

The seal of the California Department of Justice, Office of the Attorney General, is a circular emblem. It features a central figure of a woman, likely representing Justice, seated and holding a scale of justice. The figure is surrounded by the text "OFFICE OF THE ATTORNEY GENERAL" at the top and "CALIFORNIA DEPARTMENT OF JUSTICE" at the bottom. The motto "liberty and justice under law" is inscribed in the center of the seal.

**ATTORNEY GENERAL'S REPORT
ON
SPONSORED LEGISLATION
1999 THROUGH 2002**

***California Department of Justice
Office of Legislative Affairs***

**BILL LOCKYER
Attorney General**

November, 2002

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ANTITRUST

AB 1345 (Nakano)

Status: Vetoed, 1999

A 1972 law places a \$3 million cap on the fund reserve of the Antitrust Account and directs any excess funds into the General Fund. This bill would have increased the cap on the fund reserve of the Antitrust Account to \$6 million. By statute, attorney fees and cost awards in antitrust cases are deposited in the account for use by the Attorney General enforcing antitrust laws.

Current law provides that funds may only be appropriated from the account through the annual budget act. This bill would have provided that funds may also be appropriated from the account through non-budget act legislation. This bill would not have appropriated any funds.

SB 1131 (Burton)

Status: Chapter 956, Statutes of 1999; funding vetoed

This bill provides a legislative appropriation of \$1,000,000 from the General Fund to support three major investigations by the Antitrust Section within the Attorney General's Office: (1) gasoline pricing, (2) the Exxon/Mobil merger, and (3) the BP/ARCO merger. The funding would have supported investigation costs through June 2000, with additional funding provided by a budget change proposal for fiscal year 2000-01.

AB 260 (Frommer)

Status: Chapter 74, Statutes of 2001

This bill enables the Attorney General to issue interrogatories, in addition to subpoenas, when conducting investigations of possible violations of state or federal antitrust law. This bill also makes state antitrust law consistent with federal antitrust laws by clarifying that the Attorney General can employ *cy pres* remedies in actions brought to represent consumers affected by antitrust violations.

SB 1814 (Dunn)

Status: Failed passage in Assembly Business and Professions Committee, 2002

This bill would have clarified that anti-competitive conspiracies currently forbidden by the Cartwright Act may occur between entities related to each other by common ownership. This bill also would have made the act of monopolization a violation of California antitrust law.

ATTORNEY GENERAL

AB 427 (Scott)

Status: Chapter 768, Statutes of 1999

This bill provides that no state agency, officer or commissioner shall employ legal counsel other than that of the Attorney General in any matter in which the agency, officer or commissioner is interested or is a party as a result of office or official duties.

AB 715 (Firebaugh)

Status: Chapter 626, Statutes of 2000

This bill clarifies and amends provisions delimiting the Attorney General's role. The bill repeals a provision requiring the Attorney General to prosecute and defend actions in which any county is a party, and it clarifies the Attorney General's ability to employ counsel to represent a state agency or a state employee if the representation meets specified standards, and to employ counsel to recover escheated funds.

California Rules of Court, Rule 13(b)(6)

Status: Adopted June 1, 2000

The Judicial Council adopted the Attorney General's proposed rule allowing the Attorney General to file a friend of the court brief in any pending appeal. Under the amended rule, special permission from the court is no longer required.

AB 222 (Wiggins)

Status: Chapter 69, Statutes of 2001

This bill requires the petitioner of an appeal that involves the interpretation of the False Claims Act to provide the False Claims Section of the Attorney General's Office with notice of the appeal to allow the department the opportunity to intervene in the appeal.

SB 99 (Morrow)

Status: Chapter 76, Statutes of 2001

California law currently directs the Attorney General to issue written opinions to the Legislature or either house of the Legislature, the Governor, and other specified state officers and agencies. In addition, current law states that the Attorney General shall give "his" written opinion to the requesting officer or agency "when required." This bill adds any Member of the Legislature, the Lieutenant Governor, the Insurance Commissioner, and any county counsel or sheriff to the list of public officers who may seek such an opinion. In so doing, it deletes extraneous language in conformity with its intent to expand the list of authorized recipients, it changes the pronoun "his" to "his or her," and it changes the trigger for the Attorney General action from "when required" to "when requested."

ATTORNEY GENERAL (continued)

SB 1628 (Sher)

Status: Chapter 396, Statutes of 2002

Responding to a court decision disqualifying the Attorney General's Office from representing a client agency, this urgency bill permits the Attorney General, in appropriate cases, to represent both an identified state board and another state agency in the same matter, if the affected board and agency consent. If the Attorney General chooses to represent the state agency, the board will be represented by its inside counsel, or by outside counsel if the Attorney General consents as required under current law.

CHARITABLE TRUSTS

SB 2015 (Sher)

Status: Chapter 475, Statutes of 2000

This bill amends the Uniform Supervision of Trustees and Fundraisers for Charitable Purposes Act ("Act") to grant the Attorney General additional enforcement tools and resources, including: the ability to assess late fees; the authority to suspend or revoke registrations; the power to enter into pre-filing agreements; the ability to impose civil penalties for violations of the Act; and the appropriation of all fines, penalties, attorneys fees and costs to the Attorney General for the administration and enforcement of the Act.

CHILD ABUSE

AB 1447 (Granlund)

Status: Died - Senate Judiciary Committee, 1999

This bill would have made technical changes to, and clarified provisions in, the Child Abuse and Neglect Reporting Act, particularly as they related to the Child Abuse Central Index maintained by the Department of Justice.

SB 1715 (Ortiz)

Status: Chapter 207, Statutes of 2000

Existing law authorizes a minor under the age of 13 years to give testimony by way of closed-circuit television under specified circumstances and procedures if: (1) the minor is a victim of a sexual offense or (2) the minor is a victim of a violent felony. The statute is operative until January 1, 2001, and on that date is repealed. Effective January 1, 2001, this provision would only apply under the first circumstance, namely if the minor will testify regarding an alleged sexual offense committed on or with that minor. This bill extends the sunset on this provision from January 1, 2001, to January 1, 2003.

AB 2442 (Keeley)

Status: Chapter 1064, Statutes of 2002

Existing law establishes the Child Abuse and Neglect Reporting Act (CANRA), which requires specified persons to report to law enforcement or a child protective agency known or suspected instances of child abuse or neglect. The law further requires the Department of Justice to maintain the Child Abuse Central Index (CACI) and to act as a repository of reports of child abuse and severe neglect which, following an investigation, are determined not to be unfounded. This bill creates a task force for the purpose of reviewing the CANRA and the CACI.

SB 1559 (Figueroa)

Status: Chapter 96, Statutes of 2002

This bill extends indefinitely the currently-operative version of the statute authorizing a minor to give testimony under either of two circumstances: (1) the minor is a victim of a sexual offense; or (2) the minor is a victim of a violent felony.

CIVIL LAW - MISCELLANEOUS

AB 2300 (Florez)

Status: Chapter 723, Statutes of 2000

This bill closes loopholes in the sale of land-based municipal bonds issued by "roving" joint powers authorities.

AB 192 (Canciamilla)

Status: Chapter 243, Statutes of 2001

This bill makes various changes to conform the state Open Meeting Act law more closely to the Ralph M. Brown Act, which governs open meetings of local agencies, including adding a definition of "meeting," permitting a meeting of a state body to be conducted via teleconference under the same circumstances that such a meeting may be conducted under the Ralph M. Brown Act, requiring agendas be posted at each teleconference location, and requiring members of the public be permitted to address the state body directly at each such location. The bill also modernizes the references in the act on the use of electronic means of posting notice of a meeting. Finally, the bill makes clear that even if other pending litigation was not noticed in the agenda of a closed meeting, that litigation may thereafter be added to the agenda of the closed meeting and action taken thereon, if certain requirements are satisfied.

SB 471 (Sher)

Status: Chapter 578, Statutes of 2001

This bill makes modest changes to improve the implementation of Proposition 65 including requiring the notice in warning cases to include a certificate of merit; requiring court approval of any settlement in a private Proposition 65 action; establishing criteria for a court to consider assessing any civil penalty awarded under the statute; and expanding the existing requirements to report Proposition 65 actions to the Attorney General to cover all settlements entered, including those where no complaint has been filed, and other types of complaints in which violations of Proposition 65 are alleged.

AB 1862 (Wyman)

Status: Died - Assembly Revenue and Taxation Committee, 2002

This bill would have authorized a 100% tax credit, capped at an undefined amount, for benefits paid to a qualified employee called to active military duty or service. It would have defined a qualified employee as one who is a member of the California National Guard or a United States military reserve organization and is ordered to active duty on or after September 11, 2001, as a result of Operation Enduring Freedom or any successor military action, including homeland defense.

CIVIL LAW - MISCELLANEOUS (continued)

AB 2519 (Keeley)

Status: Chapter 112, Statutes of 2002

This bill clarifies the process for dissolving nonprofit public benefit corporations (i.e., charities) to ensure that the corporation's plan for distributing its assets is reviewed by the Attorney General prior to the dissolution.

CIVIL PROCEDURE

AB 36 (Steinberg)

Status: Died - Senate, 2001

This bill would have prohibited secrecy agreements between parties to litigation that prevent disclosure to the public or to public safety agencies information relating to defective products, financial fraud, unfair insurance claims practices, or environmental hazards. In addition, it would have specifically made agreements that keep such information secret from interested regulatory agencies void and unenforceable.

AB 732 (Wayne)

Status: Chapter 153, Statutes of 2001

This bill clarifies that public enforcement actions brought by the Attorney General, a district attorney or city attorney, are exempt from monetary sanctions arising under Code of Civil Procedure Section 998 settlement offers.

SB 11 (Escutia)

Status: Died - Assembly Third Reading, 2002

This bill would have prohibited secrecy agreements between parties to litigation that prevent disclosure to the public or to public safety agencies information relating to defective products financial fraud unfair insurance claims practices or environmental hazards. In addition, it would have specifically made agreements that keep such information secret from interested regulatory agencies void and unenforceable.

CLAIMS AGAINST THE STATE

SB 465 (Appropriations)

Status: Chapter 933, Statutes of 1999

This bill appropriates \$1,787,000 from the General Fund to the Attorney General for payment of two settlements in cases against the state.

SB 464 (Appropriations)

Status: Chapter 28, Statutes of 2000

This bill appropriates \$18.5 million plus interest from the General Fund to the Attorney General to settle two cases against the state.

SB 1437 (Johnston)

Status: Chapter 166, Statutes of 2000

This bill appropriates \$3,545,000 from the General Fund and the Motor Vehicle Account in the State Transportation Fund to the Attorney General to pay several claims against the state.

AB 1738 (Assembly Budget Committee)

Status: Chapter 258, Statutes of 2001

This bill appropriates \$9.2 million from the General Fund to the Attorney General to pay seven different claims against the state.

SB 1333 (Alpert)

Status: Chapter 583, Statutes of 2002

This bill appropriates \$1,360,702.74 from the General Fund to the Attorney General to pay two claims against the State.

SB 1334 (Alpert)

Status: Withdrawn, 2002

This bill would have appropriated \$1,000,000 from the General Fund to the Attorney General to pay judgments and settlement claims in accordance with an unspecified schedule.

CIVIL RIGHTS

AB 1670 (Committee on Judiciary)

Status: Chapter 591, Statutes of 1999

This bill, which enacts the California Civil Rights Amendments of 1999, extends the protection of California Civil Rights Act laws to reach violations of another's civil rights when the violator perceives the victim to be a member of a protected class; prohibits discrimination based on one's association with members of a protected class; clarifies that existing law prohibits harassment in connection with housing discrimination; prohibits genetic testing as a condition of employment; requires reasonable accommodations to a female employee during pregnancy; increases the amount of non-pecuniary damages that may be awarded by the Commission on Fair Employment and Housing to \$150,000 from \$50,000 in employment discrimination cases to encourage use of Fair Employment and Housing Act (FEHA); extends the protections of FEHA to independent contractors; authorizes an action to enjoin discrimination by state-funded programs and agencies; prohibits a "refusal to contract" on the basis of existing protected class characteristics; and authorizes a court to require employers to provide training on FEHA requirements.

AB 2719 (Wesson)

Status: Chapter 98, Statutes of 2000

This bill allows the Attorney General, a district attorney or a city attorney to recover a \$25,000 civil penalty in successful enforcement actions under the Ralph Act (Civil Code section 51.7), which forbids violence or intimidation motivated by the victim's race, religion, or membership in other protected classes. In addition, the bill declares that a person suing under the Bane Civil Rights Act (Civil Code section 52.1) for a violation of the person's constitutional rights, need not prove that he or she is a member of a protected class.

AB 587 (Firebaugh)

Status: Chapter 261, Statutes of 2001

This bill allows the Attorney General, district attorney or city attorney prosecuting enforcement actions under the Bane Civil Rights Act to seek a civil penalty of \$25,000 in addition to injunctive and equitable relief available under current law. The \$25,000 would be awarded to the person whose rights were violated, and assessed against each person who violated those rights.

The bill also increases from \$1,000 to \$4,000 the minimum penalty for a violation of another's civil rights to be free from discrimination under the Unruh Civil Rights Act and the Gender Tax Repeal Act.

CIVIL RIGHTS (continued)

AB 698 (Wesson)

Status: Vetoed, 2001

This bill would have statutorily created an Office of Immigrant Assistance within the Department of Justice to disseminate information and provide other assistance specifically to resident immigrants concerning their rights protected under state laws that provide protection for consumers, redress for victims of employment or housing discrimination, and redress for victims of civil rights violations.

AB 1999 (Correa)

Status: Chapter 705, Statutes of 2002

This bill authorizes the Attorney General or a local prosecutor to seek civil penalties of up to \$100,000 for each violation of the Immigration Consultants Act (ICA); mandates the court to impose civil penalties for each violation of the ICA; and directs the distribution of civil penalties collected for an action brought by public officials. In action brought by the Attorney General, one-half of the collected amount will go to the General Fund, and the other half will go to the county where the judgement is entered. The bill also expressly authorizes public officials to bring a civil action for injunctive relief and restitution for violations of the ICA.

AB 2524 (Goldberg)

Status: Chapter 244, Statutes of 2002

This bill requires any party to an appeal in state court alleging violations of specified civil rights statutes to serve a copy of the party's petition and brief or responsive brief, on the State Attorney General so the Attorney General may participate as an intervener or amicus curiae.

CONSUMER LAW

AB 969 (Papan)

Status: Chapter 319, Statutes of 1999

This bill incorporates, by reference, selected provisions from the Federal Debt Collections Act, thereby harmonizing federal and state debt collection standards and remedies. The bill promotes consistent federal and state standards which will facilitate compliance and enforcement and provide a level playing field for all engaged in debt collection activity.

AB 1231 (Machado)

Status: Chapter 907, Statutes of 1999

This bill prevents the misleading use of coupons including the specific deceptive practice of describing coupons to be "free," a "gift," or a "prize" when they are not. The bill generally prohibits untrue and misleading coupons. The bill also prohibits a particular type of deceptive practice involving sellers who make most of their sales by offering phony discounts in the form of coupons described as "free" or as a "gift" or "prize." The "free," "gift," or "prize" description is misleading because the consumer must pay money to get or use the so-called "free", "gift", or "prize" coupon, and the coupon does not represent a real discount from the merchant's regular selling price since most of the merchant's sales are made in conjunction with phony "free" discount coupons.

AB 1290 (Davis)

Status: Chapter 448, Statutes of 1999

The so-called "lemon law" legislation, first enacted more than a decade ago, creates a presumption that a reasonable number of attempts have been made to conform a new motor vehicle to the applicable express warranties if, within one year from delivery to the buyer or 12,000 miles on the odometer, whichever occurs first, either (1) the nonconformity, as defined, has been subject to repair four or more times by the manufacturer or its agents and the buyer had provided specified notice to the manufacturer or (2) the vehicle is out of service by reason of repair of nonconformities by the manufacturer or its agents for a prescribed period. This bill extends the applicability of the presumption to 18,000 miles or 18 months from delivery, whichever occurs first, conforming the statutory presumption more closely to commonly found warranty periods for new motor vehicles.

CONSUMER LAW (continued)

SB 988 (Figueroa)

Status: Died - Senate, 2000

This bill would have required the Attorney General to maintain a "do not call" list, containing the telephone numbers of telephone subscribers who do not wish to receive unwanted and uninvited telephone solicitations. It would have prohibited a telephonic solicitor from calling any telephone number on the current "do not call" list to, among other things, seek to sell or lease any consumer goods or services.

AB 1138 (Strom-Martin)

Status: Died - Assembly Conference, 2000

This bill would have prohibited all of the following: persons from engaging in the unauthorized practice of law in connection with any estate planning service; persons from soliciting any member of the public to purchase any estate planning service from a person whose performance of the service would violate this legislation; and persons (and their agents) who solicit or perform estate planning services in violation of this legislation, from soliciting or selling any investment to anyone who was solicited to purchase or who purchased that estate planning service.

AB 1816 (Wayne)

Status: Chapter 185, Statutes of 2000

This bill prohibits the production, advertising, offering for sale, selling, distributing, or transferring for use in this state of any simulated check except for specified cases. In addition, it revises the definition of simulated check to also include any document that is not in fact currency or a check or other negotiable instrument but that, because of its appearance, has the tendency to mislead a person viewing it into believing that the item represents a prize, gift or monetary benefit that the recipient has won or is entitled to or guaranteed to receive, or represents an actual check or item of value that can be claimed or redeemed.

AB 2725 (Wesson)

Status: Vetoed, 2000

This bill would have regulated the advertising for, and the conduct of, "going out of business" sales by limiting the duration of a sale to 90 days from the date it is first advertised and requiring specified disclosures.

CONSUMER LAW (continued)

SB 1359 (Karnette)

Status: Vetoed, 2000

This bill would have deleted existing exemptions under the Unfair Practices Act applicable to nonprofit charitable organizations and to persons selling intangibles or newspapers, thus requiring these organizations and individuals to make certain disclosures when soliciting in-home sales as currently required of all individuals who solicit sales at the residence of a prospective buyer. The bill also would have expanded disclosure requirements to all in-home solicitations for sales or orders rather than only in-home solicitations for sales or orders for goods or services, as currently required.

AB 268 (Wayne)

Status: Chapter 624, Statutes of 2001

This bill makes changes to the existing rules governing the sale of structured settlements by improving disclosures, adding new oversight procedures, clarifying definitions, and establishing a court review process.

SB 1194 (Romero)

Status: Chapter 304, Statutes of 2001

This bill provides the Attorney General and public prosecutors additional remedies to redress the substantial harm that may occur in consumer fraud cases involving the unauthorized practice of law. Specifically, the bill authorizes the court to award all of the following in a law enforcement action filed by public prosecutors: actual damages and equitable relief to victims; the amount of penalties and tax liabilities incurred in connection with the transfer of assets to pay for anything sold during the course of the unauthorized practice of law; attorney's fees incurred by victims to rectify legal errors; prejudgment interest; attorney's fees and costs incurred by the prosecutors in the action; and, where appropriate, exemplary damages.

AB 2578 (Shelley)

Status: Chapter 1097, Statutes of 2002

This bill would have provided that a contract for the purchase of a product or service that is made in response to a solicitation by mail, including electronic mail, and that is primarily for personal, family, or household use is unlawful if a person has not expressly provided, at the time of the purchase, authorization, and information sufficient for payment.

Cosponsored with Consumers Union.

CONSUMER LAW (continued)

AB 2775 (Steinberg)

Status: Died - Senate Judiciary Committee, 2002

This bill would have provided that a contract for the purchase of a product or service that is made in connection with a telephone solicitation, regardless of which party initiated telephonic contact, and is primarily for personal, family, or household use is unlawful if a person has not expressly provided, at the time of the purchase, authorization, and information sufficient for payment.

Cosponsored with Consumers Union.

SB 1560 (Figueroa)

Status: Chapter 698, Statutes of 2002 (Chaptered out by AB 3000)

This bill would have made amendments to the "do not call" legislation passed last year. First, it would have explicitly prohibited the sale or purchase of the "do not call" list.

Second, it would have clarified the type of entities that may obtain the "do not call" list for free.

CONTROLLED SUBSTANCES

AB 2106 (Davis)

Status: Died - Assembly Appropriations Committee, 2000

This bill would have made the possession of gamma butyrolactone (GBL), or the salts or isomers of GBL or gamma-hydroxybutyrate (GHB), with the intent to manufacture GHB, a felony.

AB 154 (La Suer)

Status: Chapter 13, Statutes of 2002

Existing law provides that producers and users of specified chemicals, which have limited commercial use but which also may be used in the illegal production of controlled substances, must obtain a permit from the Department of Justice. As substances are added to this section, affected individuals and businesses must be in compliance with the law by the effective date imposed by the legislation. This bill provides the Department of Justice with the authority to extend, for a limited time, the period of time necessary for affected entities to be properly noticed of changes in the law and sufficient time for the Department of Justice to process those applications.

AB 2589 (Cardoza)

Status: Chapter 443, Statutes of 2002

This bill modifies and clarifies provisions governing the disposal and destruction of hazardous chemicals, under controlled substance provisions of the law, by law enforcement agencies to reflect the agencies' current practices. It explicitly specifies that a hazardous chemical container, or any contaminated item, is subject to the disposal provisions applicable to law enforcement agencies. It also requires photographs of the containers and contaminated items to be taken before they are destroyed, and it requires, with respect to the destruction of a suspected controlled substance, in combination with a hazardous chemical involving the issuance of a search warrant, an affidavit to be filed in the issuing court that contains size and volume-related information.

SB 1943 (Perata)

Status: Died - Senate Health and Human Services Committee, 2002

The Controlled Substance Utilization Review and Evaluation System (CURES) is a database that electronically monitors the prescribing and dispensing of Schedule II controlled substances in California. It was established to assist law enforcement and regulatory agencies in their efforts to control the diversion and resultant abuse of Schedule II drugs. CURES initially was implemented as a three-year pilot project, which is due to sunset on June 30, 2003. This bill would have made CURES permanent.

CRIME PREVENTION

AB 235 (Kuehl)

Status: Died - Assembly Inactive File, 1999

This bill would have created the California Youth Violence Prevention Authority, with duties and responsibilities related to the prevention of youth violence, including the production of a statewide plan for the coordination of youth violence prevention programs and resources, for presentation to the Legislature by January 1, 2001.

AB 1602 (Machado)

Status: Vetoed, 2000

In June 2000, a task force established by the Attorney General and the Superintendent of Public Instruction for the purpose of developing recommendations on how to strengthen the partnership between schools and law enforcement to assure safe schools issued its final report. This bill would have implemented one of the recommendations of that report by strengthening the ability of the Attorney General and State Superintendent of Public Instruction's School/Law Enforcement Partnership Cadre to provide training, resources and technical assistance to California schools.

AB 1840 (Bates)

Status: Chapter 399, Statutes of 2000

This bill requires an additional \$10 fee from individuals convicted of vandalism and other specified crimes. The money collected is used by the local police, sheriff's, and probation departments in the area where the crime occurred exclusively on crime prevention programs.

SB 1580 (Alpert)

Status: Died - Assembly Education Committee, 2000

Existing law establishes the School Safety and Violence Prevention Strategy Program to be administered by the Superintendent of Public Instruction. This bill would have required the program to be administered by the Superintendent of Public Instruction and the Attorney General. It would have expanded to grade 12 the intent of the Legislature that public schools with kindergarten through grade 7 have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools. It also would have authorized both school districts and county offices of education to apply for grants to be used in schools serving kindergarten through grade 12 to promote school safety and violence prevention among children and youth.

CRIME PREVENTION (continued)

SB 1831 (Burton)

Status: Vetoed, 2000

This bill would have established the School Safety Academy Pilot Project, to be administered by the Department of Justice, whereby school safety academies would receive funding from the Department of Justice to develop and implement integrated, comprehensive school safety training for those responsible for school safety and school community violence prevention. It would have appropriated \$825,000 to the Department of Justice to implement the pilot project for three years.

SB 1850 (Costa)

Status: Died - Senate Appropriations Committee, 2000

This bill would have established the Juvenile Justice Outreach and Crime Prevention Program, to be administered by the Department of Justice for the purpose of assisting local agencies in developing comprehensive juvenile delinquency prevention and intervention strategies. The program would have been a coordinated effort integrating local law enforcement, probation agencies, public health, community-based organizations, and schools. This bill would have appropriated \$26 million from the General Fund to the Department of Justice.

AB 355 (Havice)

Status: Chapter 120, Statutes of 2001

This bill requires the Commission on Peace Officer Standards and Training (POST) to develop a training course for peace officers who are assigned as school resource officers and requires these individuals to take the course.

SB 131 (Escutia)

Status: Died - Senate, 2001

This bill would have enacted the California Safe From the Start Partnership Program administered by the Department of Justice, in consultation with the Department of Health Services. The program would have provided five-year annual grants to local law enforcement agencies for programs aimed at reducing the number of children who are witness to, or victims of, violence. This bill would have continuously appropriated \$3.3 million from the General Fund each fiscal year.

CRIMINAL HISTORY

AB 1115 (Strom-Martin)

Status: Chapter 78 Statutes of 1999

This bill provide the authority for the Department of Justice to process all criminal offender record information requests from school districts, employers or human resource agencies, for school volunteers, pursuant to specified procedures.

AB 2665 (Ackerman)

Status: Chapter 972, Statutes of 2000

This bill fixes a loophole in the dissemination of criminal offender record information. Certain felonies and serious misdemeanors, including sex offenses, are reported to prospective agencies or employers about people who apply for positions with supervisory or disciplinary powers over children or who provide domestic or personal care of the elderly or disabled, if the offense occurred within the past 10 years. This bill extends the reporting time to 10 years exclusive of any time the person has been incarcerated. Thus, a person who is convicted of a sex offense and is sentenced to eight years in prison will begin his or her 10-year "washout" period, only after release from prison.

SB 900 (Ortiz)

Status: Chapter 627, Statutes of 2002

As the statutorily mandated repository for criminal history records, the Department of Justice provides criminal offender record information to authorized agencies to facilitate their background clearances of potential licensees or employees. This bill consolidates the number and type of dissemination criteria utilized by Department of Justice for employment, licensing and certification purposes. It reduces the number of dissemination criteria from nine to six, and it makes clear the dissemination criteria to be used in each instance.

CRIMINAL HISTORY (continued)

AB 879 (Keeley)

Status: Chapter 986, Statutes of 2002

Current law allows a county, upon adoption of a resolution by the county board of supervisors, to assess an additional \$1 to vehicle registration fees and an additional \$2 to commercial vehicle registration fees for vehicles registered within the county to purchase Cal-ID equipment and related infrastructure, such as Automated Fingerprint Identification System matchers and live scan devices, so as to enhance the capacity of local law enforcement to provide automated mobile and fixed location fingerprint identification services. Currently, 33 (57%) of California's 58 counties use the service fees generated pursuant to this program.

This bill allows fee collection until January 1, 2006. The bill requires every county collecting the fee to issue a fiscal year-end report to the Controller, and it provides for the suspension of the fee for failure to issue a timely report.

Co-sponsored with California State Sheriffs' Association.

AB 2659 (Runner)

Status: Chapter 623, Statutes of 2002

This bill establishes a Department of Justice certification program for persons who roll applicant fingerprint impressions for employment, licensing or certification purposes. Effective January 1, 2004, Department of Justice will be prohibited from accepting applicant fingerprint impressions that were not rolled by a certified individual. An individual may not be certified if he or she has been convicted or becomes convicted of a felony or an offense involving moral turpitude, dishonesty or fraud.

CRIMINAL LAW - MISCELLANEOUS

SB 555 (Karnette)

Status: Chapter 518, Statutes of 1999

This bill updates and clarifies the arson registration statutes. Specifically, the bill clarifies existing law by specifying that persons convicted of aggravated arson must register; clarifies existing law by stating that registration as an arson offender is a life-long requirement for a person convicted after November 30, 1994, and a five-year duty for a person convicted between January 1, 1985 and November 29, 1994 and ordered to do so by the court; shortens the period of time from 30 to 14 days that a person convicted of arson must register with law enforcement after entering a city, county, or college campus; simplifies existing law by stating that a juvenile committed to the California Youth Authority for arson must register until he or she is 25 years old or until the record is sealed, whichever occurs first; provides that the probation department, rather than the court, has the duty to inform a defendant released on probation of his or her duty to register as an arson offender; provides that a person convicted of a misdemeanor may be relieved of the duty to register if he or she successfully petitions the court to dismiss a complaint following the successful completion of probation; and reinstates for five years the factor in aggravation of \$5 million damages for the offense of aggravated arson, which had expired on January 1, 1999.

SB 1282 (Lewis)

Status: Chapter 854, Statutes of 1999

This bill clarifies that the penalty enhancement for hit-and-run resulting in death or serious injury applies when the injury results from the accident, not after leaving the scene of the accident. The bill also provides that documents sent electronically by the Department of Justice to the Department of Motor Vehicles regarding a license suspension are admissible in Department of Motor Vehicles administrative hearings.

Cosponsored with the California District Attorneys Association.

AB 1808 (Wayne)

Status: Chapter 689, Statutes of 2000

Under current law, a defendant who commits two entirely separate crimes with an enhancement for using a deadly weapon on each can receive no punishment at all for the weapon enhancement on one of those crimes. This bill corrects this problem by eliminating the consecutive sentence enhancement limitation.

Cosponsored with the California District Attorneys Association.

CRIMINAL LAW - MISCELLANEOUS (continued)

SB 578 (Figueroa)

Status: Chapter 130, Statutes of 2001

This bill clarifies the definition of a flechette dart, which is a dart capable of being fired from a gun.

SB 1151 (Margett)

Status: Chapter 48, Statutes of 2001

This bill eliminates the rule that automatically stays trial court orders in certain child custody cases when the order directs that the child be returned to another state or country that has jurisdiction over the custody dispute. It allows, but does not require, a stay of trial court orders when an appeal is filed in interstate and international child custody disputes.

CRIMINAL PROCEDURE

AB 154 (Cunneen)

Status: Chapter 363, Statutes of 1999

This bill requires a motion to recuse a district attorney to include affidavits by witnesses and to require the judge to review those affidavits before determining whether or not there should be an evidentiary hearing on the motion. It authorizes the district attorney or the Attorney General to file affidavits in opposition. It prohibits bringing a motion for recusal in the trial court if it was brought at the preliminary hearing, unless it is based on facts that were raised or could have been raised at the time of the original motion.

SB 786 (Schiff)

Status: Chapter 350, Statutes of 1999

This bill clarifies that the issue of whether or not a defendant was convicted of a prior offense is to be determined by the elements of the crime, rather than a reference to the section in which the crime was previously defined.

Cosponsored with the California District Attorneys Association.

AB 2567 (Jackson)

Status: Chapter 242, Statutes of 2000

This bill requires that before a defendant, defense attorney, or prosecution attorney may discuss a verdict with a juror, the juror must be informed of the identity of the case, the party that the person represents, the subject of the interview, the absolute right of the juror to discuss or not discuss the deliberation or verdict with any person, and the right of the juror to review and have a copy of any declaration filed with the court.

DEATH PENALTY

SB 686 (Dunn)

Status: Died - Senate, 1999

This bill would have authorized the Governor to extend a warrant of execution by executive order at any time before the expiration of the warrant and upon the request of the district attorney of the county of conviction, the Attorney General, or the Warden of the California State Prison at San Quentin. The reason for this bill was to allow the Governor to extend the 24-hour warrant period in situations where a temporary restraining order or other stay has been issued and can be quickly vacated but not before the warrant period expires. Absent this authority, any stay of execution must result in a delay of at least 40 days.

DNA

SB 654 (Schiff)

Status: Chapter 475, Statutes of 1999

The Forensic Identification Data Base and Data Bank Act of 1998 requires the Department of Justice to manage and administer the state's DNA data base and data bank program for the collection and analysis of blood, saliva, thumbprint, and palmprint specimens from a defined class of felony sex and violent offenders. This bill makes technical amendments to the Act to clarify the crimes subject to data bank collection and the specimens required; ensure the specimens are ordered and taken before the offender's release; clarify laboratory certification requirements; ensure that discovery complies with Penal Code provisions so as to protect confidential information; clarify inconsistent language regarding coordination with the national data bank; and coordinate cross-references to other Penal Code sections.

AB 2814 (Machado)

Status: Chapter 823, Statutes of 2000

This bill expands the use of DNA evidence in criminal cases by deleting a statutory prohibition on the comparison of DNA samples from a suspect with DNA from unsolved crimes for he or she is not the suspect. It thus permits DNA samples of specified criminal suspects who have been charged by information or indictment to be compared against the DNA evidence of all unsolved crimes. It requires the sample to be purged two years from the date of the filing of the information or indictment or when the suspect is acquitted or charges are dropped.

AB 453 (Correa)

Status: Chapter 482, Statutes of 2001

This bill allows a forensic scientist required to handle or perform DNA or other forensic analysis within the scope of his or her duties who comes into contact with blood or bodily fluid to have the blood or bodily fluid tested for HIV and entitles that person to test results.

D N A (continued)

AB 673 (Migden)

Status: Chapter 906, Statutes of 2001

Existing law requires various criminal offenders to provide DNA samples to the Department of Justice for inclusion in the DNA and Forensic Identification Data Base to assist federal, state, and local law enforcement agencies in the detection and prosecution of people responsible for sex offenses and other violent crimes. This bill expands the list of offenses that qualify for inclusion in the data bank to include four additional crimes: residential burglary, first degree robbery, arson and carjacking.

SB 824 (Poochigian)

Status: Chapter 477, Statutes of 2001

This bill provides that the Department of Justice, the California State University, and upon agreement by the Regents, the University of California, will work together to enhance collaborative opportunities for DNA training of university students, graduates, and existing employees of crime laboratories. It further provides that, through its California Criminalistics Institute, the Department of Justice will develop and create an internship program for graduate-level students designed to prepare students to meet national standards for DNA analysis, as specified. The provisions of the bill may be implemented only to the extent that funds are provided for their purposes in the annual Budget Act.

DOMESTIC VIOLENCE

AB 825 (Keeley)

Status: Chapter 661, Statutes of 1999

The Department of Justice is statutorily mandated to maintain the Domestic Violence Restraining Order System, which is accessible by local law enforcement to determine whether there are existing or previously-issued restraining orders or protective orders against a person as to whom a new order is sought. Prior to this bill, standardized forms for restraining orders were not required and, consequently, information transmitted to the Department of Justice may have been incomplete or inaccurate. Examples of information that often was absent or erroneous include the restrained person's physical description, his or her date of birth, and whether he or she is prohibited from purchasing or possessing firearms.

The bill requires that specified restraining orders and protective orders be on forms promulgated by the Judicial Council.

SB 1425 (Figueroa)

Status: Died - Assembly Appropriations Committee, 2000

This bill would have required the Department of Justice, in collaboration with the Department of Health Services, to establish a uniform approach for providing immediate assistance to victims of domestic violence and for collecting forensic evidence concerning domestic violence crimes. It would have required, in any case in which a medical professional determines that a patient's injuries are a result of domestic violence and additional supportive services or follow-up or a forensic examination is desired by the provider and the patient, that the medical professional call both a victim advocate and law enforcement. If the patient consented to a forensic examination, and law enforcement agreed it would be advantageous to building their case, a forensic examination would have occurred according to the established protocol. It also would have provided that a standardized form for the collection of forensic evidence in domestic violence cases be developed and required.

DOMESTIC VIOLENCE (continued)

SB 1627 (Kuehl)

Status: Chapter 265, Statutes of 2002

Under current law, the Department of Justice must be notified immediately upon the issuance of a specified protective order or restraining order, including the contents of the order and whether it was served on the respondent. The information must be provided electronically through the California Law Enforcement Telecommunications System (CLETS). The Department maintains the information in the Domestic Violence Restraining Order System (DVROS), which is accessible to court and law enforcement personnel. At the present time, most California courts do not have the ability to transmit the required information via CLETS, and in the majority of cases, the Department is not notified that orders entered into DVROS have been served on the respondent. In the absence of evidence that a protective order or restraining order was served on the respondent, a law enforcement officer may not arrest the respondent for an apparent violation.

This bill requires a law enforcement officer who serves a protective order to submit the proof of service directly into DVROS. It also requires the court to transmit a copy of the proof to a local law enforcement agency within one business day of receipt, if the person who served the order is not a law enforcement officer, and the court is unable to submit the proof of service directly into the system.

SB 1722 (Escutia)

Status: Died - Senate Appropriations Committee, 2002

This bill would have required a domestic violence incident report prepared by law enforcement to include the name and age of any child who was, or who was reasonable likely to have been, a witness to the reported act of domestic violence.

ELDER ABUSE

AB 1499 (Lowenthal)

Status: Chapter 414, Statutes of 1999

This bill ensures that all mandated reporters who care for persons in elder care facilities are well informed of their responsibilities in recognizing and reporting elder abuse. It requires long-term health care facilities and other specified facilities that care for the elderly to provide training to recognize and report elder and dependent adult abuse; requires the Department of Justice, in cooperation with the State Department of Health Services and State Department of Social Services, to develop a minimal core-training program; and imposes mechanisms to ensure compliance with these mandates.

AB 1891 (Lowenthal)

Status: Chapter 186, Statutes of 2000

Existing law provides that a criminal defendant or the prosecution may have witnesses examined conditionally for specified reasons, including a situation in which the witness is sick or infirm. This bill permits, as well, the conditional examination of a witness who is 70 years of age or older or a "dependent adult."

SB 1551 (Dunn)

Status: Chapter 448, Statutes of 2000

This bill promotes and enhances the effectiveness of family councils in skilled nursing home facilities by strengthening the rights of family councils to meet and provide notice of those meetings, and ensuring a facility's cooperation. Specifically, it provides that the family council must be allowed to meet at least once a month and prohibits a facility from limiting the right of family council members to meet independently with persons from outside the facility during non-working hours. It requires a facility to: (1) provide a designated staff person to assist and respond to written requests that result from family council meetings; (2) consider the views and act upon the grievances and recommendations of a family council concerning proposed policy and operational decisions affecting resident care and life in the facility; (3) respond in writing to written requests or concerns of the family council, within 10 working days; and (4) provide notice of the family council meetings, and inform family members or representatives of new residents of the existence of the family council when a family council exists. It also it prohibits a facility from willful interference in the formation, maintenance or promotion of a family council.

ELDER ABUSE (continued)

SB 1804 (Escutia)

Status: Vetoed, 2002

Current law requires the Department of Health Services to perform a background check of specified personnel working in intermediate care facilities. The law further requires the Department to deny a license if the background check reveals the applicant has been convicted of specified offenses, and it permits the Department to deny a license if the applicant has been convicted of other offenses. This bill would have applied virtually the same background check requirement to all personnel working in an intermediate care facility and to all personnel working in a skilled nursing facility, with two exceptions: licensed or certified applicants who have already undergone a criminal background check as part of the process of licensure or certification; and present employees. The bill also would have prescribed notice, appeal, and hearing procedures subsequent to the Department's denial of an application for licensure or renewal.

EMPLOYMENT LAW

AB 1127 (Steinberg)

Status: Chapter 615, Statutes of 1999

This bill: (1) extends the time within which any person who believes he or she has been discharged or otherwise discriminated against in violation of the Labor Code under the jurisdiction of the Labor Commissioner, may file a complaint with the Division of Labor Standards Enforcement; (2) provides that the issuance of, or failure to issue, a citation by the Division of Occupational Safety may be considered or admitted into evidence in a personal injury or wrongful death action as between an employee and his or her employer; (3) expands the circumstances under which the Division must investigate a complaint that an employee's employment or place of employment is not safe; (4) increases the maximum fine that can be imposed for a serious safety violation, as defined; (5) increases the length of incarceration and the monetary penalties that can be imposed for a willful or repeated violation of certain employee safety standards that cause death to any employee, or cause permanent or prolonged impairment of the body of any employee; (6) authorizes a court to impose a fine in an amount less than certain minimums specified in the bill if the court finds it is in the interest of justice to do; and (7) permits civil penalties to be assessed against employers that are governmental agencies for violations of certain employee safety standards, and requires those penalties to be deposited into the Workplace Health and Safety Revolving Fund and refunded or used for specified purposes.

FIREARMS

AB 403 (Romero)

Status: Chapter 1022, Statutes of 1999; funding vetoed

This bill appropriates \$200,000 from the General Fund to the Department of Justice for training local law enforcement on the enforcement of firearms laws at gun shows.

AB 491 (Scott)

Status: Chapter 571, Statutes of 1999

This bill makes the possession of a concealed or loaded firearm an alternate misdemeanor/felony if both of the following conditions are met: both the firearm and unexpended ammunition are either in the immediate possession of the person or readily accessible; and the person is not listed with the Department of Justice as the registered owner of the firearm.

AB 1587 (Scott)

Status: Chapter 578, Statutes of 1999

This bill reinstates the Department of Justice's ability to deny the purchase or transfer of firearms to individuals who have been demonstrated to be a danger to themselves or others as a result of mental health disabilities. The need for this legislation stems from a court ruling that individuals who had suffered from such disabilities were not afforded a hearing to challenge their prohibition from purchasing or possessing firearms. The bill provides these individuals the ability to request a hearing for the purpose of attempting to demonstrate they can safely control firearms in spite of their mental health disabilities.

AB 1097 (Romero)

Status: Died - Senate Appropriations Committee, 2000

This bill would have established within the Department of Justice a Firearm Law Enforcement Unit for the purpose of investigating gun law violations and assisting local law enforcement agencies in the gathering of evidence and in the prosecution by local government of gun law violations.

AB 32 (Scott)

Status: Died - Senate Public Safety Committee, 2000

This bill would have required a facility admitting a person on a 72-hour psychiatric evaluation hold to submit a report for inclusion in the Department of Justice Automated Firearms System for each person subject to a hold who was admitted to the facility during the period between May 1, 1997 and February 1, 2000. The bill also would have required the Department of Justice to make a good faith effort to notify people admitted to a facility during that time period of their ineligibility to own, possess, or control a firearm.

FIREARMS (continued)

AB 1961 (Machado)

Status: Chapter 668, Statutes of 2000

This bill expands the definition of a machine gun to include any weapon that can readily be restored to shoot, automatically, more than one shot. It includes in that definition any combination of parts from which a machine gun can be assembled if those parts are in the possession and control of the person.

AB 2536 (Jackson)

Status: Chapter 479, Statutes of 2000

This bill requires the Department of Justice to produce public service announcements in both English and Spanish regarding recent changes in firearm laws and a gun owner's responsibilities regarding safe storage of a firearm.

SB 510 (Scott)

Status: Chapter 608, Statutes of 2002

This bill prohibits any person in California from manufacturing or importing for sale, or any licensed firearms dealer from selling or transferring, a semiautomatic pistol after January 1, 2003 if it does not have a chamber load indicator and if it has a detachable magazine. This bill makes a first violation of these provisions punishable by a fine of \$1,000, a second violation punishable by a fine of \$1,000 and a 30-day suspension of the license to manufacture or sell guns, and a third violation punishable by permanent revocation of the license to manufacture or sell guns in California. It provides for specified exemptions for law enforcement, private party transfers, entertainment props, and curios and relics.

SB 626 (Perata)

Status: Chapter 937, Statutes of 2001

Current law prohibits the sale of ammunition magazines that can hold more than 10 rounds. This bill clarifies that active law enforcement personnel are exempt from this restriction. It also clarifies that certain tubular magazines on lever-action weapons are exempt from the large capacity magazine restriction and provides for a peace officer assault weapon purchase with agency approval.

SB 950 (Brulte)

Status: Chapter 944, Statutes of 2001

Current law prohibits convicted felons and other specified persons from possessing firearms. However, after a firearm is sold, no system ensures that the owner has not fallen into a prohibited class. This bill requires the Department of Justice to identify and establish a data base of individuals who have purchased firearms and later fall into a prohibited category, and to provide this information to local law enforcement. This provision is contingent upon an appropriation in the 2002-03 Budget Act.

FIREARMS (continued)

AB 2580 (Simitian)

Status: Chapter 910, Statutes of 2002

This bill requires the Department of Justice to expand gun regulation and enforcement activities to include annual inspections of each firm or corporation permitted to possess or manufacture short-barreled rifles or shotguns, assault weapons, machine guns, and destructive devices for security, safe storage purposes, and to reconcile inventory. The bill specifies that a person, firm, or corporation with inventory of less than five devices that require a permit are subject to inspection once every five years, or as determined by the Department, and it exempts individuals who possess an assault weapon permit for non-commercial purposes.

AB 2695 (Oropeza)

Status: Chapter 830, Statutes of 2002

Subject to available funding, this bill requires the Attorney General, working with the Judicial Council, the California Alliance Against Domestic Violence, and specified law enforcement groups, to develop a protocol, by January 1, 2005, on the enforcement of restrictions on firearms ownership and gun seizures. It extends, from 72 hours to five business days, the time within which a firearm seized at a domestic violence scene must be returned. It also extends, from 30 to 60 days, the time within which a law enforcement agency that has reasonable cause to believe the return of a gun or other deadly weapon would likely result in danger to the victim or reporting witness, to initiate a petition to determine if the firearm or other deadly weapons should be returned.

Cosponsored with the Los Angeles City Attorney's Office.

AB 2902 (Koretz)

Status: Chapter 912, Statutes of 2002

This bill authorizes the Department of Justice to annually retest up to ten percent of the handgun models listed on the roster of approved "safe" handguns. The bill requires any manufacturer wishing to add a handgun to the roster to provide the Department with the testing history of the model; if the manufacturer fails to provide this information, the Department may exclude the gun from the roster. It also requires the ammunition used to satisfy the "firing requirements for handguns" to be ammunition commercially available and certified by the Department as suitable for testing purposes.

GAMBLING

SB 829 (Figueroa)

Status: Chapter 351, Statutes of 1999

In 1997, the Legislature enacted the Gambling Control Act to ensure adequate regulation of California's gambling industry. The Act created the Division of Gambling Control to investigate the qualifications of the owners of gambling establishments to determine whether they are suitable to hold state gambling licenses. The Act further provided that persons who possessed a valid registration issued under the former Gaming Registration Act (which was repealed by the Gambling Control Act) could hold a provisional license, which authorized the individual to continue to own or operate a card club until summoned by the Division to apply for a new state gambling license.

This bill permits the Division to extend, for one year, the provisional license of any person who had not been summoned prior to December 31, 1998. Without this authority, gambling establishment owners who have not been issued a state gambling license would be forced to close their businesses effective January 1, 2000. The bill also gives the Division the express authority to obtain federal level criminal history information for licensing purposes.

FORENSIC SERVICES

SB 627 (Johnston)

Status: Vetoed, 1999

This bill would have established the Task Force on Statewide Forensic Services to assess the status of crime laboratories in California, including operational and facilities matters, and to produce a Statewide Forensic Services Master Plan with recommendations to the Governor and the Legislature. The goal of the Master Plan would be a technologically-advanced, cooperative statewide service delivery system to help ensure the integrity of the criminal justice system well into the 21st Century. Examples of issues that would have been considered include accreditation, quality assurance, training, coordination and collaboration of existing and future service assets, such as costly hi-tech equipment and services, and facility usage.

SB 1558 (Costa)

Status: Vetoed, 2000

This bill would have ensured that the costs of blood alcohol tests performed by the Department of Justice are fully reimbursed in order to avoid the impairment of the other law enforcement functions performed by the Department. The bill also would have eliminated the potential liability of the general fund of a local public entity for a test that is ordered for a motorists arrested within the jurisdiction of the public entity. It would have made the reimbursement of the Department's testing costs dependent upon a more certain source of funding and alleviate the potential financial burden on local public entities in enforcing public safety laws.

SB 861 (Costa)

Status: Died - Senate, 2001

This was a reintroduction of SB 1558 (Costa) from 2000, which was vetoed. The bill would have changed the process by which the Department of Justice is reimbursed for the costs associated with performing forensic tests for the presence of alcohol or drugs.

GAMBLING

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GASOLINE PRICING

AB 2076 (Shelley)

Status: Chapter 936, Statutes of 2000

This bill responds to the imbalance between in-state supply and demand for gasoline, and California's susceptibility to price spikes. The bill requires the California Energy Commission to study the potential benefits of creating a strategic gasoline reserve in California in order to increase gasoline supplies and reduce the likelihood of gasoline price spikes. It also requires the Commission to examine ways the state can optimize its gasoline supplies by curbing demand.

AB 2098 (Migden)

Status: Chapter 963, Statutes of 2000

This bill grew out of the Attorney General's task force study of the gasoline market, which found that California's high gasoline prices stemmed in part from the combination of California's limited in-state gasoline supplies and the state's physical isolation and distance from potential out-of-state supplies. This bill requires the California Energy Commission to study the feasibility of financing, constructing, or maintaining a new or existing pipeline to import gasoline into California, to help determine what action the state should take to facilitate increasing California gasoline supplies by pipeline.

SB 1846 (Speier)

Status: Died - Assembly Appropriations Committee, 2000

This bill would have required the Department of General Services to examine the feasibility of purchasing gasoline from outside the state for use by state agencies and requires the Department, after July 1, 2001, seek to purchase gasoline from new sources within or outside the state.

HATE CRIMES

SB 80 (Hayden)

Status: Vetoed, 1999

This bill would have established the Governor's California Commission on Combating Hate Groups and the Attorney General's Commission on Hate Crime Prevention. The former commission would have been charged with examining civil and criminal liability of hate groups and examining possible legislation to minimize the influence of hate groups. The latter commission would have examined the role of the Department of Justice in preventing and prosecuting hate crimes and to provide recommendations to the Legislature in eleven specific areas, such as improving the collection and reporting of hate crime statistics and evaluating the enforcement of criminal and civil rights laws aimed at preventing and punishing perpetrators of hate crimes.

AB 715 (Firebaugh)

Status: Chapter 626, Statutes of 2000

The bill expands the list of reportable hate crimes to include crimes motivated by national origin.

AB 1312 (Nakano)

Status: Chapter 566, Statutes of 2001

This bill creates in the Department of Justice the Asian Pacific Islander Anti-Hate Crimes Program. The Department will work with a community-based organization to develop a statewide program to create brochures and workbooks in order to provide information on how to identify and report hate crimes, and to conduct training seminars for community organizations in order to better train them to assist themselves or other Asian Pacific Islander communities in dealing with hate crimes.

SB 143 (Murray)

Status: Died - Senate, 2001

This bill would have set standards and provided financial support to city and county human relations commissions to sponsor hate violence prevention and response networks. It would have established criteria for community based networks, which include public agencies such as law enforcement agencies, prosecutors, school districts and sponsoring human relations commissions to work cooperatively with community based organizations and faith based entities toward preventing, identifying, reporting and responding to hate incidents and hate crimes. Funding provided to these networks would have supported training for participants, the development of a directory of services for victims, and report collection and analyses.

HATE CRIMES (continued)

SB 144 (Murray)

Status: Died - Senate, 2001

This bill would have established, within the Department of Justice, a statewide toll-free telephone number and Web site to allow victims and witnesses to report hate crimes and hate incidences committed by any person. The Web site would have allowed for online submission capability and trained staff available to take reports from victims and witnesses on the toll free telephone line. Trained staff also would have made victims and witnesses aware of resources available to assist them in all areas of the state. The bill also would have required a protocol be developed for the Department of Justice staff to follow when receiving incident reports, which would include ensuring the immediate safety of the victim and witness, facilitating the reporting of the crime to the appropriate local law enforcement agency, assessing the needs of the victim and making them aware of appropriate, available resources, and following up to ensure the needs of the victim and witness were addressed.

SB 1139 (Figueroa)

Status: Died - Senate, 2001

This bill would have allocated \$500,000 per year for three years to the School Law Enforcement Partnership program to provide K-12 schools with those things they need to put in place programs for preventing, identifying, reporting, and appropriately responding to intergroup tensions, hate incidents and hate crimes. It also would have required three units of training on school intergroup relations be added to the required curriculum for an administrative credential; provided that additional funds be made available to allow all schools to administer the California Healthy Kids Survey; expanded the Attorney General's biennial statewide California Student Survey in order to gain information about students' perceptions of hate crimes; and granted financial awards to individual schools that voluntarily implement a hate crime reporting procedure and fund a Department of Education study of the effectiveness of currently existing hate crime programs and policies in school districts.

IDENTITY THEFT

AB 1764 (Wayne)

Status: Died - Senate Public Safety Committee, 2002

This bill would have expanded the scope of the offense of false personation to include electronic communications (e-mail) in which a person sends an electronic communication to another using the e-mail address of the person being impersonated with the intent to injure or defraud. Violation of this offense would be a misdemeanor for a first conviction and a wobbler, punishable by up to 1 year in county jail, 16 months, 2, or 3 years in state prison, and/or a fine of up to \$10,000, for a second or subsequent violation.

Cosponsored with the California District Attorneys Association.

AB 1773 (Wayne)

Status: Chapter 908, Statutes of 2002

This bill provides that a district attorney may prosecute a person for the unauthorized use of personal identifying information in either the county where the information was taken or the county where the information was used for an illegal purpose. If the same defendant or defendants used the same personal identifying information belonging to one person in multiple jurisdictions, all of the offenses may be prosecuted in any one of the jurisdictions where the same defendant or defendants used the information for an illegal purpose, or the jurisdiction where the personal identifying information was taken.

Cosponsored with the California District Attorneys Association.

LAW ENFORCEMENT - MISCELLANEOUS

SB 451 (Schiff)

Status: Provisions amended out, 2000

This bill would have required that alleged criminal incidents involving Department of Corrections' employees or agents be immediately reported to the Attorney General's office. Subject to any memorandum of understanding, the Attorney General could have elected to investigate the allegation.

SB 555 (Karnette)

Status: Chapter 518, Statutes of 1999

This bill makes the arson registration statutes more concise, and more closely conforms the statute to process required by the sex registration statutes. Specifically, this bill clarifies existing law by requiring persons convicted of aggravated arson to register; clarifies existing law by stating that registration as an arson offender is a life-long requirement for a person convicted after 1994, and a five-year duty for a person convicted before that date and ordered to do so by the court; reinstates for five years the factor in aggravation of \$5 million damages for the offense of aggravated arson; shortens the period of time from 30 to 14 days that a person convicted of arson must register with law enforcement; simplifies existing law by providing that a juvenile committed to the California Youth Authority for arson must register until the age of 25 or until the record is sealed, whichever occurs first; provides that the probation department, rather than the court, has the duty to inform a defendant released on probation of his or her duty to register as an arson offender; and provides that a person convicted of a misdemeanor may be relieved of the duty to register if he or she successfully petition the court to dismiss a complaint following the successful completion of probation.

SB 1751 (Schiff)

Status: Failed passage in Senate Public Safety Committee, 2000

This bill would have required law enforcement agencies to report juvenile arrest data to the Department of Justice.

SB 1859 (Chesbro)

Status: Chapter 233, Statutes of 2000

This bill eliminates a requirement that law enforcement agencies must notify the Department of Justice of any threat against a public official.

AB 1476 (Dickerson)

Status: Died - Assembly, 2001

This bill would have established within the Department of Justice a statewide Unsolved Violent Crime Program to assist local law enforcement in the investigation and resolution of unsolved violent crimes such as homicides, sexual assaults and kidnaping.

LAW ENFORCEMENT - MISCELLANEOUS (continued)

AB 2379 (Frommer)

Status: Died - Assembly Appropriations Committee, 2002

This bill would have required a secondhand dealer, coin dealer, or pawn broker to make all required transaction reports to the Department of Justice Secondhand Dealer Web Site, beginning 12 months after the web site becomes fully operational, rather than to the chief of police or the sheriff. It also would have required a fingerprint taken by a secondhand dealer or coin dealer of an intended seller to be retained for three years and required a secondhand dealer or coin dealer to retain hard copies of any required reports for three years.

SB 1739 (Morrow)

Status: Chapter 210, Statutes of 2002

This bill makes changes to the existing Witness Protection Program to allow local prosecutors, as well as the Attorney General, to identify participants in the program and to be responsible for those witnesses.

Cosponsored with the California District Attorneys Association.

MISSING PERSONS

SB 1818 (Speier)

Status: Chapter 822, Statutes of 2000

This bill requires the Department of Justice to develop a DNA data bank to include profiles from the remains of unidentified deceased persons, which can then be compared against DNA profiles from samples voluntarily provided by the parents or other relatives of "high-risk missing persons." A high-risk missing person is defined as a person missing as a result of stranger abduction, missing under suspicious circumstances, or who is believed to be in danger or dead. The data bank is to be separate from the Department's criminal offender data bank.

SB 297 (Speier)

Status: Chapter 467, Statutes of 2001

As of January 1, 2001, the Department of Justice maintains a DNA data base for all cases involving the report of an unidentified deceased person or a high-risk missing person, and compares the samples taken from the unidentified deceased persons with the samples taken from the parents or appropriate relatives of high-risk missing persons. Under existing law, all samples and DNA extracted from living persons are to be destroyed after a positive identification is made and a report is issued.

This bill permits retention of the DNA evidence when the coroner or a law enforcement agency has reasonable grounds to suspect the person's death was caused by criminal means or when the evidence is needed for a pending criminal investigation or prosecution. The proposal also eliminates the civil liability provisions for those who collect, process or store DNA samples, and substitutes the expanded criminal provisions contained in the DNA and Forensic Identification Data Base and Data Bank Act of 1998 as the appropriate sanction for failure to maintain the confidentiality of DNA identification information.

AB 415 (Runner)

Status: Chapter 517, Statutes of 2002

This bill states the Legislature's intent that the Governor and the California Highway Patrol, in consultation with the Department of Justice, shall implement the use of the Emergency Alert System and other current warning systems in use and establish them statewide so that the statewide system resembles the Amber Plan, Texas' early-warning system to respond to child kidnappings.

This bill requires a law enforcement agency that is informed of the abduction of a child 17 years of age or younger, or an individual with a proven mental or physical disability, and that determines the victim is in imminent danger of serious bodily injury or death and there is information available that, if disseminated to the general public, could assist with the safe recovery of the victim, to request, absent extenuating investigative needs, activation of the Emergency Alert System within the appropriate local area. It also requires the California Highway Patrol, in consultation with the Department of Justice, to develop policies and procedures relating to activation of the System and to develop a comprehensive child abduction education program.

Cosponsored with the Polly Klaas Foundation.

SEXUAL OFFENDERS

AB 1193 (Leonard)

Status: Chapter 576, Statutes of 1999

This bill makes changes to California's sex offender registration law that were required by federal law in order for California to avoid losing \$5 million dollars in annual crime funding (Byrne Funds) from the federal government. Specifically, it requires that out-of-state sex offenders who work or attend school in California register in California as sex offenders, and it requires a minimum registration period of ten years, by extending the period required to obtain a certificate of rehabilitation. The bill also requires sex offenders who have more than one residence address to register at each address.

AB 1340 (Honda)

Status: Chapter 648, Statutes of 2000

In 1995, the Legislature enacted Megan's Law, which permits law enforcement entities to notify the public about serious and high-risk sex offenders from whom they may be at risk. The law also requires some law enforcement entities, and permits other law enforcement entities, to make available for public viewing a CD-ROM with information about serious and high-risk sex offenders.

This bill makes technical changes to the law's immunity and disclosure provisions, and it adds specified registerable sex offenses to the list of crimes subject to notification. It also allows a child accompanied by a parent or guardian to view the Megan's Law CD-ROM, and it extends the January 1, 2001 sunset on the CD-ROM program and the complimentary "900" telephone number program, which allows the public telephonic access to sex offender information.

SB 11 (Schiff)

Status: Chapter 136, Statutes of 1999

This bill provides that a petition to have an offender declared to be a sexually violent predator will not be dismissed on the basis of a later judicial or administrative determination that the individual's custody was unlawful as the result of a good faith mistake of fact or law. The bill ensures that petitions to commit dangerous sex offenders to mental health facilities for treatment after their terms have expired cannot be dismissed solely because a judge found that the prisoner's term was inadvertently miscalculated.

Co-sponsored with the Los Angeles County District Attorney's Office.

SEXUAL OFFENDERS (continued)

SB 341 (Figueroa)

Status: Chapter 901, Statutes of 1999

This bill corrects a technical oversight in Penal Code section 290. Section 290 provides for registration of juvenile sex offenders for specified serious sex offenses, but the penalty subdivision of section 290 refers only to penalties for those "convicted" of registerable sex crimes. Because juveniles suffer "adjudications" rather than convictions, this bill amends the language of the penalty subdivision to clarify the legislature's intent that persons who violate the requirement to register as sex offenders, whose duty to register is based on a juvenile adjudication, are subject to penalties for failure to register.

AB 1742 (Correa)

Status: Chapter 235, Statutes of 2000

This bill extends the statute of limitations in felony sex cases from six to ten years. It also allows for the prosecution of these cases beyond that 10-year period if charges are filed within one year of the date on which the perpetrator's identity is established by DNA evidence that was tested in a timely manner.

AB 1784 (Figueroa)

Status: Chapter 657, Statutes of 2000

Existing law makes it a misdemeanor to annoy or molest a child under the age of 18 years. The crime is punishable as a felony if the defendant previously has been convicted of child molestation, lewd or lascivious conduct with a child, or a felony violation of employing a minor to perform prohibited acts when the minor was under the age of 14 years.

This bill expands the list of prior offenses that would make a subsequent violation of this provision a felony, by including specified felony sex offenses upon a child under the age of 16 years.

AB 4 (Bates)

Status: Chapter 544, Statutes of 2001

This bill makes changes to California's sex offender registration law to bring the state into compliance with federal law. Specifically, it requires that, in addition to registering with the local police or sheriff, a registered sex offender must register with the campus police of a university, college, community college, or other institution of higher learning within five days of coming onto the campus to live, or within five working days of commencing enrollment or employment there. The failure to enact these provisions would have resulted in a loss to California of 10 percent of its total federal crime funds, which would mean an annual loss of approximately \$5.5 million.

SEXUAL OFFENDERS (continued)

SB 552 (Figueroa)

Status: Died - Senate, 2001

Existing law requires a trial court to seal juror identifying information after the jury's verdict is recorded in a criminal trial. Identifying information is accessible only upon a showing of good cause. Courts are also required to advise jurors they are protected from harassment and unwarranted contact as a result of their deliberation. These provisions do not apply to civil cases, and because Sexually Violent Predator proceedings are civil in nature, the confidentiality provisions are inapplicable to them. This bill would have extended the juror confidentiality protections that are available in criminal proceedings to Sexually Violent Predator proceedings.

SB 721 (Battin)

Status: Died - Senate, 2001

This bill would have required the Department of Justice to make sex offender information now accessible to the public on the Megan's Law CD-ROM available to the public via the Internet. A person applying to view the Internet site would have been required to provide his or her current California driver's license number or California identification card number and his or her current address, which must match, before being allowed access to the site. Qualified applicants would be allowed to view information regarding serious and high-risk sex offenders registered in the county in which the applicant resides. Registered sex offenders would not be permitted access to the site.

SB 836 (Scott)

Status: Chapter 17, Statutes of 2002

This bill corrects a technical problem in the sex offender registration law.

AB 2229 (Nation)

Status: Died - Senate Public Safety Committee, 2002

This bill would have made two changes to the Sexually Violent Predator law to reflect current practice. Specifically, it would have required the Director of Mental Health to provide a committed sexually violent predator with notice of his or her right to petition the court for unconditional release, and it would have provided that if the person does not affirmatively waive his or her right to petition the court for unconditional release, the court would be required to set a show cause hearing.

SEXUAL OFFENDERS (continued)

AB 2794 (Reyes)

Status: Chapter 831, Statutes of 2002

Current law requires or permits a court to order persons convicted of, and, in some instances, charged with, specified sex offenses to submit to a blood test for evidence of HIV or AIDS. This bill expands the list of sex crimes that require the defendant to submit to testing. The bill also provides that the testing may be done on oral mucosal transudate in addition to blood, which will make testing more efficient and less expensive.

Cosponsored with the Alameda County District Attorney's Office.

SB 1965 (Alpert)

Status: Chapter 118, Statutes of 2002

Under current law, a person wishing to view the California Megan's Law CD-Rom must present identification in the form of a California driver's license or California identification card. This bill permits, in addition, a person to present, as identification, a Military identification card and proof of California residence.

Cosponsored with San Diego County Board of Supervisors.

TOBACCO

SB 689 (Johnston)

Status: Chapter 349, Statutes of 1999

This bill addresses a potential conflict of interest issue regarding county commissions established pursuant to Proposition 10, which imposes excise taxes on cigarettes and other tobacco products to promote and develop early childhood development programs. Because counties are potential recipients of Proposition 10 funds, there was uncertainty as to whether, under Government Code section 1090, a county would be prohibited from receiving funds under Proposition 10 if one of its employees served on a commission established pursuant to the proposition.

The Legislative history indicates the Legislature intended, in a situation such as this, that the board member disqualify himself or herself, while permitting the remaining board members to authorize the contract. However, the availability of disqualification under these circumstances was never placed in a statutory exception. Accordingly, without legislation, a governmental entity with employees on a Proposition 10 commission may be prohibited from receiving any funds at all. This bill creates a remote interest exception to Government Code section 1090 so as to effectuate the Legislature's intent and to permit counties to implement the provisions of Proposition 10.

SB 822 (Escutia)

Status: Chapter 780, Statutes of 1999

In 1998, California, together with 45 other states, five territories, and the District of Columbia, entered into a Master Settlement Agreement (MSA) with the tobacco companies. The MSA requires the tobacco companies to make payments to the state, in perpetuity, totaling an estimated \$35 billion through 2025.

Under the MSA, payments to the states by tobacco product manufacturers participating in the settlement are lower if sales by nonparticipating manufacturers increase beyond a certain amount. A state may protect itself from this potentially significant reduction in payments under the MSA if it enacts and enforces a qualifying nonparticipating manufacturer statute. This bill enacts such a statute, requiring manufacturers of tobacco products either to agree to be bound by the MSA or have adequate sums on deposit to satisfy claims against them.

TOBACCO (continued)

SB 1510 (Escutia)

Status: Died - Senate, 2000

This bill would have enacted permanent restrictions on the retail sale or distribution of tobacco to ensure that minors have fewer avenues of access to tobacco products. The restrictions included a prohibition on self-service displays to sell certain tobacco products and on free samples of tobacco products distributed in areas open to the general public, including minors. This bill also would have imposed a minimum unit size on the sale of tobacco products.

AB 412 (Wesson)

Status: Enacted in SB 757 (Ortiz) Chapter 376, Statutes of 2001

This bill imposes a civil penalty for the sale of cigarettes by means of a self-service display, as defined. It authorizes the Attorney General, a city attorney, a county counsel, or a district attorney, to bring a civil action to enforce this sale restriction, and it specifies that the provisions relating to self-service displays exclude tobacco product vending machines located at least 15 feet from the entrance of a public premise licensed to sell alcoholic beverages.

The bill also prohibits the nonsale distribution of tobacco on private property that is open to the general public, as defined, and it specifies that the provisions relating to the nonsale distribution of tobacco on private property that is open to the general public exclude locations where minors are prohibited by law and locations leased for private functions where minors are denied access by a peace officer or licensed security guard on the premises. The bill further imposes an infraction or civil penalty for the manufacturing, distribution, sale, or offering of a package of cigarettes that does not contain at least 20 cigarettes or a package of roll-your-own tobacco that does not contain at least 0.60 ounces of tobacco.

SB 322 (Ortiz)

Status: Chapter 375, Statutes of 2001

This bill prohibits any person from selling, offering for sale, distributing, or importing a tobacco product referred to as bidis or beedies unless the product is sold, offered for sale, or intended to be sold in a business that excludes minors from its premises. This bill makes a violation of this prohibition a misdemeanor or subject to a civil action.

SB 757 (Ortiz)

Status: Chapter 376, Statutes of 2001

This bill authorizes the Department of Justice to conduct onsite sting inspections in response to public complaints regarding the sale of tobacco products to minors or at retail locations where previous violations have occurred. It also authorizes the Department of Justice to investigate illegal sales of tobacco products to minors by telephone, mail, or the Internet.

VICTIMS

AB 409 (Correa)

Status: Chapter 552, Statutes of 2001

Existing law permits the California Victim Compensation and Government Claims Board to provide assistance to victims and derivative victims of crimes for the pecuniary losses they suffer if the application is filed within one year of the date of the crime or the victim attains the age of 18 years, whichever is later. There are narrow exceptions to the one-year filing requirement. This bill creates an exception to the one-year filing requirement in capital cases when there is documentation that either the victim or derivative victim filing the application was not informed of the provisions of this program or he or she has received official notification that a date has been set for a parole hearing, clemency hearing, or execution of the perpetrator or perpetrators.

SB 1867 (Figueroa)

Status: Chapter 630, Statutes of 2002

Existing law permits the California Victim Compensation and Government Claims Board to provide assistance to victims of crimes for the monetary losses they suffer. In order to prevent abuses, the law requires the Board to deny assistance if it finds either that the victim knowingly and willingly participated in the crime, unless the crime was unlawful sexual intercourse with a person under 16 by a person over 21, or the victim failed to reasonably cooperate with law enforcement in the apprehension and conviction of the perpetrator. This bill requires the Board, in a case of a victim of domestic abuse or sexual assault, to consider specified factors, such as the victim's age, physical condition, psychological or emotional condition, compelling health or personal safety factors, reasonable fears of retaliation, and cultural or linguistic barriers, in determining whether the victim is eligible for assistance.

VICTIMS (continued)

SB 1887 (McPherson)

Status: Chapter 633, Statutes of 2002

In early 2002, the California State Supreme Court struck down one of two provisions in California's "Son of Sam" law, which sought to prevent a convicted felon from exploiting the felon's crimes for financial gain while victims of the crime went uncompensated. This bill is a legislative response to the court's decision, which found the existing statute, insofar as it relates to the selling of the felon's story, to violate the First Amendment right to freedom of speech. The bill addresses this issue by amending the ordinarily-applicable statute of limitations for the filing by a victim of specified violent offenses to initiate a lawsuit against a convicted felon to recover damages from the convicted felon for physical, mental, or emotional injury, or for monetary loss. It provides that an action for damages against a defendant based upon the defendant's commission of a felony offense for which the defendant has been convicted may be commenced within 10 years of the date on which the defendant is discharged from parole, if the conviction was for a specified violent offense. The newly extended statute of limitations does not apply if the defendant has received a certificate of rehabilitation. The change in the statute of limitations applies to any action commenced before, on, or after the effective date of the bill, including any action otherwise barred by a limitation of time in effect prior to the effective date of the bill, thereby reviving causes of action that had lapsed or technically expired under the law existing prior the effective date of the bill.

WARRANTS

SB 1310 (Vasconcellos)

Status: Chapter 940, Statutes of 2000

This bill allows all outstanding arrest warrants to be entered into the Department of Justice's Wanted Persons System, a statewide data base. It requires the Department of Justice, the state taxing authority, and the State Lottery Commission to examine ways to use the Wanted Persons System to enhance existing tax refund and lottery winnings offset and collection procedures. It further requires any state or local government agency, upon request, to provide the Department of Justice, a court, or any California law enforcement agency with the address of any person for whom there is an outstanding arrest warrant.