Hadley) Notaries public: fees.** This bill would have abolished the statutory limits on fees that could be charged by notaries public for specified notarial services, and instead authorized notaries public to establish their own fees for their services. Status: Failed, Assembly Judiciary.

**AB 1646 (Gallagher) Legal document assistants.** Whereas existing law requires a person registering as a legal document assistant or an unlawful detainer assistant to complete 15 hours of continuing legal education courses, as specified, as a condition of registration renewal, this bill would have deleted the continuing legal education requirement. Status: Dead, Assembly Judiciary.

**AB 1782 (Maienschein) Franchises: offer to sell: trade show.** This bill would have authorized companies that were not registered with the Department of Business Oversight (DBO) to sell franchises in California to exhibit at franchise trade shows if specified disclosures were made to the DBO and to trade show attendees, and an exemption fee were paid to the DBO. Status: Vetoed.

**AB 1942 (C. Garcia) Human trafficking recognition and reporting: training: hotels and motels.** This bill would have required hotel and motel employees who are likely to come into contact with victims of human trafficking to be trained in recognizing the signs of human trafficking and about how to report those signs to the appropriate law enforcement agency. The bill would have made an employer who violated the training requirement liable for a civil penalty of five hundred dollars (\$500) for a first offense and one thousand dollars (\$1,000) for each subsequent offense. Status: Held, Assembly Appropriations.

**AB 2178 (Chiu) Securities transactions: liability.** This bill would have created a new qualification by permit under California's Corporate Securities Law of 1968 to allow equity-crowdfunding and authorized the award of treble and punitive damages, to a prevailing purchaser in an action brought against any person who violates conditions of qualification by permit. Status: Held, Assembly Appropriations.

**AB 2538 (Nazarian) Business regulation: radius restrictions.** This bill would have specified that a radius restriction in an outlet center lease between a lessor and lessee that prohibited the lessee from opening or operating the same retail establishment in a separate outlet center located ten or more miles from the leased retail establishment was a prohibited restraint on competition. Status: Dead, Assembly Judiciary.

**AB 2566 (Nazarian) Notaries public: acceptance of identification.** This bill authorizes a notary public, when acknowledging a person seeking to execute an instrument, to reasonably rely on the presentation of either a valid consular identification document issued by a consulate from the person's country of citizenship or a valid passport from the person's country of citizenship. Status: Chapter 762, Stats. 2016.

**AB 2591 (Dababneh) Insurance: electronic transmission.** This bill allows a consumer to initiate changes to an automobile insurance policy online, and to receive non-renewal and cancellation notices for homeowner's and automobile policies electronically. In addition, the bill eliminates many sunset dates in current law that provided only temporary authority for insurers

to send certain property and casualty insurance transactions and notices by electronic means. Status: Chapter 617, Stats. 2016.

**AB 2759 (Levine) Corporate fraud: victim compensation.** This bill allows a victim of corporate fraud who wins a civil judgment against a corporate officer or obtains a final criminal restitution order in connection with the fraudulent acts of a corporate officer, but is unable to collect the judgment from the officer after diligent efforts to do so, to collect damages from the Victims of Corporate Fraud Compensation Fund in the same manner as a similarly situated victim of corporate fraud with a judgment against a corporation. Status: Chapter 390, Stats. 2016.

**AB 2827 (Levine) Made in USA: right to cure.** As analyzed and approved by the Committee, this bill would have added violations of the “Made in the U.S.A.” law to the list of “unfair methods of competition and unfair or deceptive acts or practices” enumerated in the Consumer Legal Remedies Act. By including the unlawful use of the “Made in the U.S.A.” law under the CLRA, this bill would provide a private right of action for a consumer who suffers damage as a result of a product being labeled with “Made in U.S.A.,” “Made in America,” “U.S.A.,” or similar words if all of the articles, units, or parts of the merchandise obtained from outside the United States constitute more than five percent (or 10 percent in some cases) of the final wholesale value of the manufactured product. As amended in the Senate, the bill would authorize a defendant who is or has been eligible for public mental health services in the Counties of Los Angeles and Santa Clara, due to a serious mental illness or who is eligible for Social Security Disability Insurance benefits due to a diagnosed mental illness, to petition the court, after the defendant’s plea or conviction but prior to sentencing, for a sentence that includes mental health treatment until January 1, 2021. The amended bill would provide that the defendant has the right to counsel for these proceedings. Status: Dead, Senate Rules.

**AB 2837 (Jones) Motor vehicle sales: warranty disclosures.** This bill would have required a motor vehicle dealer to deliver to a buyer at the time of sale of a vehicle a specifically worded written statement relating to warranties for the vehicle, including the fact that federal law prohibits the dealer from denying warranty coverage when routine maintenance or repairs were performed by someone other than the dealer or that aftermarket or recycled parts, unless the part was defective or wasn’t installed correctly and is proven to have damaged another part that is covered under warranty. Status: Dead, Assembly Privacy & Consumer Protection.

**SB 648 (Mendoza) Health and care facilities: referral agencies.** This bill would have licensed and regulated agencies that refer consumers to residential care facilities for the elderly (RCFEs), and provided the following, among other things: 1) Restrictions on disclosure by a referral agency of personal information about a person seeking a referral to an RCFE from the agency; 2) Disclosure requirements about the referral agency; 3) A requirement for the referral agency to obtain authorization to share the referred person’s personal information; 4) A provision making an employee of a referral agency a mandated reporter of elder or dependent abuse; and 5) A requirement that a referral agency, at the time it applies for a license, certify that it trains its employees about a variety of subjects. Status: Vetoed.

**SB 997 (Lara) Notary services: tribal ID.** This bill revises the list of acceptable non-state and foreign-issued documents upon which notaries public may reasonably rely as evidence to prove a

person's identity when acknowledging a written instrument. Specifically, this bill authorizes a notary public to rely upon an identification card issued by a federally recognized tribal government as satisfactory evidence that the person who presents the identification is the same person who is described in the instrument. Status: Chapter 491, Stats. 2016.

**SB 1130 (Wieckowski) False advertising: county counsel.** This bill authorizes a county counsel to request from any person or business, on whose behalf advertising claims are made to consumers, evidence of the facts upon which the advertising claims are made. The bill also authorizes a county counsel, upon failure of the advertiser to adequately respond to such a request within a reasonable period of time to do either or both of the following: (1) require the person or business to immediately terminate or modify the claim; or (2) disseminate information, as specified, concerning the veracity of the claims or why the claims are misleading to the consumers. Status: Chapter 38, Stats. 2016.

**SJR 25 (Wieckowski) Arbitration: class actions.** This resolution would urge the Consumer Financial Protection Bureau to issue its final rules, either as proposed or in a strengthened form, to protect the rights of consumers by limiting the use of mandatory arbitration clauses in consumer contracts for financial products and services. Status: Dead, Assembly Inactive.

### *Vehicles*

**AB 675 (Alejo) Rental vehicles: advertising and quotes.** This bill revises and recasts the statute governing agreements between rental car companies and their customers in order to allow a rental car company to better separate rental fees from government-imposed charges. As heard by this Committee, the bill would also have eliminated or updated certain existing notice requirements, but these provisions were deleted in the Senate. Status: Chapter 333, Stats. 2015.

**AB 2051 (O'Donnell) Rental vehicles: electronic surveillance technology.** This bill repeals the existing statutory framework that governs agreements between a rental car company and its customers and replaces it with a new statutory framework that eliminates duplicative and inoperative sections. As heard by this Committee, the bill would also have authorized specified rental car facility fees at the Los Angeles International Airport (LAX) and modified requirements relating insurance waiver notices and a rental car company's use of electronic surveillance technology; however, these provisions were deleted in the Senate. The rental car facility fee authorization at LAX was placed in AB 2280, which is summarized below. Status: Chapter 183, Stats. 2016.

**AB 2280 (Ridley-Thomas) Airport charges: rental car companies.** This bill authorizes the Los Angeles International Airport to impose a customer facility charge for the purpose of financing, constructing, designing, or otherwise improving consolidated airport vehicle rental facilities and common-use transportation systems that move passengers between airport terminals and those consolidated vehicle rental facilities, and to acquire vehicles for use in that system. The bill also specifies that the maximum term for financing shall not exceed 35 years. Status: Chapter 414, Stats. 2016.

## *Contracts*

**AB 525 (Holden) Franchise relations: renewal and termination.** This bill revises the rights and responsibilities of franchisors and franchisees under the California Franchise Relations Act (CFRA) primarily with respect to the termination of franchise agreements and the sale or transfer of franchise businesses. Among other things, this bill: (1) revises the definition of "good cause," for the purpose of authorizing termination of a franchise agreement prior to the end of its term; (2) clarifies that a reasonable opportunity to cure failure to comply with the franchise agreement shall be a minimum of 60 days from the date of the notice of noncompliance (rather than 30 days provided under existing law; and (3) establishes a streamlined process and timeline for the sale or transfer of a franchise. Status: Chapter 776, Stats. 2015.

**AB 552 (O'Donnell) Public works contracts: damages.** This bill provides that any state or local public works contract, entered into on or after January 1, 2016, that contains a clause that expressly requires a contractor to be responsible for delay damages is not enforceable unless the delay damages have been liquidated to a set amount and identified in the public works contract. Status: Chapter 434, Stats. 2015.

**AB 687 (Wilk) Contracts: liquidated damages.** This bill would have provided that if parties to a pending action stipulate for settlement of an action, a provision of the stipulation liquidating damages for breach of the stipulation is valid unless the party seeking to invalidate the liquidated damages provision establishes that the amount of liquidated damages exceeds the damages, interest, recoverable costs, and reasonable attorney's fees sought in the action. Status: Dead, Assembly Judiciary.

**AB 1743 (Dababneh) Electronic transactions: motor vehicle finance.** This bill would have amended the Uniform Electronic Transaction Act to permit the use of electronic contracts in automobile conditional sale and lease contracts. The bill would have required the buyer to affirmatively opt-in to the use of an electronic contract by signing a separate consent agreement, given the buyer the right to opt-out at any time, and prohibited the dealer from offering any incentive or disincentive to a consumer in order to influence the decision to opt-in or opt-out of using an electronic contract. Status: Dead, Senate Judiciary.

**AB 1793 (Holden) Contractors: license requirements: recovery actions.** This bill permits a court to find that a contractor has substantially complied with licensure requirements if it is shown that the contractor: (1) had been duly licensed as a contractor in this state prior to the performance of the act or contract; (2) acted reasonably and in good faith to maintain proper licensure; and (3) acted promptly and in good faith to remedy the failure to comply with the licensure requirements upon learning of the failure. Status: Chapter 244, Stats. 2016.

**AB 2296 (Low) Digital signatures.** This bill provides that a "digital signature," as defined, is considered a type of "electronic signature" under the Uniform Electronic Transactions Act (UETA), and clarifies that use of a digital signature is discretionary and that regulations adopted by the Secretary of State to implement Government Code Section 16.5 apply only to the use of a "digital signature" under that statute and not to an "electronic signature" under the UETA. Status: Chapter 144, Stats. 2016.

**AB 2749 (Brough) Heavy equipment rentals: rental agreements: sales and use taxes: exclusions.** As referred to this Committee, this bill would have established, in a rental agreement of heavy equipment property by a qualified heavy equipment renter, a rebuttable presumption that the parties agreed to the addition of estimated personal property tax reimbursement to the rental price of heavy equipment property to a lessee if specified conditions occur. The bill was subsequently amended and referred solely to the Revenue and Taxation Committee. Status: Held, Assembly Appropriations.

**AB 2844 (Bloom) Public contracts: California Combating the BDS of Israel Act of 2016.** As heard by this Committee, this bill would have prohibited a person from contracting with the state if that person had participated in a boycott, as specified, against Israel. As amended in this Committee and subsequent committees, the bill, subject to exceptions, requires a person that submits a bid or proposal, or proposes to renew a contract worth \$100,000 or more with a state agency to certify, under penalty of perjury, that person is in compliance with the Unruh Civil Rights Act and the California Fair Employment and Housing Act, and that any policy that the contractor has adopted against any sovereign nation or peoples recognized by the government of the United States, including, but not limited to, the nation and people of Israel, is not used to discriminate in violation of the Unruh Civil Rights Act or the California Fair Employment and Housing Act. Status: Chapter 581, Stats. 2016.

**AB 2879 (Stone) The Service Member Employment Protection Act.** This bill would have provided several key employment protections to active military service members and reserve guard members. Among other things, the bill would have prohibited employers from requiring an active or reserve duty service member, as a condition of employment, to waive any legal right, penalty, remedy, forum, or procedure for violations of Section 394 of the Military and Veterans Code, including the right to file and pursue a civil action or complaint with an appropriate court, law enforcement, or other governmental entity. Status: Dead, Assembly Inactive.

**SB 363 (Morrell) Attorney's fees: book accounts.** This bill increases the maximum attorney's fees, in any action on a contract based on a book account, as defined, that does not provide for attorney's fees and costs, to an amount not to exceed (1) \$960 for book accounts that are maintained for personal, family or household purposes of a natural person; and (2) \$1,200 for book accounts that are maintained for all other purposes. Status: Chapter 80, Stats. 2015.

### ***Creditor-Debtor Relations***

**AB 1723 (Dodd) Debt collection.** This bill requires a debt collector that has reported adverse information about a debtor to a consumer credit reporting agency, upon receipt of a police report and written statement by a debtor in which the debtor claims to be a victim of identity theft, to notify the agency that the account is disputed and initiate a review within 10 business days. Status: Chapter 376, Stats. 2016.

**AB 2211 (Linder) Registered process servers.** This bill clarifies provisions related to service of process of writs of attachment, writs of execution, and earnings withholding orders. Specifically, the bill clarifies that a registered process server need not be the same individual who first deposits a writ file with the levying officer prior to serving the writ, or who returns the

writ to the levying officer after obtaining proof of service. As long as the registered process server is the person who actually serves the writ and signs the proof of service, he or she may simply cause the writ to be deposited and returned to the levying officer. Status: Chapter 102, Stats. 2016.

**AB 2420 (Jones) Debt collection: attorneys.** This bill would also have excepted a law firm from the definition of a debt collector, thus exempting law firms from rules regulating debt collectors. Under this bill, a law firm would have been defined as two or more attorneys whose activities constitute the practice of law and who share the profits, expenses, and liabilities of the firm or a law corporation which employs more than one lawyer. Status: Dead, Assembly Banking & Finance.

**SB 161 (Vidak) Uniform Fraudulent Transfer Act.** This bill renames the existing Uniform Fraudulent Transfer Act as the Uniform Voidable Transactions Act and adopts various changes to the act based on updates made to the underlying model act by the National Conference of Commissioners on Uniform State Laws. Status: Chapter 44, Stats. 2015.

**SB 235 (Block) Small dollar loans: compensation of finders.** This bill authorizes “finders” who connect borrowers with lenders under the Pilot Program for Increased Access to Responsible Small Dollar Loans pilot program to disburse loan proceeds to borrowers, receive loan payments from borrowers, and provide notices and disclosures to borrowers, as specified. It also increases allowable finder compensation and provides pilot program lenders with greater flexibility in the compensation of finders. Status: Chapter 505, Stats. 2015.

**SB 308 (Wieckowski) Debtor exemptions.** This bill would have increased the categorical amounts of the homestead exemption, which protects the equity value of debtors in their principal residence, and removes the existing requirement that proceeds from the forced sale of the home be reinvested in another home within six months. Among other things, this bill also expanded debtor exemptions for benefits from matured life insurance policies, including endowment and annuity policies, and vacation credits or accrued or unused vacation pay. Status: Failed, Assembly Floor.

**SB 438 (Hill) Motor vehicles: reportable property damage.** As referred to this Committee, this bill would have increased the minimum amount of damage to property resulting from a motor vehicle accident that must be reported to the Department of Motor Vehicles from \$750 to \$1,000. This bill would also have made corresponding changes to the minimum judgment amount that qualifies a judgment debtor, found liable for that damage but who has failed to pay the judgment rendered thereon, to have his or her driver's license suspended or revoked. The bill was subsequently amended to address earthquake safety and re-referred. Status: Chapter 803, Stats. 2016.

**SB 501 (Wieckowski) Wage garnishment restrictions.** This bill, as of July 1, 2016, reduces the maximum amount of disposable earnings subject to wage garnishment to the lesser of either 25 percent of the individual's disposable earnings for that week, or 50 percent of the amount by which the individual's disposable earnings for that week exceed 40 times the state minimum hourly wage. Status: Chapter 800, Stats. 2015.

**SB 641 (Wieckowski) Debt buying: default judgments.** This bill adds a provision to the Fair Debt Buying Practices Act to provide consumers, in limited circumstances involving actions brought by debt buyers, extended time to file a motion to set aside a default or default judgment and for leave to defend an action relating to debt, if the service of summons did not result in actual notice to the consumer in time to defend the action. This bill requires, except in cases of identity theft or mistaken identity, that the consumer serve and file the notice of motion within a time, but in no event exceeding the earlier of either: (1) six years after entry of the default or default judgment; or (2) 180 days of the first actual notice of the action, as specified. Status: Chapter 804, Stats. 2015.

### *Wages and Compensation*

**AB 846 (Gallagher) Mechanic's lien: discretionary dismissal.** This bill would have authorized a court to dismiss an action to enforce a mechanic's lien for want of prosecution if a plaintiff does not make a good faith effort to effect service within 6 months after commencement of the action, instead of existing law which authorizes dismissal strictly if service is not made within 6 months after commencement of the action. Status: Dead, Assembly Judiciary.

**SB 1342 (Mendoza) Wages: investigations: subpoenas.** This bill clarifies that the legislative body of a city or county may delegate to a county or city official or department head its authority to issue subpoenas and report noncompliance thereof to the judge of the superior court of the county, in order to enforce any local law or ordinance, including, but not limited to, local wage laws. Status: Chapter 115, Stats. 2016.

## **COURTS AND RELATED MATTERS**

### *Courts*

**AB 280 (Brown) Small claims court: jurisdiction.** This bill would have increased small claims court jurisdiction over an action filed by a city, county, city and county, school district, county office of education, community college district, local district or any other local public entity up to demands that do not exceed \$10,000. Status: Dead, Assembly Judiciary.

**AB 1002 (Wilk) Civil actions: interpreter costs.** This bill adds to the list of fees recoverable by a prevailing party the fees of a certified or registered interpreter for the deposition of a party or witness who does not proficiently speak or understand the English language. Status: Chapter 90, Stats. 2015.

**AB 1123 (Mayes) Dispute resolution programs: court administration.** This bill would have permitted a county to transfer the operations of an established alternative dispute resolution program to the superior court in the county. The court would have been required to operate the program in compliance with all requirements, rules, and regulations associated with the program and to assume the relevant rights and responsibilities connected with the program. The bill also would have required the county to transfer, within a reasonable time, any funds received for administration of the program, with future program funding to be provided directly to the court. Status: Dead, Assembly Inactive.

**AB 1417 (Melendez) Court fees: criminal cases.** This bill would have prohibited a clerk from charging a fee for the performance of an official service, defined to include filing, certifying, or copying a document, rendered in an action to a municipality or county in the state, to the state government, or to the United States or an officer thereof acting in his or her official capacity. Status: Dead, Assembly Judiciary.

**AB 1900 (Jones-Sawyer) San Pedro superior courthouse.** This bill authorizes the Judicial Council to sell the San Pedro superior courthouse at fair market value provided that the sale complies with certain requirements, including consulting with the County of Los Angeles. The bill also requires that the County of Los Angeles receive the opportunity to purchase the property at fair market value before the property is offered to others for purchase. The bill also requires the net proceeds from the sale to be deposited into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund (ICNA). Status: Chapter 510, Stats. 2016.

**AB 2244 (Gatto) Court fees: electronic filing.** This bill provides that if a trial court permits or mandates the electronic filing and service of documents, any fee charged by either the court, an electronic filing manager (EFM), or an electronic filing service provider (EFSP) for payment processing shall not exceed the costs incurred. Among other things, the bill also provides that if a trial court mandates electronic filing, a court or an EFM shall accept more than one method of payment from an EFSP. Status: Chapter 461, Stats. 2016.

**AB 2309 (Gallagher) Court facilities: County of Colusa.** This bill would have transferred the amount of \$844,000 held in the County of Colusa Courthouse Construction Fund on December 31, 2009, to the State Court Facilities Construction Fund, for the purpose of constructing or renovating facilities located within the courthouse building in the County of Colusa. Status: Dead, Assembly Judiciary.

**AB 2458 (Oberholte) Courts: unexpended funds.** This bill would have repealed provisions of law that limit the amount a court may carryover, currently set at one percent of the trial court's prior-year budget, and would have authorized the Judicial Council to allow a trial court to carry unexpended funds over from one fiscal year to the next. The bill also would have repealed provisions of law that require the Judicial Council to set aside two percent of the total funds appropriated for trial court operations to be used for specific trial court allocations, including unforeseen emergencies, unanticipated expenses for existing programs, and unavoidable funding shortfalls. Status: Held, Senate Appropriations.

**SB 682 (Leno) Courts: personal services contracts.** This bill would have required that courts comply with specified requirements before contracting out services that are currently or customarily performed by trial court employees, unless specified exemptions are satisfied. Status: Vetoed.

### ***Court Reporting and Recording***

**AB 749 (Bloom) Court reporters: family law.** This bill would have required that an official court reporter or an official court reporter pro tempore take down in shorthand all testimony and all statements and remarks of judges and all persons appearing in child custody and Domestic Violence Prevention Act proceedings. Status: Held, Assembly Appropriations.



**AB 1834 (Wagner) Electronic court reporting: family law.** This bill would have allowed a court, if an official court reporter or an official reporter pro tempore was unavailable, to use electronic recording equipment to create a record in a family law case. Status: Dead, Assembly Judiciary.

**AB 2232 (Oberholte) Court records: misdemeanors.** This bill decreases the court record retention period for misdemeanor speed contest convictions from 10 years to 5 years, and increases the court record retention period for misdemeanor reckless driving convictions from 5 to 10 years in order to correct a previous drafting error relating to the schedule for retaining and destroying court records. Status: Chapter 74, Stats. 2016.

**AB 2629 (Hernández) Court reporters: transcript fees.** This bill would have incrementally increased the fees that court reporters could charge for original transcripts and copies, as specified. This bill also would have required the Judicial Council to report, as specified, recommendations to the Legislature to increase uniformity in transcript rate expenditures in California. Status: Vetoed.

**SB 270 (Mendoza) Court reporters: civil actions.** This bill would have authorized the Court Reporters Board of California to seek injunctive relief or issue citations fines or penalties against entities, foreign or domestic, that for a fee or other financial consideration, offer, offer to arrange for, render, or provide the services of a certified shorthand reporter, for violations of specified existing laws governing court reporters. Status: Dead, Assembly Business & Professions.

**SB 1007 (Wieckowski) Arbitration: transcription by certified shorthand reporter.** This bill establishes the right of a party subject to an arbitration to have a certified shorthand reporter transcribe any deposition, proceeding, or hearing, at the expense of the party requesting the transcript, except as specified, and provides that the transcript shall be the official record of the deposition, proceeding, or hearing. The bill also requires that the party make the request at one of the following times: (1) upon a demand, response, answer, or counterclaim related to the arbitration; or (2) at the time of any a pre-hearing scheduling conference when a deposition, proceeding, or hearing is calendared. This bill further allows a party to petition the court for an order to compel the arbitrator to grant the party's request for a certified shorthand reporter if an arbitrator refuses the request. Status: Chapter 626, Stats. 2016.

### *Juries*

**AB 87 (Stone) Jurors: peremptory challenges.** This bill clarifies that the prohibition against discrimination in the exercise of peremptory challenges includes the categories of discrimination listed within Government Code Section 11135 subdivision (a), including race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information or disability. Status: Chapter 115, Stats. 2015.

**AB 324 (Jones-Sawyer) Jurors: eligibility for service.** This bill would have granted ex-felons the right to participate in jury service once they have completed the terms of their sentencing requirements. Status: Dead, Assembly Judiciary.

**AB 1283 (Ting) Trial jury selection: marital status.** This bill would have added marital status to the list of characteristics for which an eligible person may not be exempted from jury service. Status: Dead, Senate Judiciary.

**AB 1766 (Stone) Examination of prospective jurors.** This bill would have provided that during voir dire in a criminal manner, a court or counsel must address a prospective juror by a jury number, the juror's first name and last initial, or the juror's title and last name. The bill also would have required the court to advise prospective jurors that California law prohibits the court and counsel in criminal cases from addressing prospective jurors by their full names during the jury selection process. Status: Vetoed.

**AB 2101 (Gordon) Sanctions: jurors.** This bill would have established a five-year pilot project authorizing a judicial officer in a participating court, as specified, to impose reasonable monetary sanctions of up to \$1,500 on an impaneled juror for any knowing violation of a lawful court order, done without good cause or substantial justification, that is supported by clear and convincing evidence. The bill would have required the Judicial Council to conduct an evaluation of the pilot project and report the results of the pilot to the Governor and the Legislature on or before January 1, 2021 to examine whether the imposition of sanctions affects the number of prospective jurors who report for jury duty. Status: Held, Senate Appropriations.

### *Judges*

**AB 1028 (Bonta) Judicial officers: oaths and affirmations.** This bill permits a former judge or justice who is retired by the Supreme Court for disability to administer oaths and affirmations, if certified by the Commission on Judicial Performance. This bill also permits former judges and justices certified before January 1, 2016, to continue to administer oaths and affirmations until January 1, 2017, before needing to reapply for certification pursuant to these provisions. Status: Chapter 308, Stats. 2015.

**SB 229 (Roth) Courts: judgeships.** This bill would have appropriated \$5 million from the General Fund for the purpose of funding 12 new superior court judgeships, and accompanying staff, as specified. Status: Vetoed.

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

### *Children*

**AB 217 (Maienschein) Dependency hearings: foster youth participation.** This bill requires the court to inform a minor, if the minor is present at the juvenile hearing, of his or her right to address the court and participate in the hearing. Status: Chapter 36, Stats. 2015.

**AB 260 (Lopez) Foster care: parenting youth.** This bill declares that a child shall not be considered to be at risk of abuse or neglect solely on the basis of information concerning the parent's or parents' placement history, past behaviors, or health or mental health diagnoses occurring prior to the pregnancy, as specified, and prohibits that history from being used in deciding a child's placement, unless the court deems it to be materially relevant. The bill also requires the court clerk to maintain court files and records of a dependent parent of a child who is

the subject of a dependency petition separately from the files and records of that child. Status: Chapter 511, Stats. 2015.

**AB 381 (Calderon) Dependent children: placement.** When determining whether to place a foster child with a relative, this bill would have required a county social worker and the court to consider the specified factors on a case-by-case basis. The bill would have also required that consideration for placement with a relative subsequent to the disposition hearing be given without regard to whether a new placement of a child must be made, and directed the social worker to report and the court to consider additional enumerated factors in making this determination. Status: Dead, Assembly Human Services.

**AB 424 (Gaines) Court-appointed special advocates: wards.** This bill authorizes the appointment of a court appointed special advocate (CASA) in a juvenile delinquency proceeding and provides that a CASA shall be considered court personnel for purposes of inspecting the case file of a dependent child or ward of the juvenile court. Status: Chapter 71, Stats. 2015.

**AB 519 (McCarty) Foster youth: permanency.** This bill would have authorized, for children under 16 years of age and in an out-of-home placement, the placing agency to, among other things, conduct intensive and ongoing efforts to return the child home or secure a placement for the child with a fit and willing relative, a legal guardian or an adoptive parent. The bill also required, for children under 16 years of age and in an out-of-home placement, the court, at each permanency hearing to, among other things, review the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made by the placing agency to return the child to his or her home or secure a placement for the child with a fit and willing relative, legal guardian or adoptive parent. Status: Dead, Assembly Human Services.

**AB 879 (Burke) Juvenile court proceedings: notice.** This bill allows, until January 1, 2019, notice of juvenile dependency hearings to be made by electronic mail if the county and the court choose to permit service by electronic mail and the person to be served has consented to such service by signing a specified form. Status: Chapter 219, Stats. 2015.

**AB 885 (Lopez) Nonminor dependents: failed permanency.** This bill would have facilitated former foster youth re-entering care upon the disruption of their permanent relationship by, among other things, removing the requirement that a guardian or adoptive parent must no longer be receiving Kinship Guardianship Assistance Payment Program (Kin-GAP) aid or adoption assistance in order for a nonminor to be able to petition the court to remain in foster care and by permitting a nonminor to enter into a voluntary re-entry agreement if that nonminor's guardian or adoptive parent have died or are no longer receiving payment on behalf of the nonminor. Status: Vetoed.

**AB 899 (Levine) Juvenile court records: confidentiality.** This bill clarifies and restates the Legislature's intent, originally expressed in Section 827 of the Welfare and Institutions Code, that records relating to juvenile court proceedings, including information about the immigration status of a minor or nonminor, is confidential and should not be shared with any unauthorized persons, except as specifically ordered by the juvenile court. Status: Chapter 267, Stats. 2015.

**AB 1675 (Stone) Juveniles: prostitution.** As referred to the Committee, this bill would have specified that a minor who violates subdivision (b) of Section 647 of the Penal Code or Section 653.22 of the Penal may not be adjudged to be a delinquent minor (pursuant to Welfare and Institutions Code Section 602), but may be adjudged a dependent child described by Section 300 of the Welfare and Institutions Code. As amended, the bill would have required a probation officer, in cases in which a minor is alleged to have committed a specified prostitution-related offense, to provide informal supervision of the minor in lieu of requesting a prosecutor to file a formal delinquency petition. Status: Held, Senate Appropriations.

**AB 1702 (Stone) Reunification services for foster children: sexual exploitation.** This bill provides that reunification services need not be provided to the parent or guardian of a dependent child when the court finds that the parent or guardian knowingly participated in, or permitted, the sexual exploitation of the child, except if the parent or guardian demonstrated by a preponderance of the evidence that he or she was coerced into permitting, or participating in, the sexual exploitation of the child. Status: Chapter 124, Stats. 2016.

**AB 1879 (McCarty) Foster youth: permanency.** This bill would have required that child-centered specialized permanency services be provided to specified foster youth in order to facilitate the placement of these youth with permanent families and would have required that potential adoptive families and guardians be provided with information to support their long-term relationship with the foster child. Status: Held, Assembly Appropriations.

**AB 1911 (Eggman) Dual status minors.** This bill requires the Judicial Council to convene a committee of stakeholders involved in serving the needs of juvenile dependents and wards to develop and report to the Legislature, by January 1, 2018, recommendations to facilitate and enhance comprehensive data and outcome tracking for the state's dual-status youth. This bill also requires the Department of Social Services, on or before January 1, 2019, to implement a function within the applicable child welfare case management system that will enable county child welfare agencies and probation departments to identify dual-status youth within their counties, and to issue instructions to all counties on the manner in which to completely and consistently track the involvement of these youth in both systems. Status: Chapter 637, Stats. 2016.

**AB 1998 (Campos) Juveniles: data collection.** As referred to the Committee, this bill would have required the juvenile court, a juvenile detention facility, and a county probation department, when asking juveniles about their race, ethnicity, national origin, ancestry, or tribal affiliation in order to comply with federal data collection requirements, to collect additional data by using specified questions, including, among others, "Are you Hispanic or Latino?" The bill was amended to deal with guidelines for counties to disaggregate juvenile justice caseload, performance and outcome data by race and ethnicity, removing it from this Committee's jurisdiction. Status: Chapter 880, Stats. 2016.

**AB 2000 (Campos) Termination of juvenile court jurisdiction.** This bill would have prohibited the juvenile court from terminating jurisdiction over a ward who has attained 17 years of age until the court conducts a hearing and finds that the probation department has provided, or made reasonable efforts to provide, specified information, documents, and services to the ward. Status: Held, Senate Appropriations.

**AB 2580 (Olsen) Dependency proceedings.** This bill would have permitted a caregiver to indicate to a foster child's social worker, at the time the child is removed from the caregiver's care in order to be reunified with the child's parent or guardian, that the caregiver is interested in providing care for the child in the future if the child is removed from his or her parent or guardian and in need of foster care placement. Status: Dead, Senate Rules.

**AB 2723 (Chavez) Juvenile dependency: prostitution.** This bill would have specified that children who have loitered with the intent to commit prostitution or who have solicited, agreed to engage, or engaged in prostitution and whose parents or guardians have failed to protect them can be adjudicated as dependents of the juvenile court. Status: Held, Senate Appropriations.

**AB 2872 (Patterson) Adoption.** This bill makes changes to the adoption process to do the following: (1) clarify that the investigation required as part of a stepparent adoption may be, at the request of the adoption petitioner, completed by a licensed social worker or therapist or a private adoption agency, in which case the petitioner is not required to pay any investigation fees; (2) require, at the request of a birth parent of a newborn, that appropriate hospital personnel complete a Health Facility Minor Release Report, which allows a hospital to release a minor to someone other than the parents, and provide copies of the report as specified; and (3) provide that a statutorily-authorized or court-appointed investigator, who is conducting an investigation as part of a) a stepparent adoption, b) a court procedure to terminate parental rights in order to identify alleged fathers and presumed parents, or c) a court procedure to free a child from parental custody and control, is authorized to inspect a juvenile court case file, provided that the investigator is acting within the scope of his or her investigative duties for an active case. Status: Chapter 702, Stats. 2016.

**SB 12 (Beall) Nonminor dependents: wards.** This bill would have permitted a youth between the ages of 18 and 21 to petition the court to resume dependency jurisdiction or assume transition jurisdiction over him or her, provided the youth had been adjudged a ward of the court; was subject to an order for foster care placement at the time the petition to adjudge him or her a ward of the court was filed; and was held in secure confinement at 18 years of age. Status: Held, Assembly Appropriations.

**SB 68 (Liu) Nonminor dependents: wards.** This bill permits a nonminor who is subject to an order for foster care placement at the time he or she is adjudged a ward of the court, but is held in secure confinement on the day he or she attained 18 years of age, to petition the court to resume dependency jurisdiction pursuant to the California Fostering Connections to Success Act. Status: Chapter 284, Stats. 2015.

**SB 238 (Mitchell and Beall) Foster children and wards: psychotropic medication training and oversight.** This bill requires certification and training programs for foster parents, child welfare social workers, group home administrators, public health nurses, dependency court judges and court appointed counsel to include training on psychotropic medication, trauma and behavioral health, as specified, for children receiving child welfare services. This bill requires the Judicial Council to amend and adopt rules of court and develop appropriate forms pertaining to the authorization of psychotropic medication for foster youth. Status: Chapter 534, Stats. 2015.

**SB 253 (Monning) Foster children and wards: court oversight of psychotropic medication.** This bill revises and strengthens, as of January 1, 2018, juvenile court oversight requirements for administration of psychotropic medications to wards and dependents by, among other things, allowing a court to authorize psychotropic medication to a ward or dependent only if the court determines that administration of the medication is in the best interest of the child based on a determination that the anticipated benefits of the psychotropic medication outweigh the short- and long-term risks associated with it. This bill also requires that under specified conditions the court be prohibited from authorizing psychotropic medications until a pre-authorization review has been conducted by a child psychiatrist or behavioral pediatrician, as specified. Status: Vetoed.

**SB 316 (Mitchell) Placement of children: criminal background checks.** This bill would have aligned California with federal law for non-exemptible criminal convictions that prevent foster care home placements. The bill would also have clarified which crimes are exemptible and streamlined the exemption process, providing that all other criminal convictions not specifically either non-exemptible or exemptible must still be considered by the county and the court in determining whether placing a child into the home of a relative or nonrelated extended family member is in the child's best interest. Status: Dead, Assembly Rules.

**SB 942 (Liu) Dependency proceedings: temporary placement with relatives.** This bill would have required the court to order a social worker to immediately conduct an assessment of a willing relative who requests temporary placement of a dependent child if that child is not placed with a relative at the time of the initial detention hearing. This bill would also have required a county, to the extent possible, to actively assist a person seeking placement of a dependent child and requesting an exemption relating to a criminal background check, to help the person locate and obtain any documents required, including having a social worker contact any other government entity directly to obtain any required arrest reports or court dispositions. Finally, the bill would have required the county to complete the assessment process, including any exemptions and waivers, within a set time period and would have permitted the court to ensure the process is completed timely, as specified. Status: Held, Assembly Appropriations.

**SB 1040 (Hill) Post adoption instability: unlawful transfer of custody.** This bill would have required the Department of Social Services to establish a working group to examine the unique challenges facing adoptive families, and would have made it unlawful for anyone to solicit custody of a child without pursuing a legal adoption or guardianship, as specified. Status: Vetoed.

**SB 1060 (Leno) Postadoption contact: siblings.** This bill requires a court, in an adoption proceeding for a dependent child, to inquire into the status of the development of a voluntary postadoptive sibling contact agreement before the adoption is finalized. Status: Chapter 719, Stats. 2016.

**SB 1336 (Jackson) Dependent children: placement with relatives.** This bill requires the juvenile court to make a finding as to whether a dependent child's social worker exercised due diligence in conducting his or her investigation to identify, locate, and notify the child's relatives, including whether specific actions were taken. Status: Chapter 890, Stats. 2016.

### *Child Custody and Visitation*

**AB 365 (C. Garcia) Child custody: testimony by electronic means.** This bill requires the court to allow a party, whose deportation or detention by the federal Department of Homeland Security materially affects his or her ability to appear at a child custody proceeding, to present testimony and evidence, and participate in mandatory child custody mediation, by electronic means. Status: Chapter 69, Stats. 2015.

**AB 2098 (Maienschein) Child custody: child preferences.** This bill would have lowered the minimum age that a child who wished to address the court regarding a custody or visitation matter before the court should be permitted to do so, from 14 to 10 years of age, unless the court determined that doing so would not be in the child's best interest. This bill would have required that, prior to the child addressing the court, the court must do all of the following: a) determined whether the child is testifying of his or her own volition; and b) provided the child with an age-appropriate form explaining to the child the process of addressing the court. Status: Held, Assembly Appropriations.

**SB 594 (Wieckowski) Child custody evaluations.** This bill provides that any child custody evaluation, investigation or assessment and any resulting report may only be considered by the court if it is conducted in accordance with the requirements set by the Judicial Council, but also allows a court to consider a child custody evaluation that contains non-substantive or inconsequential errors, or both. Status: Chapter 130, Stats. 2015.

### *Marriage*

**AB 380 (Waldron) Marriage: putative spouses.** This bill requires the court, only upon request of a party who is declared a putative spouse (a party who believes in good faith that the marriage was valid), to divide the quasi-marital property (that would have been community property or quasi-community property if the marriage were valid) as if it were community property. Status: Chapter 196, Stats. 2015.

**AB 445 (Alejo) Marriage: solemnization.** As referred to this Committee, this bill would have added a tribal court judge who is authorized by tribal ordinance to solemnize marriages to the list of officials who may solemnize marriages in California. This bill was later amended to address nutrition in child care facilities. Status: Dead, Assembly Human Services.

**AB 2128 (Achadjian) Marriage solemnization: armed forces.** This bill provides that proper completion of a power of attorney by a member of the armed forces, stationed overseas, who is serving in a conflict or a war and who is seeking to marry through an attorney-in-fact, is the sole determinant as to whether the county clerk's office and the State Registrar must accept the power of attorney and allow the military member to get married. Status: Chapter 130, Stats. 2016.

**AB 2761 (Low) Marriage solemnization.** This bill authorizes former members of the Legislature and constitutional officers of this state, former members of Congress of the United States who represented a district within this state, and current and former elected officials of a city, county, or city and county, to solemnize a marriage. The bill also removes the requirement that county supervisors, city clerks, and elected mayors obtain and review all available

instructions for marriage solemnization before first solemnizing a marriage. Status: Chapter 528, Stats. 2016.

**SB 340 (Anderson) Dissolution: disclosure declarations.** This bill provides that a preliminary declaration of disclosure is not required by a petitioner if the petitioner served the summons and petition by publication or posting pursuant to court order and the respondent has defaulted. This bill requires, when a petitioner has served the summons and petition by publication or posting pursuant to court order and the respondent files a response prior to default judgment being entered, the petitioner to serve the respondent with a preliminary declaration of disclosure within 30 days of the response being filed. Status: Chapter 46, Stats. 2015.

**SB 414 (Jackson) Marriage.** As referred to this Committee, this bill would have replaced references to “husband” or “wife” with references to “spouse,” and would have made other conforming and related changes. The bill was amended to address oil spill preparedness, prevention and response. Status: Chapter 609, Stats. 2015.

**SB 875 (Gaines) Marriage solemnization.** This bill expands who may solemnize marriages in California to include county sheriffs. The bill also removes the requirement that county supervisors, city clerks, and elected mayors obtain and review all available instructions for marriage solemnization before first solemnizing a marriage. Status: Chapter 211, Stats. 2016.

**SB 1005 (Jackson) Marriage.** The bill replaces the terms “husband” or “wife” with “spouse,” and, consistent with existing law, defines “spouse” as including “registered domestic partner.” Status: Chapter 50, Stats. 2016.

**SB 1255 (Moorlach) Dissolution of marriage: date of separation.** This bill defines “date of separation” for purposes of the Family Code as the date when a complete and final break in the marital relationship occurs, as evidenced by a spouse’s expression of his or her intent to end the marriage and conduct that is consistent with that intent, and updates the Family Code to reflect this definition. Status: Chapter 114, Stats. 2016.

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

**AB 610 (Jones-Sawyer) Child support: suspension of order during incarceration.** This urgency bill provides, until January 1, 2020, that the suspension of a child support order occurs by operation of law for any period exceeding 90 consecutive days in which an obligor is incarcerated or involuntarily institutionalized, subject to specified exceptions and allows for administrative adjustment of the arrears. This bill requires the Department of Child Support Services and the Judicial Council to evaluate the effectiveness of the administrative adjustment process and report to the Legislature by January 1, 2019. Status: Chapter 629, Stats. 2015.

**AB 960 (Chiu) Parentage: assisted reproduction.** This bill provides that the donor of semen provided to a licensed physician or to a licensed sperm bank for use in assisted reproduction shall be treated as if he were not the natural parent of a child thereby conceived, unless otherwise agreed to in a writing prior to the conception of the child. The bill also provides, if the semen is not provided to a licensed physician or a licensed sperm bank for use in assisted reproduction by a woman other than the donor’s spouse, the donor shall be treated in law as if he were not the natural parent of the child if either: (1) the donor and the woman agreed in a writing prior to



conception that the donor would not be a parent; or (2) a court finds by clear and convincing evidence that the child was conceived through assisted reproduction and that, prior to the conception of the child, the woman and the donor had an oral agreement that the donor would not be a parent. Status: Chapter 566, Stats. 2015.

**AB 1049 (Patterson) Parentage.** This bill states that a person's offer or refusal to sign a voluntary declaration of paternity may be considered as a factor, but shall not be determinative as to the issue of legal parentage in any proceedings regarding the establishment or termination of parental rights. This bill additionally requires a non-attorney donor facilitator to direct his or her client to deposit client funds in an independent, bonded escrow account or a trust account maintained by an attorney. Status: Chapter 91, Stats. 2015.

**AB 2349 (Chiu) Assisted reproduction agreements: jurisdiction and venue.** This bill provides that California has subject matter jurisdiction to determine parentage of a child conceived pursuant to an assisted reproduction agreement for gestational carriers if certain conditions are satisfied, including: (1) the child is born in California; or (2) one or more of the parties to the agreement reside in California or resided in California when the agreement was executed. Status: Chapter 385, Stats. 2016.

**SB 28 (Wieckowski) Spousal support factors: domestic violence.** This bill clarifies that pleas of nolo contendere to allegations of domestic violence are included in the documented history of domestic violence that a court must consider when making an award of spousal support. Status: Chapter 137, Stats. 2015.

**SB 646 (Jackson) Uniform Interstate Family Support Act.** This bill revises and recasts the Uniform Interstate Family Support Act to provide guidelines for the registration, recognition, enforcement and modification of foreign support orders from countries that are parties to the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. Status: Chapter 493, Stats. 2015.

### *Domestic Violence*

**AB 439 (Bloom) Protective orders: batterer's programs.** This bill requires a restrained party, who has been ordered to participate in a batterer's program, to register for the program by the deadline ordered by the court, or within 30 days if no deadline is indicated. This bill requires that at the time of enrollment, the restrained party sign all necessary program consent forms to allow the program to release specified documents, including attendance records, to the court and the protected party, and to provide the court and the protected party with specified information regarding the program. Status: Chapter 79, Stats. 2015.

**AB 494 (Maienschein) Restraining orders: protection of animals.** This bill authorizes courts to include protections for companion animals in restraining orders sought by persons who fear for the safety of themselves and their animals and apply for civil harassment and other types of protective orders. Specifically, this bill authorizes the court, on a showing of good cause, to include in a civil protective or restraining order, as specified, an order: (1) granting the petitioner exclusive care, possession, or control of an animal that is held by a person protected by a restraining order, or that resides in the same residence as a person protected by a restraining

order; and (2) instructing the respondent or restrained person to stay away from the animal, and refrain from taking or harming the animal, as specified. Status: Chapter 401, Stats. 2015.

**AB 536 (Bloom) Domestic violence: mutual restraining orders.** This bill prohibits a court from issuing a mutual restraining order unless each party presents written evidence of abuse or domestic violence in an application for relief using the mandatory Judicial Council restraining order application form, as specified. This bill also requires, by July 1, 2016, the Judicial Council to modify forms as necessary to provide notice of this information. Status: Chapter 73, Stats. 2015.

**AB 1081 (Quirk) Temporary protective orders: continuances.** This bill allows either party to request a continuance of a hearing on a temporary restraining order (TRO), as specified, which the court is required to grant on a showing of good cause, and additionally authorizes the court to grant a continuance on its own motion. This bill requires that, upon granting a continuance, any TRO that had previously been granted remains in effect until the conclusion of the continued hearing, but authorizes the court to modify or terminate that TRO. Status: Chapter 411, Stats. 2015.

**AB 1127 (Cooley) Sacramento domestic violence funding: vital records fees.** This bill would have created, as a pilot program, the Sacramento County Zero Tolerance for Family Violence and Human Trafficking Act, which authorized the Sacramento County Board of Supervisors, until January 1, 2021, and upon making specified findings and declarations, to increase the fees for certified copies of marriage certificates, birth certificates, fetal death records and death records, up to a maximum increase of \$4. It would also have required the proceeds to be used for governmental oversight and coordination of domestic violence and family violence prevention, intervention, and prosecution efforts in Sacramento County in order to increase the effectiveness of prevention, early intervention, and prosecution of domestic and family violence. Status: Dead, Senate Governance and Finance.

**AB 1272 (Grove) Protective orders: persons with developmental disabilities: sexual exploitation.** This bill authorizes the issuance of an ex parte emergency protective order when there is reason to believe that a developmentally-disabled person is in immediate danger of sexual exploitation by a developmental disability residential service provider. Status: Chapter 91, Stats. 2016.

**AB 1407 (Atkins) Domestic violence: division of wireless telephone plans.** This bill authorizes a court, beginning July 1, 2016, after notice and a hearing, to issue a domestic violence restraining order directing a wireless telephone service provider to transfer the billing responsibility and rights to a wireless telephone number to a requesting party and requires that the requesting party assume all financial responsibility for the transferred telephone number, monthly service costs, and costs for any mobile device associated with the telephone number. This bill also prohibits a cause of action against a wireless telephone service provider, its officers, employees, or agents, for actions taken in accordance with the terms of the court order. Status: Chapter 415, Stats. 2015.

**AB 1678 (Santiago) Crime victims: incident reports.** This bill allows a victim of sexual assault, stalking, human trafficking, and elder or dependent adult abuse, or the victim's

representative, to receive a timely copy of his or her law enforcement incident report and all incident report face sheets, free of charge. Status: Chapter 875, Stats. 2016.

### *Family Law*

**AB 1519 (Judiciary) Family law.** This bill makes various changes to the Family Code, including the following: (1) provides that the Department of Child Support Services has no obligation to determine whether a prepaid card account at the financial institution of the recipient's choice is a qualifying account, as defined; (2) allows, effective July 1, 2016, a local child support agency to electronically file pleadings signed under penalty of perjury, as specified; (3) clarifies that a petitioner is required to serve the preliminary declaration of disclosure either concurrently with the petition for legal separation or within 60 days of filing the petition or response; and (4) ratifies the authority of the Judicial Council to convert 10 subordinate judicial officer positions to judgeships in the 2015-16 fiscal year, as specified. Status: Chapter 416, Stats. 2015.

**AB 1735 (Waldron) Dissolution of marriage: bifurcated judgment: service.** This bill requires—in certain family law cases where issues have been bifurcated for separate trial—that service be made on the attorney of record for a represented party or on the party if unrepresented. In those actions where a pleading has not been filed in the six months after the entry of a bifurcated judgment, this bill requires service to be effectuated on both the attorney of record and the party. Status: Chapter 67, Stats. 2016.

**AB 2882 (Judiciary) Family law.** This bill, the Judiciary Committee's annual omnibus family law bill, makes a number of non-controversial changes to family law in California, including allowing conversions of subordinate judicial officer positions to judges and updating and making technical corrections to marriage establishment, adoption, and Department of Child Support Services enforcement provisions. Status: Chapter 487, Stats. 2016.

**SB 917 (Jackson) Family law: court orders.** This bill would have required the court, beginning July 1, 2017, within two days after the conclusion of a hearing under the Family Code, to make available to each party who is present at the hearing a written, detailed, official order setting forth the basic terms of any orders that were made at the hearing. The bill would also have provided that, to the extent practicable, the court must provide the order, in writing, to each party who is present at the hearing, prior to that party leaving the court that day. Status: Held, Assembly Appropriations.

### **IMMIGRATION ISSUES**

**AB 20 (Alejo) Undocumented workers: California Agricultural Act.** The bill would have established a framework for a program to provide undocumented persons who are agricultural employees a permit to work and live in California if such a program were to be authorized by federal law. The bill also directed the Labor and Workforce Development Agency (LWDA) and the California Department of Food and Agriculture (CDFA) to convene a working group to consult with the federal government and other stakeholders on how to best implement this program. Status: Held, Senate Appropriations.

**AB 60 (Gonzalez) Immigration services: attorneys.** This bill clarifies the existing prohibition on the advance payment of fees for immigration reform act services before the enactment of an immigration reform act, as specified, by expanding the definition of "immigration reform act" to include the President's executive actions on immigration, as specified, and makes related conforming changes. Status: Chapter 6, Stats. 2015.

**AB 900 (Levine) Extended guardianship: special immigrant juvenile status.** This bill authorizes a court to appoint a guardian, or extend a guardianship, for an unmarried individual who is between 18 and 21 years of age in connection with a petition to make the necessary findings regarding special immigrant juvenile status, as specified, with the consent of the proposed ward. Status: Chapter 694, Stats. 2015.

**AB 1462 (Gonzalez) Immigration services.** This bill would have required a state department, as determined by the Governor, to contract with qualified nonprofit or community-based organizations to provide legal services to Deferred Action for Childhood Arrivals (DACA) and Deferred Action for Parents of Americans (DAPA) applicants in this state, subject to the availability of funding in the Budget Act. Status: Held, Assembly Appropriations.

**AB 1850 (E. Garcia) Educational services: permanent residents: foreign nationals.** This bill replaces the word "alien" with the term "foreign national" and "illegal alien" with the term "undocumented foreign national" in sections of state law related to the federal Immigration Reform and Control Act of 1986. The bill makes these provisions contingent upon the enactment of related federal law, as specified. Status: Chapter 69, Stats. 2016.

**AB 2027 (Quirk) Victims of crime: nonimmigrant status.** This bill requires, upon the request of a victim of human trafficking who is an immigrant, a certifying agency to confirm victim cooperation on the applicable form so that the victim may apply for a T-Visa to temporarily live and work in the United States. Status: Chapter 749, Stats. 2016.

**AJR 19 (Alejo) Military service: immigrants.** This resolution urges the Congress of the United States to enact legislation allowing immigrants to serve in the military if they are eligible under the President's Executive Order for Deferred Action for Childhood Arrivals or Executive Order for Deferred Action for Parents of Americans and Lawful Permanent Residents. Status: Resolution Chapter 138, Stats. 2015.

**AJR 38 (E. Garcia) Foreign nationals: CHANGE Act.** This resolution urges Congress to pass, and the President to sign, the Correcting Hurtful and Alienating Names in Government Expression (CHANGE) Act, which would prohibit federal executive agencies from using the derogatory term "alien" to refer to individuals who are not a citizen or national of the United States. Status: Resolution Chapter 133, Stats. 2016.

**SB 10 (Lara) Immigration: Governor's Office of New Americans.** As referred to this Committee, this bill would have established the Office of New Americans in the Governor's office for the purpose of, among other things, coordinating an ongoing multiagency, multi-sector public and private efforts to provide information and services to new Americans. The bill was later amended to address health care coverage. Status: Chapter 22, Stats. 2016.

**SB 1289 (Lara) Law enforcement: immigration.** This bill would have prohibited local law enforcement agencies and local governments from contracting with for-profit entities to detain immigrants on behalf of federal immigration authorities. Among other things, the bill would have required these for-profit immigrant detention facilities to adhere to national immigration standards for the detention of immigrants, and provide specified legal rights to detainees. Status: Vetoed.

**SCR 94 (Pan) Day of Inclusion.** This resolution acknowledges December 17 each year as an annual “Day of Inclusion” in recognition and appreciation of the priceless contributions of all immigrants to the greatness of the United States and California. Status: Resolution Chapter 77, Stats. 2016.

**SJR 2 (Vidak) Immigration.** This measure urges Congress and the President of the United States to work together to create a comprehensive and workable approach to reform the nation’s immigration system according to specified principles. Status: Resolution Chapter 23, Stats. 2015.

**SJR 5 (Nguyen) Vietnam: humanitarian resettlement.** This resolution urges the federal government to reauthorize the Humanitarian Resettlement Program and the Orderly Departure Program to allow disabled veterans of the South Vietnamese Army currently living in the Socialist Republic of Vietnam to enter the United States. Status: Resolution Chapter 94, Stats. 2015.

**SJR 28 (Lara) Immigrant children: legal representation.** This resolution urges the federal government to ensure that immigrant children are afforded due process under the law in removal proceedings by providing government-funded attorneys, trained in immigration law, to all indigent children who are seeking an immigration remedy. This resolution also urges the federal government to first hear cases involving children that have legal counsel, and to immediately halt cases brought against unrepresented immigrant children until lawyers are made available to represent them. Status: Resolution Chapter 190, Stats. 2016.

## **LIABILITY AND RELATED MATTERS**

### ***Damages and Civil Penalties***

**AB 29 (Campos) Civil action for unlawful sexual battery: consent defense.** When heard by this Committee, this bill would have prohibited the use of consent as a defense in a civil action involving sexual battery between a minor and an adult who was in a position of trust, authority or supervision, or who acted as a caretaker in relation to the minor, and prevented consent from being used to mitigate damages in such cases. The bill was later amended to address credit for time served for someone convicted of rape of an unconscious person. Status: Dead, Senate Human Services.

**AB 538 (Campos) Actions for damages: felony offenses: victim notification.** This bill ensures that victims of specified felonies are notified by the Department of Corrections and Rehabilitation (CDCR) that the person who committed the felony has entered into a contract for the sale of the story of the crime, if such notification has previously been requested of CDCR. The bill also clarifies that no civil action for damages for the sale of the story may be filed

against a person who was wrongfully convicted of a crime he or she did not commit, exonerated, and subsequently released from prison. Status: Chapter 465, Stats. 2015.

**AB 830 (Eggman) Civil actions: gender violence.** This bill provides the existing remedies available to victims of gender-related violence to victims of sexual orientation-based violence and otherwise defines “gender,” in accordance with the Unruh Civil Rights Act, to include “gender expression” and “gender identity.” Status: Chapter 202, Stats. 2015.

**AB 998 (Wagner) Civil law: libel: damages.** This bill extends a statutory damage limitation rule for libel that limits a plaintiff to special damages, as defined, where the defendant retracts a libelous statement. Courts have construed existing law so that the rule only applies to libel actions against traditional print media and radio and television broadcasts. This bill extends the rule to libel actions against online daily and weekly news publications, as defined. Status: Chapter 343, Stats. 2015.

**AB 1684 (Stone) Human trafficking: civil actions.** This bill authorizes the Department of Fair Employment and Housing (DFEH) to receive, investigate, conciliate, mediate, and prosecute complaints alleging a violation of human trafficking, as defined in Penal Code Section 236.1, and to bring a civil action on behalf of a victim of human trafficking, as specified. Status: Chapter 63, Stats. 2016.

**AB 2315 (Olsen) Asbestos Tort Trust Transparency Act.** This bill would have enacted the Asbestos Tort Claim Trust Transparency Act, which would establish additional procedures with respect to civil actions pertaining to asbestos tort claims, as defined. The bill would have, among other things, required that a plaintiff disclose specified information with respect to any asbestos trusts against which the plaintiff has or could pursue a claim, and entitled a defendant to discover relevant information pertaining to the plaintiff held by other asbestos trusts and to pursue various motions. Status: Dead, Assembly Judiciary.

**AB 2699 (Gonzalez) Solar companies: cause of action.** As referred to this Committee, this bill would have required a solar company that is selling, financing, or leasing a solar energy system, as defined, to provide each customer with a specified “solar energy system disclosure document.” Most relevant to this Committee, the bill would have authorized a customer damaged by a willful violation of these provisions to bring a civil cause of action against a solar company for specified damages. The bill was amended to remove the civil action and damages provisions, removing it from the jurisdiction of this Committee. Status: Held, Assembly Appropriations.

**AB 2755 (Gallagher) Bees: civil remedies.** This bill permits a person who is harmed by the stealing or killing of bees, or the removal of bees from a beehive, or by the destruction of beehives, to recover treble damages in a civil action. Status: Chapter 138, Stats. 2016.

**SB 14 (Lara) Civil action for sexual battery: consent defense.** This bill prohibits the use of consent as a defense in any sexual battery civil action involving a minor victim where the person committing the sexual battery is an adult who is in a position of authority, as defined. This bill prohibits the use of any evidence of the minor’s sexual conduct with the adult perpetrator, except in limited circumstances. Status: Chapter 128, Stats. 2015.

**SB 145 (Pan) Health facilities: patient transporting.** As referred to this Committee, this bill would have clarified that a hospital that transports out a patient who is medically unstable due to alcohol poisoning is subject to enhanced administrative penalties by the Department of Public Health for committing an “immediate jeopardy” violation. The bill was subsequently amended to address an unrelated subject. Status: Chapter 712, Stats. 2015.

*Immunity, Scope of Liability and Related Issues*

**AB 597 (Cooley) Asbestos Tort Trust Transparency Act.** This bill would have enacted the Asbestos Tort Claim Trust Transparency Act, which establishes additional procedures with respect to civil actions pertaining to asbestos tort claims, as defined. The bill, among other things, required that a plaintiff produce, at the same time he or she serves answers to interrogatories, all asbestos trust claim documents, as specified, and provided that these documents are not subject to a claim of privilege. Also required the plaintiff, in answering interrogatories, to disclose the facts related to his or her alleged exposure to asbestos. The bill authorized a defendant to file a motion to compel the plaintiff’s compliance with the production and disclosure requirements, as described. The bill required the court to retain jurisdiction over an asbestos tort action for 4 years after entry of judgment for certain purposes. Status: Dead, Assembly Judiciary.

**AB 604 (Olsen) Electrically motorized boards.** This bill defines the vehicle known as an "electrically motorized board," restricts their operation on public facilities, requires boards to be equipped with safety equipment, and authorizes cities and counties to further regulate their use. As referred to this Committee, this bill would have shielded local governments from liability for certain injuries arising out of a board operator's failure to follow restrictions and limitations established by this bill. These provisions were later amended out of the bill and therefore not heard by this Committee. Status: Chapter 777, Stats. 2015.

**AB 637 (Campos) Physician Orders for Life Sustaining Treatment forms.** This bill allows a nurse practitioner and a physician assistant acting under the supervision of a physician to sign a completed Physician Orders for Life Sustaining Treatment form and provides qualified immunity to both a nurse practitioner and a physician assistant for signing such a form. Status: Chapter 217, Stats. 2015.

**AB 739 (Irwin) Immunity: communication of cyber security threat.** This bill would have provided immunity from civil or criminal liability for private entities that communicate certain cyber security-threat information, as specified. Status: Dead, Assembly Judiciary.

**AB 797 (Steinorth) Motor vehicles: rescue or provision of care for animal: civil and criminal liability.** This bill exempts a person from civil and criminal liability for property damage or trespass to a motor vehicle if the property damage or trespass occurred while the person was rescuing an animal from the vehicle and, reasonably and in good faith, took prescribed actions under specified circumstances. Status: Chapter 554, Stats. 2016.

**AB 1146 (Jones) Skateboard parks.** This bill, until January 1, 2020, expands local government immunity from liability for injuries to recreational users of public skateboard parks to include riders of wheeled recreational devices other than skateboards, including nonmotorized bicycles,

scooters, in-line skates, roller skates or wheelchairs. The bill also requires local public agencies to maintain records of all known or reported injuries by persons riding skateboard or other wheeled recreational devices in a public skateboard park, and to report specified data to the Legislature annually. Status: Chapter 221, Stats. 2015.

**AB 1300 (Ridley-Thomas) Mental health: involuntary commitment: immunity.** As analyzed and approved by the Committee, this bill would have made a number of changes to the law governing the involuntary commitment of persons to mental health facilities pursuant to Welfare and Institutions Code Sections 5150 and 5152 and provides qualified immunity to non-designated hospitals (those not specifically designated by the county) for the evaluation of whether a person is a danger to self or others, or is greatly disabled, and is therefore appropriately detained in the facility for a 72-hour hold for acute mental health treatment. As amended in the Senate, it addressed only the rules that applied to designated facilities and persons authorized to refer individuals to such facilities for evaluation and potential involuntary commitment. Status: Dead, Senate Rules.

**AB 1386 (Low) Emergency medical care: epinephrine auto-injectors.** This bill permits a pharmacy to furnish epinephrine auto-injectors to an “authorized entity” (any for-profit, nonprofit, or government entity or organization that employs at least one person or utilizes at least one volunteer or agent that has voluntarily completed a training course), so long as the auto-injectors are used in an authorized manner pursuant to a prescription, and records are maintained regarding the use. Most relevant to this Committee, the bill also provides that an authorized entity is not liable for any civil damages resulting from any act or omission connected to the administration of an epinephrine auto-injector. Status: Chapter 374, Stats. 2016.

**AB 1639 (Maienschein) Pupil health: cardiac arrest.** This bill establishes the Eric Paredes Sudden Cardiac Arrest Prevention Act; requires the California Department of Education to make available specified guidelines and materials on sudden cardiac arrest (SCA); requires pupils and parents to sign informational materials before athletic participation; requires training of coaches; and sets requirements for action in the event a pupil experiences specified symptoms. As originally heard by the Committee, this measure included an immunity provision to immunize coaches from liability for intervening or failing to intervene when a student-athlete shows symptoms of SCA. However, that provision was removed because it was deemed to be unnecessary and superfluous, at least for coaches, athletic directors, and athletic trainers who are public employees because such employees are immunized under current law from liability for their discretionary decisions. Status: Chapter 792, Stats. 2016.

**AB 1656 (Kim) Civil liability: tourniquets.** This bill would have exempted from civil liability any person who, in good faith and not for compensation, renders emergency care or treatment by the use of tourniquets at the scene of an emergency. Status: Dead, Assembly Judiciary.

**AB 1719 (Rodriguez) Pupil instruction: cardiopulmonary resuscitation.** This bill requires, commencing in the 2018-19 school year, school districts and charter schools that require a health course for graduation to include instruction in compression-only cardiopulmonary resuscitation (CPR) and provides immunity from civil liability to school districts and public employees that facilitate or supervise the instruction of students in compression-only CPR or use of an AED. Status: Chapter 556, Stats. 2016.



**AB 1748 (Mayes) Student health: opioid antagonists.** This bill authorizes a pharmacy, pursuant to a written order by a physician or surgeon, to furnish school districts and charter schools with emergency naloxone or another opioid antagonist for exclusive use at the school site, and further authorizes them to provide naloxone or another opioid antagonist to school nurses or trained personnel for the purpose of providing emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. Status: Chapter 557, Stats. 2016.

**AB 2638 (Gatto) Vaccines: doctor exemption: discipline.** As originally referred to the Committee, this bill would have provided that a licensed physician is not subject to discipline or liability for writing a statement to the effect that immunization is not considered safe for a particular child, thereby exempting that child from immunization requirements in existing law. It was later amended to deal with the subject of local government finance, removing it from the jurisdiction of the Committee. Status: Dead, Senate Governmental Organization.

**SB 119 (Hill) Protection of subsurface installations.** This bill would have made several changes to laws governing subsurface excavations, including (1) authorizing the Contractors State License Board, the Public Utilities Commission, and the Office of the State Fire Marshal to accept, amend or reject the recommendations of the California Underground Facilities Safe Excavation Authority to enforce specific provisions related to operators and excavators; (2) providing that, in an action for reimbursement or indemnification for a claim arising from damage to a subsurface installation in which a court finds that the excavator complied with the requirements of the law, the excavator may be awarded reasonable attorney's fees and expenses; (3) requiring real property owners, as specified, to call a regional call center when excavating on their property, but providing that owners complying with the notification provisions are not relieved of their duty to perform any excavation with reasonable care; and (4) providing that liquidated damages, liability, losses, costs, and expenses may be awarded to an excavator for an operator's non-compliance only if the operator did not have a reasonable basis for the non-compliance. Status: Vetoed.

**SB 287 (Hueso) Automated external defibrillator installation: immunity.** This bill requires certain buildings with the capacity of 200 or more persons constructed on or after January 1, 2017 to have an automated external defibrillator (AED) on the premises and provides persons who acquire AEDs for installation in such buildings with qualified immunity. Status: Chapter 449, Stats. 2015.

**SB 658 (Hill) Automated external defibrillator installation requirements.** This bill repeals or reduces various requirements relating to persons or entities who acquire AEDs, including repealing requirements that employees complete training, and reducing the inspection requirements from once every 30 days to once every 90 days. Status: Chapter 264, Stats. 2015.

**SB 738 (Huff) Epinephrine auto-injectors: prescriptions.** This bill provides that an authorizing physician and surgeon shall not be subject to professional review, liable in a civil action, or subject to criminal prosecution for the issuance of a prescription or order pursuant to existing law (which requires public schools to obtain a prescription for epinephrine auto-injectors from an authorizing physician and surgeon, as defined, for use in emergencies), unless the

physician and surgeon's issuance of the prescription or order constitutes gross negligence or willful or malicious conduct. Status: Chapter 132, Stats. 2015.

**SB 807 (Gaines) Drones: liability.** This bill grants immunity from civil liability to an emergency responder, as defined, for damage to an unmanned aircraft system (UAS) if the damage was caused while the emergency responder was performing specified emergency services and the UAS was interfering with the provision of those emergency services. The bill similarly limits the civil liability of a local public entity or public employee for damage to a UAS if the damage was caused while the local public entity or public employee was performing specified emergency services and the UAS was interfering with the provision of those emergency services. Status: Chapter 834, Stats. 2016.

**SB 820 (Hertzberg) California Land Use and Revitalization Act: immunity.** This bill extends the sunset date for the California Land Reuse and Revitalization Act (CLRRA), which among other things offers limited immunity to persons who clean up and develop contaminated "brownfields" that would otherwise remain contaminated and undeveloped. The bill extends the sunset for the CLRRA from January 1, 2017, until January 1, 2027. The bill also makes a conforming change to provide that a person who qualifies for immunity under the act before January 1, 2027, continues to have that immunity on and after January 1, 2027, if the person continues to be in compliance with the requirements of CLRRA. Status: Chapter 166, Stats. 2016.

**SB 873 (Beall) Revised Uniform Fiduciary Access to Digital Assets Act: immunity from liability.** AB 691 (Calderon), Chapter 551, Stats. 2016, enacts the Revised Uniform Fiduciary Access to Digital Assets Act, which would authorize a decedent's personal representative or trustee to access and manage digital assets and electronic communications, as specified. Among other provisions, AB 691 provides that a custodian of digital assets, and its officers, employees, and agents, are immune from liability for an act or omission done in good faith and in compliance with the act. This companion bill specifies that this immunity does not apply in a case of gross negligence or willful or wanton misconduct. Status: Chapter 585, Stats. 2016.

**SB 885 (Wolk) Contracts: design professionals: indemnity.** This bill would have provided that for all contracts entered into on or after January 1, 2017, a design professional shall only have the duty to defend himself or herself from claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the design professional; any contract that purports to require a design professional to defend claims against another party would be unenforceable. Additionally, the bill would have provided that the above provisions would not affect (1) any duty of a design professional to defend claims brought against the design professional; nor (2) the design professional's obligation to reimburse reasonable defense costs incurred by other persons or entities, limited to the design professional's degree of fault, as determined by a court, arbitration, or negotiated settlement. Status: Dead, Assembly Judiciary.

**SB 1229 (Jackson) Home-generated pharmaceutical waste: secure drug take-back bins.** This bill provides qualified immunity from liability to certain entities authorized under federal law (collectors) for any injury or harm that results from a collector maintaining a secure drug take-back bin on its premises, provided that the collector, not for compensation, acts in good faith to take specified steps to ensure the health and safety of consumers and employees and the

proper disposal of the home-generated pharmaceutical waste contained in the secure drug take-back bin. Status: Chapter 238, Stats. 2016.

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

### ***Civil Rights***

**AB 182 (Alejo) California Voting Rights Act.** This bill would have expanded the California Voting Rights Act of 2001 (CVRA) to allow challenges to district-based elections to be brought under the CVRA. Specifically, it prohibited district-based elections from being imposed or applied in a manner that impairs the ability of a protected class of voters to elect candidates of its choice as the result of the dilution or abridgement of the voting rights of members of the protected class. Status: Vetoed.

**AB 272 (Lackey) California Fair Employment and Housing Act: reserve peace officers.** This bill would have provided that a person deputized or appointed by the proper authority as a reserve deputy sheriff or a reserve city police officer is an employee of the county, city, city and county, town, district or other such proper authority for all purposes of the Fair Employment and Housing Act (FEHA). Status: Vetoed.

**AB 350 (Alejo) District-based municipal elections: preapproval hearings.** This bill requires a political subdivision that changes to, or establishes, district-based elections to hold at least two public hearings both before and after drawing a preliminary map of the proposed district boundaries, as specified, and requires that written notice be provided before an action can be brought against a political subdivision under the California Voting Rights Act of 2001. Status: Chapter 737, Stats. 2016.

**AB 560 (Gomez) Civil actions: immigration status.** This bill provides that, for the purposes of enforcing state labor, employment, civil rights, and employee housing laws, the immigration status of a child seeking recovery under any applicable law is irrelevant to the issues of liability or remedy. Further, this bill prohibits discovery or other inquiry in a civil action or proceeding into a child's immigration status, with specified exceptions. Status: Chapter 151, Stats. 2015.

**AB 1520 (Judiciary) Ralph Civil Rights Act.** As heard by this Committee, this bill would have clarified that a certain civil rights provision of the Civil Code was part of the Ralph Civil Rights Act. The bill was amended in the Senate to amend an existing exemption to the Public Records Act that permits the withholding of utility customer information, so that the exemption would not apply to the water usage rates of commercial, industrial, and institutional utility customers. Status: Dead, Senate Inactive.

**AB 1887 (Low) Government: discrimination: travel.** This bill prohibits a state agency, including the Legislature, from requiring any of its employees, officers, or members to travel to, or approving a request for state-funded travel to, any state that, after June 26, 2015, has enacted a law that discriminates or has the effect of discriminating against persons on the basis of sexual orientation, gender identity, or gender expression. The bill requires the Attorney General to develop, maintain, and post a list of applicable states on its Internet site and makes it the responsibility of state entities to consult the list in order to comply with the restrictions imposed by the bill. Status: Chapter 687, Stats. 2016.

**AB 2667 (Thurmond) Unruh Civil Rights Act: waivers.** This bill would have required a waiver of a legal right, penalty, remedy, forum, or procedure for a violation of the Unruh Civil Rights Act, to be knowing and voluntary, in writing, and to expressly not be made as a condition of entering into a contract for goods or services or as a condition of providing or receiving goods and services. Status: Failed, Assembly Floor.

**AB 2707 (Ridley-Thomas) Stop Consumer Racial Profiling Act.** This bill would have prohibited "consumer racial profiling," defined as either of the following: (1) profiling or targeting of a person that results in differential treatment based on his or her race or ethnicity and that constitutes a denial or degradation in the product or service offered to customers; or (2) refusal to serve, removal from the business establishment premises, segregated seating, requiring additional forms of identification, race-based surveillance practices, and similar race-based practices. The bill would have given the Department of Fair Employment and Housing the power to receive, investigate, conciliate, mediate, and prosecute complaints alleging a violation. Status: Vetoed.

**ACR 67 (Mullin) The Sodomite Suppression Act.** This resolution provides that the Legislature stands in moral and legal objection to the ballot measure that proposed to enact the Sodomite Suppression Act and to any other ballot measure that seeks to inflict harm on innocent persons or diminish current civil rights protections, and calls upon the residents of the State of California to reject bigotry and hate speech. Status: Resolution Chapter 171, Stats. 2015.

**ACR 146 (Weber) *Alvarez v Lemon Grove School District*.** This resolution commemorates March 30, 2016, as the 85th anniversary of the historic ruling in the case of *Roberto Alvarez v. Board of Trustees of the Lemon Grove School District*, which invalidated that district's attempt to restrict its pupils of Mexican heritage to an inferior, segregated educational experience. Status: Resolution Chapter 33, Stats. 2016.

**AJR 45 (Chiu) Civil rights: Equality Act.** This resolution urges the United States Congress to enact the Equality Act of 2015, which would amend the Civil Rights Act of 1964 to include protections on the basis of sexual orientation, gender identity, and sex for, among other things, employment, housing, public education, and public accommodations. Status: Resolution Chapter 169, Stats. 2016.

**SB 503 (Hernández) Long-term health facility: informed consent.** This bill would have expanded the process required to provide medical intervention to a resident of a skilled nursing facility who is deemed incapable of making informed consent, as specified, and would have imposed additional duties on a physician who prescribed the medical intervention. Status: Dead, Assembly Health.

**SB 600 (Pan) Discrimination: citizenship: language: immigration status.** This bill amends the Unruh Civil Rights Act to expressly prohibit discrimination by business establishments on the basis of citizenship, primary language, and immigration status. Status: Chapter 282, Stats. 2015.

**SB 899 (Hueso) Gender discrimination.** This bill would have extended the Gender Tax Repeal Act, which currently prohibits gender discrimination in the pricing of *services*, to prohibit gender

discrimination in the pricing of *goods*. The bill would have defined "goods" to exclude food products and new motor vehicles. Status: Dead, Assembly Judiciary.

**SB 1146 (Lara) Postsecondary education: non-discrimination.** This bill requires an institution that has an exemption from either the Equity in Higher Education Act or Title IX of the federal Education Act of 1972 to make specified disclosures to the institution's current and prospective students, faculty members, and employees, and to the Student Aid Commission, concerning the institution's basis for having the exemption. The bill requires the commission to collect the information it receives and post and maintain a list on the commission's Internet site of all institutions with the exemption and their respective bases for having the exemption. Status: Chapter 888, Stats. 2016.

**SB 1442 (Liu) Discrimination: regulations and enforcement.** This bill reorganizes and consolidates various statutes regarding discrimination. In addition, the bill removes the authority of various state agencies to promulgate regulations to prohibit discrimination and requires investigation and enforcement of antidiscrimination provisions to be performed by the Department of Fair Employment and Housing. Status: Chapter 870, Stats. 2016.

**SJR 12 (Pan) Mitsuye Endo Tsutsumi: Presidential Medal of Freedom Nomination.** This resolution expresses the Legislature's support for the nomination for the Presidential Medal of Freedom of Mitsuye Endo Tsutsumi, who brought a successful legal challenge to end the internment of Japanese Americans during WWII. Status: Resolution Chapter 150, Stats. 2015.

### *Constitutional Rights*

**AB 775 (Chiu) The Reproductive Freedom, Accountability, Comprehensive Care, and Transparency Act.** This bill requires a licensed covered facility, as defined, to disseminate a notice to all clients, as specified, stating, among other things, that California has public programs that provide immediate free or low-cost access to comprehensive family planning services, prenatal care, and abortion for eligible women. The bill also requires an unlicensed covered facility, as defined, to disseminate a notice to all clients, as specified, stating, among other things, that the facility is not licensed as a medical facility by the State of California. Status: Chapter 700, Stats. 2015.

**AB 1212 (Grove) Post-secondary education: Student Freedom of Association Act.** This bill would have required, as a condition of receiving state funds for student financial assistance, the governing board of each California Community College (CCC) district, the California State University (CSU) Trustees, and the University of California (UC) Regents, to adopt a policy prohibiting their respective campuses from discriminating against a student organization with respect to a benefit available to any other student organization, based on that organization's requirement that its leaders or voting members adhere to certain beliefs or conduct. Status: Failed, Assembly Higher Education.

**AB 2253 (Grove) Specialized license plates.** This bill would have required the Department of Veterans Affairs (CalVet) to apply to the Department of Motor Vehicles (DMV) to sponsor the following historic state and federal motto license plate programs to support the Veterans Housing and Homelessness Prevention Program (VHHP), and the development of supportive services for

veterans living in units funded by that program: E Pluribus Unum; Liberty; In God We Trust; We the People; and Eureka! I have found it! Status: Held, Assembly Appropriations.

**ACR 92 (Gipson) 50<sup>th</sup> Anniversary of the Watts Revolt.** This resolution commemorates and recognizes the historical significance of the 1965 Watts Revolt and urges the development of public policies and private initiatives to address the problems of continuing racial disparities and institutional racism in several areas, including education, employment, housing, healthcare, and law enforcement. Status: Resolution Chapter 188, Stats. 2015.

**ACR 95 (Mathis) American flag.** This resolution calls upon state and local governments to prohibit any government entity in the state from banning the American flag from public property, including, but not limited to, public schools, public colleges, public universities, state beaches, public parks, public monuments, museums, and government offices. Status: Resolution Chapter 115, Stats. 2016.

**AJR 10 (Grove) Federal constitutional convention: application.** This resolution would have constituted California's application to the United States Congress to call a constitutional convention pursuant to Article V of the United States Constitution for the purpose of amending the United States Constitution. Specifically, the resolution called for amendments that would have imposed fiscal constraints on the federal government and generally limited the power and jurisdiction of the federal government. Status: Dead, Assembly Judiciary.

**AJR 26 (Weber) Removal of Confederate flag.** This resolution encourages Congress to ban government use or display of the confederate flag on federal property and encourages the several states to ban Confederate symbolism in state flags, seals, and symbols. Status: Resolution Chapter 196, Stats. 2015.

**AJR 30 (Grove) Constitutional Convention.** This resolution would have constituted an application to the United States Congress to call a constitutional convention pursuant to Article V for the purpose of amending the United States Constitution in order to propose amendments to the United States Constitution that impose fiscal restraints on the federal government and that limit the power and jurisdiction of the federal government. Status: Failed, Assembly Judiciary.

**HR 32 (Atkins) Women's reproductive health.** This resolution urges the President and Congress to support a woman's fundamental right to control her own reproductive decisions, and to support access to comprehensive reproductive health care, including services provided by Planned Parenthood. Status: Adopted.

**SB 539 (Glazer) Public property: Confederate names.** This bill would have prohibited, as of January 1, 2017, naming any school, park, building or other public property after elected officials or senior military officers of the Confederate States of America. The bill would have required removal of existing Confederate names by January 1, 2017. The bill would have exempted a city or county and any public properties within the jurisdiction of the city or county that share the name of the city or county. Status: Vetoed.

**SJR 15 (Glazer) Confederate states: renaming of federal property.** This resolution urges Congress and the President of the United States to rename any federal buildings, parks,

roadways, or other federally owned property that bear the names of elected or military leaders of the Confederate States of America. Status: Resolution Chapter 81, Stats. 2016.

### *Disability Rights*

**AB 52 (Gray) Accommodations: construction-related accessibility claims.** This bill would have provided that statutory damages recovered against a place of public accommodation that is based upon a violation of a construction-related accessibility standard are a maximum of one-quarter of the minimum damages that are recoverable for other violations of the Unruh Civil Rights Act and are not recoverable at all under certain conditions. Status: Dead, Assembly Judiciary.

**AB 54 (Olsen) Accommodations: construction-related accessibility claims.** Requires that information about any demand letter and any complaint regarding a construction-related accessibility claim that is sent to the California Commission on Disability Access is submitted to the commission in a standard format specified by the commission. Also requires that the commission post a notice regarding the new standard format on its Internet site at least 30 days before requiring information be in that new standard format. Status: Chapter 872, Stats. 2016.

**AB 59 (Waldron) Assisted Outpatient Treatment Demonstration Project.** This bill extends the January 1, 2017 sunset on the Assisted Outpatient Therapy (AOT) law until January 1, 2022 and deletes requirements in existing law for the State Department of Health Care Services to submit annual reports and evaluations to the Legislature regarding counties that implement AOT programs. Status: Chapter 251, Stats. 2016.

**AB 1193 (Eggman) Assisted Outpatient Treatment Demonstration Project.** This bill would have made AOT an opt-out program, allowing a county that does not wish to implement the program to pass a resolution of the county board of supervisors stating the reasons for opting out and any facts or circumstances relied on in making that decision; extended for five years the date when the program is set to sunset, from January 1, 2017 until January 1, 2022; and allowed any superior court judge to request that the mental health director evaluate a person for AOT. Status: Held, Assembly Appropriations.

**AB 1342 (Steinorth) Accommodations: construction-related accessibility claims.** This bill would have required a commercial property owner or lessor to state on every lease form or rental agreement executed on or after January 1, 2016 whether the subject premises have undergone inspection by a Certified Access Specialist (CASp), as specified. In addition, this bill would have required the California Commission on Disability Access (CCDA) to establish a permanent legislative outreach coordinator position and a permanent educational outreach coordinator position and required the State Architect to require a CASp applicant to provide the location (i.e. city, county, or city and county) in which the CASp would provide services. Status: Vetoes.

**AB 1468 (Baker) Accommodations: construction-related accessibility claims.** This bill would have provided that a public entity's possession of a closeout letter from the State Architect certifying that the public buildings, public facilities, and other public places to which the letter applies meet the applicable building and construction-related accessibility standards of the federal Americans with Disabilities Act shall serve as presumptive evidence that the public

buildings, facilities, and places are in compliance with applicable standards and the federal Americans with Disabilities Act. Status: Dead, Assembly Judiciary.

**AB 1521 (Judiciary) High-frequency litigants: construction-related accessibility claims.**

Provides additional information and legal resources to small business owners who may not realize how to minimize their liability for construction-related accessibility violations, or how to respond to a complaint filed against them. The bill also limits the practice of high-volume lawsuits that are motivated by quick settlement with business owners, rather than correction of construction-related accessibility violations, by imposing a higher filing fee and additional pleading requirements on a person who meets the definition of a “high-frequency litigant.” Status: Chapter 755, Stats. 2015.

**AB 1709 (Gallagher) Deaf or hard-of-hearing individuals.** This bill replaces the term “hearing impaired” with “hard-of-hearing.” The bill also makes other technical and non-substantive changes to those codes. Status: Chapter 94, Stats. 2016.

**AB 2093 (Steinorth) Disability access.** Increases the information available to the public, and to prospective tenants of commercial property, about the Americans with Disabilities Act and a commercial property's compliance with construction-related accessibility standards and creates a presumption that the responsibility for making any repairs or modifications necessary to correct violations of construction-related accessibility standards that are noted in a CASp report is the responsibility of the commercial property owner or lessor, unless otherwise mutually agreed upon by the commercial property owner or lessor and the lessee or tenant. Status: Chapter 379, Stats. 2016.

**AB 2873 (Thurmond) CASp funding.** This bill, commencing January 1, 2020, would have required that all building inspectors employed by a local agency who review for compliance with state construction-related accessibility standards be Certified Access Specialists; temporarily would have increased the fee, from January 1, 2017 through December 31, 2019, attached to an application for a local business license from \$1 to \$4; and removed the existing sunset, commencing January 1, 2020, on the \$1 fee so that it would have been indefinitely extended. Status: Failed, Senate Floor.

**SB 251 (Roth) Accommodations: construction-related accessibility claims.** This bill would have made a number of changes to provide financial relief to businesses and encouraged compliance with construction-related accessibility standards. Specifically, this bill would have established that certain "technical violations" are presumed to not cause a person difficulty, discomfort or embarrassment for the purpose of an award of minimum statutory damages in a construction-related accessibility claim, subject to rebuttal, and provided a 120-day period in which a business cannot be sued for minimum statutory damages after obtaining a CASp inspection. Status: Vetoes.

**SB 269 (Roth and Vidak) Accommodations: construction-related accessibility claims.** This bill, an urgency measure, makes a number of changes to provide financial relief to businesses and encourage compliance with construction-related accessibility standards. Specifically, this bill establishes that certain "technical violations" are presumed to not cause a person difficulty, discomfort or embarrassment for the purpose of an award of minimum statutory damages in a



construction-related accessibility claim, subject to rebuttal, and provides a 120-day period in which a business cannot be sued for minimum statutory damages after obtaining a CASp inspection. Status: Chapter 13, Stats. 2016.

**SB 1406 (Mendoza) Construction related accessibility: public entities.** This bill imposes on attorneys who serve prelitigation demand letters or complaints alleging violations of construction-related accessibility standards by *education entities* reporting requirements that are similar to those already in effect for attorneys who serve prelitigation demand letters or complaints alleging such violations by *public accommodations*, including the following: within five business days of providing the letter or complaint, to send a copy of the letter or complaint to the California Commission on Disability Access (CCDA); and within five days of settling the dispute with the education entity, to notify CCDA of the terms of the settlement. This bill also subjects the attorney to disciplinary action by the State Bar for failure to comply with these requirements. Status: Chapter 95, Stats. 2016.

### ***Personal Rights***

**AB 695 (Allen) Internet impersonation: cause of action.** This bill would have established a private civil cause of action against any person who knowingly and without consent credibly impersonates another person on an Internet site, or by other electronic means, and intentionally induces another to believe he or she is the other person, if that other person suffers any general or special damages. The bill would have authorized the court to award reasonable attorney's fees and court costs to the prevailing plaintiff. Status: Dead, Assembly Judiciary.

**AB 829 (Nazarian) Gang affiliation: shared gang databases.** This bill would have required a local law enforcement agency to notify a person, or if that person is under 18 years of age, his or her parent or guardian, prior to designating that person a gang member, associate or affiliate in a shared gang database. This bill would have authorized that person, or his or her parent or guardian, to request information regarding the status of the person in a shared gang database, and required the law enforcement agency to provide that information, subject to specified exceptions. This bill would have authorized that person, or his or her parent or guardian, to contest the designation and request removal of information from the database on the ground that the person is not and has never been a gang member, associate or affiliate. This bill authorized a person whose written request for removal is denied to appeal the decision at an administrative hearing conducted by a hearing officer, and, if necessary, to commence an action to seek review of an unfavorable decision by a court of competent jurisdiction. Status: Failed, Assembly Judiciary.

**AB 1211 (Maienschein) Residential care facilities: resuscitation measures.** As referred to this Committee, this bill would have required residential care facilities for the elderly to provide written information, upon admission, about the right to formulate advance health care directives - specifically, including a request regarding resuscitative measures. The bill was subsequently amended to address a different subject and re-referred before being heard in this Committee. Status: Chapter 483, Stats. 2015.

**AJR 16 (E. Garcia) Blood donation: discrimination.** This resolution requests the President and the Department of Health and Human Services to adopt science-based policies that repeal

current Food and Drug Administration policies that prohibit men who have had sex with men from donating blood. Status: Resolution Chapter 194, Stats. 2015.

**SB 128 (Wolk and Monning) End of Life Options.** This bill would have enacted the End of Life Option Act, allowing an adult with the capacity to make medical decisions, and who has been diagnosed with a terminal disease, to receive a prescription for an aid-in-dying drug in order to end his or her life in a humane and dignified manner. The bill included several safeguards to ensure that the person has knowingly consented and is a qualified patient, including requiring a diagnosis by a second physician. The bill would have exempted physicians from any civil or criminal liability relating to their decision to participate or not participate as prescribed by the bill. The provisions of the bill were substantially replicated in ABX2-15 of the extraordinary session which was signed into law. Status: Dead, Assembly Health.

### *Privacy Rights*

**AB 856 (Calderon) Invasion of privacy.** This bill renders a person liable for physical invasion of privacy when that person knowingly enters upon the land of another, including by entry into the airspace above the land, without permission, in order to capture any type of visual image, sound recording, or other physical impression of a person engaging in a private, personal, or familial activity and the invasion occurs in a manner that is offensive to a reasonable person. Status: Chapter 521, Stats. 2015.

**AB 1116 (Privacy & Consumer Protection) Connected televisions.** This bill prohibits the collection and use of spoken words and conversations that are captured by Internet-connected televisions, commonly known as "connected televisions" or "smart TVs," without consent and prohibits using or selling for advertising purposes any spoken words or sounds collected through a connected television. Status: Chapter 524, Stats. 2015.

**AB 1681 (Cooper) Smartphones.** This bill would have authorized the imposition of a \$2,500 civil penalty against any manufacturer or operating system provider of smartphones that fails to decrypt, pursuant to a state court order, the contents of a smartphone sold or leased in California. Status: Dead, Assembly Privacy and Consumer Protection.

### *Employment Rights*

**AB 289 (Melendez) Legislative Employee Whistleblower Protection Act.** This bill would have enacted the Legislative Employee Whistleblower Protection Act to prohibit a Member of the Legislature, or a legislative employee, from directly or indirectly using or attempting to use that person's official authority or influence to intimidate, threaten, coerce, command, or so attempt, a legislative employee for the purpose of interfering with the right of that employee to make a protected disclosure, as defined. This bill also would have prohibited retaliation against the legislative employee for making a whistleblower complaint and provided a right of action against a Member, subject to the doctrine of legislative immunity. Status: Held, Senate Appropriations.

**AB 359 (Gonzalez) Grocery workers: retention.** This bill requires, upon a change in ownership of a grocery store, that an incumbent employer prepares a list of specified eligible grocery workers for a successor grocery employer, and it requires the successor grocery

employer to hire from this list during a 90-day transition period. This bill requires the successor grocery employer to retain eligible grocery workers for a 90-day period, prohibits the successor grocery employer from discharging those workers without cause during that period, and requires the successor employer to consider, upon the end of the period, offering continued employment to those workers. Status: Chapter 212, Stats. 2015.

**AB 583 (Chavez) Military service: employment protections.** This bill extends existing employment and reemployment protections to members of national guards of other states, when they leave positions of private employment within California because they are called to active state service by other states' governors or into active federal service by the President of the United States. Status: Chapter 183, Stats. 2015.

**AB 588 (Grove) Labor Code: Private Attorneys General Act.** This bill would have amended the Labor Code Private Attorneys General Act of 2004 (PAGA) to allow an employer to cure an alleged violation of law related to itemized wage statements before a civil action could be brought by an aggrieved employee. Status: Dead, Assembly Labor and Employment.

**AB 1017 (Campos) Equal pay: state contractors.** This bill would have prohibited an employer from seeking salary history information, including, but not limited to, compensation and benefits, about an applicant for employment. As referred to this Committee the bill contained provisions creating a civil action that were subsequently deleted and the bill was re-referred to Assembly Labor and Employment Committee only. Status: Vetoes.

**AB 1727 (Gonzalez) Hosting platforms: independent contractor rights.** This bill would have established rights for independent contractors to organize and negotiate with "hosting platforms" on specified issues, including pricing, revenue sharing, and related issues. The bill would have defined a "hosting platform" to include a facility for connecting people or entities seeking to hire people for work with people seeking to perform that work, including Internet-based vehicle transportation services like Uber or Lyft. Status: Dead, Assembly Judiciary.

**AB 1788 (Melendez) Legislative Employee Whistleblower Protection Act.** This bill would have enacted the Legislative Employee Whistleblower Protection Act and prohibited a Member of the Legislature or legislative employee from directly or indirectly using or attempting to use that person's official authority or influence to intimidate, threaten, coerce, command, a legislative employee for the purpose of interfering with the right of that employee to make a protected disclosure, as defined. It also would have prohibited retaliation against that employee for making a whistleblower complaint and provided a right of action against a violating Member, subject to the doctrine of legislative immunity. Status: Held, Senate Appropriations.

**AB 2337 (Burke) Employment protection: victims of domestic violence.** This bill requires employers to inform each employee of his or her rights, under existing law, to take time off from work in order to address issues related to the employee's status as a victim of domestic violence, sexual assault, or stalking. The bill also requires the Labor Commissioner, on or before July 1, 2017, to develop a form an employer may elect to use to comply with these provisions and to post the form on the Commissioner's Internet site. Status: Chapter 355, Stats. 2016.

**AB 2461 (Grove) Labor Code Private Attorneys General Act: limitations.** This bill would have limited the violations for which an aggrieved employee could bring a civil action under the

Labor Code Private Attorneys General Act of 2004 (PAGA) and required the employee to follow specified procedures before bringing an action. Status: Dead, Assembly Labor and Employment.

**AB 2462 (Grove) Labor Code Private Attorneys General Act: right to cure.** This bill would have provided an employer with the right to cure any violation of law covered by the Labor Code PAGA before the employee may bring a civil action, as specified. The right to cure would be provided before, and in addition to, any other specified procedures the employee is required to follow prior to bringing a civil action. Status: Dead, Assembly Labor and Employment.

**AB 2463 (Grove) Labor Code Private Attorneys General Act: penalty cap.** This bill would have established a cap on penalties under the Labor Code PAGA of \$1,000 for each aggrieved employee. Status: Dead, Assembly Labor and Employment.

**AB 2464 (Grove) Labor Code Private Attorneys General Act: lack of harm.** This bill would have authorized a court to dismiss a civil action under the Labor Code PAGA if, after notice and hearing, the court finds that the aggrieved employee suffered no appreciable physical or economic harm. Status: Dead, Assembly Labor and Employment.

**AB 2465 (Grove) Labor Code Private Attorneys General Act: agency investigation.** This bill would have provided that, upon receipt of a notice by an aggrieved employee alleging specified violations of the Labor Code pursuant to PAGA, the Labor and Workforce Development Agency (LWDA) shall investigate the alleged violation and determine if there is a "reasonable basis" for a civil action within 120 calendar days, thereby suspending the employee's right to bring an action until such determination has been made. Status: Failed, Assembly Labor and Employment.

**SB 358 (Jackson) Conditions of employment: gender wage differential.** This bill prohibits an employer from paying any of its employees at wage rates less than the rates paid to employees of the opposite sex for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions, except where the employer demonstrates that the pay differential is based on seniority, merit, or some other legitimate or bona fide factor other than sex. Status: Chapter 546, Stats. 2015.

**SB 588 (De Leon) Nonpayment of wages: enforcement of judgment.** This bill authorizes the Labor Commissioner to file a lien or levy on an employer's property in order to assist an employee in collecting unpaid wages, as specified. The bill creates a sliding scale for a defendant required to post a surety bond in order to continue operations; requires the Labor Commissioner to report to the State Department of Public Health or the State Department of Social Services if a long-term care facility is operating in violation of the surety bond provisions; and makes technical and clarifying changes relating to wage orders, appeals, and attorney's fees. Status: Chapter 803, Stats. 2015.

**SB 950 (Nielsen) Excluded employees: arbitration.** This bill would have established the Excluded Employee Arbitration Act which would have authorized an organization that represents excluded employees to request binding arbitration on behalf of an excluded state employee for alleged violations of working conditions, as specified, when the grievance was not resolved satisfactorily at the fourth level of review. Status: Vetoed.

**SB 1001 (Mitchell) Employment: unfair immigration-related practices.** This bill makes it unlawful for an employer to request more or different documents than are required under federal law, to refuse to honor documents tendered that on their face reasonably appear to be genuine, to refuse to honor documents or work authorization based upon the specific status or term of status that accompanies the authorization to work, or to reinvestigate or re-verify an incumbent employee's authorization to work, as specified. The bill authorizes an applicant for employment or an employee who is subject to an unlawful act that is prohibited by these provisions to file a complaint, as specified. The bill also provides that any person who violates these provisions shall be subject to a penalty imposed by the Labor Commissioner not exceeding \$10,000, and be liable for equitable relief. Status: Chapter 782, Stats. 2016.

**SB 1241 (Wieckowski) Employment contracts: adjudication: choice of law and forum.** This bill prohibits employers, in contracts entered into, modified, or extended on or after January 1, 2017, from requiring an employee who resides and works in California, as a condition of employment, to agree to a provision that either: (1) requires the employee to adjudicate outside of California a claim arising in California; or (2) deprives the employee of the substantive protection of California law with respect to a controversy arising in California. The bill provides that such a provision is voidable by the employee. If such a provision is rendered void at the employee's request, then the matter must be adjudicated (meaning litigated or arbitrated) in California and California law shall govern the dispute. The bill provides a specified exception to these provisions for any employee who is in fact individually represented by legal counsel in negotiating the terms of an agreement and otherwise authorizes a court to award a plaintiff, enforcing his or her rights under the bill, attorney's fees, as specified. Status: Chapter 632, Stats. 2016.

## **OPEN GOVERNMENT AND PUBLIC RECORDS**

**AB 276 (Environmental Safety and Toxic Materials) Department of Toxic Substances Control: disclosure of clean-up information.** This bill authorizes the California Department of Toxic Substances Control (DTSC) to request financial information from specified entities and requires specified entities to provide information to DTSC regarding the ability of those persons to pay for or perform a cleanup. As referred to this Committee the bill contained trade secret and liability provisions that were subsequently deleted and, accordingly, the Committee waived hearing. Status: Chapter 459, Stats. 2015.

**AB 553 (Daly) Corporate governance: insurance holding companies.** This bill adopts the National Association of Insurance Commissioners model laws on corporate governance. The model law allows the Insurance Commissioner to encourage insurers and insurance groups, who are not otherwise required, to provide a Corporate Governance Annual Disclosure (CGAD) report to the Insurance Commissioner. This report provides the Insurance Commissioner with a summary of an insurer or insurance group's corporate practices and governance framework. This bill excludes all information obtained in the submitted CGAD report from disclosure or discovery in any private civil action if obtained from the Insurance Commissioner in any manner. Status: Chapter 213, Stats. 2015.

**AB 825 (Rendon) Public Utilities Commission.** This bill would have made several changes relating to meetings and documents submitted to, or maintained by, the California Public

Utilities Commission (CPUC) in order to increase transparency and oversight of CPUC activities. As heard by this Committee, the bill would have also made changes to the process of judicial review of CPUC decisions; however, those provisions were deleted in the Senate. Status: Vetoed.

**AB 1154 (Gray) California Public Records Act: applications to carry concealed weapons.**

Under this bill, the home addresses, and telephone numbers of those who apply for a license, as well as those who obtain a license, to carry a concealed firearm (CCW) would no longer have been considered a public record. Status: Dead, Assembly Public Safety.

**AB 1246 (Quirk) Body camera: peace officers: limited disclosure.** This bill, notwithstanding any other law, would have prohibited the disclosure of a recording made by a body camera worn by a police officer, except for requiring disclosure to the person whose image is recorded by the body worn camera. Status: Dead, Assembly Public Safety.

**AB 1648 (Wilk) Public records.** As referred to this Committee, this bill would have prohibited a state or local agency from selling, exchanging, furnishing, or otherwise providing a public record subject to disclosure to a private entity in a manner that prevents a member of the public from sharing, distributing, or publishing the public record subject to disclosure. The bill was subsequently amended to modify the definition of “state publication” to specify that publications issued by the state on the Internet are included within its meaning, and would have authorized a member of the public, as defined, to copy, share, distribute, or republish a state publication authored by the state. Status: Held, Assembly Appropriations.

**AB 1707 (Linder) Public records: response to requests.** This bill would have required a public agency, when withholding a record requested pursuant to the Public Records Act, to demonstrate in a written response that the record in question is exempt under an express provision of the Public Records Act. The bill would have also required the agency to identify the type or types of record withheld and the specific exemption that justifies withholding that type of record. Status: Dead, Assembly Local Government.

**AB 1957 (Quirk) Public records: peace officer body camera footage.** This bill would have provided a set of procedures for disclosing footage from a law enforcement officer's body-worn camera. Status: Failed, Assembly Floor.

**AB 2103 (Burke) Pupil records: inspection.** This bill would have changed the requirement in existing law that a school district must make a reasonable effort to notify the parent or legal guardian and the pupil in advance of compliance with a lawfully issued subpoena for records regarding the pupil and, consistent with federal law, would have exempted an educational agency or institution from that requirement under certain conditions. Specifically, the bill would have provided that the notification requirement would not apply if the disclosure were made in compliance with either of the following: (1) a subpoena issued by a grand jury and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed or (2) any other subpoena issued for a law enforcement purpose when the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed. Status: Dead, Assembly Education.

**AB 2219 (Wagner) AG: schedule of donors: confidentiality.** This bill would have clarified state law to provide that although all records retained by the AG are presumed to be public and open, some records, including IRS Forms 990, are confidential because they are protected from public disclosure by other state or federal law. Status: Failed, Senate Judiciary.

**AB 2263 (Baker) Protection of victims: address confidentiality.** This bill requires the Secretary of State to provide program participants in the state's various "Safe at Home" address confidentiality programs with a notice that clearly and conspicuously informs the program participant of his or her right to use an address designated by the Secretary of State on real property deeds, change of ownership forms, and deeds of trust when purchasing or selling a home. Status: Chapter 881, Stats. 2016.

**AB 2318 (Low) Nonprofit organizations: use of public resources.** This bill provides the Fair Political Practices Commission (FPPC) jurisdiction over a state law that requires specified nonprofit organizations to disclose the sources of funds used for campaign activity. Specifically, the bill allows the FPPC to enforce laws that require a nonprofit organization that receives more than 20% of its revenues from one or more local agencies to use a separate bank account for campaign activity and to publicly report campaign activity, including disclosing the sources of funds used for that activity, if certain thresholds are met. Status: Chapter 825, Stats. 2016.

**AB 2498 (Bonta) Victim confidentiality: human trafficking.** This bill authorizes, upon request of a victim of human trafficking, the withholding of the names and images of the victim or of the victim's immediate family, as defined, from disclosure under the California Public Records Act until the investigation or any other subsequent prosecution is complete. The bill also prohibits a law enforcement agency from disclosing the names, addresses, or images of a person who alleges to be a victim of human trafficking, or of that alleged victim's immediate family, except as specified, and requires law enforcement to orally inform a person who alleges to be a victim of human trafficking of his or her right to have his or her name, addresses, or images, or those of his or her immediate family members withheld and kept confidential. Status: Chapter 644, Stats. 2016.

**AB 2611 (Low) Public Records Act: exemptions.** As originally heard and approved by the Committee, this bill would have allowed a law enforcement agency to withhold from public disclosure either of the following records in response to a PRA request: a) any visual or audio recording that depicts death or serious bodily injury in such a morbid and sensational manner that the content is highly offensive to a reasonable person and there is no legitimate public interest or law enforcement purpose for disclosure; and b) any visual or audio recording of the death of a peace officer being killed in the line of duty, unless authorized to be released by the officer's immediate family. As amended in the Senate, the bill would have created an exemption from public disclosure for any visual or audio recording of the death of a peace officer being killed in the line of duty, unless authorized to be released by the officer's immediate family. Status: Dead, Assembly Judiciary.

**AB 2843 (Chau) Public records: employee contact information.** This bill clarifies that an existing provision of the California Public Records Act that exempts the homes addresses and home telephone numbers of certain public employees from public disclosure so that it applies to all public employees, including persons paid by the state to provide in-home support services,

and extends the exemption to include the employee's personal cell phone number and personal e-mail address. Status: Chapter 830, Stats. 2016.

**AB 2853 (Gatto) Public records.** This bill authorizes a public agency that posts a public record on its Internet Web site to refer a member of the public that requests to inspect the public record to the public agency's Internet Web site where the public record is posted. The bill requires, if a member of the public requests a copy of the public record due to an inability to access or reproduce the public record from the Internet Web site where the public record is posted, the public agency to promptly provide a copy of the public record to the member of the public, as specified. Status: Chapter 275, Stats. 2016.

**SB 272 (Hertzberg) California Public Records Act: local agency inventory.** This bill requires cities, counties, special districts, and joint powers authorities, by July 2016, to create a catalogue of their enterprise systems and make the catalog available to the public, including on the agency's Web site. Status: Chapter 795, Stats. 2015.

**SB 421 (Hancock) Refinery turnaround plans.** This bill deletes the requirement that the court award attorneys' fees to the party who prevails in an action to compel or prohibit the disclosure of petroleum refinery turnaround information by the Division of Occupational Safety and Health and clarifies that a petroleum refinery employer, or a person requesting the disclosure of turnaround information, may intervene in an action to prohibit or compel the disclosure of turnaround information. Status: Chapter 314, Stats. 2015.

**SB 441 (Wolk) Public records.** This bill exempts from disclosure under a Public Records request any identification number, alphanumeric character, or other unique identifying code used by a public agency to identify a vendor or contractor, or an affiliate of a vendor or contractor, unless the identification number, alphanumeric character, or other unique identifying code is used in a public bidding or an audit involving the public agency. Status: Chapter 447, Stats. 2016.

**SB 696 (Roth) Insurance principle-based valuation.** This bill conforms California law to the model Standard Valuation Law, adopted by the National Association of Insurance Commissioners, and replaces the current method of calculating reserves for most life insurance products with a new method known as Principle-Based Reserving applicable to contracts issued on or after the effective date, as specified. This bill provides that documents and information provided to the Insurance Commissioner as part of the actuarial analysis are confidential and not subject to disclosure under the California Public Records Act, subpoena, or discovery and are not admissible in any private civil action. Status: Chapter 658, Stats. 2015.

## **PROBATE AND RELATED MATTERS**

### *Civil Commitment, Conservatorship and Guardianship*

**AB 193 (Maienschein) Mental health: conservatorship hearings.** This bill would have permitted a judge presiding over a probate conservatorship to recommend to the county investigating officer the establishment of a Lanterman-Petris-Short (LPS) conservatorship when there is evidence of grave disability as a result of a mental disorder or impairment by chronic alcoholism. Status: Vetoed.



**AB 314 (Waldron) Limited conservatorship: developmentally disabled persons.** This bill would have provided that, if a parent seeks to become the conservatee for his or her developmentally disabled child, no court investigation is required. This bill also would have authorized, rather than required, that the proposed limited conservatee, with his or her consent, to be assessed by a regional center. The bill would have required the regional center, with the consent of the proposed limited conservatee, to submit a written report containing findings and recommendations to the court without an assessment of the proposed conservatee if both the proposed conservator is a parent of the proposed conservatee and the proposed conservatee has been a client of the regional center for a period of time sufficient for the center to provide those findings and recommendations without the need for an additional assessment. Status: Dead, Assembly Judiciary.

**AB 436 (Jones) Conservator dementia powers: appointment of counsel.** This bill requires a court, upon granting or denying authority to a conservator for the placement of a conservatee in a secured residential care facility or administration of medications for the care and treatment of dementia, to discharge the court-appointed attorney or order the continuation of the legal representation of the conservatee. Status: Chapter 197, Stats. 2015.

**AB 468 (Jones) Wards and conservatees: mental health.** This bill deletes the requirement in existing law for the Director of the Department of State Hospitals to adopt and issue regulations defining the term “mental health treatment facility” for purposes of involuntary placement of a ward or a conservatee. Status: Chapter 117, Stats. 2015.

**AB 1085 (Gatto) Conservators and attorneys in fact: visitation and death notification.** This bill authorizes the court to issue an order that specifically grants a conservator the power to enforce the conservatee’s rights to receive visitors, telephone calls and personal mail, or that directs the conservator to allow those visitors, telephone calls and personal mail, and requires a conservator to provide notice of a conservatee’s death by mailing a copy of the notice to all persons entitled to notice, as specified, and by filing a proof of service with the court, unless otherwise ordered by the court. This bill also requires an attorney-in-fact, who is named by a person (principal) to handle the principal’s health matters, upon the death of the principal, to inform those individuals, whose names are provided by the principal to the attorney-in-fact, of the principal’s death. Status: Chapter 91, Stats. 2015.

**AB 1836 (Maienschein) Conservatorship hearings.** This bill authorizes the court, if a conservatorship has already been established under the Probate Code, to refer the conservatee for an assessment by the local mental health system or plan to determine if the conservatee has a treatable mental illness, including whether the conservatee is gravely disabled as a result of a mental disorder or impairment by chronic alcoholism, and is unwilling to accept, or is incapable of accepting, treatment voluntarily. The bill also requires the court to appoint counsel to a conservatee if he or she cannot afford counsel. The bill requires the local mental health system or plan to file a copy of the assessment with the court that made the referral. Status: Chapter 819, Stats. 2016.

**SB 589 (Block) Voter registration: conservatees.** This bill authorizes an individual who is qualified to vote but has a disability to complete an affidavit of registration with reasonable accommodations, as needed, as long as a court finds that the person communicates, with or

without reasonable accommodations, a desire to participate in the voting process. The bill also requires that a person must be presumed to be mentally competent to vote, regardless of his or her conservatorship status. Status: Chapter 736, Stats. 2015.

**SB 929 (Vidak) Conservatorship appointments: compensation.** This bill would have authorized a person, who has successfully petitioned for the appointment of a third-party conservator, and the person's attorney, to petition the court for an order fixing and allowing compensation for services rendered and reimbursement for costs incurred in connection with the appointment of the conservator. This bill provided that any compensation and costs be charged to the conservatee's estate. Status: Dead, Assembly Judiciary.

**SB 938 (Jackson) Conservatorship: psychotropic medication.** This bill would have required additional information to be provided in a physician declaration filed in support of the conservator's petition to authorize the administration of psychotropic medication, and would have required the Judicial Council to update rules and forms to better assist with the reporting. The bill also would have revised existing law to reflect the various dementia disorders that fall under the new, broader diagnostic category of major neurocognitive disorders (MNCD). The bill would also have clarified a conservator's authority to place a conservatee with a MNCD in a secured perimeter residential facility for the elderly (as opposed to a locked facility), provided it was the least restrictive placement appropriate for the conservatee's needs. Status: Dead, Assembly Inactive.

**SB 1284 (Hernández) Human remains: conservator of the person or estate.** This bill allows a conservator of the person and a conservator of the estate to control the disposition of a decedent's remains when a decedent's kin of higher succession fails to act on interment arrangements or cannot be found. Status: Chapter 39, Stats. 2016.

**SB 1452 (Wieckowski) Conservators.** This bill would have specified that a conservatee retains the personal right to receive electronic mail and provided the court authorization to issue an order specifically granting a conservator power to enforce the conservatee's right to receive electronic mail or directing the conservator to allow electronic mail to be delivered to the conservatee. Status: Dead, Assembly Inactive.

### *Elder Abuse*

**SB 196 (Hancock) Elder abuse: protective orders.** This bill authorizes a county adult protective services agency to file a petition for a protective order on behalf of an elder or dependent adult, as specified. Status: Chapter 285, Stats. 2015.

**SB 1065 (Monning) Petitions to compel arbitration: appeals.** This bill provides an expedited appeal process for the review of an interlocutory order dismissing or denying a petition to compel arbitration for claims involving the Elder and Dependent Adult Civil Protection Act where the party has been granted a trial preference. Specifically, this bill requires a court of appeal to issue its decision within 100 days after the notice of appeal, consistent with a rule of court promulgated on or before July 1, 2017. Status: Chapter 628, Stats. 2016.

## *Probate*

**AB 139 (Gatto) Nonprobate transfer: revocable transfer on death deed.** This bill creates, until January 1, 2021, a new nonprobate real property transfer instrument, a revocable transfer on death deed, which is effective to transfer specified residential real property upon death of the transferor. The bill requires the California Law Revision Commission to study the effects of the revocable transfer on death deed and make recommendations to the Legislature by January 1, 2020. Status: Chapter 293, Stats. 2015.

**AB 548 (C. Garcia) Estate administration: nomination of personal representative.** This bill, by removing a January 1, 2016, sunset, extends the authorization indefinitely for a court to appoint an administrator nominated by a non-U.S. relative to administer a decedent's estate. Status: Chapter 54, Stats. 2015.

**AB 657 (Achadjian) Property taxation: change in ownership reporting.** Existing probate law requires the personal representative to file a change in ownership statement with the county recorder or assessor in each county in which the decedent owned real property at the time of death that is subject to probate proceedings, and further requires that statement to be filed before or at the time the inventory and appraisal is filed with the court clerk. This bill instead would have required this statement to be filed within 4 months after the date letters testamentary or letters of administration are first issued to the personal representative. Status: Dead, Assembly Judiciary.

**AB 691 (Calderon) Revised Uniform Fiduciary Access to Digital Assets Act.** This bill establishes the Revised Uniform Fiduciary Access to Digital Access Act (RUFADAA) to specify rules for the disclosure of electronic information from a custodian of a person's digital assets to the personal representative of the estate of a deceased user or trustee of the deceased user's trust for the purpose of administering the estate or trust. Status: Chapter 551, Stats. 2016.

**AB 1700 (Maienschein) Trustee notice of proposed action: distributions.** This bill eliminates the statutory provision that prevents a trustee from using a notice of proposed action (an out of court procedure) for a preliminary and final distribution of trust assets, effectively allowing the notice of proposed action to be used for a preliminary and final distribution of trust assets. This bill clarifies that the notice of proposed action process cannot be used by a trustee to discharge himself or herself and avoid any liability related to the discharge. Status: Chapter 64, Stats. 2016.

**AB 1779 (Gatto) Nonprobate revocable transfer on death deed: Law Revision Commission study.** This bill includes additional instructions for the California Law Revision Commission to study whether it is feasible and appropriate to expand the transfer on death deed to include the transfer of stock cooperatives or other common interest developments, and transfers to a trust or other legal entity. Status: Chapter 179, Stats. 2016.

**AB 1855 (Bonta) Uniform Trust Decanting Act.** This bill would have enacted the Uniform Trust Decanting Act in California, which would have allowed a trustee of an irrevocable trust to change the trust terms by transferring trust property to a second trust, as provided. Status: Dead, Assembly Judiciary.

**AB 2080 (Gallagher) Access to wills: death certificate.** This bill would have defined “certified copy of a death certificate” to include an “informational certified copy of a death certificate” so that a court clerk would have been required to provide a copy of a will lodged with a probate court to anyone who provided an informational certified copy of the death certificate and paid the required fee. Status: Dead, Senate Judiciary.

**SB 785 (Morrell) Estates and trusts: creditor's claim.** This bill defines "probate estate" and "trust estate" for purposes of a trustee's petition to pay a creditor's claims and expenses from the assets of a revocable trust. The bill clarifies that certain references to "estate" in existing law mean a "probate estate." Status: Chapter 48, Stats. 2015.

### *Trusts and Estates*

**AB 2846 (Maienschein) Powers of appointment.** This bill adopts several provisions of the Uniform Powers of Appointment Act by replacing the term “donee” with “powerholder,” defining a power of appointment in statute, clarifying instances when a power of appointment is subject to claims of creditors, and adopting other rules relating to the selective allocation doctrine, and to the ability of a taker-in-default to share fully in unappointed property if there is a partial appointment. Status: Chapter 81, Stats. 2016.

**SB 1158 (Anderson) Trusts: modification or termination.** This bill would have established that an irrevocable trust may be modified or terminated by the written consent of the settlor and all beneficiaries without court approval of the modification or termination. The bill also would have clarified that in making a determination with respect to a proposed termination of an irrevocable trust pursuant to a beneficiary's petition, the court must consider whether the trust is subject to a spendthrift provision. Status: Dead, Assembly Judiciary.

**SB 1179 (Vidak) Public cemetery districts.** This bill establishes that an interment right in a public cemetery district is a transferable property interest, and sets forth a procedure for the succession of that interment right. The bill provides a qualified immunity to a district resulting from the transfer of the interment right. This bill also provides the circumstances where human remains may be disinterred, reinterred, or removed from a public cemetery district after interment, and specifies the records required to be maintained by the public cemetery district. Status: Chapter 592, Stats. 2016.

**SB 1265 (Moorlach) Marital deduction trusts.** This bill updates provisions relating to marital deduction trusts for cross-references to applicable federal laws relating to qualified terminable interest property and provides for a unitrust payment or other allocation of income determined pursuant to a reasonable apportionment of total investment return, as specified. Status: Chapter 140, Stats. 2016.

## **PROPERTY AND RELATED MATTERS**

### *Intellectual Property*

**AB 501 (Levine) Resources: Delta research.** This bill would have required a person conducting Delta research, and whose research is funded in whole or in part by state funds, to share findings, data, samples, collections, and other supporting material created and gathered in

the course of the research, as specified. The bill was subsequently amended to make denim the state fabric. Status: Chapter 873, Stats. 2016.

**AB 2249 (Cooley) State parks.** This bill establishes the California Heritage Protection Act, which prohibits a concession contract from providing a contracting party with a trademark or service mark interest in the names associated with a state park venue. The bill further provides that, to the extent authorized by federal law, a bidder who asserts a legal claim or assertion to a trademark based on a state concession contract shall forfeit the right to bid on future state park concession contracts. Status: Chapter 413, Stats. 2016.

**AB 2880 (Judiciary) State intellectual property.** This bill would have required state agencies, when entering into a contract, to consider the guidance, policies, and procedures developed by the Department of General Services (DGS) on intellectual property. The bill would have also provided that for contracts entered into after January 1, 2017, a state agency must consider the intellectual property rights of both the state and the contracting party unless the state agency prior to execution of the contract obtains the consent of DGS. Status: Dead, Senate Inactive.

**AJR 9 (Chang) Patent reform.** This resolution calls upon Congress and the President to craft a balanced and workable approach to reduce incentives for and minimize unnecessary patent litigation while ensuring that legitimate patent enforcement rights are protected and maintained. Status: Resolution Chapter 123, Stats. 2015.

### *Mortgage Lending and Foreclosure*

**AB 244 (Eggman) Mortgages and deeds of trust: successors in interest.** Existing law defines a borrower, for purposes of specified provisions relating to mortgages and deeds of trust, as a natural person who is a mortgagor or trustor who is potentially eligible for any federal, state, or proprietary foreclosure prevention alternative program offered by, or through, his or her mortgage servicer. For the purpose of the above eligibility provisions, this bill would have deemed a surviving spouse of the mortgage or trustor to be a successor in interest, having the same rights of the borrower, upon provision of reasonable documentation, as specified. Status: Dead, Assembly Banking and Finance.

**SB 983 (Morrell) Mortgages and deeds of trust.** This bill makes a \$50 increase, across the board, to various statutory base fees that a trustee is allowed to charge for carrying out his or her duties in executing the nonjudicial foreclosure process. The bill also makes other technical changes. Status: Chapter 170, Stats. 2016.

**SB 1150 (Leno) Mortgages and deeds of trust: mortgage servicers: successors in interest.** This bill, until January 1, 2020, requires mortgage servicers to provide successors in interest to deceased borrowers, as defined, with key information about outstanding mortgages previously held by the deceased borrowers. The bill also requires servicers to allow successors in interest to apply to assume those mortgages, as specified, and to apply and be considered for foreclosure prevention alternatives in connection with those mortgages. Lastly, the bill provides judicial enforcement mechanisms for use by successors in interest to compel servicers to comply with these provisions. Status: Chapter 838, Stats. 2016.

## *Personal Property*

**AB 318 (Chau) Lost money and goods: bicycles: restoration to owner.** This bill would have established a five-year pilot program to authorize public transit agencies to shorten the time they are required to store lost or unclaimed bicycles, from 90 days to 45 days, and to donate to charity bicycles that go unclaimed after 45 days without fulfilling publication or public auction requirements. Status: Dead, Senate Judiciary.

**AB 355 (E. Garcia) Unclaimed property: safe deposit boxes.** This bill authorizes the State Controller to mail a separate notice to an apparent owner of a U.S. savings bond, war bond, or military award inside a safe deposit box or other safekeeping repository whose name is shown on or can be associated with the contents of a safe deposit box or other safekeeping repository and is different from the name of the reported owner. Status: Chapter 297, Stats. 2015.

**AB 2258 (Eggman) Unclaimed property.** This bill clarifies that transactions that are initiated electronically by the owner shall constitute activity on the owner's account for the purpose of determining whether the Unclaimed Property Law requires escheat of funds after a specified period of inactivity. Status: Chapter 463, Stats. 2016.

## *Real Property*

**AB 73 (Waldron) Real property disclosures: HIV.** This bill revises the provisions of existing law that require notice upon transfer of property to provide that the owner of real property, his or her agent, or an agent of a transferee of real property is not required to disclose the occurrence or manner of death of an occupant, as specified, or that an occupant of the property was living with human immunodeficiency virus (HIV) or died from AIDS-related complications. The bill also deletes the reference to AIDS from the declaration of legislative intent and instead refers to the HIV-positive status of a prior occupant in situations affecting the transfer of real property or any estate or interest in real property. Status: Chapter 548, Stats. 2016.

**AB 807 (Stone) Real estate transfer fees: recorded documents.** This bill: (1) clarifies the definition of private transfer fees (PTF) to include any fee that must be paid "as the result of" the transfer of the property; (2) clarifies the method of calculating the PTF if the fee is neither a flat fee nor a percentage of the sales price; and (3) clarifies that required disclosures about the PTF must appear in a single document and cannot be incorporated by reference into other documents. Status: Chapter 634, Stats. 2015.

**AB 1138 (Patterson) High speed rail: eminent domain.** This bill would have restricted the High-Speed Rail Authority (Authority), or the State Public Works Board acting on behalf of the Authority, from adopting a resolution of necessity to commence an eminent domain proceeding unless the resolution meets certain requirements. Status: Failed, Assembly Transportation.

**AB 1402 (Harper and Jones-Sawyer) Inverse condemnation: comparative fault.** This bill would have applied the doctrine of comparative fault to inverse condemnation actions and required a court or arbitrator to reduce the compensation paid to a plaintiff in an inverse condemnation proceeding in direct proportion to his or her percentage of fault, if any, in the damaging of property that constituted a taking. Status: Dead, Assembly Judiciary.

**AB 1448 (Lopez) Energy conservation: real property restrictions.** This bill permits tenants, as well as owners in a homeowners association, to use clotheslines and drying racks, as defined, subject to reasonable time and location restrictions and, in the case of a tenant, the approval of the landlord. Status: Chapter 602, Stats. 2015.

**AB 1720 (Wagner) CIDs: meetings.** This bill would have required a homeowners association (HOA) in a common interest development (CID) to permit a person that represents a member to attend board meetings. Specifically, this bill would have required both of the following: 1) An HOA to permit a person who represents a member to attend any board meeting that the member is permitted to attend, regardless of whether the member attends; and 2) The member to give the board at least forty-eight hours advance written notice that a person representing the member will attend the board meeting. Status: Failed, Assembly Housing and Community Development.

**AB 1750 (Dodd) Real property transactions: definitions.** This bill specifies that certain definitions apply to related sections of an article setting forth the duties that a seller, agent, or real estate broker owes to the prospective buyer of a real property interest. Status: Chapter 125, Stats. 2016.

**AB 2362 (Chu) Common interest developments: pesticide application.** This bill requires a homeowner association in a common interest development, or its agent, to provide an owner or tenant of a separate interest with advance written notice of the application of pesticides to the separate interest or to a common area when done without a licensed structural pest control operator, as specified. Status: Chapter 330, Stats. 2016.

**AB 2584 (Daly) Housing Accountability Act: action to enforce.** This bill authorizes a “housing organization” to bring an action to enforce the Housing Accountability Act, sometimes referred to colloquially as the “Anti NIMBY law” (*Schellinger Brothers v. City of Sebastopol* (2009) 179 Cal.App.4th 1245, 1253, fn. 9), which is intended to limit the ability of local governments to reject or make infeasible housing developments without a thorough analysis of the economic, social, and environmental effects of the action. Status: Chapter 420, Stats. 2016.

**SB 142 (Jackson) Unmanned aerial vehicles: trespass into airspace.** This bill would have stated that the operation of an unmanned aerial vehicle less than 350 feet above ground in the airspace overlying the property of another person, without permission from that person or other legal authority, constitutes trespass. Status: Vetoed.

**SB 188 (Hancock) Municipal utility district: recovery of delinquent charges.** This bill makes permanent the provisions of an existing law that authorizes a municipal utility district (MUD) to file a lien on real property in order to recover unpaid water and sewer utility charges rendered to a lessee, tenant, or subtenant. Status: Chapter 270, Stats. 2015.

**SB 474 (Wieckowski) Auctions: real property.** With respect to real property auctions, this bill eliminates the creditor bid exemption to the existing prohibition on announcing or allowing an auction bid offered for the sole purpose of increasing a bid amount, and re-casts the existing prohibition to apply only to increased bids offered by the auctioneer. Status: Chapter 354, Stats. 2015.

**SB 940 (Vidak) High speed rail: eminent domain: right of first refusal.** As referred to this Committee, this bill would have established a right of first refusal for landowners to reacquire land that was taken for the High Speed Rail Authority through eminent domain, if the land was not ultimately used for the high-speed rail. The provision establishing this new right was deleted so as to only require the authority, if selling the real property or interest therein, to send notification by certified mail to the last known owner of the real property, as specified, and therefore no longer fell within the jurisdiction of this Committee. Status: Chapter 169, Stats. 2016.

### ***Rental Property***

**AB 205 (Wood) Residential property: possession by declaration.** This bill would have authorized Humboldt County, Lake County, and the cities of Eureka and Fairfield to participate in a pilot program established in 2014 by the Legislature that allows property owners in certain areas to register their vacant residential properties with local law enforcement, and directed law enforcement to follow certain procedures in responding to unauthorized persons found on such registered property. Status: Dead, Assembly Judiciary.

**AB 418 (Chiu) Tenancy: termination: victims of violent crime.** This bill extends indefinitely the authorization to use documentation from a qualified third party based on information received by that third party while acting in his or her professional capacity, as specified, to support a notice to terminate a tenancy when the tenant or a household member becomes the victim of domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or dependent adult. This bill also reduces from 30 days to 14 days the obligation of a tenant who becomes a victim, as specified, to pay rent after providing the landlord with notice to terminate the tenancy. Status: Chapter 70, Stats. 2015.

**AB 551 (Nazarian) Rental property: bedbugs.** This bill prescribes various duties of landlords and tenants with regard to the treatment and control of bed bugs in residential rental housing. Among other things, this bill requires landlords to provide prospective tenants with specified information about bed bugs, and requires tenants to cooperate to facilitate the detection and treatment of bed bugs, including providing requested information that is necessary to facilitate the detection and treatment of bed bugs to the pest control operator. Status: Chapter 599, Stats. 2016.

**AB 587 (Chau) Mobilehomes: tax abatement program.** This bill creates a tax abatement program, lasting until December 31, 2019, for mobilehome owners who are unable to transfer title of their home into their name due to tax delinquencies incurred by prior owners. Among other things, beginning January 1, 2020, this bill makes it unlawful for any person to occupy any manufactured home or mobilehome that does not conform to the registration requirements of the Department of Housing and Community Development (HCD), if HCD provides notice to the occupant of the registration requirements and any registration fees due. Status: Chapter 396, Stats. 2016.

**AB 999 (Daly) Mobilehomes: disposal.** This bill establishes due process requirements for mobilehome park owners that if satisfied, would allow them to dispose of an abandoned mobilehome without first being required to pay unpaid property taxes or vehicle license fees, if



applicable, on the mobilehome. Among other things, this bill also requires a court to enter a judgment of abandonment if, instead, the criteria for abandonment has been satisfied and no party establishes an interest in the mobilehome and tenders all past due rent and other charges. Status: Chapter 376, Stats. 2015.

**AB 1522 (Judiciary) Unlawful detainer.** As heard by this Committee, this bill would have provided an additional 30 days for the California Research Bureau to complete a pilot program report evaluating the merits of the nuisance eviction programs established under Civil Code Sections 3485 and 3486.5. The bill was subsequently amended to renew authority for the Transcript Reimbursement Fund until 2021. Status: Dead, Senate Judiciary.

**AB 2003 (Lackey) Unlawful detainer proceedings.** This bill would have established heightened pleading requirements for tenants in unlawful detainer (UD) cases seeking to assert the breach of warranty of habitability as an affirmative defense. Secondly, the bill would have prohibited either party in a UD action from requesting a change of venue if the lawsuit is already set to be heard at the closest courthouse to the rental property at issue. Finally, this bill would have authorized a landlord to enter a tenant's unit to comply with Civil Code Section 1941.1 for the purpose of ensuring habitability. Status: Failed, Assembly Judiciary.

**AB 2300 (Wood) Landlord-tenant law: medical marijuana.** This bill would have established that participation in California's Medical Marijuana Program does not authorize qualified patients to smoke medical marijuana in any location prohibited by a landlord, except as specified. In addition, the bill would have clarified certain conditions when a landlord may prohibit the smoking or vaporization of medical marijuana in residential property. Status: Dead, Senate Inactive.

**AB 2312 (Gatto) Unlawful detainer: payment of rent funds.** This bill would have established a pre-trial rent deposit program that would single out defendants in unlawful detainer cases for extra procedural requirements not placed on defendants in any other civil proceedings. Specifically, the bill would have required a defendant in an eviction case based on nonpayment of rent to deposit with his or her attorney an amount of money equal to the contracted monthly rent amount when it would have become due, until the court enters judgment in the defendant's favor or the plaintiff regains possession of the premises. Status: Dead, Assembly Judiciary.

**AB 2391 (Steinorth) Residential property: possession by declaration.** Existing law authorizes, until January 1, 2018, a pilot program in the cities of Ukiah, Palmdale and Lancaster to facilitate removal of persons unlawfully occupying residential property that, pursuant to the program, has been registered with and verified by local law enforcement to be vacant. This bill would have extended the operation of this pilot program by two years, until January 1, 2020, and would have expanded authorization for the pilot program to include the County of San Bernardino and any city within the County of San Bernardino if adopted by ordinance. Status: Dead, Assembly Judiciary.

**AB 2760 (Mathis) Landlord and tenant: support animals.** This bill would have authorized a residential lease to require a tenant who possesses a support animal, as defined, on the rented premises or associated common areas to be subject to specified conditions, and would have required a breach of these conditions, if contained in the lease, to be a breach of the lease. The

bill would also have provided that a tenant or prospective tenant shall not be prohibited from possessing a support animal on the rented premises or associated common areas if the tenant or prospective tenant satisfies specified conditions. Status: Dead, Assembly Judiciary.

**AB 2819 (Chiu) Unlawful detainer proceedings.** This bill modifies the 60-day masking period in unlawful detainer actions to restrict access to court records generated by these proceedings unless the plaintiff prevails in the action within 60 days of filing the complaint, except as specified. The bill also permits a court to dismiss an unlawful detainer proceeding without prejudice if proof of service of the summons has not been filed within 60 days of the complaint's filing. Status: Chapter 336, Stats. 2016.

**SB 244 (Vidak) Mobilehomes: injunctions.** This bill eliminates the January 1, 2016 sunset date on the existing law authorizing the management of a mobilehome park to enjoin violations of park rules by seeking an injunction, rather than filing an unlawful detainer, thus making this authority permanent. Status: Chapter 176, Stats. 2015.

**SB 328 (Hueso) Landlords: notice of pesticide use.** This bill requires a landlord or a landlord's agent to provide affected tenants with advance written notice of the use of pesticides at a dwelling unit if the landlord or authorized agent applies any pesticide without a licensed pest control operator. The bill also requires the posting of a similar notice at least 24 hours prior to applying a pesticide in a common area without a licensed pest control operator, unless the pest poses an immediate threat to health and safety, in which case the notice would be required to be posted as soon as practicable, but not later than one hour after the pesticide is applied. Status: Chapter 278, Stats. 2015.

**SB 761 (Hall) Advertising: Internet private residence rental listings: notice.** This bill requires the operator of a hosting platform, as defined, to provide a specified notice to tenants using the platform that listing their residence for short-term rental may be a violation of their lease. Status: Chapter 239, Stats. 2015.

**SB 1092 (Monning) Advertising: Internet private residence rental listings: notice.** Existing law requires a hosting platform to provide a specific notice to an occupant listing a residence for short-term rental on a hosting platform that states, among other things, that, if the occupant is a tenant, listing the room, home, condominium, or apartment may violate the lease or contract and could result in legal action by the landlord, including possible eviction. This bill requires that notice to also be provided to mobilehome offerors and to include a statement advising the offeror to review any restrictions on coverage under the offeror's homeowners' or renters' insurance policy related to short-term rental activities, as specified. Status: Chapter 113, Stats. 2016.

**SB 1106 (Leyva) Mobilehome parks.** As referred to this Committee, this bill would have authorized the Director of Housing and Community Development or a local enforcement agency that has assumed jurisdiction to issue citations that assess additional civil penalties to any owner or operator of a mobilehome park, special occupancy park, or registered owner of a manufactured home, mobilehome, or recreational vehicle, when he or she has permitted the continuation of a violation for at least 30 days after the expiration of a notice to correct the violation or violations from the enforcement agency. The bill was subsequently amended to

address an unrelated subject before being heard in this Committee. Status: Dead, Assembly Rules Committee.

## MISCELLANEOUS

**AB 37 (Campos) 3D library printers: notice of liability.** This bill would have required every public library that provides public access to a 3D printer, as defined, to post a notice on or near the printer alerting users of the potential liability for misuse of the 3D printer. This bill would have required the Department of Justice to draft and distribute this notice, as specified, and annually review and revise the notice for accuracy. Status: Dead, Assembly Judiciary.

**AB 398 (Campos) California Embassy.** This bill would have allowed an organization to identify or represent itself as the official sponsor of the California Embassy for the State of California if specified conditions are met, including that the organization is tax-exempt, the organization is formed for the purpose of establishing and maintaining a California Embassy in the District of Columbia within a 2-mile radius of the United States Capitol building, and that the mission statement of the organization includes specified provisions. Status: Dead, Assembly Judiciary.

**AB 731 (Gallagher) Code maintenance.** This bill makes numerous non-substantive technical changes in the California codes that have been recommended by the Office of Legislative Counsel. Status: Chapter 303, Stats. 2015.

**AB 1524 (Utilities and Commerce) Electricity: energy crisis litigation.** This bill extends, by two years, the authority of the Attorney General to represent the Department of Finance and to exercise the powers of the now-defunct Electricity Oversight Board in any litigation related to the 2000-02 energy crisis. Status: Chapter 382, Stats. 2015.

**AB 2269 (Waldron) Animal shelters: research animals: prohibitions.** This bill prohibits the acquisition of live animals from public or private animal shelters for use in research, testing, or experimentation a practice commonly known as "pound seizure." The bill also prohibits the euthanasia of otherwise adoptable animals for the purpose of transferring the animal carcasses to a research facility or animal dealer. Status: Chapter 568, Stats. 2016.

**AB 2881 (Judiciary) Civil law: omnibus.** This bill makes clarifying changes to various code sections, including technical corrections and minor updates to law. This bill also implements recommendations by the California Law Revision Commission to create public notice districts to replace specified judicial districts. Status: Chapter 703, Stats. 2016.

**ACR 176 (Garcia) Girl Scouts.** This resolution commemorates the 100th anniversary of the Gold Award, the highest recognition within the Girl Scouts organization for a girl scout, and acknowledges the social consciousness of the organization as the Girl Scouts promote the ideals of acceptance, understanding, cultural awareness, and tolerance. Status: Resolution Chapter 126, Stats. 2016.

**ACR 148 (Chau) California Law Revision Commission: studies.** This resolution authorizes the California Law Revision Commission (CLRC) to continue its studies on whether specified laws should be revised and authorizes an additional study of the California Public Records Act

(CPRA). The resolution also memorializes that the CLCR shall submit a detailed description of the scope of work to the Senate and Assembly Committees on Judiciary and any legislative policy committee with jurisdiction over the study's subject matter. Status: Resolution Chapter 150, Stats. 2016.

**AJR 32 (Alejo) Supreme Court nominations.** This resolution urges the United States Senate to fairly consider the nomination for Justice to the United States Supreme Court submitted by President Obama and to vote up or down on the nomination. Status: Resolution Chapter 151, Stats. 2016.

**SB 19 (Wolk) POLST: statewide registry.** This bill requires the Emergency Medical Services Authority to establish and operate a California POLST eRegistry Pilot to collect Physician Orders for Life Sustaining Treatment (POLST), and disseminate the information to authorized users, including health care providers. Status: Chapter 504, Stats. 2015.

**SB 249 (Hueso) Enhanced driver's licenses.** This bill would have authorized the Department of Motor Vehicles (DMV) to enter into a Memorandum of Understanding with a federal agency to allow the DMV to offer an enhanced driver's license, which includes radio frequency identification technology (RFID), to applicants who request it. The bill would have set forth certain security measures designed to prevent unauthorized reading of information on embedded RFID chips. The bill specified that the RFID chip must contain only a random number or incorporate some other security device to prevent unauthorized reading of the holder's personal information. The bill declared the Legislature's intent that employers shall not compel an employee to obtain an enhanced driver's license if the employee prefers not to apply for one. Status: Vetoed.

**SB 385 (Hueso) Drinking water standards: compliance plans.** This bill allows the State Water Resources Control Board to grant a public water system with additional time to meet the state's drinking water standard for hexavalent chromium by submitting a compliance plan for how it intends to comply with the standard. Status: Chapter 272, Stats. 2015.

**SB 582 (Hall) Electrified fences.** This bill authorizes an owner of real property to install and operate an electrified fence on his or her property if the property is not in a residential zone, the fence meets specified requirements, and a local ordinance does not prohibit its installation and operation. Status: Chapter 273, Stats. 2015.

**SB 944 (Transportation and Housing) Housing omnibus bill.** This Committee omnibus bill makes various non-controversial changes, largely clarifying and technical in nature, to sections of law relating to housing. Status: Chapter 714, Stats. 2016.

**SB 1171 (Judiciary) Code maintenance.** This bill makes numerous non-substantive technical changes in the California codes that have been recommended by the Office of Legislative Counsel. Status: Chapter 86, Stats. 2016.

**SJR 11 (Leyva) United States Postal Service.** This resolution urges the United States Congress to require the United States Postal Service to take all appropriate measures to restore service standards in effect as of July 1, 2012, and further urges Congress to oppose any postal reform

legislation that does not continue the mandate for six-day delivery service to protect door-to-door delivery as it currently exists. Status: Resolution Chapter 183, Stats. 2015.