

New Laws for 2018

**The most important new
statutes, rules, regulations, and forms
for
California Criminal Law**

Selected and edited by

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Notes

- All bills are effective and operative on January 1, 2018, unless otherwise noted.
- A link is provided to the internet page for the full text of each new bill. .PDF versions of this treatise are bookmarked for ease of navigation.
- Many new laws fit under two or more different categories, but I have included them under only one. I have included many cross references.
- This treatise does not include all new laws, rules, regulations, and forms affecting California criminal law, only the ones I think most important for practitioners.
- The most complete list of new statutes on the internet is at <http://leginfo.legislature.ca.gov/faces/newLawTemplate.xhtml> .
- The most complete sets of new Judicial Council Rules and Forms are at: <http://www.courts.ca.gov/formsrules.htm> .
- This treatise is for information purposes only, and does not provide legal advice.

Abbreviations:

AG = Attorney General	AB = Assembly Bill
BP = Business and Professions Code	CCP = Code of Civil Procedure
CDCR = California Department of Corrections and Rehabilitation	
D = The defendant	DOJ = Department of Justice
EC = Evidence Code	GC = Government Code
HS = Health and Safety Code	ICE = Immigration and Customs Enforcement
M = Minor (i.e., under 18)	P = The People, or Prosecutor
PC = Penal Code	SB = Senate Bill
Stats = Statutes and Amendments to the Codes (Published annually)	
V = Victim	VC = Vehicle Code
WI = Welfare and Institutions Code	

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Highlights and Lowlights

- There were so many new laws that my annual booklet is 20-pages longer than usual, and includes 2 pages of 2-line summaries, and a link. See “Other Laws of Note.”
- 3-year priors in drug cases almost entirely eliminated See Controlled Substances
- The court can strike PC 12022.5 and PC 12022.53 enhancements. See Firearms
- The Prohibited Persons [Gun] Relinquishment Form (PPRF) See Firearms
- Sale of ammunition must generally be through a licensed vendor See Firearms
- PC 1000 changed from DEJ to Pretrial Diversion See Diversion and DEJ
- Jury voir dire expanded and liberalized. See Jury
- Sex offender registration changed to a three-tier system See Sex Offenses
- Risk/needs assessments incorporated into the Sentencing Rules See Rules of Court
- Brief preliminary evaluations of competency See Calif. Rules of Court
- Prop. 57 revised regulations for prisoners. See “State Prisons and County Jails”
- The Fair and Accurate Gang Database Act of 2017 See “Gangs”
- Many juvenile fees and costs eliminated or curtailed. See “Juveniles”
- Drug testing, home detention costs for under-21s eliminated. See Money....”
- No fees for public defender or appointed counsel, unless convicted See Money....
- Permissive Electronic filing. See “Electronic Filing” & “Rules of Court”
- Sealing (with limits) arrests. New method See Arrests and Detentions
- Employer’s ability to ask about criminal record curtailed. See Re-entry
- The “California Values Act” protects non-citizens in criminal cases. See Immigration

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Arrests and Detentions

Sealing Arrest Records: A New Statute.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB393

Stats 2017, Ch. 680 (SB 393)

Adds PC 851.91 and 851.92. Amends PC 851.87, 851.90, 1000.4, 1001.9, and 11105.

Here is new PC 851.91:

(a) A person [whose] arrest ... did not result in a conviction may petition ... to have [the] arrest... sealed, as described in [PC] 851.92.

(1) [A]n arrest did not result in a conviction if ...

(A) The statute of limitations has run ... and [no charges were filed].

(B) [P] filed an accusatory pleading ... but...

(i) [T]he charge has been dismissed, and ... may not be refiled.

(ii) [T]he arrestee has been acquitted

(iii) A conviction ... [was] vacated or reversed [and can't] be refiled.

(2) A person is not eligible for relief under this section [if]:

(A) [Charges] may still be [filed].

(B) [T]he ... charge,... is ... murder or any ... offense [with] no statute of limit[s], except when ... acquitted or ... factually innocent

(C) & (D) The petitioner intentionally evaded law enforcement [If this was done by engaging in identity fraud [, then if D] was subsequently charged with a crime for that

(b) (1) and (2) A petition [must contain specified information and follow specified procedures, and can be denied if it does not.]

(3) The Judicial Council shall furnish forms that include notice of other means ..., including [finding] factual innocence under [PC] 851.8 and deeming [this] a detention under [PC] 849.5.

(c) A petition ... may be granted as a matter of right or in the interests of justice.

(1) A petitioner ... is entitled to have [the] arrest sealed as a matter of right unless petitioner subject to paragraph (2)

(2) (A) (i) A petitioner may have [the] arrest sealed only [if this] would serve the interests of justice if ... the offenses [of] arrest ... or, if an accusatory pleading was filed, any ... charge[] ... was ...:

(I) Domestic violence, if [there is] a pattern of [this as defined].

(II) Child abuse, if [there is] a pattern of [this as defined].

(III) Elder abuse, if [there is] a pattern of [this, as defined].

(ii) “[P]attern” means two or more convictions, or five or more arrests, for separate offenses occurring on separate occasions within three years from at least one of the other convictions or arrests.

(B) In determining whether the interests of justice would be served ... the court may consider any relevant factors, including ...:

(i) Hardship ...caused by the arrest

(ii) Declarations or evidence regarding ... good character.

(iii) Declarations or evidence regarding the arrest.

(iv) The petitioner’s record of convictions.

(d) (1) [This subd. has provisions concerning the hearing.]. (2) The petitioner has the initial burden of proof

- (e) If the court grants a petition ..., the court shall ...:
- (1) Furnish a disposition report to [DOJ]
 - (2) (A) Issue a written ... order to the petitioner, [to P], and to the law enforcement agency ... that states ...:
 - (B) ... [T]he arrest is deemed not to have occurred, the petitioner may answer any question ... accordingly, and ... is released from all penalties and disabilities ..., except as provided in [PC] 851.92 and:
 - (i) The sealed arrest may be pleaded and proved in any subsequent prosecution of the petitioner
 - (ii) [P]etitioner [must] disclose [this] ... in ... [an] application for public office, [to be] a peace officer, for licensure by any state or local agency, or for contracting with the ... State Lottery
 - (iii) and (iv) [This] does not affect petitioner’s authorization to own, [etc.] any firearm, [or prevent a conviction for this] [nor] any prohibition from [holding] public office.

Here is new PC 851.92 [italics, underlines, and note added]

- (a) This section applies when an arrest record is sealed pursuant to Sections 851.87, 851.90, 851.91, 1000.4, and 1001.9.
- (b) [S]ealing [an arrest record] shall be accomplished as follows:
 - (1) The court shall provide copies of the order ... as follows:
 - (A) [T]o the person ... and to [P].
 - (B) ... [T]o [any] law enforcement agency that made [or participated in] the arrest,... and ... that administers the master local summary criminal history information
 - (C)... [T]o [DOJ] “a disposition report” [with specified information].
 - (D) A sealing order ... shall not be forwarded to [DOJ] to be included or notated in the department’s manual or electronic fingerprint image or criminal history record systems. Any sealing order ... shall not be processed by [DOJ].

- (2) The arrest record shall be updated, as follows:
- (A) The local summary criminal history information shall include, directly next to or below the ... sealed arrest, a note stating “arrest sealed” [with specified information]....
- (B) The state summary criminal history information shall include, directly next to or below the ... sealed arrest, a note stating “arrest relief granted,” [with specified information]....
- (3) A police investigative report ... shall... be stamped “ARREST SEALED: DO NOT RELEASE OUTSIDE THE CRIMINAL JUSTICE SECTOR,” and shall [have specified information]
- (4) Court records... shall ... be stamped “ARREST SEALED: DO NOT RELEASE OUTSIDE OF THE CRIMINAL JUSTICE SECTOR,” and shall [have specified information]
- (5) [The records in (2), (3), and (4), above] shall not be disclosed to any person or entity except the person whose arrest was sealed or a criminal justice agency....
- (6) [A] criminal justice agency may continue ... to access, furnish to other criminal justice agencies, and use, including ... by discussing in open court and in unsealed court filings, sealed arrests, ... records, ... police ... reports, ... court records, and [related] information ..., to the same extent that would have been permitted ... if the arrest had not been sealed. [*Note by GB: This lets P continue to fulfill Discovery and Brady obligations.*]
- (c) [A] person or entity, other than a criminal justice agency or the person whose arrest was sealed, who disseminates information relating to [it] is subject to a civil penalty of [\$500 to \$2,500] per violation[;...] enforced by a city attorney, district attorney, or the [AG]. This ... does not limit any existing private right of action.....
- (d) [Definitions] (1) “Arrest record” and “record pertaining to an arrest”
- (2) “Court records”
- (3) “Criminal history provider” ...

(4) “Criminal justice agency” means an agency at any level of government that performs, as its principal function, activities relating to the apprehension, prosecution, *defense*, adjudication, incarceration, or correction of criminal suspects and criminal offenders. A criminal justice agency includes, but is not limited to, any of the following: [Categories (A) to (J) are listed, including (H) *A public defender or an attorney representing a person, [as specified]*

(5) “Police investigative report” ...

The amendments to PC 851.87, 851.90, 1000.4, 1001.9, and 11105 generally conform to other changes in these laws (*see Diversion and Deferred Entry of Judgment*) and facilitate those remedies.

The two-year waiting period in PC 851.87, between completing P’s pre-filing diversion program, and being allowed to file to seal the arrest record, has been eliminated.

Arrestees Can be Taken to Mental Health Facilities.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB238

Stats 2017, Ch. 566 (SB 238), Effective October 7, 2017

Amends PC 849 and 851.6. (See “Evidence” for an unrelated section of this bill)

Before this bill, PC 849, subd. (b), and 851.6 provided, inter alia, that an arrested person could be released without being taken before a magistrate, and be issued a certificate deeming this to be only a detention, when “[b)] (1) “The officer is satisfied that there are insufficient grounds for making a criminal complaint ... and [(b)](3) The person was arrested only for being under the influence of a controlled substance ... and [was] delivered to a facility or hospital for treatment and no further proceedings are desirable.”

This bill added:

“[(b)](5) The person was arrested and subsequently delivered to a hospital or other urgent care facility, including, but not limited to, a facility for the treatment of co-occurring substance use disorders,

for mental health evaluation and treatment, and no further proceedings are desirable.”

Also 851.6 is amended to add people taken in under new PC 849, subd. (b)(5), to the list of people who get a certificate stating this was a detention only.

Controlled Substances

Three-Year Priors Almost Entirely Eliminated

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB180

Stats 2017, Ch. 677 (SB 180)

Amends HS 11370.2

From the Legislative Counsel’s Digest:

[Before this bill, the] law impose[d] on a person convicted of a violation of, or of conspiracy to violate, specified crimes relating to controlled substances, a sentence enhancement [of a] 3-year term for each prior conviction of, or for each prior conviction of conspiracy to violate, specified controlled substances crimes, including possession for sale ... of opiates, opium derivatives, and hallucinogenic substances.

This bill ... instead limit[s] the above sentence enhancement to only be based on each prior conviction of, or on each prior conviction of conspiracy to violate, the crime of using a minor in the commission of offenses involving specified controlled substances.

Eliminated are priors for HS 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, or 11383,

Added are priors for HS 11380.

At this writing, the courts have not settled on the extent, if any, to which this law is retroactive to convictions occurring before January 1, 2018.

Cannabis: Establishment of a Single Regulatory System.

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB94

Stats 2017, Ch. 27 (SB 94).

The 184 sections of this bill affect nearly as many Sections of the BP, Fish and Game, Food and Agricultural, HS, Revenue and Taxation, VC, and Water Codes.

From the Senate Floor Analysis for June 9, 2017:

This bill establishes a single system of administration for cannabis laws in California.... [It] conforms [the Medical Cannabis Regulation and Safety Act of 2015] and [the Adult Use of Marijuana Act of 2016 (prop. 64)] into a single system.... Among other things, the bill creates ... a process for collecting data related to driving under the influence.... [This] bill creates one regulatory system for commercial cannabis activity, the “Medicinal and Adult – Use Cannabis Regulation and Safety Act.”

Vehicle Code section 23222 is amended (by this Bill’s section 174) to create **a new infraction** when a person has opened cannabis or cannabis products in a car. There is an exemption for a qualified patient, under specified conditions.

This bill generally replaces references to “marijuana” with “cannabis.”

If you are interested in any aspect of cannabis (marijuana) and California law, start with this bill.

(Under Stats 2017, Ch. 232 (SB 65) smoking MJ in a moving car an infraction.)

Custodial Officers

Custodial Officers Can be Approved to Carry Less-Than-Lethal Firearms

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB324

.Stats 2017, Ch. 73 (SB 324)

Amends PC 831.

PC 831, subd. (a) says “A custodial officer is a public officer, not a peace officer,... who ... maintain[s] custody of prisoners and performs tasks related to ... a local detention facility

Before this bill, custodial officers were not allowed to carry firearms on duty.

This bill says they “may use a firearm that is a less lethal weapon, as defined ... in the performance of [their] official duties, at the discretion of the employing sheriff or chief of police ... or his or her designee.” Training is required.

Diversion and Deferred Entry of Judgment (DEJ)

See also Arrest and Detention for arrest records of D’s diverted or on DEJ.

PC 1000 Changed to Pre-Trial Diversion

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB208

Stats 2017, Ch. 778 (AB 208)

Amends PC 1000, 1000.1, 1000.2, 1000.3, 1000.4, 1000.5, and 1000.6; adds 1000.65

PC 1000 has been, since 1997, a deferred entry of judgment program, whereby a person charged with any listed drug offenses, some of which were felonies, pled guilty, and was placed in a drug treatment program that lasted 18 months to 3 years. On successful completion, the case was dismissed and the arrest deemed not to have occurred; on failure, the person was sentenced.

The program is now a pretrial diversion program, provided the person gives up the right to a jury trial; so if they fail the program, they are entitled to a court trial.

The list of eligible offenses has not changed, but, due to 2014’s Prop. 47, they are now all mostly misdemeanors.

The program length is decreased and is now 12 to 18 months, but D can ask to extend the program.

Previously, a prior drug convictions at any time disqualified the person. Now the drug conviction must have occurred in the last five years, and must be one not on the current list of eligible offenses.

Previously, a prior PC 1000 program in the last five years made a person ineligible for a new program. Now that is not a disqualifier.

Previously, a prior failure to successfully complete probation or parole was a disqualifier. Now that is not a disqualifier.

[Note by GB: These changes may cause PC 1000 to be used by Ds much more often than Drug Prop 36 (Passed in 2000), PC 1210, 1210.1, et seq., which provides for treatment, not jail, for those who pled guilty to nonviolent drug possession offenses.]

The grounds for termination of the PC 1000 drug program, listed in PC 1000.3, are somewhat reduced.

On successful completion, the arrest record can be sealed as provided in new PC 851.92 (see *Arrests and Detentions*, above).

Added to the PC 1000 program are explicit statements that were always the law, but that previously were found only in the Business and Professions Code, that most agencies established under that Code (such as medical, legal, and many others) can consider the circumstances of a PC 1000 diversion in most decisions concerning professional licenses.

Military Diversion Includes DUIs.

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB725

Stats 2017, Ch. 179 (SB 725)

Amends PC 1001.80.

The Legislative Counsel's Digest summarizes the basic program:

[PC 1001.80, enacted in 2014] authorizes a court, with [D's] consent ..., to postpone prosecution, either temporarily or permanently, of a misdemeanor and place [D] in a pretrial diversion program, if [D] was, or currently is, a member of the [U.S.] military and ... may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of ... military service....

It was unclear, however, if this included DUIs. Two cases decided this differently: *Hopkins v. Superior Court* (2016) 2 Cal. App. 5th 1275 (DUI included), and *People v. Van Vleck v.* (2016) 2 Cal.App.5th 355 (DUI not included).

This bill resolves that: DUI is included, but DMV can still act against D's driver's license. Added to PC 1001.80 is new subdivision (I):

(I) [A] misdemeanor ... for which [D] may be [diverted] includes a misdemeanor [for] [VC] 23152 or 23153.... However, [DMV] can take administrative action concerning the driving privileges of [D].

Electronic filing, service, and transcripts, coming to a courthouse near you.

See also, Rules of Court, California

Always check Local Rules, and consider calling local clerks, for updates.

Permissive Filing and Service Electronically.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB976

Stats 2017, Ch. 319 (AB 976)

The heart of this 149-section bill is amended CCP 1010.6, new PC 690.5, and new WI 212.5.

Here is Penal Code section 690.5, as added by AB 976, § 5:

(a) [CCP 1010.6, subds.] (a) and (b) ... pertaining to the permissive filing and service of documents, are applicable to criminal actions, except as otherwise provided in [PC] 959.1 or any other provision of [the PC].

(b) The Judicial Council shall adopt ... rules for the electronic filing and service of documents in criminal cases

PC 959.1, has long permitted electronic filing, with a court that has the facilities, of infractions and misdemeanors based on citations and notices to appear by P and by law

enforcement, and by clerks of court of failures to appear, to pay, or to obey certain court orders. (See also PC 853.5 et seq. and 853.9 et seq., and VC 40300 et seq.)

Here is CCP 1010.6, as amended by AB 976, § 2, as relevant to the *permissive filing in criminal and juvenile cases*: (emphasis and notes added)

(a) A document may be served electronically ... in accordance with rules adopted pursuant to subdivision (e).

(1) [Definitions]

(A) “Electronic service” means service of a document... by either electronic transmission or electronic notification.

(B) “Electronic transmission” means the transmission of a document by electronic means to the electronic service address at ... which a party or other person has authorized electronic service.

(C) “Electronic notification” means the notification of the party or other person that a document is served by sending an electronic message to the electronic address at ... which the party or other person has authorized electronic service, specifying the exact name of the document ..., and providing a hyperlink at which the ... document may be viewed and downloaded. [Note by GB: the Federal CM/ECF system, and the TrueFiling system used by California’s appellate courts, use electronic notification to serve documents.]

(2) (A) (i) For cases *filed on or before December 31, 2018*, if a document may be served by mail, express mail, overnight delivery, or [fax], electronic service ... is not authorized unless a party or other person has agreed to accept [such] service *in that specific action*

(ii) For cases *filed on or after January 1, 2019*, if a document may be served by mail, [etc.] ... is not authorized unless a party or other person has *expressly* consented to receive [such] service *in that specific action*

Express consent to electronic service may be accomplished either by (I) serving a notice on all the parties and filing [it] with the court, or (II) manifesting affirmative consent through electronic

means with the court or the... electronic filing service provider, and ... providing the party's electronic address ... for [that purpose]. *The act of electronic filing shall not be construed as express consent.*

(B) If a document is required to be served by certified or registered mail, electronic service ... is not authorized.

(3) In any action in which a party or other person has agreed or provided express consent ... to accept electronic service ..., the court may electronically serve any document ... that is not required to be personally served.... The electronic service of documents by the court [has] the same legal effect as service by mail, except as provided in paragraph (4).

(4) (A) If a document may be served by mail, [etc.], electronic service ... is ... complete at the time of the electronic transmission ... or ... electronic notification

(B) Any period of notice, or any right or duty to do any act or make any response within any period or on a date certain after the service ..., shall be extended after [electronic] service ... by two court days, but the extension shall not apply ... the following:

(i) A notice of intention to move for new trial.

(ii) [Civil motions under CCP 663a].

(iii) A notice of appeal.

(C) This extension applies in the absence of a specific exception provided by any other statute or rule of court.

(5) Any document that is *served* electronically between 12:00 a.m. and 11:59:59 p.m. on a court day [is] deemed served on that court day. Any document that is served electronically on a noncourt day [is] deemed served on the next court day.

(6) A party or other person who has provided express consent to accept service electronically may withdraw consent at any time by completing and filing with the court the [form that] the Judicial Council shall create ... by January 1, 2019.

(7) (8) Confidential or sealed records shall be electronically served through encrypted methods to ensure that the documents are not improperly disclosed.

(b) A trial court may adopt local rules permitting electronic filing ..., subject to rules [under subd.] (e) and the following...:

(1) A document ... filed electronically [has] the same legal effect as an original paper document.

(2) (A) When a document ... requires the signature of any person, not under penalty of perjury, the document [is] deemed ... signed by the person who filed [it] electronically.

(B) When a document ... requires the signature, under penalty of perjury, of any person, the document [is] deemed to have been signed by that person if ...:

(i) The person has signed [the] printed ... document
The [filer] ... represents ... that the declarant has complied
The [filer] ... shall maintain the printed ... document bearing the original signature until final disposition ..., and make it available for review and copying upon the request of the court or any party [or]

(ii) The person has signed the document using a computer or other technology pursuant to the procedure set forth in a rule of court adopted by the Judicial Council by January 1, 2019.

(3) Any document *received* electronically by the court between 12:00 a.m. and 11:59:59 p.m. on a court day [is] *deemed filed* on that court day. Any document that is received electronically on a noncourt day [is] deemed filed on the next court day.

(4) The court receiving a document filed electronically shall issue a confirmation that the document has been received and filed....

(5), (6), and (7) [These cover issues in civil cases.]

(c) [& (d)] [These only concerns civil cases]

(e) The Judicial Council shall adopt ... rules for the electronic filing and service of documents in the trial courts....

WI 212.5, as added by AB 976, § 108: [emphasis and a bracketed note added]

Unless otherwise provided by law [Note by GB: Many WI sections say that electronic filing and service is not permitted], a document in a juvenile court matter may be filed and served electronically as prescribed by [CCP] 1010.6 ..., under the following conditions:

(a) Electronic service is authorized only if the county and the court permit electronic service.

(b) (1) On or before December 31, 2018, electronic service on a party or other person is permitted only if the party or other person has consented to accept electronic service *in that specific action*. A party or other person may subsequently withdraw its consent

(2) On or after January 1, 2019, electronic service on a party or other person is permitted only if the party or other person has *expressly* consented, as provided in [CCP] 1010.6 A party or other person may subsequently withdraw its consent to electronic service by completing the appropriate Judicial Council form.

(c) Consent, or the withdrawal of consent,... may be completed by a party or ... person entitled to service, or that person's attorney.

(d) Electronic service [is] provided in the following manner:

(1) Electronic service is not permitted on any party or person who is under 10 years of age.

(2) Electronic service is not permitted on any party or person who is between 10 years of age and 15 years of age without the express consent of the minor and the minor's attorney.

(3) Electronic service [is] permitted on any party or person who is 16 to 18 years of age only if the minor, after consultation with his or her attorney, consents. By January 1, 2019, the Judicial Council shall develop a rule of court on the duties of the minor's attorney during the required consultation.

(4) Electronic service of psychological or medical documentation related to a minor shall not be permitted, other than the summary required pursuant to [WI] 16010 [re: foster children] when included as part of a required report to the court.

(e) In the following matters, the party or other person shall be served by both electronic means and by other means specified by law if the document ... is one of the following:

(1) A notice of hearing or an appellate advisement issued pursuant to [WI 366.26, subd. (l)(3)(A)] for a hearing at which a social worker is recommending the termination of parental rights.

(2) A citation issued pursuant to [WI] 661.

(3) A notice of hearing pursuant to [WI 777, subd. (d)].

(f) If the minor is an Indian child or the court has reason to know [one] is involved, service shall be made pursuant to [WI] 224.2.

(g) Electronic service and ... filing shall be conducted [to] preserve[] and ensure[] the confidentiality of records by encryption....

Electronic Transcripts Will Be Generally Required

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1450

Stats 2017, Ch. 532 (AB 1450)

Repeals and adds [i.e., substitutes] CCP 271, which now reads:

(a) [A court] reporter ... shall deliver a transcript in electronic form, in compliance with the California Rules of Court, to any court, party, or person entitled to the transcript, unless ...:

(1) The party or person ... requests [it] in paper form. [or]

(2) [& (3)] Prior to January 1, 2023, the court [or the reporter] lacks the technical ability....

(b) If a paper transcript is delivered ... the ... reporter ... shall provide, upon request, [an electronic] copy ... if the proceedings were produced [on computer]

(c) [GC §§] 69950 or 69954 [re: payment] [still apply], regardless of whether a transcript is ... in electronic or paper form.

(d) Except as provided in ... (b), an electronic transcript [is] an original, including [for] any obligation of an attorney to ... deliver a file to a client....

Courts and court reporters have five years, until Jan. 1, 2023, to acquire the technical ability to comply. Many, already supply electronic transcripts.

Evidence and Exhibits

See also: Witnesses

Body Cameras: Downloading and Storage)

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1516

Stats 2017, Ch. 561, § 183 (AB 1516).

Amends PC 832.18

This bill provides that “law enforcement agencies, departments, or entities shall consider the following best practices regarding the downloading and storage of body-worn camera data:...” [There follows a long list of criteria that must be considered.]

Crime or Fraud Exception to Lawyer-Client Privilege; and Cannabis

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1159

Stats2017, Ch. 530 (AB 1159)

Amends EC 956

Before this law, EC 956 provided: “There is no [lawyer-client] privilege ... if the services of the lawyer were sought or obtained to enable or aid anyone to commit or plan to commit a crime or a fraud.”

The above is now subd. (a); here is new subd. (b) [emphasis added]:

(b) This exception to the privilege granted by this article shall not apply to legal services rendered in compliance with state and local laws on medicinal cannabis or adult-use cannabis, and confidential communications provided for the purpose of rendering those services are confidential communications between client and lawyer, as defined in Section 952, provided the lawyer also advises the client on conflicts with respect to federal law.

Destruction of Exhibits: Procedure Updated.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB238

Stats 2017, Ch. 566 (SB 238)

Amends PC 1414.7 (See Arrests and Detentions for unrelated sections of this bill.)

This bill updates the process by which copies are made of certain exhibits before destruction, to include digital, in addition to photographic, copies.

Domestic Violence Counselor: Definition Expanded

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB331

Stats 2017, Ch. 178 (SB 331)

Amends EC 1037.1

From the Legislative Counsel’s Digest:

“[A] [V] of domestic violence has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the [V] and a domestic violence counselor....

[A] ‘domestic violence counselor’ [is] a specified person who is employed at a domestic violence [Vs] service organization [which had been defined as] a nongovernmental organization or entity that provides shelter, programs, or services to [Vs] of domestic violence and their children

This bill ... expand[s] the definition of “domestic violence victim service organization”

Under reorganized and expanded EC 1037.1, the added type of organization, at subdivision (b)(2) is “Programs on the campus of a public or private institution of higher education with the primary mission to provide support or advocacy services to victims of domestic violence.”

Evidence of Prior Sex Offenses; Admissibility Expanded.

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB230

Stats 2017 (SB 230)

Amends EC 1108

From the Legislative Counsel’s Digest:

[In] a criminal action in which the defendant is accused of a sexual offense, [EC 1108 states that] evidence of the defendant’s commission of another sexual offense ... [may be admitted, “except as specified,” “to prove ... conduct on a specified occasion.”]

[EC 1108] defines the term “sexual offense” as conduct proscribed by various sections of the Penal Code as well as other types of conduct.

This bill [expands] the definition of “sexual offense” [in EC 1108 to include] specified human trafficking sexual offenses

Added to the sex offenses listed in EC 1108 are “[subds.] (b) or (c) of [PC] 236.1.”

Psychotherapist definition; slight changes

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB800

Stats 2017, Ch. 573 (SB 800, § 75)

Amends EC 1010.

The term “associate marriage and family therapist” is substituted for “licensed clinical social workers;” and the terms “associate marriage and family therapist” and “associate professionals” are substituted for certain “intern[s].”

Nonsubstantive amendments to EC 452.5 and 754

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1516

Stats 2017, Ch. 561 (AB 1516 §§ 55 and 56)

Amends EC 452.5 and 754

These amendments state, at EC 754, subs. (j) and (k), clarify that neither one applies at trials. Those two subdivisions concern non-trial interviews of deaf or hard of hearing persons by peace and prosecutorial officers.

Firearms and Ammunition

Court Can Dismiss PC 12022.5 and 12022.53 Enhancements

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB620

Stats 2017, Ch. 682 (SB 620)

Amends PC 12022.5 and 12022.53

From the Legislative Counsel's Digest:

[PC 12022.5] requires that a person who personally uses a firearm in ... a felony [receive a] consecutive term of ... 3, 4, or 10 years. [And also] requires that a person who personally uses an assault weapon or a machinegun in ... a felony [receive a] consecutive term of ... 5, 6, or 10 years.

[PC 12022.53] requires a person who personally uses a firearm to commit certain specified felonies [receive a] consecutive term ... for 10 years, or for 20 years if he or she discharged the firearm, or for 25 years to life if he or she discharges the firearm and ... causes great bodily harm.

[Before this bill, the court was] prohibit[ed] from striking an allegation or finding that would make a crime punishable [by] these provisions.

This bill ... delete[s] the prohibition on striking an allegation or finding and, instead ... allow[s] a court, in the interest of justice and at the time of sentencing or resentencing, to strike or dismiss an enhancement otherwise required to be imposed by the above provisions of law.

Here is amended PC 12022.5, subd. (c) and 12022.53, subd. (h):

The court may, in the interest of justice pursuant to [PC] 1385 and at the time of sentencing, strike or dismiss an enhancement [under] this section. The authority provided by this subdivision applies to any resentencing that may occur pursuant to any other law.

At this writing the courts have not settled on the extent, if any, to which this retroactive to convictions that occurred before the effective date of January 1, 2018.

Prohibited Person's Relinquish Firearms.

<http://vig.cdn.sos.ca.gov/2016/general/en/pdf/complete-vig.pdf>

Prop. 63, § 10.4, Nov. 8, 2016

Amended PC 29810

PC 29810, effective and operative Jan. 1, 2018 [emphasis and notes added]:

(a)(1) Upon conviction of any offense that renders a person subject to [PC] 29800 [prohibiting certain persons, such as felons, from ever possessing guns] or [PC] 29805 [prohibiting certain persons, such as convicts of misdemeanors involving violence, from possessing guns for ten years], the person shall relinquish all firearms he or she owns, possesses, or has under his or her custody or control in the manner provided in this section.

(2) The court shall ... instruct [D] that he or she is prohibited from owning, [etc.], any firearms, ammunition, [etc.] and shall order [D] to relinquish all firearms in the manner provided [here]. The court shall also provide [D] with a Prohibited Persons Relinquishment Form [PPRF] developed by [DOJ].

(3) Using the [PPRF], [D] shall name a designee [with] power of attorney for... transferring or disposing of any firearms. The designee shall be either a local law enforcement agency or a ... third party who is not prohibited [from guns] The designee shall ... surrender the firearms to ... a local law enforcement agency, sell [them] to,... or transfer [them] for storage to[,] a firearms dealer

(b) The [PPRF] shall do all of the following:

(1) Inform [D] that he or she is prohibited from owning, [etc.], any firearms, ammunition, [etc.]..., and that he or she shall relinquish all firearms through a designee [as specified].

(2) Inform [D] that any cohabitant [with] firearms must store those [as required by] [PC] 25135.

(3) Require [D] to declare any firearms ... owned, [etc.] *at the time of [the] conviction*, and require [D] to describe [them] and provide ... information about [their] location ... to enable a designee or law enforcement officials to locate [them].

(4) Require [D] to name a designee, if [D] ... owned, [etc.] any firearms *at the time of [the] conviction*, and grant the designee power of attorney for ... transferring or disposing of [them].

(5) Require the designee to ... consent ... and, except a designee that is a law enforcement agency, to declare under penalty of perjury that he or she is not prohibited from possessing any firearms under state or federal law.

(6) Require the designee to state the date each firearm was relinquished and the name of the party to whom it was relinquished, and to attach receipts from the law enforcement officer or licensed firearms dealer who took possession of [them].

(7) Inform [D] and the designee of the obligation to submit the completed [PPRF] to the ... Probation Officer [PO] within the time periods specified in subdivisions (d) and (e).

(c) (1) When [D] is convicted ..., the court shall... assign... a [PO] to investigate whether the Automated Firearms System [AFS] or other credible information, such as a police report, reveals that [D] owns, [etc.] any firearms....

(2) [and (3) Prior to final disposition..., the ... [PO] shall report ... whether [D] has ... relinquish[ed] all firearms..., and ...submit[ed] [the PPRF] [and] ..., the court shall make findings concerning [this].

(4) If the court finds probable cause that [D] has failed to relinquish any firearms..., the court shall order the search for ... [them] at any location where [there is] probable cause

(5) Failure by [D] to timely file the completed [PPRF] with the ... [PO] [is] an infraction punishable by [up to] \$100....

(d) [This subdivision contains long, complex procedures for Ds and their designees to follow if D doesn't remain in custody at any time within the five-day period following conviction] ¶...¶

(e) [This subdivision contains long, complex procedures for Ds and their designees if D is in custody at any point within the five-day period following conviction.] ¶...¶

(f) For good cause, the court may shorten or enlarge the time periods ... or allow an alternative method of relinquishment.

(g) [D] shall not be subject to prosecution for unlawful possession of any firearms declared on the [PPRF] if the firearms are relinquished as required.

(h) [Provisions for a firearm owned by D's "cohabitant."].

(i) ... if the [AFS] indicates that the firearm was ... lost or stolen.... [it] shall be restored to the lawful owner, [when] its use as evidence [is over]....

PC 29810 calls for relinquishment of firearms, but not of ammunition.

Does the PPRF call for answers that could be incriminating, both in D's identification, and in the firearms themselves? The DOJ form (BOF 1022; to be released on Jan. 1, 2018) calls for identification information, including citizenship and alien number, and for identification of firearms, including serial number.

Subdivision (g) of PC 29810 provides immunity for "unlawful possession." Does that stretch to "receipt of known stolen property"? It does not seem to stretch to theft of the gun, or to using the gun illegally, such as in crimes.

Surely this is a compelled disclosure: it is required by statute upon conviction, failure to return the form is an infraction, and, it must normally be completed before sentencing or disposition with no guarantee that sentence will remain the same regardless of completion or of the answers.

In *People v. Garcia* (2017 2 Cal.5th 792, 798 the defendant contended that the requirement of his probation, pursuant to PC 1203.067, subd. (b)(3), that he take part in sex offender management, violated his Fifth Amendment right against self-incrimination. The court disagreed, because his statements could not be used against him: “We conclude that the condition mandated by section 1203.067, subdivision (b)(3), directs defendant to answer fully and truthfully all questions posed to him as part of the sex offender management program. But because we deem his responses compelled within the meaning of the Fifth Amendment, they cannot lawfully be used against him in a criminal proceeding. (*Minnesota v. Murphy* (1984) 465 U.S. 420, 435, fn. 7.... (*Murphy*)”

Footnote 7 of *Murphy*, states: “Our cases indicate ... that a state may validly insist on answers to even incriminating questions and hence sensibly administer its probation system, as long as it recognizes that the required answers may not be used in a criminal proceeding and thus eliminates the threat of incrimination.”

It remains to be seen, however, how this will work out in practice.

Ammunition Sale Must Generally Be Through a Licensed Ammunition Vendor

<http://vig.cdn.sos.ca.gov/2016/general/en/pdf/complete-vig.pdf>

Prop. 63, § 8.6, Nov 8, 2016 Gen. Elect.

Added PC 30312.

PC 30312 was amended to add another exception, by Stats 2017, Ch. 711 (SB 1080), eff. Oct. 14, 2017

Here is an excerpt from PC 30312, as amended:

(a)(1) Commencing January 1, 2018, the sale of ammunition by any party shall be conducted by or processed through a licensed ammunition vendor.

(2) When neither party to an ammunition sale is a licensed ammunition vendor, the seller shall deliver the ammunition to a vendor.... The ammunition vendor shall ... deliver the ammunition to the purchaser, if the sale is not prohibited,... [Otherwise], the vendor shall ... return the ammunition to the seller. The ammunition vendor may charge the purchaser an administrative fee

(b) Commencing January 1, 2018, the sale, delivery, or transfer of ownership of ammunition by any party may only occur in a face-to-face transaction with the seller, deliverer, or transferor, provided, however, that ammunition may be purchased or acquired over the Internet or through other means of remote ordering if a licensed ammunition vendor initially receives the ammunition and processes the transaction....

(c) Subdivisions (a) and (b) shall not apply to the sale, delivery, or transfer of ammunition to any of the following:

[Here follows a list of 11 exceptions. The one added by SB1080 is that a person enrolled in POST school, or an instructor or staff member, may purchase ammunition to participate in the school without going through a licensed vendor.]

(d) A violation of this section is a misdemeanor.

Space limits prohibit listing all the aspects of Prop 63 with delayed operative dates, to Jan. 1, 2018, July 1, 2018, and Jan. 1, 2019.

Gangs

See Protective Orders

The Fair and Accurate Gang Database Act of 2017

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB90

Stats 2017, Ch. 695 (AB 90)

Amends GC 70615. Adds PC 186.36. Repeals and Adds PC 186.34 and 186.35.

This bill revamps the CalGang system. Here are excerpts from new PC 186.36. They are not in numerical order, and emphasis is added, to highlight them.

(s) (1) Commencing January 1, 2018, any shared gang database ... including, but not limited to, the CalGang database, shall be under a **moratorium**.

During the moratorium, data shall not be added to the database. Data in the database shall not be accessed by participating agencies or shared with other entities.

The moratorium ... shall not be lifted until the [AG] certifies that the purge [in subd. (r)] has been completed. After [that] ..., new data may be entered, provided [it] meets the criteria established by the ... purge.

(r) (1) [DOJ] shall instruct each CalGang node agency to **purge** from a shared gang database any record of a person ... designated as a suspected gang member, associate, or affiliate that does not meet criteria for entry or whose entry was based upon the following criteria: jail classification, frequenting gang neighborhoods, or on the basis of an untested informant....

(2) After the purge is completed, the shared gang database shall be examined using a statistically valid sample, pursuant to professional auditing standards to ensure that all fields in the database are accurate.

(b) [DOJ, instead of the CalGang Exec. Bd.] shall administer and oversee the CalGang database. Commencing January 1, 2018.

¶...¶

(k) [DOJ] ... shall promulgate regulations governing the use, operation, and oversight of shared gang databases.....

(l) The regulations ... shall include, but not be limited to...:

(1) Policies and procedures for entering, reviewing, and purging documentation.

(2) Criteria for designating a person as a gang member or associate that are unambiguous, not overbroad, and consistent with empirical research ...

(3) Retention periods for information about a person ... consistent with empirical research on the duration of gang membership.

(4) Criteria for designating an organization as a criminal street gang and retention periods for information.

(5) Policies and procedures for notice to a person in a shared gang database....

(6) Policies and procedures for responding to an information request, a request for removal, or a petition for removal under [PC] 186.34 and 186.35....

¶...¶

(n) [DOJ], no later than January 1, 2020, shall promulgate regulations to provide for periodic audits of each CalGang node and user agency ...The department shall mandate the purge of any information for which a user ... cannot establish adequate support.

Here is from newly substituted PC 186.34:

(a) (4) “Shared gang database” means a gang database ... accessed by an agency or person outside of the agency that created the records

....

(c) (1)[P]rior to ... designating a person as a suspected gang member, associate, or affiliate in a shared gang database, or submitting a document to the [AG] [for that] ..., the ... agency shall provide written notice to the person, and shall, if the person is under 18 ..., provide written notice [also to] his or her parent or guardian, of the designation and the basis for [it] unless [doing that] would compromise an active criminal investigation or compromise the health or safety of the minor.

(2) The notice ... shall describe the process for the person, or, if ... under 18 ... for [the] parent or guardian, or an attorney ..., to contest the designation The notice shall also inform the person of the reason for [the] designation....

(d)(1)(A) [& B] A person, or, if ... under 18 ..., [the] parent or guardian, or an attorney ..., may request information of any law enforcement agency as to whether the person is designated [and “the basis for the designation”] as a suspected gang member, associate, or affiliate in a shared gang database [to] contest[] the designation

(2) [& (3)] The law enforcement agency shall provide information requested ... unless doing so would compromise an active criminal investigation or ... the health or safety of the person if the person is under 18 years of age,... in writing ... within 30 ... days

(e) [T]he person ... may submit written documentation to the local law enforcement agency contesting the designation.... The ... agency shall provide the person and, if ... under 18 ..., [the] parent or guardian, with [a] written ... decision within 30 days If the ... agency denies the request for removal, [it] shall state the reason...The person or, if ... under 18 ..., [the] parent or guardian may

petition the court to ... order the ... agency to remove the person from the shared gang database pursuant to Section 186.35.

PC186.35 describes the process of petitioning the court. GC 70615, subd. (d) says the petition's filing fee is \$25.

Immigration and Criminal Law

The "The California Values Act"

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB54

Stats 2017, Ch. 495 (SB 54)

Amends GC 7282 and 7282.5; Adds the "California Values Act," Ch. 17.25 to Div. 7 of Title 1 of, the GC (§§ 7284 to 7284.12; repeals HS 11369.

From the Legislative Counsel's Digest [emphasis added]:

[HS 11369] provide[d] that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a [U.S.] citizen ..., the arresting agency shall notify the [U.S.] agency of ... having charge of deportation matters.

This bill ... repeal[s] [HS 11369].

Existing law [already] provide[d] that whenever an individual who is a victim of or witness to a hate crime, or who ... can give evidence in [that] investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities.

This bill ... among other things and subject to exceptions, prohibit[s] state and local law enforcement agencies, including school police and security departments, from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes....

[This bill], subject to exceptions, proscribe[s] other activities or conduct in connection with immigration enforcement by law enforcement agencies.... [whenever] a law enforcement official has discretion to cooperate with immigration authorities.

The bill ... require[s], by October 1, 2018, the [AG], in consultation with ... stakeholders, to publish **model policies** limiting assistance with immigration enforcement to the fullest extent possible for use by public schools, public libraries, health facilities operated by the state or a political subdivision of the state, and courthouses, among others.

The bill ... require[s]... all public schools, health facilities operated by the state or a political subdivision of the state, and courthouses to **implement the model policy, or an equivalent policy**.

The bill ... state[s] that ... all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are **encouraged to adopt the model policy**.

The bill ... require[s] that a law enforcement agency that chooses to participate in a joint law enforcement task force, as defined, submit a report annually pertaining to task force operations to [DOJ], as specified.

The bill ... require[s] the [AG], by March 1, 2019, and annually thereafter, to [post on its web site] report[s] [with specified information about] joint law enforcement task forces....

The bill ... require[s] law enforcement agencies to report to [DOJ] annually regarding transfers of persons to immigration authorities.

The bill ... require[s] the [AG] to publish guidance, audit criteria, and training recommendations regarding state and local law enforcement databases, [to limit] the availability of information for immigration enforcement,....

The bill would require [CDCR] to provide a specified written consent form in advance of any interview between a person in [CDCR] custody and the [U.S.] [ICE] regarding civil immigration violations.

Definitions in new GC 7284.4 [these aren't always what you might think]:

- (a) “California law enforcement agency”
- (b) “Civil immigration warrant”
- (c) “Immigration authority”
- (d) “Health facility”
- (e) “Hold request,” “notification request,” “transfer request,” and “local law enforcement agency” [also defined in new GC 7282, subd. (c)]
- (f) “Immigration enforcement”
- (g) “Joint law enforcement task force”
- (h) “Judicial probable cause determination”
- (i) “Judicial warrant”
- (j) “Public schools”
- (k) “School police and security departments”

Note: Several other changes are made to the TRUST Act (GC 7282 et seq.

Jail Contracts to Detain People for Immigration Purposes

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB103

Stats 2017, Ch. 17 (AB 103, § 6)

Effective June 27, 2017.

Adds Ch. 17.8 (§§ 7310 and 7311) to the GC.

From item (3) of the Legislative Counsel’s Digest (emphasis added; phrases in quotation marks are from the bill’s actual text):

(3) [F]ederal law authorizes the [U.S.] [AG] to enter into contracts or agreements with a state, or a political subdivision of a state, for detention or incarceration space or facilities.... [including detention of] aliens

[California’s] TRUST Act [GC 7282 et seq.], prohibits a law enforcement official ... from detaining an individual on the basis of a [U.S.] [ICE] hold after that individual [is] eligible for release ..., unless ... [inter alia] the individual has been convicted of specified crimes.

This bill ... prohibit[s] a city or county or local law enforcement agency from, on or after June 15, 2017, entering into a contract with the federal government or any federal agency to house or detain an adult noncitizen in a **locked** ... facility for ... civil immigration custody.

The bill ... prohibit[s] a city or county or local law enforcement agency that entered into [such] a contract... on or before June 15, 2017, from modifying or renewing [it] ... to expand the ... number of ... beds ... to house or detain an adult noncitizen for [that] purpose[].

This bill ... similarly prohibit[s] a city or county or local law enforcement agency from, on or after June 15, 2017, entering into a contract with the federal government or any federal agency to house or detain an accompanied or unaccompanied minor in the custody of or detained by [“the federal Office of Refugee Resettlement or the [U.S.] [ICE]”] [“in a **locked** detention facility.”]

The bill ... prohibit[s] a city or county or local law enforcement agency that entered into [such] a contract ... on or before June 15, 2017, from modifying or renewing [it] ... to expand the ... number of ... beds ... to house or detain an accompanied or unaccompanied minor in a **locked** detention facility....

U.S. ICE and CBP Officers Aren't CA Peace Officers.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1440

Stats 2017, Ch. 116 (AB 1440)

Adds PC 830.35.

ICE = Immigration and Customs Enforcement.

CBP = Customs and Border Protection

Here is the text of the new section:

Notwithstanding any other law, [U.S.] [ICE] officers and [U.S.] [CBP] officers are not California peace officers.

Comments by GB:

1. Not amended is PC 830.8, subs. (a)(1) – (4), which states when a federal officer who is not a California Peace Office may make an arrest.
2. This bill also has an uncodified Section 1, explaining reasons and intent. See also the Senate Committee on Public Safety Report on this bill for June 20, 2017.

Incompetent to Stand Trial (IST)

P can request a “determination of probable cause” in an IST case.

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB684

Stats 2017, Ch. 246 (SB 684)

Amends PC 1368.1 and 1370, and WI 5008.

IST = Mentally Incompetent to Stand Trial (“1368”)

Before this bill, if a D (1) who was charged with a felony involving death, great bodily injury (GBI), or a serious threat to the physical well-being of another person, (2) was found IST, (3) was still IST after the maximum term of commitment (generally, 3 years), (4) there had been an indictment or an information, and (5) was still dangerous, *then* the IST commitment had to be ended, and the person either released, placed under another type of civil commitment (which was rarely available), or placed on a “Murphy Conservatorship,” a special 2-year C-ship under WI 5008, subd. (h)(1(B)).

The problem this new law addresses is that if there had not been an indictment or information filed, the person generally had to be released.

Under this new law, if D is charged with a felony complaint involving death, GBI, or a serious threat, P can, before D is found IST, request a “determination of probable cause;” which is not a preliminary hearing. If there is such a determination, and the above conditions are met, then even though there has not been an indictment or information, D can be placed on a Murphy.

Inmates in State Prisons and County Jails

Proposition 57 Regulations on Credit Earning and Parole

CDCR’s Prop 57 web page: <http://www.cdcr.ca.gov/proposition57/>

Selected contents of that page: *Note:* each is a link.

- [Proposition 57 Revised Regulations](#) (Nov. 2017)
- [Fact Sheet](#) (Nov. 2017)
- [Frequently Asked Questions \(FAQ\)](#) (Nov. 2017)
- [Credit Earning Opportunities \(FAQ\)](#) (Nov. 2017)

- [Nonviolent Parole Process \(FAQ\)](#) (Nov. 2017)
- [Inmate Locator Expansion \(FAQ\)](#) (Oct. 2017)
- Press Release, Nov. 29, 2017: [CDCR Issues Amended Proposition 57 Regulations](#)
- [Secretary Kernan Proposition 57 video for CDCR inmates](#) (Mar. 2017)
- [Rehabilitation Programs](#)
- [Office of the Ombudsman](#)

Dep't of Veteran's Affairs Required to Assist State Prisoners and Their Families.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB776

Stats 2017, Ch. 599 (SB 776)

Adds § 715 to Military and Veteran's Code § 715, and adds 2066 to the PC

Here is new Mil. & Vet. Code § 715, subd. (a):

(a) The department [of Veterans Affairs, DVA] shall provide one employee, trained and accredited by the department, for every five state prisons to assist incarcerated veterans in applying for and receiving any federal or other veterans' benefits for which the veterans or their families may be eligible.

And here is new PC § 2066, subds. (b) and (c):

(b) [CDCR] shall give [those] [DVA] employee[s] ... access to the hardware, software, and ... computer networks as are reasonably necessary to perform his or her duties while at the prison...

(c) [CDCR] shall cooperate and collaborate with [DVA] to ensure that a [the DVA] employee[s] described [above have] the greatest access and effectiveness practicable... to assist veterans incarcerated within the state prisons.

Jurisdiction and Venue

Jurisdiction for PC 288.7 in multiple counties.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB368

Stats 2017, Ch. 379 (AB 368)

Amends PC 784.7, subd. (a).

From the Legislative Counsel's Digest:

[Before this bill] when more than one violation of [PC 273a, 273.5, or 646.9] occurs in more than one [county], jurisdiction [i.e., venue] for any of those offenses and any other properly joinable offenses may be in any jurisdiction where at least one of the offenses occurred if all district attorneys in the counties with jurisdiction over any of the offenses agree to the venue.

This bill ... add[s] ... sexual intercourse, sodomy, oral copulation or sexual penetration with a child [under age 11] [PC 288.7] to [that list].

Jury

Permitted voir dire expanded and liberalized

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1541

Stats 2017, Ch. 302 (AB 1541)

This bill rewrites CCP 223, as follows:

(a) [The] trial judge shall conduct an initial examination of prospective jurors.... [Prior] to voir dire, the trial judge shall consider the form and subject matter of voir dire questions.... [The] parties may submit questions to the trial judge [who] may [ask them] as the trial judge deems proper.

(b) (1) ... [C]ounsel ... have the right to examine, by oral and direct questioning, any ... prospective jurors. The scope of the examination ... shall be within reasonable limits prescribed by the trial judge ... subject to the provisions of this chapter.... [The] trial judge shall permit liberal and probing examination calculated to discover bias or prejudice with regard to the circumstances of the particular case or the parties.... The fact that a topic has been included

in the trial judge's examination shall not preclude appropriate followup questioning in the same area by counsel. The trial judge should permit counsel to conduct voir dire examination without requiring prior submission of the questions unless a particular counsel engages in improper questioning.

(2) The trial judge shall not impose specific unreasonable or arbitrary time limits or establish an inflexible time limit policy for voir dire. As voir dire proceeds, the trial judge shall permit supplemental time for questioning based on individual responses or conduct of jurors that may evince attitudes inconsistent with suitability to serve as a fair and impartial juror in the particular case.

(3) ... [An] "improper question" is any question that, as its dominant purpose, attempts to precondition the prospective jurors to a particular result or indoctrinate the jury.

(c) In exercising ... discretion, the trial judge shall consider ...:

(1) The amount of time requested by trial counsel.

(2) Any unique or complex legal or factual elements ...

(3) The length of the trial.

(4) The number of parties.

(5) The number of witnesses.

(d) Voir dire of any prospective jurors shall, where practicable, take place in the presence of the other jurors in all criminal cases, including death penalty cases. Examination of prospective jurors shall be conducted only in aid of the exercise of challenges for cause.

(e) The trial judge shall ... consider reasonable written questionnaires when requested by counsel. If a questionnaire is utilized, the parties shall be given reasonable time to evaluate the responses to the questionnaires before oral questioning commences.

(f) ... [At] the earliest practical time, the trial judge in a criminal trial shall provide the parties with the list of prospective jurors in the order in which they will be called.

(g) The trial judge’s exercise of discretion ..., including any limitation on the time ... allowed for direct questioning of prospective jurors by counsel and any determination that a question is not in aid of the exercise of challenges for cause, is not cause for a conviction to be reversed, unless [that] results in a miscarriage of justice....

Juvenile Justice

Under 15s “shall consult with legal counsel” before custodial questioning

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB395

Stats 2017, Ch. 681 (SB 395)

Adds WI 625.6.

Sunsets Jan. 1, 2025.

Here is an extended excerpt from new WI 625.6:

(a) Prior to a custodial interrogation, and before the waiver of any *Miranda* rights, a youth 15 years of age or younger shall consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived.

(b) The court shall, in adjudicating the admissibility of statements ... consider the effect of failure to comply with subdivision (a).

(c) This section does not apply to the admissibility of statements of a youth 15 years of age or younger if ...

(1) The officer who questioned the youth reasonably believed the information ... sought was necessary to protect life or property from an imminent threat. [*and*]

(2) The officer’s questions were limited to those ... reasonably necessary to obtain that information.

(d) This section does not require a probation officer to comply ... in the normal performance of ... under [WI] 625, 627.5, or 628.

(e) [The Governor must convene a panel of at least seven experts to study this statute and make reports.]

(f) This section [sunsets on] January 1, 2025.

What is the remedy for violation?

Cal. Const. Art. I, § 28, subd. (f), para. (2), says,

Except as provided by statute hereafter enacted by a two-thirds vote of the membership in each house of the Legislature, relevant evidence shall not be excluded in any criminal proceeding... or in any trial or hearing of a juvenile for a criminal offense, whether heard in juvenile or adult court.

In re Lance W. (1985) 37 Cal.3d 873, 879, held that this provision, enacted by Prop. 8 in 1982, “abrogated ... a defendant's right to object to and suppress evidence seized in violation of the California, but not the federal, Constitution.

According to the Senate Public Safety Committee’s “2017 Bill Summary,” the final Assembly floor vote was 46 to 28, which is short of 2/3.

So, while violation of this new section does not automatically result in suppression on Fourth Amendment grounds, the court can consider violation in deciding whether the statement was taken in violation of Constitution.

The statute does not prohibit the court considering a violation for other purposes, such as the weight and credibility of statements.

Many Juvenile fees and costs eliminated or curtailed.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB190

Stats 2017, Ch. 678 (SB 190)

Amends GC 27757; WI 207.2, 332, 634, 652.5, 654, 654.6, 656, 659, 700, 729.9, 729.10, 871, 900, 902, 903, 903.1, 903.2, 903.25, 903.4, 903.45, 903.5, and 904; and repeals WI 903.15

SB 190 is a sweeping decrease in the fees and costs that minors, and their parents and guardians must pay due to criminal court or juvenile court involvement.

For young adults, ages 18 to 21, (and for older adults still under the Juvenile Court), and for amendments to PC 1203.1ab, 1203.016, and 1208, see “Money....”

WI 659 had required that parents or guardians whose child faces a juvenile court petition, must get a notice that they and the minor are entitled to legal assistance, and that “in the event counsel or legal assistance is furnished by the court, the parent or guardian or adult relative shall be liable to the county, to the extent of his, her, or their financial ability, for all or a portion of the cost thereof.”

To that requirement is now added the phrase
but [the parent or guardian] shall not be liable for the cost of counsel or legal assistance furnished by the court for purposes of representing the minor.

Statutory changes to WI 634, 652.5, 654, 654.6, 656, and 700, have eliminated the liability of a parent or guardian to pay many fees and costs such as for costs of supervision under WI 654 or 654.2, for certain other supervision, or certain service programs, care facility, and crisis resolution homes.

Minors ordered into drug treatment under WI 729.9 no longer must pay for that.

Parents and guardians no longer can be charged fees if Minor is ordered into drug and alcohol treatment under WI 729.10.

In WI 871, the minor can be assessed costs for a damaged or discarded electronic monitor. But before this law, the minor had to request an assessment of ability to pay. That assessment no longer must be requested; it is now automatic.

In WI 900, a subd. (b) was added:

(b) [An] order providing for the care and custody of the ward or other minor [for whom a wardship petition is filed] shall direct that the whole expense of support and maintenance of the ward or other minor ... be paid from the county treasury.

All orders made pursuant to this subdivision shall state the amounts to be paid from the county treasury, and those amounts shall constitute legal charges against the county.

The following language has been added to GC 27757, and WI 902, 903, 903.2, 903.25; 903.4 903.5; 904:

(1) This **section** does not apply to a minor who is adjudged a ward of the juvenile court, who is placed on probation pursuant to [WI] 725 ..., who is the subject of a petition that has been filed to adjudge the minor a ward of the juvenile court, or who is the subject of a program of supervision undertaken pursuant to [WI] 654

(2) Notwithstanding paragraph (1), this **section** applies to a minor who is designated as a dual status child pursuant to [WI] 241.1, for purposes of the dependency jurisdiction only and not for purposes of the delinquency jurisdiction.

That same language, except the word “paragraph” is used instead of the highlighted word “section,” was added to WI 903.1, subd. (a)(1); and 903.45, subd. (b)(1).

WI 903.15 was repealed.

The effect of the changes to the GC and WI sections just mentioned is that for those groups, fees and costs, such as the costs of detention in a juvenile facility, legal services, probation supervision, home supervision, electronic monitoring, costs of feed, shelter, and care of a minor at a juvenile facility after the parent or guardian gets notice of release, and cost of out-of-home placement has been eliminated.

Solitary confinement limited to 4 hours

Stats 2016, Ch. 726 (SB 1143) Last year’s law, with a delayed operative date.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1143

Adds WI § 208.3. “Solitary confinement” is not used; it is “room confinement.”

Here are extended excerpts from added WI § 208.3

(a) (1) “Juvenile facility” [defined to include a DJJ facility]

(2) “Minor” [M] [defined, to include, *inter alia*,] ... (C) A person under the jurisdiction of [CDCR], Division of Juvenile Facilities.

(3) “Room confinement” means the placement of [M] in a locked sleeping room or cell with minimal or no contact with persons other than correctional facility staff and attorneys....

(b) [Guidelines for] placement of [M] in room confinement ...:

(1) Room confinement [can’t] be used before ... less restrictive options [are] ... exhausted, unless [they’re] a [safety] threat

(2) Room confinement shall not be used for t... punishment, coercion, convenience, or retaliation....

(3) Room confinement shall not be used [if] it compromises the mental and physical health of the minor or ward.

(c) [M] may be held up to four hours in room confinement. After [that] ..., staff shall do one or more of the following:

(1) Return [M] to general population.

(2) Consult with mental health or medical staff.

(3) Develop [a] plan ... to reintegrate [M] to general population.

(d) If [this] must be extended beyond four hours, staff shall ...:

(1) Document the reason ..., the date and time [M] was first placed in room confinement, and when [M] is ... released

(2) Develop an individualized plan [with] goals and objectives ... to reintegrate [M] to general population.

(3) Obtain documented authorization by the facility superintendent or ... designee every four hours thereafter.

(e) This [does not] limit ... single-person rooms or cells ... and does not apply to normal sleeping hours.

[(f) – (j)] This does not apply to holding, or adult, facilities; nor during emergencies; nor to medical treatment.

Restraints on Juveniles During Transport, and in Court Limited

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB878

Stats 2017, Ch. 600 (AB 878)

Adds WI 210.6

This bill all but ends the spectacle of juveniles being paraded on city streets, or around courthouses in public view, while handcuffed and shackled.

From new WI 210.6 [emphasis added]:

(a) (1) Mechanical restraints, including, but not limited to, handcuffs, chains, ... cloth or leather restraints, ... may be used on a juvenile detained in or committed to a local secure juvenile facility... *during transportation outside of the facility* only upon a determination ... by the probation department, in consultation with the transporting agency, that ... restraints are necessary to prevent physical harm to the juvenile or another person or due to a substantial risk of flight.

(2) If ... restraints are necessary, the least restrictive form ... shall be used consistent with the ... security needs of each juvenile.

(3) A county probation department that chooses to use mechanical restraints other than handcuffs on juveniles shall establish procedures for the documentation of their use, including the reasons for the use of those mechanical restraints.

(4) This ... does not apply to mechanical restraints used by medical care providers [during] medical care or transportation.

(b) (1) Mechanical restraints may only be used *during a juvenile court proceeding* if the court determines that the individual juvenile's behavior in custody or in court establishes a manifest need [for them] to prevent physical harm to the juvenile or another person or due to a substantial risk of flight.

(2) The burden to establish the need for mechanical restraints pursuant to paragraph (1) is on the prosecution.

(3) If the court determines that ... restraints are necessary, the least restrictive form ... shall be used and the reasons for the use of [them] shall be documented in the record.

Money: Restitution, Fines, Fees, Penalties; Costs

See also Vehicles and Pedestrians.

No fees for public defender or appointed counsel if there is no conviction.

http://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201720180SB355

Stats 2017, Ch. 355 (SB 355)

Amends PC 987.8 and 987.81.

The two statutes amended are the ones that authorize the court to assess the defendant fees for services of the public defender or other court appointed counsel.

Added to PC 987.8, subdivision (i)'s is an ending phrase to the effect that this section only applies if D "is convicted of a felony or a misdemeanor."

And added to PC 987.81 is new subdivision (d), that "This section shall apply only when [D] is convicted of a felony or a misdemeanor."

Restitution for noneconomic losses in more sex offenses

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB756

Stats 2017, Ch. 101 (SB 756)

Amends PC 1202.4

Before this bill, PC 1202.4, subd. (f)(3)(F) authorized the court to required D to pay restitution for "Noneconomic losses, including but not limited to, psychological harm, for felony violations of [PC] 288.

This bill adds, after "288," also "288.5, or 288.7."

This resolves a dispute in the court of appeal. *P. v. Valenti* (2016) 243 Cal.App.4th 1140 said restitution for such losses was not authorized for PC 288.5, and *P. v. Martinez* (2017) 8 Cal.App.5th 298, and *P. v. McCarthy* (2016) 244 Cal.App.4th 1096, said it is.

No drug testing or home detention fees for under 22s

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB190

Stats 2017 Ch. 678 (SB 190)

Amends PC 1203.016, 1203.1ab, and 1208.

(For amendments to GC and WI Codes, and elimination, or curtailing, many fees and costs in Juvenile Court, see Juvenile Justice.)

PC 1203.016 permits counties to have a home detention program for inmates in county jail on probation, or serving a sentence, or on work furlough.

PC 1203.1ab authorizes the court to order, for probationers, drug testing.

PC 1208 authorizes a work furlough that counties can permit to be served on electronic home detention under PC 1203.016.

Before this bill, all participants could be charged for application and administrative fees, or drug testing costs.

Under this bill, those can be charged only to adults over age 21 and under the jurisdiction of the criminal court.

Own Recognizance Release

Felony arrestees, FTAs, pretrial release programs

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB789

Stats 2017, Ch. 554, (AB 789)

Amends PC 1319.5

This is the first mention in the O.R. statutes of pretrial release programs.

PC 1319.5 lists a number of situations in which a person with a specified history of FTA's, and who is now arrested for a new offense, cannot be granted an O.R. without a court hearing.

This bill changes the mix of those situations, permitting some releases under the auspices of pretrial release programs.

The history of FTAs specified is that the person has failed to appear in court, resulting in a warrant, three or more times over the last three years (except for VC infractions). PC 1319.5, subd. (b)(2). That specification is not changed.

Before this bill, people with that specified FTA history could not be released O.R. without a court hearing, if their new arrest was for any of the following (PC 1319.5, subd. (b)(2) former (A) to (F)):

- (A) Any felony. [Modified in the new law]
- (B) Any violation of the STEP [gang] Act. PC 186.20 et seq. (unchanged)
- (C) Any crime in PC's assault and battery chapter (PC 240 et seq.) (unchanged)
- (D) A violation of Section 484 (theft). (not listed in the new law)
- (E) A violation of Section 459 (burglary). (limited to residential burglary)
- (F) Any offense where D was armed or personally used a gun. (unchanged)

This bill changes that mix, and adds pretrial release programs, so that now the person with the specified FTA history who can't be release O.R. without a hearing, is as follows, *with an exception for pretrial release programs at the second clause of (G)*:

- (A) Any violation of the [STEP (gang)] Act [PC 186.20 et seq.]
- (B) Any [crime in PC's assault and battery chapter (PC 240 et seq.)]
- (C) A violation of Section 459 (residential burglary). [Sic]
- (D) Any offense in which [D] is alleged to have been armed with or to have personally used a firearm.
- (E) Any offense involving domestic violence. [Added in this new law]
- (F) Any offense in which [D] is alleged to have caused great bodily injury to another person. [Added in this new law]
- (G) Any other felony offense not described in subparagraphs (A) through (F) ..., unless [D] is released pursuant to a court-operated pretrial release program or a pretrial release program with approval by the court....

Protective Orders

10-yr Orders for Vs of Gang Crimes; and Harassed Percipient Witnesses

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB264

From the Legislative Counsel's Digest, concerning gang-victims:

Under [PC 136.2, subd. (i)(1)], the court [must] consider, at ... sentencing, issuing a protective order,... for up to 10 years, [when D] has been convicted of a crime of domestic violence or of specified sex offenses, restraining [D] from any contact with [V].... [C]ontempt of [that] order is a misdemeanor, as specified.

... The bill ... [now] also require[s] the court to consider issuing that restraining order, ... for a [V] if the [D] is convicted of a violation [PC 186.22].

From PC 136.2, subd. (i)(2), on harassed percipient witnesses [boldface added]:

(2) In all cases [of conviction of] a crime involving domestic violence as defined ..., a violation of [PC] 261, 261.5, or 262, a violation of [PC] 186.22, or a crime [requiring registration under PC] 290 [subd. (c)], the court, at the time of sentencing, shall consider issuing an order restraining [D] from any contact with a **percipient witness** to the crime **if** it can be established by **clear and convincing evidence** that the witness has been **harassed, as defined** ... by [D].

Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB204

Stats 2017, Ch. 98 (SB 204)

Adds Part 6 to Division 10 of the Family Code, §§ 6450 to 6460.

This bill authorizes the enforcement in California of a valid Canadian domestic violence protective order that was issued in English in a *civil* proceeding. (The Act does not mention a Canadian criminal proceeding, nor an order that was not issued in English.)

To view this uniform act at the Uniform Laws Commission, go to:

<http://www.uniformlaws.org/Act.aspx?title=Recognition and Enforcement of Canadian Domestic-Violence Protection Orders>

According to the Senate Judiciary Committee report on this bill of April 25, 2017, Canada has long recognized such orders from all of the U.S. Also, California has long recognized such orders from all other states, as is also required by federal law.

Re-entry

See also: Arrests and Detention

See also: Military and Veterans.

Employer's ability to ask about, or use, conviction history limited.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1008

Stats 2017, Ch. 789 (AB 1008

Adds GC 12952, Repeals Labor Code 432.9

From the Legislative Counsel's Digest:

The bill ... makes it ... an unlawful employment practice ... for an employer with 5 or more employees to include on any application for employment any question that seeks ... an applicant's conviction history, to inquire into or consider the conviction history of an applicant until that applicant has received a conditional offer, and, when conducting a ... background check, to consider, ... information related to specified prior arrests, diversions, and convictions.

This bill ... require[s] an employer who intends to deny ... employment solely or in part because of ... conviction history to make an individualized assessment [considering certain topics] of whether the ... conviction history has a direct and adverse relationship with the specific [job] duties of the job....

The bill ... require[s] an employer who makes a preliminary decision to deny employment based on that individualized assessment to provide the applicant written notification of the decision.... contain[ing] specified information. The bill ... grant[s] an applicant 5 business days to respond ... before the employer may make a final decision.

If the applicant ... disputes [in writing] the accuracy of the conviction history and is obtaining evidence [of this], the bill ... grant[s] the applicant an additional 5 business days The bill ... require[s] an employer to consider information submitted The bill ... require[s] an employer who has made a final decision to deny employment ...to notify the applicant in writing of specified topics.

“Conviction history” includes being out on bail and O.R.

The bill ... exempt[s] [positions where the law requires consideration of conviction history; with criminal justice agencies; and as a farm labor contractor.].

Religious Freedom and Criminal Investigations

The California Religious Freedom Act

Stats 2017, Ch. 826 (SB 31

Adds GC 8310.3

Effective Oct. 15, 2017

This Act covers several areas of law. Here is an excerpt relevant to criminal law:

(c) Notwithstanding any other law, state and local law enforcement agencies and their employees shall not:

(1) Collect information on the religious belief, practice, or affiliation of any individual except (A) as part of a targeted investigation of an individual based on reasonable suspicion to believe that individual has engaged in, or been the victim of, criminal activity, and when there is a clear nexus between the criminal activity and the specific information collected about religious belief, practice, or affiliation, or (B) where necessary to provide religious accommodations.

(2) Use agency money, facilities, property, equipment, or personnel to investigate, enforce, or assist in the investigation or enforcement of any criminal, civil, or administrative violation, or warrant for a violation, of any requirement that individuals register with the federal government or any federal agency based on religious belief, practice, or affiliation, national origin, or ethnicity.

From the Assembly Committee on the Judiciary report of June 13, 2017:

“The bill is fueled by concerns that [President Trump] might follow through on campaign promises to create a "Muslim registry" ... to identify and track potential ‘radical Islamic terrorists’ within the [U.S.]”

Rules of Court (California)

How to Find New Rules Effective January 1, 2018:

There are three groups of new or amended rules. Use the following links:

1. [Adopted November 17, 2017: Amendments effective January 1, 2018](http://www.courts.ca.gov/documents/2017-11-17-rules.pdf) :
<http://www.courts.ca.gov/documents/2017-11-17-rules.pdf>
2. [Adopted September 14 to 15, 2017: Amendments effective January 1, 2018 \(Doc 1\)](http://www.courts.ca.gov/documents/2017-09-15-rules.doc.pdf) :
<http://www.courts.ca.gov/documents/2017-09-15-rules.doc.pdf>
3. [Adopted September 14 to 15, 2017: Amendments effective January 1, 2018 \(Doc 2\)](http://www.courts.ca.gov/documents/2017-09-15-rules-2.pdf)
<http://www.courts.ca.gov/documents/2017-09-15-rules-2.pdf>

Electronic Filing and Service Rules Updating Continues

Amended Rules 2.250 to 2.259, titled “Filing and Service by Electronic Means.”

Check Local Rules, and consider calling local clerks of court for updates.

Rule 2.250. Construction and Definitions

- (a) (b) Definitions.
- | | |
|-------------------------------------|-------------------------------|
| (1) “[D]ocument” [broadly defined]. | (2) “Electronic service” |
| (3) “Electronic transmission” | (4) “Electronic notification” |
| (5) “Electronic service address” | (6) “[E]lectronic filer” |
- (7) “Electronic filing” is the ... transmission to a court of a document in electronic form. [T]his ... does not include the processing and review of the document, and its entry into the court records, which are necessary for [it] to be officially filed.
- (8) “[E]lectronic filing service provider”

(9) “Regular filing hours” are the hours during which a court accepts documents for filing at its filing counter.

(10) “Close of business” is 5 p.m. or any other time on a court day [when] the court stops accepting ... filing at its filing counter

Rule 2.251. Electronic service [Note: this is not “filing.”]

(a) When a document may be served by mail, express mail, overnight delivery, or [fax] ... [it] may be *served* electronically under [CCP] 1010.6 and the rules in this chapter.

[The remaining subdivisions in this lengthy Rule are titled:]

- (b) Electronic service *by consent* of the parties.
- (c) Electronic service required by local rule or court order.
- (d) Maintenance of electronic service lists.
- (e) Service by the parties.
- (f) Service by the parties and other persons.
- (g) Change of electronic service address.
- (h) Reliability and integrity of documents [thus] served....
- (i) When service is complete.
- (j) Proof of service.
- (k) Electronic service by or on court

Rule 2.252. General rules on electronic *filing* of documents

(a) (b) Except as otherwise provided ..., a court *may [permit]* electronic filing of documents *directly* with the court, *indirectly through ... electronic filing service providers*, or [*both*].

(c) Filing ... electronically does not alter any filing deadline.

(d) When it is not feasible ... to convert a document to electronic form ..., a court may allow ... fil[ing] ... in paper form.

(e) [When] the filing of an original ... [is required],... an electronic copy [can be filed] if the original [is filed within 10 days].

(f) [A] court [that accepts electronic filing] must permit electronic filing of an application for waiver of court fees and costs

(g) The court may electronically file any notice, order, minute order, judgment, or other document prepared by the court.

Rule 2.253. Permissive electronic filing, mandatory electronic filing, and electronic filing by court order

(a) A court may permit [electronic filing] by *local rule* t... in any types of cases, subject to [CCP 1010.6 and these rules]....

Rule 2.254. Responsibilities of court

(a) Each court that permits ... electronic filing must publish, in both electronic and print ..., [it's] ... requirements.

(b) If the court is aware of a problem [with] electronic filing, it must promptly ... provide notice of the problem

(c) Except as provided in ... [these rules] and 2.500-2.506 [titled "Public Access to Electronic Court Records"], an electronically filed document is a public document [when] filed unless it is sealed under rule 2.551(b) or made confidential by law.

Rule 2.255. Contracts with electronic filing service providers

(a) [The court can contract with service providers ... [for an] electronic filing system.... The provider, or court[‘s] in-house system, must accept filing from other [compatible] systems.

(b) [The ... provider can charge filers a "reasonable fee" ..., and have other "reasonable" requirements].

(c) ... (d). (1) [& (2)] [The] service ... must ... send to [the] filer its confirmation of [any document’s] receipt [with date and time]....

(3) After reviewing [it], the court must ... transmit to the ... provider and the ... filer ... confirmation of filing or ... rejection

Rule 2.256. Responsibilities of electronic filer

(a) Each electronic filer must:

(1) Comply with ... court requirements [on] the integrity of electronic filing and to protect sensitive personal information;

(2) Furnish information ... require[d] for case processing;

(3) Take all reasonable steps to ensure that the filing does not contain [harmful] computer code....

(4) [& 5 & 6] Furnish [the filer's] electronic service addresses [and changes, to the court and the ... provider....

(b) A document ... filed electronically ... must be in a [specified format] unless it cannot be created in that format.

(1) The software for creating and reading documents must be in the public domain or ... available at a reasonable cost.

(2) The printing of documents must not result in the loss of document text, format, or appearance.

(3) The document must be text searchable when technologically feasible without impairment of the document's image....

Rule 2.257. Requirements for signatures on documents

(a) Documents signed under penalty of perjury.

[That] document is deemed ... [so-signed] ... provided ...

(1) The declarant has signed [it] using a computer or other technology i[under] procedures [of] the Judicial Council; or

(2) The declarant ..., has ... signed a printed form of [it]. By electronically filing ..., the ... filer certifies that the ... signed document is available for inspection and copying [as required]....

(A) [B & C] [Any party may serve a demand for the original signed document [and the court can order production]. The filer must ...make the document available within five days. ...

(b) Documents not signed under penalty of perjury.

[It] is deemed signed by the party if ... filed electronically.

(c) Documents requiring signatures of opposing parties....

(1) The [filer] must obtain the signatures of all parties on a printed form of the document.

(2) The [filer] must maintain the original ... and ... make it available for inspection and copying [on demand.]....

(3) By electronically filing [it], the ... filer indicates that all parties have signed [it] and that the filer has the ...original

(d) A party is not required to use a digital signature

(e) If a document requires a [court's] signature ..., the document may be electronically signed in any manner permitted by law.

Advisory Committee Comment

.... The standards and guidelines for electronic signatures ... under penalty of perjury are ... in the *Trial Court Records Manual*.
[<http://www.courts.ca.gov/documents/trial-court-records-manual.pdf>]

Rule 2.258. Payment of filing fees [These are civil matters.].

Rule 2.259. Actions by court on receipt of electronic filing

(a) (1) *Confirmation of receipt*

When a court receives [a] ... document, [it] must promptly send the ... filer confirmation ..., [with] the date and time A document is considered received [when] the confirmation ... is created.

(2) *Confirmation of filing*

If the document ... complies with filing requirements ..., the court must ... send the ... filer confirmation that [it] has been filed

(3) (4) ... [Absent] the court's confirmation of receipt and filing, there is no presumption that the court received and filed [it]. The ... filer is responsible for verifying that the court received and filed any document ... submitted ... electronically.

(b) Notice of rejection of document for filing

If the clerk does not file a document ..., the court must promptly send notice ... to the electronic filer.... [with] the reasons....

Appointment of interpreters in court proceedings.

The new Rule replaces a previous Rule of the same number, **2.893**.

Subdivision (a) states “This rule applies to all trial court proceedings in which the court appoints an interpreter for a Limited English Proficient (LEP) person.”

The new rule has six subdivisions, and is 6 full pages long.

Mental Competency: “Brief Preliminary Evaluation”.

Rule 4.130 amended

The amended rule permits “a brief preliminary evaluation of the defendant’s competency if (A) The parties stipulate to a brief preliminary evaluation; and (B) The court orders the evaluation in accordance with a local rule of court that specifies the content of the evaluation and the procedure for its preparation and submission to the court.” [Rule 4.130, amended Subdivision (a)(3).]

When a full evaluation is ordered, amended Subdivision (d)(2), with paragraphs (A) to (G), takes over a full page to specify the report’s required contents.

Sentencing Rules of Court Updated

Title 4, Division 5, Rules 4.401 to 4.480D: Renamed as “Felony Sentencing Law.”

Here are the main changes:

Rule 4.403 now clarifies that “These rules apply to ... (2) an indeterminate [usually, life] sentence ... only if it is imposed relative to other offenses with determinate terms or enhancements.”

Rule 4.405(12) defines “Risk/needs assessment” as “a standardized, validated evaluation tool designed to measure an offender’s actuarial risk factors and specific needs that, if successfully addressed, may reduce the likelihood of future criminal activity.” This assessment is referred to in several of the Felony Sentencing Rules, mainly in relation to probation. [See, e.g., Rule 4.411.5(a)(8); Rule 4.413(c)(3); and Rule 4.415(c)(8); See also “New Standard of Judicial Administration 4.35,” below.]

Rules 4.428 and 4.447 clarify the procedures for and options concerning, sentencing, and striking or dismissing, or staying, of, enhancements.

Standard of Judicial Admin. 4.35 “[U]se of risk/needs assessments at sentencing.”

Risk/Needs assessments are defined at new Rule of Court 4.405(12), above. They are becoming increasingly common, particularly in probation decisions. See, e.g., PC 1229, subd. (c)(2) discussing a “risk and needs assessment.”

This 3½-page Standard, with subdivisions (a) to (g) (and with an additional 1½-page Advisory Committee Comment) covers proper uses twice, at Subds. (a) (titled “purpose”) and (d) (titled “proper uses”), and “Improper uses” at Subd. (e). Subd. (e)(1) says “The results of a risk/needs assessment should not be used to determine: (A) Whether to incarcerate a defendant....”

Search and Seizure

Two new grounds for issuing Search Warrants.

Prop 63: <http://vig.cdn.sos.ca.gov/2016/general/en/pdf/complete-vig.pdf>

AB 539:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB539

1. Prop. 63 § 10.1 (Nov. 8, 2016 Gen. Elec.)

2. Stats 2017, Ch. 342 (AB 539).

Both amend PC 1524.

PC 1524, subd. (a) states that “A search warrant may be issued upon any of the following grounds:” Most of the grounds on the list are familiar, e.g., “(1) When the property was stolen or embezzled. [and] (2) When the property or things were used as the means of committing a felony.”

Prop.63 added

(15) Beginning January 1, 2018, the property or things to be seized include a firearm that is owned by, or in the possession of, or in the custody or control of, a person who is subject to the prohibitions regarding firearms pursuant to Section 29800 or 29805, and the court has made a finding pursuant to paragraph (3) of subdivision (c) of Section 29810 that the person has failed to relinquish the firearm as required by law.

PC 29810, subd. (c)(4), as amended by Prop. 63 to be operative on January 1, 2018, provides that

If the court finds [pursuant to PC 29810, subd. (c)(3)] probable cause that [D] has failed to relinquish any firearms as required ..., the court shall order the search for and removal of any firearms at any location where the judge has probable cause to believe [they] are....

For more on PC 29810, see “Firearms.”

AB 539 permits a search warrant:

(18) When the property or things to be seized consists of evidence that tends to show that a violation of paragraph (1), (2), or (3) of subdivision (j) of Section 647 has occurred or is occurring.

PC 647, subd. (j), paragraph (1) is misdemeanor looking, without or without aid of an instrument, into an area where a person has a reasonable expectation of privacy, such as a bathroom or a changing booth, with intent to invade privacy.

PC 647, subd. (j), paragraph (2) is misdemeanor using an instrument, such as a camera, to view under or through another person's clothing, without consent, to appeal to D's sexual desires, and to invade the other's reasonable expectation of privacy,.

PC 647, subd. (j)(3) is a similar misdemeanor invasion of privacy offense.

(PC 647, subd. (j)(4), sometimes called "revenge porn," of distributing private sexual images of another person, is *not* covered.

Sentences

See also Firearms and Controlled Substances, concerning enhancements.

County Jail Felony Sentences in Two Counties: Where Served? Resolved?

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB670

Stats 2017, Ch. 287 (SB 670)

Amends PC 1170 and 1170.3

One Realignment issue still unresolved, until now, was: in which county's jail was D to be incarcerated when convicted of County Jail Felonies in two different counties? This bill has probably resolved that, although a new Rule of Court remains to be written.

Added to PC 1170, subd. (h) is a new paragraph (6) [the old paragraphs 6 and 7 are renumbered as 7 and 8] as follows:

(6) When the court is imposing a judgment pursuant to this subdivision concurrent or consecutive to a judgment or judgments previously imposed pursuant to this subdivision in another county or counties, the court rendering the second or other subsequent judgment shall determine the county or counties of incarceration and supervision of the defendant.

And added to PC 1170.3, is new paragraph (a)(7), requiring the Judicial Counsel to write a new rule to help the court:

(7) Determine the county or counties of incarceration and supervision when the court is imposing a judgment pursuant to subdivision (h) of Section 1170 concurrent or consecutive to a judgment or judgments previously imposed pursuant to subdivision (h) of Section 1170 in a county or counties.

The Judicial Council has not yet (Dec. 27, 2017) written that rule.

Sex Offenses

See also "Evidence and Exhibits"

Sex Offender Registration (PC 290): Three Tiers, Beginning 2021.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB384

Stats 2017, Ch. 541 (SB 384)

Amends 290, 290.006, 290.008, 290.45, 290.46, 290.5, and 4852.03, 9002 and 13125

These changes won't be "operative" [oper.] until Jan. 1, 2021, July 1, 2021, or Jan. 1, 2022, but **they already effect all PC 290 cases.**

WARNING This law may be changed before Jan. 1, 2021. D must be told that registration is currently for life.

D. is in **tier 3** for any of: **(A)** An already-registered D is convicted of a violent felony (PC 667.5, subd. (c)), for which registration is required under PC 290, subd. (c), or 290.006. **(B)** D. is a Sexually Violent Predator; **(C)** D is convicted of any of 16 listed sex offenses. **(D)** D's risk level on the State Authorized Risk Assessment Tool for Sex Offenders (SARATSO) is "well above average risk" as defined. **(E)** D. is a habitual sex offender under PC 667.71. **(F)** D. was convicted of PC 288, subd. (a), in 2 cases; **(G)** D. got

“15 to 25 years to life” under PC 667.61. (**H**) D. was found not guilty by reason of insanity of a PC 290 crime; (**I**) Conviction was for certain human trafficking sex crimes; (**J**) to (**R**) D. was convicted of any of an additional group of listed sex offenses. (*PC 290, subd. (d)(3), oper. 1-1-21.*)

If D is not in tier 3, D. is in **tier 2** if D. was convicted of a PC 290, subd. (c) crime that is also listed in any of: PC § 667.5, subd. (c); PC § 1192.7, subd. (c); PC § 285; PC § 286 subd. (g) or (h); PC §288a, subs. (g) or (h); PC § 289, subd. (b); or is a 2nd or subsequent violation of PC § 647.6. (*PC 290, subd. (d)(2), oper. 1-1-21.*)

If D. is not in tier 2 or 3, D. is in **tier 1** if D. is required to register for a crime in listed in PC 290, subd. (c), that isn’t violent (PC 667.5, subd. (c) or serious (PC 1192.7, subd. (c)). (*PC 290, subd. (d)(1), oper. 1-1-21.*)

A **juvenile (M)** is in **tier 1** if, after being made a ward, M “discharged or paroled from [CDCR]” for a PC 290, subd. (c) offense *not in* PC 667.5, subd. (c) or PC 1192.7, subd. (c). M is in **tier 2** if, after being made a ward, M “discharged or paroled from [CDCR] for a PC 290, subd. (c) offense that *is in* PC 667.5, subd. (c), or PC 1192.7, subd. (c). (PC 290.008, subd. (d)(1) and (d)(2), oper. 1-1-21.) **There’s no Juv. Tier 3.**

PC 290, subd. (d)(4), oper. 1-1-21 governs tier levels for D’s convicted of registerable sex offenses in **out-of-state, federal, or military** courts.

If D’s tier cannot be “immediately ascertained,” DOJ can place D. in “**tier-to-be-determined category**,” for up to 24 months. (PC 290, subd. (d)(5), oper. 1-1-21.)

The court can, at conviction or sentence, for stated reasons, order **regis. for a crime not in PC 290, subd. (c)**. *Regis. is in tier 1 unless the court orders tier 2 or 3*, after considering 5 listed factors, including the SARATSO score. (*PC 290.006, oper. 1-1-21.*)

Tier 1’s minimum time before a petition to end regis. can be filed is 10 yrs. (PC 290, subd. (d)(1), oper. 1-1-21.) For **juveniles**, the **tier 1 minimum** is 5 yrs. (PC 290.008, subd. (d)(1), oper. 1-1-21.)

Tier 2's minimum time before a petition is 20 yrs. For **juveniles, the min. is 10 yrs.** (PC 290, subd. (d)(2) and 290.008, subd. (d)(2), both oper. 1-1-21.) **But** a petition to end registration for adults in tier 2 can be filed after 10 years *if* D. was under 21 at the incident, and other criteria are met. (PC 290.5, subd. (b)(1) and (b)(2), oper. 1-1-21.)

Tier 3 is lifetime registration. (PC 290, subd. (d)(3), oper. 1-1-21.) **Except** if tier 3 is solely because of the SARATSO score, and other criteria are met, a petition to end registration can be filed after 20 years. (PC 290.5, subd. (b)(3), oper. 1-1-21.)

The **start of the time** before filing a pet., is “release” as defined. Time is **tolled** for incarcerations, placements, or civil commitments, except for arrests not resulting in convictions, adjudications, or supervision-violations. Time is **extended** 1 or 3 years for misd. or felony “conviction of failing to register.”_PC 290, subd. (e), oper. Jan. 1, 2021.

The procedures for filing a **petition to end registration**, including investigation and response, are in PC 290.5, subd. (a)(1) and (a)(2), oper. 1-1-21. If D.A. doesn't request a hearing, and the listed criteria are met, the petition “shall” be granted. (*Ibid.*)

If the D.A. requests a hearing, the court decides whether “community safety would be significantly enhanced by requiring continued registration,” considering certain criteria “including the person's risk levels on SARATSO static, dynamic, and violence risk assessment instruments, if available.” (PC 290.5, subd. (a)(3) oper. 1-1-21.)

If D's petition is denied, the court sets a period of 1 to 5 years before D can file a new petition. (PC 290.5, subd. (a)(4), oper. 1-1-21.)

Tier 3 D's are added to the list of those whose photos and other information, including addresses and SARATSO scores are published on the **Megan's Law web site**. (PC 290.46, subd. (b), oper.1-1-22.) **Tier 2 D's** are also added, with their “community” (not address), and without SARATSO scores. (PC 290.46, subds. (b) & (c) oper. 1-1-22.)

Info re: D's in **Tier 1** only, or on **Juveniles** registering under PC 290.008, are *not* put on the web site by PC 290.46, particularly (b)(1) and (c)(1) oper. 1-1-22.

Those who, as of 1-1-22 are in the “**tier-to-be-determined category**” of PC 290, subd. (d)(5) (oper. 1-1-21), “may” have information about them published as provided in PC 290.46, subds. (b)(1), (c)(1) [if already on], and (c)(2) [if not yet on], oper. 1-1-22.

Possible DOJ exclusion from the web site is limited to crimes with probation against certain family members, not one’s children. (PC 290.46, subd. (d), oper 1-1-22.

SARATSO is State-Authorized Risk Assessment Tool for Sex Offenders. (See PC 290.04 et seq.) To learn more, visit the California Sex Offender Management Board at <http://www.casomb.org/index.cfm?pid=1211> , and the SARATSO web site at <http://www.saratso.org/index.cfm?pid=1350> .

The court no longer can end registration with a Cert of Rehab PC 4852.03, oper. 1-1-21

Added to the mandatory list of PC 290, subd. (c), are PC 261, subds. (5) and (7), making the entire PC 261 registerable.

Statute of Limitations

Wrongful Concealment of Accidental Death

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB610

Stats 2017, Ch. 74 (SB 610)

Amends PC 803.

PC 152 makes it a misdemeanor for a person who knows of an accidental death to actively conceal or attempt to conceal that death. The punishment is up to a year in county jail or a fine of \$1,000 to \$10,000, or both.

This amendment grows out of a case where someone unknown concealed an accidental death; the body was not discovered for months; the family and the community went through great anguish before discovery. A suspect has never been identified, but of course, may still be, and the normal statute of limitations for misdemeanors has lapsed. PC 803, subd. (c), increasing the period for fraud, only applies to felonies.

This new law adds the following new subdivision (m) to PC 803:

(m) [I]f a person actively conceals or attempts to conceal an accidental death in violation of [PC] 152, a criminal complaint may be filed within one year after the person is initially identified by law enforcement as a suspect in ... that offense, provided, however, that in any case a complaint may not be filed more than four years after the ... the offense.

Vehicles and Pedestrians

Walk, Don't Walk, and "Countdown" Signals

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB390

Stats 2017 Ch. 402 (AB 390)]

Amends VC § 21456

From the Legislative Counsel's Digest for this bill:

This bill ... authorize[s] a pedestrian facing a flashing "DON'T WALK" or "WAIT" or approved "Upraised hand" symbol with a "countdown" signal to proceed so long as he or she completes the crossing before the display of the steady "DON'T WALK" or "WAIT" or approved "Upraised Hand" symbol."

Violation is an infraction.

Did you know that, before this bill, the violation was to enter the crosswalk during the countdown! I didn't either. The bill's author says the reason for this bill is to bring the law in line with what people thought it was already.

Court Cannot Initiate a CDL Suspension by Reporting FTP to DMV.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB103

Stats 2017, Ch. § (AB 103 §§ 51 to 54)

Amends VC 13365, 13365.2, 40509, and 40509.2

This won't end California Driver's License (CDL) suspensions by the Department of Motor Vehicles (DMV) for failure to pay fines and fees (FTP), but it will curtail it.

From item 24 of the Legislative Counsel's Digest

[Before this bill] the court [would] notify [DMV] when [D] ... failed to pay a fine or bail, [for] various [VC] violations ..., and require[d] [DMV] to suspend [D's] [CDL] upon receipt of the notice, as specified.

The bill ... repeal[s] the [court's] authority ... to notify [DMV] of a failure to pay a fine or bail, thereby deleting the requirement for [DMV] to suspend a person's driver's license upon receipt of that notice.

Witnesses

See also, Evidence

Support Dogs for Children and Victims (as specified)

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB411

Stats 2017, Ch. 290 (AB 411)

Adds PC 868.4

(a) If requested by either party in a criminal or juvenile hearing, and if a therapy [as defined] or facility [as defined] dog is available ... the following [may] ... have a therapy or facility dog accompany him or her while testifying in court, [upon a written motion with specified contents] subject to the approval of the court [under specified conditions]:

(1) A child witness in a court proceeding involving any serious felony, as defined ... or any violent felony, as defined

(2) A [V] who is entitled to support persons pursuant to [PC] 868.5, in addition to any support persons selected pursuant to that section....

(e) ... [D]uring a criminal jury trial, the court shall, upon request, issue an appropriate jury instruction

... [g](3) Nothing in this section limits the use of a service dog, as defined in Section 54.1 of the Civil Code, by a person with a disability.

(h) [Definitions]

Other New Laws of Note

AB 529: Allows for the sealing of juvenile records of minors whose petition was not sustained (i.e., were acquitted) or who had their cases dismissed. Amends WI 786. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB529

AB 1308: Requires youth offender parole hearings for certain individuals sentenced for offenses committed when they were 25 years old Amends PC 3051. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1308

SB 394: Youth convicted of LWOP crimes committed before age 18 are eligible for youthful offender parole hearing during their 25th year of prison. Amends PC 3051. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB394

AB 1448: Codifies the Elderly Parole Program for prisoners 60 years old who have served at least 25 years. Adds PC 3055. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1448

SB 239: Makes intentional transmission of a communicable or infectious disease (e.g., HIV) a misdemeanor. Adds HS 120290 and repeals HS 1621.5, a felony. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB239

A.B. 103 §§ 25 and 26: Propositions 36 and 47 apply to defendants found not guilty by reason of insanity. Adds PC 1170.127 and amends PC 1170.18 http://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201720180AB103

AB 864: The CA. Conservation Corps and the Community Cons. Corps can take Ds on prob., mand. supervision, and PRCS. Adds Pub. Resources Code §§ 14306.5 and 17003. http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB864

SB 500: Expands “Extortion” to include “sextortion” Amends PC 518 by adding “other consideration,” which can include “sexual conduct.” Exemption for Minors. http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB500

SB 239: Repeals PC 647f. a felony for prostitution while having HIV or AIDS and also certain priors. Also, adds PC 1170.21 and .22, providing relief from priors for this. http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB239

AB 1135: Provides 1203.41-like relief for people convicted of a felony subsequently realigned to be a County Jail Felony. Adds PC 1023.42.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1115

AB 720: Lets court, on *ex parte* request of D or Atty, suspend proceedings to determine if medication interferes with D's participation. Amends PC 2063, subd (f).

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB720

AB 2687 (a 2016 law): Starting 7/1/18, a driver of passengers for hire can't have a B.A. more than .04 when passenger is present. Amended VC 23152, subd. (e)

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB2687

AB 503: Indigents can pay parking fees and fines by installments in 18 months without late fees, and DMV can't withhold vehicle re-registration. Amends VC 4706 & 40220

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB503

AB 103 §§ 30, 31, 61, 63: Qualified jail treatment facilities for "1368s" expanded; DSH, not courts, choose where D goes. Amends PC 1370, & 1370.6, WI 4100 & 7228.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB103

SB 20: If a bus has seatbelts, creates an infraction for passengers over 16, and drivers, not to wear them. School buses generally excepted. Adds VC 27318 & 9. Oper. 7/1/18.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB20

SB 565: Increases required family notice (unless D objects) before mental health facility can extend a 14-day LPS hold to 30 days. Amends WI 5270.15

http://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201720180SB565

SB 360: CalWORKS and CalFresh recipients can't be prosecuted for some overpayments for months where Welfare knew but didn't notify. Amends WI 10980.

http://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201720180SB360

SB 811: Consolidates 2 inconsistent versions of HS 11350 and HS 11377 into one (cures an error caused by passage of a bill and an initiative in same year.)

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB811

SB 312: Permits some sealing of certain WI 707(b) offenses by over-14s (except those listed in PC 290.008, under limited circumstances. Amends WI 781.

http://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201720180SB312

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