

2003

## 2003 Bill Summary

Assembly Committee on Judiciary

Follow this and additional works at: [http://digitalcommons.law.ggu.edu/caldocs\\_assembly](http://digitalcommons.law.ggu.edu/caldocs_assembly)



Part of the [Legislation Commons](#)

---

### Recommended Citation

Assembly Committee on Judiciary, "2003 Bill Summary" (2003). *California Assembly*. Paper 251.  
[http://digitalcommons.law.ggu.edu/caldocs\\_assembly/251](http://digitalcommons.law.ggu.edu/caldocs_assembly/251)

This Committee Report is brought to you for free and open access by the California Documents at GGU Law Digital Commons. It has been accepted for inclusion in California Assembly by an authorized administrator of GGU Law Digital Commons. For more information, please contact [jfischer@ggu.edu](mailto:jfischer@ggu.edu).

STATE DEPOSITORY  
LAW LIBRARY

NOV 02 2004

GOLDEN GATE UNIVERSITY

## ASSEMBLY COMMITTEE ON JUDICIARY

# 2003 BILL SUMMARY

*A Comprehensive  
Breakdown of Legislation  
Considered by the Committee in 2003*

ELLEN M. CORBETT

*Chair*

TOM HARMAN

*Vice-Chair*

PATRICIA BATES

JOHN DUTRA

LONI HANCOCK

HANNAH-BETH JACKSON

JOHN LAIRD

SALLY LIEBER

JOHN LONGVILLE

CINDY MONTAÑEZ

ROBERT PACHECO

TODD SPITZER

DARRELL STEINBERG

### Staff

DREW R. LIEBERT

*Chief Counsel*

KEVIN G. BAKER

*Counsel*

SASKIA I. KIM

*Counsel*

KATHY SHER

*Counsel*

CINDY FISCHER

*Committee Secretary*

VANESSA CISNEROS

*Assistant Secretary*

NON-CIRCULATING

KFC  
22  
.L500  
J8  
2003



**MEMBERS**

TOM HARMAN, VICE CHAIR  
 PATRICIA BATES  
 JOHN DUTRA  
 LONI HANCOCK  
 HANNAH-BETH JACKSON  
 JOHN LAIRD  
 JOHN LONGVILLE  
 CINDY MONTANEZ  
 ROBERT PACHECO  
 TODD SPITZER  
 DARRELL STEINBERG  
 JUAN VARGAS  
 ONE VACANCY

# Assembly California Legislature

## ASSEMBLY COMMITTEE ON JUDICIARY ELLEN M. CORBETT, CHAIR

**February 2004**

**STAFF**

DREW LIEBERT,  
CHIEF COUNSEL  
 KEVIN G. BAKER,  
COUNSEL  
 SASKIA KIM,  
COUNSEL  
 KATHY SHER,  
COUNSEL  
 CINDY FISCHER,  
COMMITTEE SECRETARY  
 VANESSA CISNEROS,  
COMMITTEE SECRETARY  
**STATE CAPITOL**  
 P.O. BOX 942849  
 SACRAMENTO, CA 94249-0108  
 (916) 319-2334

*The counsel and staff of the Assembly Judiciary Committee have prepared this comprehensive summary of the bills that were considered by the Committee in 2003 for your assistance. As in past years, the Committee was responsible for one of the largest and most complex bill loads in the Legislature, and the past year was productive on several policy fronts. The Committee's policy jurisdiction remains one of the broadest in the Legislature, encompassing virtually all areas of our civil justice system, including family law, personal injury protection, health care reform, all aspects of our judiciary, contracts, landlord-tenant matters, and the state's key privacy and consumer protection laws. Some of the major areas where important progress was made in 2003 include:*

**Personal Privacy.** *The Committee addressed the ever-increasing threats to the privacy rights of Californians, considering several bills to increase consumers' ability to protect their private financial information.*

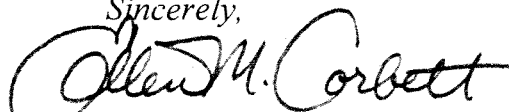
**Civil Rights, Discrimination and Harassment Prevention.** *The Committee continued its efforts to protect the civil rights of Californians and to eliminate illegal discrimination. The Committee passed legislation conferring important new rights on domestic partners. It affirmed the state's commitment to continued enforcement of the Americans with Disabilities Act (ADA) and passed legislation to ensure that the state itself can be held to the standards of the ADA. The Committee also affirmed California's commitment to upholding the reproductive rights of women and the right of all Californians to be free from sexual harassment by clients, customers and other third parties.*

**Secret Settlements.** *Last session, the Committee took on the issue of secrecy agreements in litigation in the area of nursing home abuse. The Committee approved a bill which became law this past month which creates our first statewide policy disfavoring such secret settlements which are shielded from public view. This legislation will help Californians gain access to critical public safety information so they can do their best to place their loved ones in safe nursing home facilities.*

*The following annual report contains helpful statistical data regarding the disposition of the bills assigned to the Committee in 2003, as well as summaries of these bills. I hope you'll find this information useful.*

DO NOT REMOVE FROM  
**LAW LIBRARY**  
 GOLDEN GATE UNIVERSITY

Sincerely,



Ellen M. Corbett  
Chair



# *Table of Contents*

	<u>Page #'s</u>
I. LETTER FROM THE CHAIR	i
II. CHARTS SUMMARIZING CATEGORIES AND DISPOSITION OF BILLS	iii
III. INDEX	1
IV. BILL SUMMARIES	9



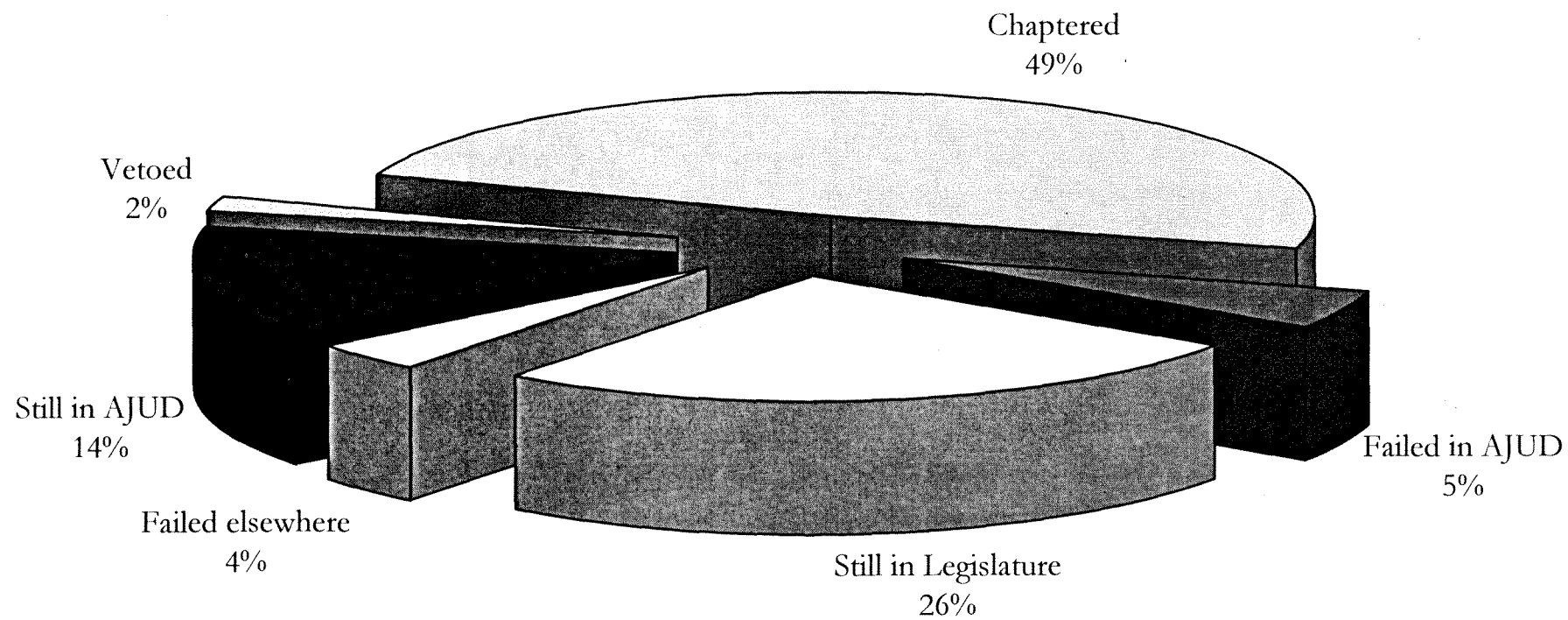
## **DISPOSITION OF BILLS ASSIGNED TO THE COMMITTEE IN 2003**

<b>ASSIGNED</b>	Assembly: 150 Senate: 75 Total: <b>225</b>	
<b>CHAPTERED</b>	Assembly: 58 Senate: 53 Total: <b>111</b>	<b>49%</b>
<b>STILL IN LEGISLATURE</b>	Assembly: 50 Senate: 8 Total: <b>58</b>	<b>26%</b>
<b>STILL IN COMMITTEE</b>	Assembly: 26 Senate: 6 Total: <b>32</b>	<b>14%</b>
<b>FAILED IN COMMITTEE</b>	Assembly: 10 Senate: 1 Total: <b>11</b>	<b>5%</b>
<b>FAILED ELSEWHERE</b>	Assembly: 4 Senate: 4 Total: <b>8</b>	<b>4%</b>
<b>VETOED</b>	Assembly: 2 Senate: 3 Total: <b>5</b>	<b>2%</b>

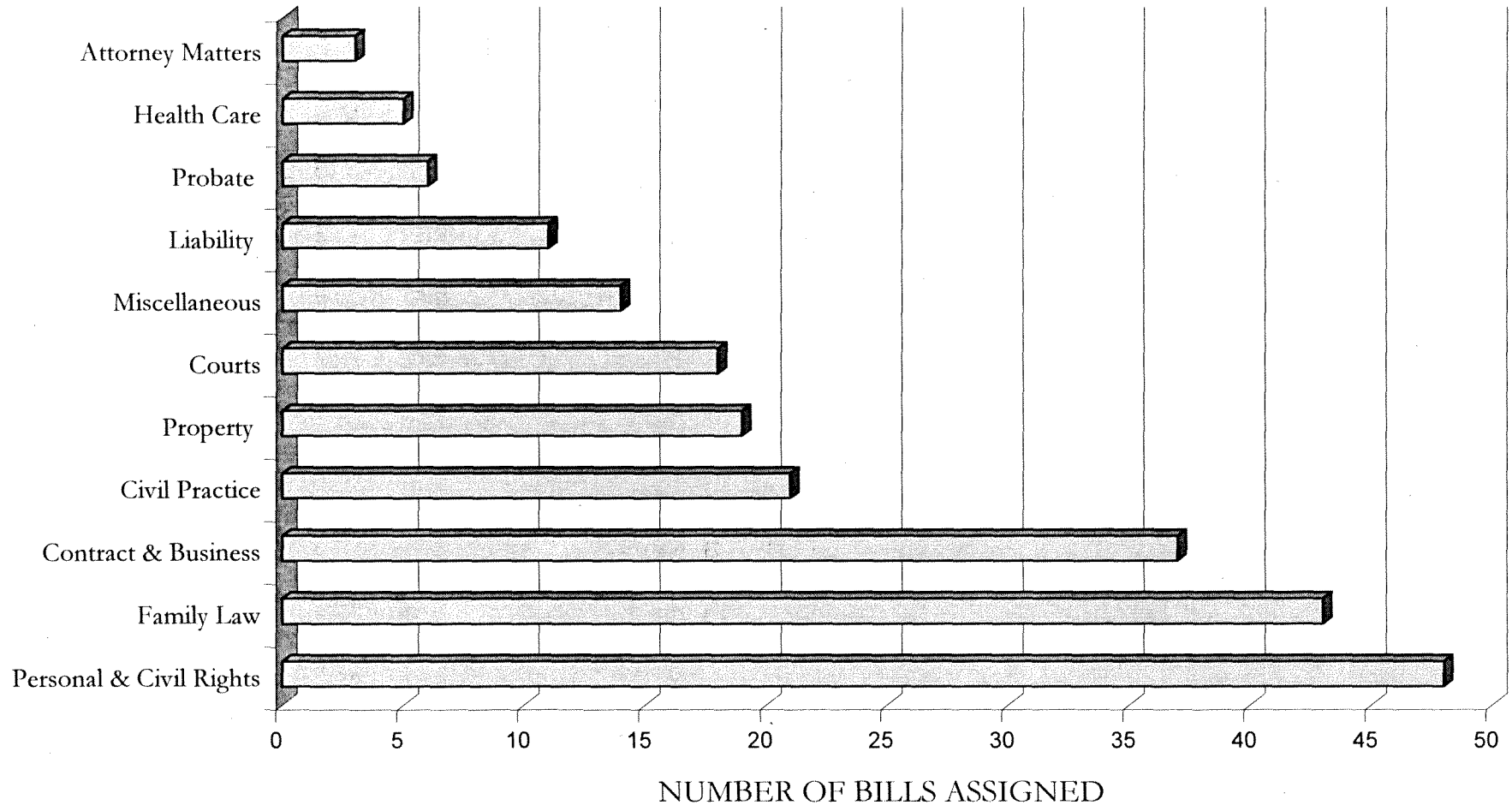




## DISPOSITION OF BILLS ASSIGNED TO THE ASSEMBLY JUDICIARY COMMITTEE IN 2003



## TYPES OF BILLS ASSIGNED TO THE ASSEMBLY JUDICIARY COMMITTEE IN 2003



## 2003 INDEX OF BILLS BY SUBJECT MATTER

	<u>Page #</u>
 <b>ATTORNEYS AND RELATED MATTERS</b>	
 <u>Attorneys and Related Services</u>	
AB 1101 (Steinberg) Attorneys: disclosure of client confidences.	9
 <u>State Bar</u>	
AB 193 (Cohn) State Bar of California: audits.	9
AB 1708 (Judiciary) State Bar of California: dues authorization.	9
 <b>CIVIL PRACTICE AND PROCEDURE</b>	
 <u>Arbitration and Mediation</u>	
AB 473 (Correa) Contractors.	10
AB 1231 (Simitian) Arbitrator ethics.	10
AB 1304 (Agriculture) Alternative dispute resolution: party choice.	10
AB 1448 (Liu) Elder and dependent adult abuse: mandatory arbitration.	10
AB 1713 (Judiciary) Private judging companies.	10
AB 1714 (Judiciary) Private judging companies.	10
AB 1715 (Judiciary) Employment discrimination arbitration.	11
 <u>Civil Procedure</u>	
AB 418 (Pacheco) Civil actions: service of process.	11
AB 537 (Correa) Statute of limitations: revival of causes of action.	11
AB 690 (Pacheco) Garnishment: execution and attachment liens.	11
AB 840 (Calderon) Public Utilities Commission: evidence: orders or decisions.	11
AB 972 (Correa) False Claims Act.	12
AB 1143 (Simitian) Civil procedure: internet communications.	12
AB 1188 (Cohn) Park and open-space districts.	12
AB 1706 (Judiciary) Civil procedure.	12
AB 1712 (Judiciary) Civil procedure.	12
SB 113 (Ackerman) Mechanics' liens.	12
SB 515 (Kuehl) Civil actions.	13
SB 780 (Torlakson) Vehicles: violations: automated enforcement systems.	13
SB 792 (Sher) Jurisdiction: foreign forums.	13

## **Evidence**

AB 960	(La Suer) Public safety officer-peer supporter privilege.	13
--------	---	----

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

### **Business**

AB 534	(Vargas) Immigration consultants.	14
AB 1711	(Judiciary) Business and Professions Code.	14
SB 283	(Sher) Commercial law: secured transactions.	14
SB 508	(Escutia) Automobile sales financing.	14
SB 523	(Escutia) False statements.	14
SB 1008	(Machado) Veterans: contracts: disabled veteran business enterprises.	14
SB 1022	(Perata) Debt collectors.	14

### **Contracts**

AB 88	(Corbett and Steinberg) Contracts: telemarketing.	15
AB 286	(Dutra) Mechanics' liens: double recovery.	15
AB 309	(Chu) Contracts: foreign languages.	15
AB 447	(Vargas) Mechanics' liens: attorneys fees.	15
AB 832	(Montanez) Consumer loans: discrimination.	15
AB 842	(Vargas) Time shares.	15
AB 903	(Steinberg) Construction defects.	16
AB 964	(Frommer) Vehicle sale and lease contracts: disclosures.	16
AB 1096	(Harman) Vehicles: lienholder.	16
AB 1333	(Simitian) Contracts: design professionals.	16
AB 1386	(Shirley Horton) Contractors.	16
SB 30	(Figueroa) Home improvement contracts.	16
SB 134	(Figueroa) Mechanics' liens.	17
SB 146	(Escutia) Contracts: Spanish translation.	17
SB 210	(Burton) Contracts: minors artistic employment.	17
SB 300	(Torlakson) Rental car contracts: vehicle license transaction fees.	17
SB 458	(Burton) Construction defects: affirmative defenses.	17
SB 584	(Alarcon) Advertising.	17
SB 1034	(Murray) Advertising.	18

### **Corporations**

AB 1776	(Banking and Finance) Foreign corporations: production of records.	18
SB 220	(Romero) Business organizations: signatures.	18
SB 434	(Escutia) Securities and commodities laws: enforcement.	18

## **Unfair Trade Practices**

AB 69	(Correa) Unfair competition.	18
AB 95	(Corbett) Private actions.	18
AB 102	(Pacheco) Unfair competition.	19
AB 599	(Dutton) Private enforcement.	19
AB 754	(Bogh) Unfair competition.	19
SB 122	(Escutia) Private enforcement actions.	19

## **Creditor-Debtor Relations**

AB 3	(Calderon) Consumer credit reporting.	20
SB 804	(Machado) Homesteads: exemptions.	20

## **COURTS AND RELATED MATTERS**

### **Courts**

AB 759	(Nakanishi) Judicial Council: trial courts.	21
AB 782	(Kehoe) Trial court employees: employment relations.	21
AB 955	(Wiggins) Courts: fines and forfeitures.	21
AB 1165	(Dymally) Appellate opinions.	21
AB 1641	(Keene) Court emergencies.	21
SB 144	(Escutia) Judicial Council: trial court meetings.	21
SB 940	(Escutia) Courts: fines and penalties: collection.	22

### **Court Reporting and Recording**

AJR 35	(Leno) Court reporters and realtime writers.	22
--------	--	----

### **Judges**

AJR 22	(Haynes) Federal judicial nomination of Miguel Estrada.	22
--------	---	----

### **Juries**

AB 270	(Bates) Jury service: peace officer exemption.	22
AB 513	(Matthews) Juries: peace officer.	22
AB 1180	(Harman) Jury duty: new fines for failure to serve.	22
AB 1397	(Longville) Trial juries: jurors' rights.	23

## **Trial Court Coordination and Funding**

AB 688	(Nakanishi) Court facilities: bond funding.	23
AB 765	(Longville) Trial court funding: San Bernardino county.	23

SB 79	(Judiciary) Court administration.	23
SB 129	(Escutia) Trial courts: budget process.	23
SB 256	(Escutia) Court facilities.	23

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

### **Adoption**

AB 370	(La Suer) Adoption: consent revocation waivers.	25
AB 416	(La Suer) Adoption: legal guardians.	25
AB 609	(La Suer) Adoption: final hearings.	25
AB 961	(La Suer) Adoption: nonresident petitioners.	25
SB 169	(Karnette) Intercountry adoptions.	25
SB 182	(Scott) Adoption.	25
SB 947	(Ducheny) Indians: child welfare services: adoptions.	26

### **Children**

AB 44	(Pacheco) Dependent children: juvenile court hearings.	26
AB 111	(Corbett) Child abuse: mental suffering.	26
AB 129	(Cohn) Dual status children.	26
AB 408	(Steinberg) Dependent children.	26
AB 579	(Chu) Dependent children: notice to siblings.	27
AB 1372	(Yee) Dependent children: jurisdictional hearings and hearsay.	27
AB 1469	(Negrete McLeod) Dependent children: supplemental reports.	27
AB 1635	(Keene) Emancipated minors.	27
SB 59	(Escutia) Dependent children: placement.	28
SB 139	(Brulte) Abandoned newborns: safe surrender.	28
SB 984	(Scott) Dependent children: Welfare Advance Fund payments: adoptions.	28

### **Child Custody and Visitation**

AB 524	(Haynes) Dependent children.	28
AB 934	(Reyes) Fresno County: child abduction prevention program.	28
AB 962	(La Suer) Minors: temporary custody.	29
AB 1108	(Bermudez) Child custody: drug testing.	29
AB 1151	(Dymally) Foster care.	29
AB 1516	(Bates) Child custody: abduction.	29
SB 156	(Burton) Custody: residence of the child.	30
SB 265	(Kuehl) Child custody: domestic violence.	30
SB 734	(Ortiz) Child custody and visitation.	30

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

AB 252	(Jackson) Paternity judgments.	30
AB 295	(Steinberg) Child support.	31
AB 308	(Montanez) Money judgments: writs of execution.	31
AB 656	(Corbett) Child support.	31
AB 738	(Jackson) Child support enforcement: enhanced tracking requirements.	31
AB 739	(Jackson) Child support: state disbursement unit.	31
AB 1605	(Bates) Employees and service-providers: reporting requirements.	32
SB 339	(Alpert) Private child support collectors.	32
SB 1030	(Ashburn) Paternity testing.	32

## **Domestic Partnership**

AB 17	(Kehoe) State contracts: acquisition of goods or services.	32
AB 205	(Goldberg) Domestic partners.	33

## **Domestic Violence**

AB 29	(Reyes) Protective orders: domestic violence.	33
AB 141	(Cohn) Domestic violence: evidence.	33
SB 399	(Kuehl) Foreign protection orders.	34

## **Family Law**

AB 1704	(Judiciary) Family law.	34
AB 1710	(Judiciary) Family and juvenile court law.	34

## **HEALTH CARE**

AB 621	(Nakanishi) Physicians and surgeons: immunity from liability.	35
AB 1251	(Bermudez) Los Angeles County Hospital Authority.	35
AB 1424	(Mountjoy) Minors: psychotropic drugs.	35
AB 1686	(Pacheco) Health care: billing.	35
SB 494	(Escutia) Medi-Cal.	35

## **LIABILITY AND RELATED MATTERS**

### **Immunity and Scope of Liability**

AB 209	(Leslie) Disabled persons: liability.	36
AB 1020	(Laird) Public water systems: civil actions: contaminants.	36
AB 1135	(Spitzer) Immunity: intoxicated passengers.	36
AB 1176	(Campbell) Proposition 65: enforcement.	36
AB 1380	(Pacheco) Proposition 65: enforcement.	36
AB 1399	(Longville) Investigative consumer reporting agencies.	37

AB 1447	(Matthews) Proposition 65: enforcement.	37
SB 219	(Romero) Public agency immunity.	37
SB 331	(Romero) Toxic injuries: limitation of actions.	37
SB 333	(Romero) Statute of limitations: uninsured motorist claims.	38
SB 933	(Dunn) Limitations period: deportation and forced emigration.	38

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

### **Civil Rights**

AB 18	(Leno) Sexual orientation and gender discrimination.	39
AB 76	(Corbett) Sexual harassment.	39
AB 159	(Jerome Horton) State employees: discrimination.	39
AB 703	(Dymally) Racial discrimination: definition.	39
AB 1617	(Montanez) Sexual harassment.	39
AB 1707	(Judiciary) Civil Code.	39
AB 1709	(Judiciary) Government Code.	39
SB 262	(Kuehl) Disability discrimination: buildings access.	39
SB 302	(Kuehl) Discrimination: California State University.	40
SB 577	(Kuehl) Protection and advocacy agencies.	40
SB 796	(Dunn) Penalty of violation of Labor Code.	40
SB 1025	(Escutia) Disability discrimination: multilevel townhouses.	40

### **Constitutional Rights**

AB 470	(Bermudez) Conditional use permit: religious facility.	40
AB 600	(Maddox) Government regulation: religious exercise.	40
AB 666	(Haynes) School children: patriotic exercises.	41
AB 1109	(Maddox) Justifiable homicide: defense of a fetus.	41
AB 1525	(Longville) Common interest development: signs.	41
ACR 43	(Montanez) Girl Scouts.	41
ACR 59	(Pacheco) Eagle Scouts.	41
ACR 89	(Goldberg) Boy Scouts of America.	41
AJR 2	(Jackson) Relative to the 30 <sup>th</sup> anniversary of <i>Roe v. Wade</i> .	42
AJR 4	(Mountjoy) The National Slave Memorial Act.	42
SB 116	(Dunn) Mobilehome parks: signs.	42
SCR 47	(Alpert) Eugenics.	42

### **Privacy Rights**

AB 7	(Corbett) Privacy.	42
AB 68	(Simitian) Online Privacy Protection Act of 2003.	42
AB 224	(Kehoe) Privacy: electronic reading and use of identification card data.	42
AB 258	(Calderon) Retail sales: personal information.	43
AB 262	(Chan) Personal information.	43



AB 763	(Liu) Privacy: social security numbers.	43
AB 1136	(Maddox) Unemployment: wage information.	43
AB 1376	(Benoit) Access to vital records: private licensed investigators.	43
AB 1387	(Yee) Legislature.	43
SB 1	(Speier) Financial institutions: nonpublic personal information.	43
SB 25	(Bowen) Personal information: identity theft.	44
SB 27	(Figueroa) Personal information: disclosure to direct marketers.	44
SB 186	(Murray) Privacy: unsolicited commercial e-mail advertisements.	44
SB 590	(Speier) Personal information: consumers.	44
SB 598	(Machado) Confidentiality of medical information: psychotherapy.	45
SB 602	(Figueroa) Personal information.	45
SB 660	(Speier) Court files: confidentiality.	45

### **Personal Rights**

AB 274	(Koretz) Employment.	45
AB 1229	(Simitian) Sexual harassment.	45
AB 1582	(Koretz) Abusive work environments.	45
SB 12	(Bowen) Electronic mail advertising.	46
SB 27	(Figueroa) Personal information: disclosure to direct marketers.	46
SB 211	(Dunn) Residential care facilities for the elderly: admission agreements.	46
SB 777	(Escutia) Whistleblowers.	46

## **PROBATE AND RELATED MATTERS**

### **Civil Commitment, Conservatorship and Guardianship**

SB 294	(Soto) Statewide registry: conservators, guardians and trustees.	48
--------	--	----

### **Elder Abuse**

AB 634	(Steinberg) Elder abuse actions: confidentiality.	48
--------	---	----

### **Probate**

AB 167	(Harman) Probate code.	48
AB 695	(Harman) Decedent's estates: posthumously conceived children.	48
AB 1349	(Canciamilla) Wills and trusts: prohibited transferees.	49
AB 1705	(Judiciary) Trustees: distributions: liability.	49

## **PROPERTY AND RELATED MATTERS**

### **Personal Property**

AB 182	(Harman) Exempt property: evaluation.	50
AB 378	(Steinberg) Unclaimed property: insurance proceeds.	50

AB 1616	(Montanez) Intellectual property rights.	50
SB 237	(Florez) Vehicles: transfer of legal ownership.	50

### **Real Property**

AB 512	(Bates) Common interest developments.	50
AB 1607	(Keene) Hazardous substances: illegal methamphetamine laboratories.	51
AB 1639	(Firebaugh) Appeals: nuisance abatement actions.	51
SB 455	(Torlakson) Home equity sales contracts.	51
SB 619	(Ducheny) Housing.	51

### **Rental Property**

AB 624	(Lieber) Mobilehome parks.	51
AB 647	(Nunez) Landlord-tenant: code violations.	52
AB 693	(Corbett) Mobilehome parks: actions.	52
AB 831	(Goldberg) Landlord-tenant: unlawful detainer.	52
AB 1059	(Lieber) Landlord-tenant: harassment.	52
AB 1202	(Montanez) Landlord-tenant: security deposits.	53
AB 1361	(McCarthy) Commercial landlord-tenant: return of security deposit.	53
AB 1384	(Maddox) Tenancy inspections.	53
SB 90	(Torlakson) Tenancy: security deposits.	53
SB 345	(Kuehl) Tenancy.	54

### **MISCELLANEOUS**

AB 152	(Levine) Special education.	55
AB 277	(Dutra) Commercial and political cyberfraud.	55
AB 394	(Montanez) Law enforcement fees.	55
AB 588	(Koretz) Animals: sale of live or dead animals: research.	55
AB 1095	(Corbett) County law libraries.	55
AJR 6	(Diaz) Korean immigrants.	56
AJR 49	(Dymally) Immigration: Hermenegildo Ortega.	56
SB 199	(Murray) Internet piracy.	56
SB 298	(Dunn) Vehicles: New Motor Vehicle Board: powers and duties.	56
SB 328	(Escutia) Student financial aid: eligibility.	56
SB 600	(Senate Judiciary) Maintenance of the codes.	56
SB 666	(Bowen) Environment.	56
SB 902	(Soto) Public employees' retirement: industrial disability.	57
SCR 4	(Morrow) California Law Revision Commission: studies.	57

## 2003 BILL SUMMARIES BY SUBJECT MATTER

### ATTORNEYS AND RELATED MATTERS

#### Attorneys and Related Services

**AB 1101 (Steinberg) Attorneys: disclosure of client confidences.** This bill, among other things, provides an exception to an attorney's duty of confidentiality by providing that an attorney may, but is not required to, reveal confidential information relating to the representation of a client to the extent that the attorney reasonably believes the disclosure is necessary to prevent a criminal act that the attorney reasonably believes is likely to result in the death of, or substantial bodily harm to, an individual. Status: Chapter 765, 2003.

#### State Bar

**AB 193 (Cohn) State Bar of California: audits.** This bill revises existing law's requirement that the Board of Governors contract with the Bureau of State Audits to conduct a performance audit of the State Bar's operations for the respective fiscal year every 2 years. The bill instead requires the Board of Governors to contract for the performance audit every 4 years. Status: AsmJUD.

**AB 1708 (Judiciary) State Bar of California: dues authorization.** Authorizes the State Bar to collect up to \$310 as annual State Bar membership dues for the year 2004 (for a total of \$390 which includes additional specified fees). The bill authorizes the State Bar to pursue orders for disciplined attorneys to pay the costs of their discipline as money judgments and permits the State Bar to pursue money judgments against attorneys whose bad conduct has necessitated payments out of the Client Security Fund. Among other things, the bill also revises the "scaling" criteria that allows members to reduce their bar dues by either 50% or 25%, depending on their earned income, as follows: (1) A member who can demonstrate annual individual earned income of less than \$40,000 derived from the provision of arbitration, mediation, referee or other dispute resolution services and, generally, from the practice of law, is presumptively qualified for a 25% waiver of the annual membership fee; and, (2) A member who can demonstrate total annual individual earned income of less than \$30,000 is presumptively qualified for a 50% waiver of the annual membership fee. Status: Chapter 334, 2003.

## CIVIL PRACTICE AND PROCEDURE

### Arbitration and Mediation

**AB 473 (Correa) Contractors.** As heard by the Judiciary Committee, this bill would have modified various provisions of the Contractors' State License Law relating to arbitration proceedings and the timeline for compliance with arbitration awards and orders of civil penalty or correction. The bill was subsequently amended to exempt the Contractors State License Board from a hiring freeze imposed by Executive Order. Status: SenAPPR.

**AB 1231 (Simitian) Arbitrator ethics.** This bill would create an exemption from existing law regarding arbitrator ethics for real estate licensees assisting in a dispute resolution program for real estate licensees administered by a trade association or multiple listing service for disputes between members. Status: AsmJUD.

**AB 1304 (Agriculture) Alternative dispute resolution: party choice.** This bill amends the conciliation process relating to price disputes between cooperative bargaining associations and specified processors by permitting these parties to freely select the conciliator they feel is best able to assist them in resolving the dispute, rather than being forced to hire the American Arbitration Association. Status: Chapter 145, 2003.

**AB 1448 (Liu) Elder and dependent adult abuse: mandatory arbitration.** This bill seeks to ensure that applicants and residents of long-term care facilities have the full benefit of the rights and procedures contained in the Elder Abuse and Dependent Adult Civil Protection Act (EADACPA) such that they may not be deprived of those rights or procedures by the use of coerced and involuntary waivers, and that any agreement to arbitrate any claim arising under EDACPA is a matter of knowing and voluntary consent and not coercion. Status: AsmINACTIVE.

**AB 1713 (Judiciary) Private judging companies.** This bill is a technical clean-up measure related to the Committee's legislation last year regarding private consumer arbitration companies. It contains definitions for terms used in last year's private arbitration company bills, including AB 2574 (Harman), AB 2656 (Corbett), and AB 2915 (Wayne) and provides a remedy for violation of those bills. Status: AsmINACTIVE.

**AB 1714 (Judiciary) Private judging companies.** This bill would specify that if a consumer arbitration agreement entered into or renewed on or after January 1, 2004, designates one or more exclusive private arbitration companies or incorporates the arbitration rules of a private arbitration company, the consumer party has the option, after a dispute arises, to choose a different private arbitration company. The bill would prohibit an arbitrator or private arbitration company from administering or otherwise participating in a consumer arbitration in violation of these provisions. This bill would also prohibit a private arbitration company from making certain representations regarding consumer

arbitration, adopting or enforcing specified rules governing consumer arbitration, or giving or receiving remuneration for referrals, as specified. Status: AsmJUD.

**AB 1715 (Judiciary) Employment discrimination arbitration.** This bill states that it is unlawful for an employer covered by the Fair Employment and Housing Act (FEHA) to require an employee or potential employee to waive rights or procedures provided for in the FEHA as a condition of employment or continued employment, or to retaliate or otherwise discriminate against an employee or potential employee because he or she refuses to waive rights or procedures provided for in the FEHA. Status: Vetoed.

### **Civil Procedure**

**AB 418 (Pacheco) Civil actions: service of process.** This bill provides that process may be served on a corporation or other type of business by leaving a copy of the summons and complaint at the business's usual mailing address, rather than their office, during usual office hours with the person who is apparently in charge of the mailing address, followed by an additional mailed copy to the person to be served at the same place where the complaint was left. The bill further provides that service of process on a business whose form of organization is not known to the plaintiff may be made personally by delivering a copy of the summons and complaint to the person who is apparently in charge of the office of the business, followed by service by mail. Status: Chapter 128, 2003.

**AB 537 (Correa) Statute of limitations: revival of causes of action.** This bill would allow any resident of California to bring suit in the superior court of the county in which he or she resides to recover on a claim for a deposit in a bank or for unpaid wages if the person had the deposit or the claim for unpaid wages during April, 1975, in the former country of South Vietnam. The bill would allow such an action to be filed on or before December 31, 2009, regardless of whether it was barred based upon the previously applicable statute of limitations. Status: AsmJUD.

**AB 690 (Pacheco) Garnishment: execution and attachment liens.** This bill permits a writ of attachment of a defendant's deposit accounts to be served once upon a financial institution at a centralized location designated by the institution for all deposits held by the institution, and permits a writ of execution of a judgment debtor's deposit accounts to be served once upon a financial institution at a centralized location designated by the institution for all deposits held by the institution. Status: Chapter 110, 2003.

**AB 840 (Calderon) Public Utilities Commission: evidence: orders or decisions: review.** This bill would require a writ of review to be issued by the court in certain cases where an application is filed for review of a Public Utilities Commission (PUC) decision. The bill would also require the PUC to adhere to the evidentiary rules of the Administrative Procedure Act in its adjudicatory proceedings. Status: AsmJUD.

**AB 972 (Correa) False Claims Act.** This bill would require a political subdivision filing an action under the False Claims Act first to conclude, after investigation, that there is a reasonable, good faith belief that the Act has been violated. The bill would further allow an award of attorney's fees to a prevailing defendant in a case brought under the Act, if the court finds that the claim was made in retaliation for a contractor's good faith dispute over contract terms. Status: AsmJUD.

**AB 1143 (Simitian) Civil procedure: internet communications.** This bill seeks to provide specific rules for service of a subpoena issued to compel an Internet Service Provider (ISP) or online community host to release identifying information regarding a consumer. The bill adds ISPs to the list of "witnesses" who have and maintain personal records of a consumer that may be subject to a subpoena duces tecum for production of a consumer's personal records in connection with a civil action or proceeding. Status: SenJUD.

**AB 1188 (Cohn) Park and open-space districts.** Existing law permits a regional park, park and open-space, or open-space district to take and hold, use, enjoy, lease or dispose of real and personal property for district purposes; this bill would make this provision applicable to conveyances in lieu of or under threat of condemnation. The bill further provides that a court of competent jurisdiction must determine whether the presumption that property acquired for public use as a regional park or regional open space has been acquired for the best and most necessary public use has been rebutted. Status: AsmLGOV.

**AB 1706 (Judiciary) Civil procedure.** This bill is a placeholder to address civil procedure issues that may arise during the course of this legislative session. Status: AsmRULES.

**AB 1712 (Judiciary) Civil procedure.** AB 1712 is sponsored by Judicial Council to make technical improvements to the judicial arbitration statutes as well as other technical and clarifying changes to various codes dealing with civil practice and procedures. The bill deletes obsolete references to the municipal courts, clarifies when an attorney may be appointed as a guardian ad litem for purposes of appearance in a small claims action, and makes other needed changes. Status: Chapter 449, 2003.

**SB 113 (Ackerman) Mechanics' liens.** This bill implements a recommendation of the California Law Revision Commission to relieve mechanics' lien claimants from the requirement to file an immediate motion to stay the foreclosure action pending arbitration if the claimant makes statements of intent in the complaint to preserve the right of arbitration and intent to file a motion to stay within 30 days after the service of the summons and complaint. Failure of the claimant to file that motion either at the time of making the complaint or 30 days after if intent was stated in the complaint will waive the claimant's right to compel arbitration. Status: Chapter 54, 2003.

**SB 515 (Kuehl) Civil actions.** This bill revises who may invoke the special anti-Strategic Litigation Against Public Participation (SLAPP) procedure for striking a lawsuit or claim on the ground that the suit or claim is based on the exercise of specified constitutional rights. It prohibits an anti-SLAPP motion from being employed against any action brought solely in the public interest, or on behalf of the general public in specified conditions, and modifies whether an immediate appeal may be taken when a trial court denies a special motion to strike. Status: Chapter 338, 2003.

**SB 780 (Torlakson) Vehicles: violations: automated enforcement systems.** This bill would reconfigure and revise provisions regulating the use of automated traffic enforcement systems by deleting the requirement that the system be designed to photograph the vehicle driver and instead requiring that a clear photograph of the vehicle and license plate be obtained. It would impose a maximum civil penalty of \$200 for such violations and would exempt these violations from the negligent driver point count system for moving violations. The bill further establishes an administrative procedure for adjudicating red light camera violations similar to that for parking tickets. Status: SenAPPR.

**SB 792 (Sher) Jurisdiction: foreign forums.** This bill requires a petitioner to present evidence of the availability and adequacy of the alternative foreign forum when determining the interest of damages for death or personal injury in a foreign country. The intent is to ensure petitioners provide the court with all relevant information at the earliest time possible, in order to expedite the decision-making process and to conserve court time and judicial resources. Status: AsmJUD.

### **Evidence**

**AB 960 (La Suer) Public safety officer-peer supporter privilege.** Establishes an evidentiary privilege for communications between a public safety officer and his or her peer supporter. In order to ensure that the privilege is not used to impede efforts to address serious misconduct, the bill creates exceptions to the privilege if the services of the peer supporter were sought to commit a crime or escape apprehension following commission of a crime; if the peer supporter believes there is a serious violation of agency policy, admission of criminal conduct, or a duty to report the information; or if the peer supporter believes the officer may be a danger to himself or herself or to the person or property of others. Status: SenJUD.





## CONTRACTS, BUSINESS AND COMMERCIAL MATTERS

### Business

**AB 534 (Vargas) Immigration consultants.** This bill revises the Immigration Consultant Act to protect clients against fraud and other improper business practices. This bill revises existing obligations on the part of consultants to provide contracts in the client's language, requires that clients be given statements showing charges by the consultant and the client's payments, requires consultants to state the purpose and process for documents prepared for the client, requires consultants to add to their current office disclosures a notice stating the services the consultant provides, and the fees charged for each such service, and requires the consultant to return all original documentation to the client. Status: Chapter 384, 2003.

**AB 1711 (Judiciary) Business and Professions Code.** This bill is a placeholder to address Business and Professions code issues that may arise during the course of this legislative session. Status: AsmRULES.

**SB 283 (Sher) Commercial law: secured transactions.** This bill makes various changes needed to clarify and update the new Article 9 of the Uniform Commercial Code. Among other things, the bill allows financing statements and other forms required to be publicly filed with the Secretary of State to be filed in a form lacking a space for the social security number of an individual. Status: Chapter 235, 2003.

**SB 508 (Escutia) Automobile sales financing.** This bill requires automobile dealers to maintain, for at least seven years, copies of their sales contracts, documents relied upon to determine a buyer's creditworthiness, and the terms of any subsequent sale, assignment, or transfer of a contract. The bill also establishes a civil penalty for non-compliance. Status: Chapter 59, 2003.

**SB 523 (Escutia) False statements.** This bill provides that corporations and limited liability companies are liable for civil penalties up to \$1,000,000 in an action brought by the Attorney General or a district attorney or city attorney if the corporation or limited liability company has knowledge of certain acts and fails to notify the Attorney General or the appropriate government agency and shareholders or investors. Status: Chapter 477, 2003.

**SB 1008 (Machado) Veterans: contracts: disabled veteran business enterprises.** This bill strengthens the sanctions that can be levied against businesses that fraudulently misrepresent their eligibility for disabled veteran business enterprise (DVBE) certification. Status: Chapter 632, 2003.

**SB 1022 (Perata) Debt collectors.** This bill requires third-party debt collectors to provide a written notice to debtors summarizing their rights under state and federal law, which must be translated if the collector and debtor communicate in a language other than

English. A violation of this act is in violation of the Rosenthal Fair Debt Collection Practices Act, which generally allows for a 15-day correction period as well as damages, court costs, and civil penalties up to \$1,000 if litigated. Status: Chapter 259, 2003.

### **Contracts**

**AB 88 (Corbett and Steinberg) Contracts: telemarketing.** This bill provides that a contract for a good or service that is made in connection with a telephone solicitation is unlawful if the telemarketer is in violation of a recent Federal Trade Commission (FTC) rule requiring that the seller obtain specified information directly from the consumer, under certain circumstances, and maintain a recording of the call. Specifically, the bill codifies the FTC's regulations requiring that telemarketers obtain express consent and at least the last four digits of a consumer's account number from the consumer before he or she enters into any agreement involving a free trial period that leads to subsequent charges if the agreement is not cancelled. Status: Chapter 77, 2003.

**AB 286 (Dutra) Mechanics' liens: double recovery.** This bill would provide that if a home improvement contract is executed in an amount not exceeding \$15,000 the homeowner may setoff the amount of good-faith payments to the original contractor against the aggregate amount of enforceable mechanics' liens and stop notice claims, up to \$15,000. Status: SenJUD.

**AB 309 (Chu) Contracts: foreign languages.** This bill extends certain existing protections for Spanish-speaking consumers to consumers whose primary language is Chinese, Tagalog, Vietnamese, or Korean. With regard to certain specified types of consumer contracts, the bill requires a business that primarily negotiates a contract in one of the languages specified to provide the consumer with a written translation of the contract in that language prior to the execution of the contract. Status: Chapter 330, 2003.

**AB 447 (Vargas) Mechanics' liens: attorneys fees.** This bill raises the amount of attorney's fees that may be collected in a petition to remove an expired mechanic's lien from a property. The maximum amount a prevailing party may collect increases from \$1000 to \$2000. This bill also specifies that a removal petition may be filed if no foreclosure action is pending. Status: Chapter 279, 2003.

**AB 832 (Montanez) Consumer loans: discrimination.** This bill would prohibit the denial of a consumer loan application on the basis of the applicant's race, ethnicity, national origin, native language, or residential or business address, and would authorize an applicant to bring a cause of action for a violation. Status: AsmB&F.

**AB 842 (Vargas) Time shares.** This bill would remove timeshares from the Home Solicitation Act and the Seminar Sales Act and transfer them to the subdivided lands law with modified consumer notice and rescission rights. The bill would also regulate products related to timeshares. Status: SenJUD.

**AB 903 (Steinberg) Construction defects.** This bill amends the construction defect statute by revising and recasting various provisions governing home construction defect actions that relate to a builder's election to inspect, the applicable statute of limitations, and the exclusivity of these provisions. Status: Chapter 762, 2003.

**AB 964 (Frommer) Vehicle sale and lease contracts: disclosures.** This bill requires vehicle sale and lease contracts to disclose the fees which sellers and lessors charge for optional automated vehicle registration processing. Status: Chapter 37, 2003.

**AB 1096 (Harman) Vehicles: lienholder.** This bill would increase the amount of time a lien holder on a vehicle must wait before assessing a lien preparation fee from three calendar days to three business days. This bill would also require a lien holder to provide supporting documentation for the fee within two business days of a request for such documentation. Status: SenAPPR.

**AB 1333 (Simitian) Contracts: design professionals.** This bill would recognize the validity of pay-if-paid clauses for design professionals by permitting a contract between a design professional and a consultant of the design professional to contain an enforceable pay-if-paid provision if mechanics' lien rights are not available, provided that the services were performed prior to the commencement of the site improvement, as defined, and no site improvement has commenced, or the work of improvement is a public project. Status: AsmJUD.

**AB 1386 (Shirley Horton) Contractors.** This bill revises the conditions under which contractors with a lapsed license may bring an action against an owner to recover compensation due for the performance of work or defend against an action brought by an owner to recover compensation previously paid for the performance of work. Specifically, the bill authorizes the court to determine that there has been substantial compliance with licensure requirements if the person who acted as a contractor was previously licensed and (1) did not know, or reasonably should not have known, that he or she was not duly licensed when performance of the act commenced and, (2) acted promptly and in good faith to reinstate his or her license upon learning it was invalid. The bill also prohibits a person from recovering compensation paid to a contractor if a court determines that the contractor was in substantial compliance with licensure requirements, as specified and expands the definition of activities not deemed as "substantial compliance." Status: Chapter 289, 2003.

**SB 30 (Figueroa) Home improvement contracts.** This bill revises and recasts the provisions for home improvement contracts (HICs) and requires a HIC to contain various information, notices, and disclosures as specified. It defines a service and repair contract (SRC) and requires a SRC to contain various information, notices, and disclosures as specified. This bill specifies the conditions that SRCs must meet. It further increases the HIC exemption limit to \$500 for repair services with a contractor and specifies additional requirements and disclosures for such contracts. Status: AsmJUD.

**SB 134 (Figueroa) Mechanics' liens.** This bill requires the owner of a private work of improvement to provide a notice to the original contractor, as well as any subcontractors or materials suppliers who have filed a preliminary mechanic's lien notice, within 10 days of recording a notice of completion or cessation. Failure to provide the notice would extend a subcontractor's time to record a mechanic's lien claim. Status: Chapter 22, 2003.

**SB 146 (Escutia) Contracts: Spanish translation.** This bill strengthens existing law to ensure the protection of Spanish-speaking consumers; these protections are further extended to consumers who speak specified other languages under AB 309 (Chu), discussed above. Under existing law, with regard to certain specified types of consumer contracts, a business that primarily negotiates a contract in Spanish is required to provide the consumer with a written translation of the contract in Spanish prior to the execution of the contract. SB 146 would require that the translation include a translation of every term and condition in that contract. Status: Chapter 589, 2003.

**SB 210 (Burton) Contracts: minors artistic employment.** This bill seeks to further strengthen California's Coogan Law to benefit child performers by, among other things, requiring, in cases where evidence of a Coogan trust is not provided to an employer within 180 days of the minor's commencement of employment, an employer of a minor with an artistic employment contract to deposit 15% of the minor's gross earnings as required by law, into a special account held by the Actors Fund of America for the benefit of the minor or minors. Status: Chapter 667, 2003.

**SB 300 (Torlakson) Rental car contracts: vehicle license transaction fees.** This bill allows rental car companies to recoup new increased Vehicle License Fee (VLF) costs from consumers by statutorily requiring rental car companies to impose a surcharge (a "vehicle license transaction fee" (VLTF)) on rental cars to allow companies to recover 80 percent of the increased VLF from consumers. The measure requires that the new VLTF be separately stated and charged on the rental agreement, and that it must be disclosed separately from the car rental cost in any quote or advertisement to prospective consumers. The provisions of this bill were combined with the provisions of AB 118 (Frommer) and inserted into AB 487 (Frommer) (vetoed). Status: AsmAPPR.

**SB 458 (Burton) Construction defects: affirmative defenses.** This bill clarifies the law related to affirmative defenses in construction defect litigation by specifying that effected parties other than builders have the same affirmative defenses specified in the construction defect statute. Status: AsmINACTIVE.

**SB 584 (Alarcon) Advertising.** This bill requires specified types of businesses who advertise in Spanish, Chinese, Tagalog, Vietnamese or Korean to provide information to the consumer, in the language of the advertisement, on the rates, terms and conditions for providing the service or product. Status: AsmB&P.

**SB 1034 (Murray) Advertising.** This bill imposes a fiduciary duty on a recording company to accurately account for royalties earned under a recording artist contract. Status: AsmAEST&IM.

### **Corporations**

**AB 1776 (Banking and Finance) Foreign corporations: production of records.** This bill would provide that a foreign corporation's consent to service of process when registering to do business in California also includes a consent to any other properly served search warrant, subpoena, or request pursuant to Penal Code Section 530.8 for records or documents that are both inside as well as outside the state of California. Status: SenJUD.

**SB 220 (Romero) Business organizations: signatures.** This bill authorizes the Secretary of State to accept for filing documents presented in electronic form, including facsimile. It expands the definition of "signature" to include signature on facsimile documents. Status: Chapter 27, 2003.

**SB 434 (Escutia) Securities and commodities laws: enforcement.** This bill provides the Attorney General with the authority to enforce corporate securities and commodities laws concurrently with the Department of Corporations, makes various clarifications to the laws regarding a department head's ability to share and seek information, and creates a new misdemeanor for knowingly and willfully making false statements in connection with an investigation of corporate misconduct. Status: Chapter 876, 2003.

### **Unfair Trade Practices**

**AB 69 (Correa) Unfair competition.** This bill requires that a court review any proposed judgment or settlement in a private action brought under California's Unfair Competition Law (UCL). The bill provides that a court-approved judgment is conclusive and bars any further similar actions against the same defendant. This bill requires the attorney for a private plaintiff to be an adequate legal representative of the interest of the general public. It also specifies that no representative cause of action may be dismissed, settled, or compromised, and no payments or monetary consideration may be collected or received by the plaintiff or counsel without the approval of the court and a determination that the disposition of the representative cause of action satisfies the requirements of the bill. It also requires the State Bar to create a notice to defendants detailing the legal rights and privileges available to the defendant. Subsequent amendments delete the provisions of the bill noted above and insert unrelated provisions concerning public works. Status: AsmJUD failed, reconsideration.

**AB 95 (Corbett) Private actions.** This bill – part of a two-bill Democratic package along with SB 122 (Escutia) – requires any private person bringing an action under the UCL on behalf of the general public to provide each defendant at the time of service of a demand letter or a complaint a comprehensive notice in 14-point boldface type which

notes consumer protection rights available to all defendants sued under UCL, including a right to court review of settlement agreements in certain private UCL cases. The bill also clarifies that defendants cannot be joined in a UCL action just because they are engaged in the same or similar businesses and are alleged to have violated the same or similar laws. Status: SenFLOOR.

**AB 102 (Pacheco) Unfair competition.** This bill requires that a private plaintiff in a UCL action brought on behalf of the general public have suffered a distinct and palpable injury and have served a notice of intent to sue on the defendant 90 days prior to bringing the action. The bill precludes any action by a plaintiff if a public prosecutor or another consumer has brought an action against the same defendant. The bill also provides that in a private UCL action, the court may consider mitigating actions taken by the defendant before the end of the 90-day period that correct the alleged acts of unfair competition, including a certified letter from the defendant documenting, under penalty of perjury, that the act has been corrected. The bill also provides for specified rules governing discovery in such actions. Status: AsmJUD failed, reconsideration.

**AB 599 (Dutton) Private enforcement.** This bill requires that a private person acting for the interests of the general public under the UCL must have been harmed by the prohibited acts or practices. The bill also requires that a court issue an order determining that the private action may be maintained, provides that any judgment approved by a court is conclusive, and bars any further actions brought by private persons on behalf of the general public against the same defendant based on substantially similar facts and theories of liability. Status: AsmJUD failed, reconsideration.

**AB 754 (Bogh) Unfair Competition.** This bill revises existing law's definition of unfair competition to instead require a practice, rather than an act, of the specified misconduct. The bill also defines the term practice for these purposes. Status: AsmJUD.

**SB 122 (Escutia) Private enforcement actions.** This bill – part of a two-bill Democratic package along with AB 95 (Corbett) – requires a court to review and approve a settlement or compromise, including an agreement to pay attorney's fees, proposed to be paid in connection with a private UCL action brought, or proposed to be brought, on behalf of the general public if a party to the action requests court review and approval of its proposed settlement or attorney's fees. The bill also provides a special process to be followed when a complaint has not yet been filed. The bill specifies that, when a party has opted for court review of a settlement or compromise, an agreement to pay any settlement moneys in those cases is void and unenforceable if not approved by the court. This bill also provides that any attorney who enters into a settlement or who receives attorney's fees in such an action without submitting the proposed settlement, including fees, for the required review and approval by the court when a party has requested court review of a settlement or compromise is subject to disciplinary action by the State Bar, including potential disbarment. The bill provides that, in order to prevent double recovery, a court may, in the exercise of its equitable powers, allow any party to present information about a prior action against the same defendant, and allow a set off against claims in a later

action against that defendant, if the later action is based on the same facts, occurring at the same time, and raises the same issues as the prior action. Status: AsmFLOOR, failed.

### **Creditor-Debtor Relations**

**AB 3 (Calderon) Consumer credit reporting.** This bill requires a consumer credit reporting agency to remove adverse information from a consumer's credit report no later than 30 days after a tax, judgment, or civil lien has been released, as specified. The bill also requires a lienholder that furnishes specified information to a consumer credit reporting agency to inform the consumer credit reporting agency within 30 days after the lien has been released or an incident resulting in adverse information has been resolved. Status: AsmB&F.

**SB 804 (Machado) Homesteads: exemptions.** Under existing law, a specified proportion of equity in a homestead is exempt from execution to satisfy a money judgment. SB 804 increases from \$125,000 to \$150,000 the homestead exemption for judgment debtors who are 65 years of age or older, disabled, or 55 years of age or older with a gross annual income that does not exceed a specified amount. Status: Chapter 64, 2003.





## COURTS AND RELATED MATTERS

### Courts

**AB 759 (Nakanishi) Judicial Council: trial courts.** This bill requires the Judicial Council to adopt rules providing for the public to attend any meeting of a board, committee, or multimember body of a trial court on matters related to administrative functions of the court. Status: AsmJUD.

**AB 782 (Kehoe) Trial court employees: employment relations.** This bill seeks to discard the current unique statutory mechanism for dealing with employment complaints brought by trial court employees and places such disputes under the jurisdiction of the state's Public Employee Relations Board (PERB) commensurate with most other public employees. Status: SenJUD.

**AB 955 (Wiggins) Courts: fines and forfeitures.** This bill requires the judge to certify the accuracy of the records of fines and forfeitures collected by the court, as specified. The bill also requires the county auditor to only certify the accuracy of those fines or forfeitures imposed or collected by county operated entities. Status: AsmJUD.

**AB 1165 (Dymally) Appellate opinions.** This bill requires all final opinions of the Supreme Court, the courts of appeal, and the appellate divisions of the superior courts to be in writing and made available, in full, for private publication. It specifies that these opinions constitute precedent under the doctrine of stare decisis the same as opinions published in the official reports and may be cited as precedent. It makes related, clarifying changes that all opinions of the Supreme Court, a court of appeal, and an appellate department of a superior court issued on or after the effective date of the bill shall be made available to public and private reporting services, electronically and without cost. All opinions of the Supreme Court, a court of appeal, and an appellate department of a superior court may be cited to or by any court; and that opinions issued on or before the effective date of the bill that have not been designated for publication in the Official Reports shall have no precedential value, but may be cited for any persuasive value they may have, as specified. Status: AsmJUD failed.

**AB 1641 (Keene) Court emergencies.** This bill expands existing provisions for the extension of certain time limits in juvenile court cases during natural and human-made disasters to apply to release and detention hearings for minors and hearings to declare a minor a ward or dependent child of the court. The bill also allows courts, with the approval of the Chair of the Judicial Council, to declare specified days in which emergencies have interfered with court proceedings to be "court holidays" for the purposes of extending certain court deadlines. Status: Chapter 293, 2003.

**SB 144 (Escutia) Judicial Council: trial court meetings.** This bill requires the Judicial Council of California to adopt rules providing for public notice and input into decisions

concerning the administrative and financial functions of a trial court. Status: Chapter 367, 2003.

**SB 940 (Escutia) Courts: fines and penalties: collection.** This bill requires the Judicial Council to adopt guidelines for a comprehensive program for collection of fines, penalties and assessments imposed by the courts, and requires each superior court to develop a cooperative plan to implement those guidelines and annually to report to the Judicial Council on the effectiveness of the collection program. Status: Chapter 275, 2003.

### **Court Reporting and Recording**

**AJR 35 (Leno) Court reporters and realtime writers.** This resolution urges Congress to pass legislation that would provide funding for the training of court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996. Status: Res. Chapter 119, 2003.

### **Judges**

**AJR 22 (Haynes) Federal judicial nomination of Miguel Estrada.** This bill memorializes support for a contested federal court nominee, reciting reasons for supporting the nomination of Miguel Estrada to the U.S. Court of Appeals for the D.C. Circuit, and resolves that the Legislature of the State of California request that our United States Senators work to allow a vote on the floor of the United States Senate on his appointment. Status: AsmJUD.

### **Juries**

**AB 270 (Bates) Jury service: peace officer exemption.** This bill exempts harbor and port police from jury service. Status: SenPUBSAF failed, reconsideration.

**AB 513 (Matthews) Juries: peace officer.** This bill requires the Judicial Council to adopt a rule of court, requiring trial courts to establish jury service procedures that provide Penal Code 830.5 peace officers - correctional officers, parole agents and probation officers - scheduling accommodations when necessary. Status: Chapter 353, 2003.

**AB 1180 (Harman) Jury duty: new fines for failure to serve.** This bill permits courts, in lieu of imposing potentially severe penalties for contempt, to impose graduated and uniform monetary penalties upon prospective jurors who fail to show up for jury service. Monetary sanctions are cited at no more than \$250 for the first violation, \$750 for the second violation, and \$1,500 for the third and any subsequent violation in which a prospective juror who has failed to respond and has not been excused, after first providing the juror with a notice and an opportunity to be heard. The bill expresses the intent of the Legislature that funds derived from the sanctions be allocated to the family and civil courts; requires the Judicial Council to provide a procedure for prospective jurors against whom a sanction has been imposed by default to move to set aside the

default; requires the Judicial Council to report to the Legislature regarding the effects of implementing these provisions on or before December 31, 2005; and provides that its provisions shall remain effective until January 1, 2007, unless extended by statute. Status: Chapter 359, 2003.

**AB 1397 (Longville) Trial juries: jurors' rights.** This bill assists employees and employers in accommodating jury service obligations. It requires the Judicial Council to adopt a rule of court establishing special scheduling accommodations for small businesses having five or fewer employees when an employee is summoned for jury service while a co-employee is already on jury service. It also prohibits an employer from requiring an employee summoned for jury service to use vacation, personal leave, or compensatory time off available to that employee for time spent complying with jury service. Status: SenL&IR.

### **Trial Court Coordination and Funding**

**AB 688 (Nakanishi) Court facilities: bond funding.** This bill authorizes the Judicial Council to consider the availability of matching funds as one factor in determining the allocation of general obligation bonds for court facilities if a pending bond measure is enacted into law and approved by the voters. The bill expressly states that the Judicial Council is not required to give priority to projects with matching funds. Status: SenJUD.

**AB 765 (Longville) Trial court funding: San Bernardino county.** This bill validates the distribution of fines, forfeitures and penalties as reported by the County of San Bernardino for the 1996-97 fiscal year with respect to the county's obligations to the state General Fund. Status: AsmAPPR.

**SB 79 (Judiciary) Court administration.** This bill deletes provisions made obsolete by the trial court reform bills enacted in 1996, 1998, and 2000 and amends various others to conform those changes made by the reform bills to the statutes. Status: Chapter 149, 2003.

**SB 129 (Escutia) Trial courts: budget process.** This bill requires the Trial Court Policies and Procedures (TCPP) to specify the process for a court to transfer existing funds between or among the budgeted program components to reflect changes in the court's planned operation or to correct technical errors. When the process requires a trial court to request approval of a specific transfer of existing funds, the request must be answered in writing, within 30 days of receipt of the request, with copies of the response provided to specified entities, including the court's affected labor organizations. It requires Judicial Council (JC) to circulate for comment to all affected entities any amendments proposed to the TCPP as they relate to budget monitoring and reporting, and to adopt any final changes at a meeting of JC. Status: Chapter 336, 2003.

**SB 256 (Escutia) Court facilities.** This bill governs, among other things, procedures for how counties may use their local courthouse construction fund during the process of

transferring responsibility for court facilities from the counties to the state. This bill also makes several technical and clarifying changes to the Trial Court Facilities Act of 2002 previously contained in SB 328. Status: Chapter 592, 2003.

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

### **Adoption**

**AB 370 (La Suer) Adoption: consent revocation waivers.** AB 370 would permit an adoption service provider to serve as the witness to the birth parent's signing of a waiver of the right to revoke consent to an adoption, and to complete the interview with the birth parent that is required before such a waiver may be signed. Status: AsmJUD failed, reconsideration.

**AB 416 (La Suer) Adoption: legal guardians.** This bill reduces from one year to six months the required time period before a child's legal guardian can petition for adoption of the child, in a case where the child has been found by a court to have been legally abandoned. The bill permits the legal guardian of a child to file a petition to declare the child free from parental custody and control on the grounds that the child has been legally abandoned in the same court and concurrently with a petition for adoption, in a case where the child is alleged to have been abandoned. Status: Chapter 81, 2003.

**AB 609 (La Suer) Adoption: final hearings.** AB 609 would permit the judge to waive the requirement that the prospective adoptive parents and child appear before the court at the final hearing at which the court makes and enters the order of adoption. Status: AsmJUD failed, reconsideration.

**AB 961 (La Suer) Adoption: nonresident petitioners.** This bill would permit out-of-country residents to petition for adoption in the county in which the placing birth parent or birth parents resided when the adoption placement agreement was signed, or the county in which the placing birth parent or birth parents resided when the petition was filed. Status: SenJUD.

**SB 169 (Karnette) Intercountry adoptions.** This bill would authorize a child who was adopted as part of a sibling group and who has been separated from his or her sibling or siblings through readoption by a resident of this state to petition the court to enforce any agreement for visitation to which the separate adoptive families subscribed prior to the child's readoption, or to order visitation if no such agreement exists. Status: Chapter 19, 2003.

**SB 182 (Scott) Adoption.** This bill makes both clarifying and substantive changes to the law regarding adoption in order to facilitate and encourage adoptions. It provides that if a birth parent revokes consent to an adoption but does not regain custody or request return of the child, the remainder of the initial 30 day period in which to revoke consent will run after the birth parent reinstates consent. In addition, the bill creates a procedure for a child to be declared free of parental custody and control and adopted by a guardian, if the child has been in the physical custody of the guardian for at least two years and if the court finds that the adoption would be in the best interest of the child. Status: Chapter 251, 2003.

**SB 947 (Ducheny) Indians: child welfare services: adoptions.** This bill creates a new process for the identification of a child who is or may be an Indian child whose parent is seeking to give the child up for adoption, and for the notification of the child's relatives and tribe. In order to ensure that the notification provisions are honored, the bill creates civil penalties for specified violations of the new provisions. The bill also strengthens existing law regarding the preference that a child placed in foster care be placed with a relative, if possible. Status: Chapter 469, 2003.

## **Children**

**AB 44 (Pacheco) Dependent children: juvenile court hearings.** This is a clean-up bill to SB 1956 (Polanco, Chapter 416, Statutes of 2002), that revised and recast the notice provisions to simplify the law associated with dependency hearings. Some of the provisions replaced under SB 1956 were inadvertently reinstated when AB 1694 (Judiciary Committee), Ch. 918, 2002, became law, thus leading to the existence of conflicting code provisions. AB 44 would make the corrections necessary to carry through the changes enacted under SB 1956. Status: AsmFLOOR.

**AB 111 (Corbett) Child abuse: mental suffering.** This bill clarifies that the infliction of mental suffering upon a child, as prohibited under existing law, is a violation of the law regardless of whether the act results in physical harm to the child. It clarifies that child abuse, as is required to be considered by the court in custody proceedings, includes the infliction of mental suffering, as defined in existing law. The bill would also encourage local law enforcement to establish programs to address the needs of families that are exposed to violence. Status: SenPUBSAF.

**AB 129 (Cohn) Dual status children.** This bill expresses legislative intent to enact provisions authorizing any county to enact a protocol to permit a minor meeting specified criteria to be designated as both a dependent child and a ward of the juvenile court. The provisions would require the Judicial Council to evaluate the results of implementing such a protocol and to report its findings to the Legislature. Status: AsmJUD.

**AB 408 (Steinberg) Dependent children.** This bill makes changes in dependency law to help achieve permanency for older foster youth. It requires the court, if a minor 10 years of age or older who is the subject of a juvenile court hearing is not present at that hearing, to determine whether the minor was properly notified of his or her right to attend the hearing. It requires that any social study or evaluation made by a social worker or child advocate appointed by the court and required to be received in evidence shall include a discussion of whether the child has relationships with individuals other than the child's siblings that are important to the child, and that efforts are made to maintain this relationship so that no child leaves foster care without a lifelong committed adult. It further provides that every child adjudged to be a dependent child of the juvenile court shall be entitled to participate in age appropriate extracurricular, enrichment and social

activities, and that no state regulation or policy may prevent or create barriers to participation in those activities. Status: Chapter 813, 2003.

**AB 579 (Chu) Dependent children: notice to siblings.** This bill would require the local child services agency or the clerk of the court to provide notice of court hearings to certain siblings of a child who is the subject of a juvenile court proceeding and to the attorney of the sibling, unless the sibling is already required to be in court on the same day and on the same matter. Only a sibling who is the subject of a dependency proceeding or who has been adjudged a dependent of the court would be entitled to this notice. Status: Chapter 558, 2003.

**AB 1372 (Yee) Dependent children: jurisdictional hearings and hearsay.** Under existing law, hearsay evidence contained in a social study used in a dependency proceeding cannot be sufficient by itself to find that the child comes within the jurisdiction of the court as a dependent child, if that evidence has been timely challenged by any party to the jurisdictional hearing. An exception is made when the hearsay declarant is a child under the age of 12 who is the subject of the jurisdictional hearing. This bill would instead make an exception for the hearsay declaration of a child under 12 who is disqualified as a witness because he or she lacks the capacity to distinguish between truth and falsehood at the time of testifying, if the court finds that the time, content, and circumstances of the statement provide sufficient indicia of reliability. Status: AsmJUD.

**AB 1469 (Negrete McLeod) Dependent children: supplemental reports.** This bill provides that the 10 calendar day requirement to furnish a copy of a supplemental report may be accomplished by mailing a copy of the report at least 15 calendar days prior to a hearing to a party whose address is within California or 20 calendar days to a party whose address is outside the state. The bill requires the court to grant a continuance not exceeding 10 calendar days on the ground that the report was not provided as required, unless there is an express waiver of the 10 calendar days notice requirement or the court finds that the lack of timely notice does not prejudice the requesting party's ability to proceed at the hearing. In making this determination, the court is required to presume a party is prejudiced by the lack of timely service of the report and may find that the party is not prejudiced only by clear and convincing evidence to the contrary. Status: Chapter 516, 2003.

**AB 1635 (Keene) Emancipated minors.** This bill would revise the definition of an emancipated minor to provide that any minor who has received a high school diploma, or its equivalent, or who has been recognized as an emancipated minor in another state, is an emancipated minor. The bill would also delete the requirement that a petition for emancipation state that the minor lives separate and apart from his or her parents or guardian, instead requiring a statement that the minor is sufficiently responsible to merit the declaration, with specified evidence of such responsibility required. Status: AsmJUD.

**SB 59 (Escutia) Dependent children: placement.** In order to minimize delays in the adoption appeals process when an adoption placement is challenged after parental rights have been terminated, SB 59 would mandate a statutory “substantive writ” process for cases where, after parental rights are terminated, juvenile courts intervene in adoption placement decisions by local child services agencies. The procedure specified in the bill requires a petition for a writ to be filed, substantively addressing the issues to be challenged and supported by an adequate record. Only if the writ is summarily denied or otherwise not heard on the merits could an appeal be filed. Status: Chapter 247, 2003.

**SB 139 (Brulte) Abandoned newborns: safe-surrender.** This bill makes a series of clarifying changes to existing law that grants immunity from prosecution for child abandonment when a parent or lawful custodian voluntarily surrenders physical custody of a child to designated sites and persons. Status: Chapter 150, 2003.

**SB 984 (Scott) Dependent children: Welfare Advance Fund payments: adoptions.** SB 984 brings California law regarding foster care and adoptive placements into conformity with the requirements of federal law barring consideration of a foster family's or adoptive family's cultural, ethnic, or racial background, or that of the child, in making a placement of a child. The bill makes further changes bringing California law into conformity with federal law regarding eligibility for the Adoption Assistance Program. Status: Chapter 323, 2003.

#### **Child Custody and Visitation**

**AB 524 (Haynes) Dependent children.** This bill requires that, when a child is taken into protective custody due to suspected neglect or abuse by a parent or guardian (as described in Section 300 of the Welfare and Institutions Code), the child shall be released to the parent or guardian immediately after a finding by the juvenile court that the child is not an abused or neglected child, but in any case not more than two working days following the date of that finding. Status: Chapter 306, 2003.

**AB 934 (Reyes) Fresno County: child abduction prevention program.** This bill establishes, in Fresno County until January 1, 2007, upon approval of the board of supervisors, a pilot project requiring each person who files a petition, notice of motion, or other paper in the superior court to determine custody of or visitation with a child, as specified, to establish a parent and child relationship, to petition for temporary guardianship of a minor, or to object to the report and recommendation of the mediator determining child custody or visitation, to pay a fee of \$25 in addition to other required fees. The bill requires that all moneys collected pursuant to that provision be deposited in the Child Abduction Prevention Fund established in the office of the district attorney in Fresno County and be allocated for the purpose of performing specified duties required of the district attorney in certain cases concerning child custody or visitation. Status: AsmJUD.



**AB 962 (La Suer) Minors: temporary custody.** This bill requires that, for purposes of a code section barring a peace officer from taking a minor who is in a hospital into temporary custody without a warrant, the minor is the subject of a petition for adoption and a Health Facility Minor Release (HFMR) Report has been completed by the hospital and signed by the placing birth parent or parents and the adoptive parent or parents prior to the discharge of the child. The bill requires that the prospective adoptive parent or parents or their representative provide a copy of the HFMR with the signed notice to the birth parent or parents and a copy of the petition for adoption to the local child protective services agency or the peace officer who is at the hospital to take the minor into temporary custody. The bill further requires that prior to signing the HFMR, the birth parent or parents be given a notice, as specified, stating among other things that the HFMR does not constitute consent to the adoption or a relinquishment of parental rights, and that the birth parent or parents may reclaim the minor from the prospective adoptive parents until an adoption placement agreement or relinquishment is signed by the birth parent or parents. Status: Chapter 568, 2003.

**AB 1108 (Bermudez) Child custody: drug testing.** Provides that in any custody or visitation proceeding, the court may order any parent seeking custody or visitation to undergo drug and alcohol testing if there is a preponderance of the evidence that habitual, frequent, or continual illegal use of controlled substances or alcohol by the parent or legal custodian exists. This evidence may include, but is not limited to, a conviction regarding the illegal use or possession of illegal drugs or alcohol within the past five years. It also provides that the tests shall be done by the least intrusive method possible, and results of the testing shall be confidential and maintained as a sealed record in the court file, and may only be released to specified parties. The results of these tests may only be used to determine the best interest of the child and not be used for criminal, civil, or administrative purposes. Breach of confidentiality is punishable by up to \$2,500 in civil sanctions. The court may order either, or both, parties to cover the costs of the testing. Status: AsmFLOOR.

**AB 1151 (Dymally) Foster care.** This bill clarifies current law and practice with respect to the health and safety of children in foster care. It states legislative intent that nothing in the decision of the California Court of Appeal in County of Los Angeles v. Superior Court: Real Part in Interest Terrell R. (2002) 102 Cal. App. 4<sup>th</sup> 627 shall be held to change the standards of liability and immunity that existed before that decision for injuries to children in protective custody. It reaffirms that both state and federal law require ensuring the safety of foster children and provides public access to certain records pertaining to the death of a foster child under the California Public Records Act. Status: Chapter 847, 2003.

**AB 1516 (Bates) Child custody: abduction.** This bill makes modifications to the Synclair-Cannon Child Abduction Act, enacted in 2002 to assist courts in determining, in custody proceedings, whether a child is at risk of abduction by a parent. AB 1516 modifies the factors to be considered by the courts in determining the risk of abduction to

ensure that actions taken by domestic violence victims to escape abuse are not taken as showing a risk of abduction. Status: Chapter 52, 2003.

**SB 156 (Burton) Custody: residence of the child.** This bill codifies legislative affirmation of the California Supreme Court decision in In re Marriage of Burgess (1996) regarding "move-away" custody cases where a custodial parent seeks to relocate with the children. Specifically, this bill declares the Legislatures intent to reaffirm as the states public policy and law this California Supreme Court ruling that a court may not prevent a custodial parent from relocating with the child absent a finding that the relocation would be detrimental to the child. Status: Chapter 674, 2003.

**SB 265 (Kuehl) Child custody: domestic violence.** This bill prohibits a parent from rebutting the statutory presumption against custody for perpetrators of domestic violence by citing the general statutory preference for children of divorce to have frequent and continuing contact with both parents. The bill provides that for purposes of applying the presumption, a conviction of domestic violence, or findings by a court that domestic violence occurred, are sufficient to satisfy the requirement of a finding by the court. It deletes the provision barring application of the presumption in cases where both parents are perpetrators of domestic violence. The bill also requires that the court inform both parents about the presumption against custody when one of them alleges that the other party has perpetrated domestic violence. Status: Chapter 243, 2003.

**SB 734 (Ortiz) Child custody and visitation.** This bill prohibits a parent's custody or visitation rights from being limited because the parent lawfully reported suspected sexual abuse of the child or acted to determine if the child was the victim of sexual abuse. It requires the court to consider, in making an order granting custody, which parent is more likely to allow the child frequent and continuing contact with a noncustodial parent who has not committed child abuse or neglect. It requires courts to impose supervised visitation upon parents convicted of specified crimes, unless the parent has successfully completed all required rehabilitation programs, and establishes factors for determining whether visitation should be supervised in other cases. This bill also provides that a court may not deny or limit visitation by a parent to whom the child is attached and who plays an important developmental role in the child's life except to protect the child from abuse or abduction. Status: AsmJUD.

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

**AB 252 (Jackson) Paternity judgments.** This bill creates new procedures permitting a paternity judgment to be set aside or vacated, where the motion is filed within one year of the date on which the moving party knew or should have known that the previously established father was declared the father or knew or should have known of the existence of an action to adjudicate the issue of paternity. The bill sets forth factors for the court to consider in determining whether the judgment should be set aside. AB 252 attempts to strike a balance between the interests of men named as fathers who seek better means to

address those cases in which they were wrongly so named and the interests of the children involved. Status: AsmFLOOR.

**AB 295 (Steinberg) Child support.** This bill revises the income standards used to calculate child support orders in cases where there is no information about a non-custodial parent's actual income by changing presumed income calculations from the minimum basic standard of care (MBSC) to the state minimum wage scale. It permits courts to set aside child support judgments in cases when the difference between presumed and actual income is five percent or more. This bill also increases the time for an obligor to file a motion for relief from 90 days to one year. Status: AsmAPPR.

**AB 308 (Montanez) Money judgments: writs of execution.** Existing law provides for the enforcement of child support or spousal support orders by writ of execution, or by other orders as the court in its discretion determines to be necessary. AB 308 requires the court clerk to give priority to the application and issuance of writs of execution for child support and spousal support orders. Status: Chapter 17, 2003.

**AB 656 (Corbett) Child support.** This bill requires that every child support order issued by the court and every support agreement providing for the payment of child support approved by a court on or after January 1, 2004, include a separate obligation owed by the support obligor for the cost of collection of past due child support collected by a private child support collector payable as a private child support collector fee of 25% on any past due child support collected. Status: SenJUD.

**AB 738 (Jackson) Child support enforcement: enhanced tracking requirements.** This bill establishes the Quality Assurance and Performance Improvement Program as a means to effectively and continuously monitor, evaluate and improve program performance of the child support program and to maximize access to federal funds. It provides the Legislature's intent for the state to move from a so-called "compliance based" child support enforcement process to a "performance based" process. The bill modifies the annual compliance reviews currently required to include only those local child support agencies that are out of compliance, while those in compliance will be subject to review once every three years and deletes out-dated case management reviews contained in existing law. Status: Chapter 308, 2003.

**AB 739 (Jackson) Child support: state disbursement unit.** This bill establishes the needed funding structure and banking considerations for the collection and distribution of millions of dollars of child support payments that will be handled by California's State Disbursement Unit (SDU). Provides start up funds from the General Fund to the Child Support Payment Trust Fund, and allows the Department of Child Support Services (DCSS) to enter into a trust agreement and allows any trust accounts created by the trust agreement to be held outside the State Treasury. Each county is required to perform close out activities to ensure accountability for all collections, obligations, and payments. The bill provides that the fund is continuously appropriated, and that the state share of interest and other earnings accruing on the fund are available to offset certain General Fund costs

according to a specified priority. Status: Chapter 387, 2003.

**AB 1605 (Bates) Employees and service-providers: reporting requirements.** Existing law requires each employer and service-recipient to file with the Director of Employment Development a report of contributions and report of wages paid to his or her workers, or, for service-providers, to provide specified information regarding payments to the service-providers for purposes of child support collection. This bill provides that a service-provider does not include a person who sells consumer products on a buy-sell or deposit-commission basis, or similar basis, or a person who sells consumer products in the home or a place other than a permanent retail establishment. Status: AsmJUD.

**SB 339 (Alpert) Private child support collectors.** This bill enacts the Private Child Support Collection Art. It regulates private child support collectors, as defined, by limiting their fees, requiring specified disclosures to potential clients, permitting cancellation of contracts under certain circumstances, and regulating advertising. Collection fees shall be limited to between 10 and 15 percent of each child support payment collected, or 20 percent of a lump sum payment satisfying the entire obligation, and requires the private child support collector to provide documentation to the obligee demonstrating that the payment resulted from the actions of the private collector. Status: AsmJUD.

**SB 1030 (Ashburn) Paternity testing.** This bill creates new procedures for establishing paternity and for challenging paternity judgments. It is a competing measure to AB 252 (Jackson), described above. SB 1030 creates a new procedure permitting a judgment of paternity to be set aside or vacated under certain circumstances if genetic testing indicates that the previously established father is not the biological father of the child. The bill would permit a motion to set aside or vacate a paternity judgment to be filed within two years of the first payment of child support made pursuant to a court order for child support based upon the paternity judgment, or, for those men paying support as of the effective date of the bill, within two years of enactment. Status: AsmJUD failed, reconsideration.

### **Domestic Partnership**

**AB 17 (Kehoe) State contracts: acquisition of goods or services.** This bill prohibits a state agency from entering into any contract for goods or services in the amount of \$100,000 or more with a contractor that does not provide the same benefits to an employee with a registered domestic partner that it provides to an employee with a spouse, as specified. The bill provides for specified implementation dates and specifies that its requirements apply only to those portions of a contractor's operations that occur under any of the following conditions: (1) Within the state, (2) On real property outside the state if the property is owned by the state or if the state has a right to occupy the property, and if the contractor's presence at that location is connected to a contract with the state, or (3) Elsewhere in the United States where work related to a state contract is being performed. Status: Chapter 752, 2003.

**AB 205 (Goldberg) Domestic partners.** This bill enacts the California Domestic Partner Rights and Responsibilities Act of 2003 extending most of the rights and responsibilities available to spouses solely available under state law to registered domestic partners. Specifically, the bill provides that domestic partners, former domestic partners, and surviving domestic partners shall have the same rights, protections, and benefits, and shall be subject to the same responsibilities, obligations, and duties under state law as are granted to and imposed upon spouses, former spouses and widows or widowers. The bill repeals existing law providing for termination of a domestic partnership under specified circumstances and instead provides that a domestic partnership may be terminated in one of two ways: (1) Filing a Notice of Termination of Domestic Partnership with the Secretary of State provided that certain conditions are met (similar to those required in a summary dissolution under Family Code Section 2400), including, among other things, that there are no children involved and the domestic partnership is not more than five years in duration; or, (2) Commencing proceedings for dissolution, nullity, or legal separation in superior court. The bill also requires the Secretary of State to notify currently registered domestic partners of the bill's changes to law and provides that in filing their state income tax returns, domestic partners shall use the same filing status as is used on their federal income tax returns, or that would have been used had they filed federal income tax returns. Status: Chapter 421, 2003.

### **Domestic Violence**

**AB 29 (Reyes) Protective orders: domestic violence.** This bill would require any person who petitions the court for a domestic violence protective order and who, in the petition, claims abuse against a minor, as specified, to serve a copy of the order and related pleadings to the last known address of the other parent of the minor children, with whom the petitioner shares joint legal or physical custody, unless he or she is the respondent. The bill would also require service on the other parent of any minor children of the respondent. Status: AsmJUD.

**AB 141 (Cohn) Domestic violence: evidence.** This bill expands the domestic violence exception to the general evidentiary rule against propensity evidence. Existing law generally bars the use of evidence of a person's character, including evidence of specific instances of his or her conduct, to prove that person's conduct on a particular occasion. A statutory exception is made to this rule in any criminal action in which the defendant is charged with an offense involving domestic violence, making admissible evidence of the defendant's commission of other domestic violence. For purposes of this exception, the definition of domestic violence in Penal Code section 13700 is used, including violence against a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. AB 141 would instead amend the exception to include domestic violence as defined in Family Code section 6211, which includes violence against any child of a party. Status: SenPUBSAF failed, reconsideration.

**SB 399 (Kuehl) Foreign protection orders.** This bill updates the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act by adding anti-stalking orders to the list of foreign protection orders that must be enforced in California. It also removes provisions prohibiting enforcement of a provision of a foreign protection order respecting support, and makes other clarifying changes. Status: Chapter 134, 2003.

### **Family Law**

**AB 1704 (Judiciary) Family Law.** This bill is a placeholder to address family law issues that may arise during the course of this legislative session. Status: AsmRULES.

**AB 1710 (Judiciary) Family and juvenile court law.** This bill makes several corrections and necessary technical changes in provisions of the Family Code and Welfare and Institutions Code. The bill eliminates obsolete references, corrects statutory cross-references and creates consistency in the law. It allows the court, in a restraining order issued ex parte to protect a child subject to a petition to declare that child a ward of the court, to enjoin the subject of the order from harming or threatening other children in the household. AB 1710 eases the service requirements with regard to a temporary restraining order or emergency protective order issued in a dependency or delinquency action. In addition, AB 1710 directs the disposition of royalties received from the publication of uniform jury instructions, and creates authorization for Court Appointed Special Advocate programs to get criminal background information on prospective employees and volunteers from the Department of Justice. Status: Chapter 365, 2003.

## HEALTH CARE

**AB 621 (Nakanishi) Physicians and surgeons: immunity from liability.** This bill would create a pilot program, using private funding, which would purchase liability insurance for up to 100 physicians and surgeons who are eligible for waiver of license renewal fees under existing law. Such waivers are available under existing law for physicians who are renewing solely in order to provide unpaid services to an agency, institution or corporation that provides medical services to indigent patients in medically underserved or critical-need population areas. Status: SenAPPR.

**AB 1251 (Bermudez) Los Angeles County Hospital Authority.** This bill would authorize the Board of Supervisors of the County of Los Angeles to establish, by ordinance, a hospital authority to manage, administer, and control the medical centers in Los Angeles County. The bill sets forth the rights and duties, powers and requirements of such an authority and creates procedures for its operations. Status: AsmHEALTH.

**AB 1424 (Mountjoy) Minors: psychotropic drugs.** This bill provides that the refusal of a parent or guardian of a child to administer or consent to the administration of any psychotropic drug to the child or to consent to any other psychological or psychiatric diagnoses or treatments for the child does not, in and of itself, constitute a basis for finding that the child comes within the definition of a dependent child, for adjudging the child to be a dependent child of the juvenile court, or for removing the child from the physical custody of the parent or guardian, as specified. Status: AsmHEALTH.

**AB 1686 (Pacheco) Health care: billing.** This bill would, upon the request of a contracting physician group or non-contracting physician or physician group, authorize a local medical society to convene a panel to hear and attempt to resolve a billing dispute and require the panel to render an advisory letter to the parties if the panel determines that the parties are unwilling to agree, which would be admissible in any court action. This bill would further prohibit a health care service plan from paying a claim submitted by a non-contracting provider under certain conditions, including when the claim was submitted by a non-contracting provider to a contracting provider for payment and the amount of the claim is disputed by the contracting provider. Status: AsmHEALTH.

**SB 494 (Escutia) Medi-Cal.** In order to avoid federal preemption of California law regarding a health care provider's lien against an injured party's recovery from a third party, when the injured party has been provided care under the Medi-Cal program, SB 494 would expressly state that the health care provider's lien is only against that portion of the recovery relating to past medical expenses. The bill would further provide that a health care provider may claim the reasonable and necessary charges, as defined, for the care provided. Status: AsmHEALTH failed, reconsideration.

## LIABILITY AND RELATED MATTERS

### Immunity, Scope of Liability and Statute of Limitations

**AB 209 (Leslie) Disabled persons: liability.** This bill establishes a 60-day notice requirement before bringing an action for damages under state law against specified businesses for violation of the federal Americans with Disabilities Act of 1990 (ADA) if the business has made a good faith effort to comply with the ADA or if the business corrects the alleged violation within 60 days, and caps the amount of damages a plaintiff may recover against certain businesses. Status: AsmJUD failed, reconsideration.

**AB 1020 (Laird) Public water systems: civil actions: contaminants.** This bill authorizes a public water system (PWS), under specified conditions, to bring a civil action against any person responsible for the presence of any recognized contaminant in surface water or groundwater supplies utilized by PWS for drinking water purposes, for the cost to PWS associated with the investigation, remediation, filtration, or treatment of water containing that contaminant if the civil action commences within three years of the date the expense is incurred. Status: SenFLOOR.

**AB 1135 (Spitzer) Immunity: intoxicated passengers.** This bill would abolish the doctrine of comparative fault in specified circumstances such that any person or organization that provides vehicular rides to intoxicated persons is not liable for any injury to, or death of, an intoxicated passenger resulting from that ride if that passenger contributed to the cause of his or her injury or death by a percentage of fault of more than 50 percent, so long as the driver of the vehicle in which that passenger was riding is not found to have been driving under the influence. Status: AsmJUD failed.

**AB 1176 (Campbell) Proposition 65: enforcement.** This bill, among other things, requires a court to make a finding that a settlement in an action brought under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) is fair, reasonable, and in the public interest. The bill requires the Attorney General to make the terms of the proposed settlement publicly available and allows any person with an interest in the proposed settlement to intervene in the motion to approve a settlement. The bill also prohibits a person from filing an action in the public interest or bringing an action that alleges a violation of the act if the defendant has previously entered into a settlement or judgment pursuant to the act and the person filing or bringing the action alleges the same violation of the act that was settled or adjudicated. Status: AsmES&TM.

**AB 1380 (Pacheco) Proposition 65: enforcement.** This bill, among other things, authorizes a person who receives a notice alleging a violation of the warning requirements of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) to serve a written offer to enter into a resolution of the notice's allegations, before the enforcement action is commenced. The bill prohibits a person who brings an action in the public interest from receiving an award of civil penalties if the written offer includes a specified declaration and the person serving the written offer



agrees to provide a clear and reasonable warning or eliminate or reduce the alleged exposure. Status: AsmES&TM.

**AB 1399 (Longville) Investigative consumer reporting agencies.** This bill deletes the existing provision creating liability of not less than \$25,000 for an investigative consumer reporting agency that fails to maintain reasonable procedures to avoid violations under the Investigative Consumer Reporting Agencies Act, and instead makes such agencies subject to general liability provisions for violations of the Act. The Act creates liability to the consumer for actual damages or \$10,000, whichever is greater, the costs of the action, reasonable attorney's fees and in some cases punitive damages. Status: Chapter 146, 2003.

**AB 1447 (Matthews) Proposition 65: enforcement.** This bill authorizes the Attorney General to extend the time for review of the notice submitted by a plaintiff bringing an action in the public interest for up to 60 additional days. The bill also requires the written notice of an extension to include specified information and provides that any statute of limitations or equitable defenses to a private action be tolled during the time of the extension. The bill prohibits evidence of the extension from being admitted in a private enforcement action for any purpose other than for determining the commencement of any statute of limitations or application of any equitable defense. Finally, the bill authorizes a person bringing an action in the public interest to file an action to request preliminary injunctive relief to enjoin an ongoing or threatened violation of the act before the expiration of an extension. Status: AsmJUD.

**SB 219 (Romero) Public agency immunity.** This bill narrows the current immunity for public agencies when a suspect fleeing a police vehicle causes injury to a third party by requiring the public agency not only to adopt, but to also implement and comply with a policy on vehicle pursuits. This bill would not affect governmental immunity against lawsuits for injuries incurred by fleeing suspects themselves or their accomplices. Status: AsmFLOOR failed, reconsideration, to AsmINACTIVE.

**SB 331 (Romero) Toxic injuries: limitation of actions.** This bill codifies the doctrine of delayed discovery as it applies to the statute of limitations for filing a lawsuit for injury, illness or death caused by exposure to a hazardous material or toxic substance. Specifically, the bill provides that in a civil action for injury or illness based upon exposure to a hazardous material or toxic substance, a plaintiff must bring an action no later than either: a) two years from the date of injury; or, b) two years after the plaintiff became aware of or reasonably should have become aware of: i) an injury; ii) the physical cause of the injury; and, iii) sufficient facts to put a reasonable person on inquiry notice that the injury was caused or contributed to by the wrongful act of another, whichever occurs later. The bill provides a similar timeframe for wrongful death actions. The bill also provides that media reports regarding the hazardous material or toxic substance contamination do not, in and of themselves, constitute sufficient facts to put a reasonable person on inquiry notice that the injury or death was caused or contributed to by the wrongful act of another. Status: Chapter 873, 2003.

**SB 333 (Romero) Statute of limitations: uninsured motorist claims.** This bill increases from one year to two years the time in which a plaintiff must bring an action against an uninsured motorist or commence arbitration proceedings under his or her uninsured motorist policy. Status: Chapter 56, 2003.

**SB 933 (Dunn) Limitations period: deportation and forced emigration.** This bill provides a specific limitation period for legal claims arising out of the forced deportation and emigration of persons of Mexican descent during the period from 1929 to 1944. Status: Vetoed.

## CIVIL, CONSTITUTIONAL, AND PERSONAL RIGHTS

### Civil Rights

**AB 18 (Leno) Sexual orientation and gender discrimination.** This bill would add sexual orientation and gender to the forms of discrimination prohibited in state employment. Status: AsmJUD.

**AB 76 (Corbett) Sexual harassment.** This bill clarifies language in the Fair Employment and Housing Act (FEHA) to ensure that employers may potentially be liable for sexual harassment committed against their workers by clients, customers and other third parties if they knew or should have known of the harassment, and failed to take immediate and appropriate corrective action to stop the harassment. This bill effectively invalidates the 2002 court of appeal decision of Salazar v. Diversified Paratransit, Inc., 126 Cal.Rptr.2d 475 (2002), which held that employers in California are not liable for harassment perpetrated against their workers by customers, vendors, and other third parties. Status: Chapter 671, 2003.

**AB 159 (Jerome Horton) State employees: discrimination.** This bill provides that a discrimination action filed under the California Fair Employment and Housing Act may not be barred on grounds that the aggrieved person failed to exhaust his or her internal or state civil service administrative remedies, abrogating the holding of Schifando v. City of Los Angeles (2002) 97 Cal.App, 4<sup>th</sup> 312. Status: SenINACTIVE.

**AB 703 (Dymally) Racial discrimination: definition.** This bill provides a statutory definition of "racial discrimination" that is based on the language used in the International Convention on the Elimination of All Forms of Racial Discrimination for the purpose of the California Constitution, and interprets that provision of the Constitution with respect to private causes of action. Status: Chapter 211, 2003.

**AB 1617 (Montanez) Sexual harassment.** This bill would specify the reasonable steps an employer should take to investigate allegations of harassment and to prevent harassment. Status: AsmJUD.

**AB 1707 (Judiciary) Civil Code.** This bill is a placeholder to address civil law issues that may arise during the course of this legislative session. Status: AsmRULES.

**AB 1709 (Judiciary) Government Code.** This bill is a placeholder to address government code issues that may arise during the course of this legislative session. Status: AsmRULES.

**SB 262 (Kuehl) Disability discrimination: buildings access.** This bill seeks to promote compliance with disability access laws in places of public accommodation by authorizing the State Architect to establish a program for voluntary certification of persons desiring to be designated as building access specialists, to publicize a list of certified access

specialists and to monitor the performance of such persons. This bill further adds civil penalties to the remedies public prosecutors may seek in enforcing building access laws for physically handicapped people, and adds county counsels to the public attorneys authorized to enforce these laws. Status: Chapter 872, 2003.

**SB 302 (Kuehl) Discrimination: California State University.** This bill clarifies state non-discrimination obligations by expressly including the California State University in the non-discrimination and accessibility requirements of Government Code section 11135. Status: Chapter 784, 2003.

**SB 577 (Kuehl) Protection and advocacy agencies.** This bill clarifies and consolidates state laws related to California's protection and advocacy agency, Protection and Advocacy, Inc. (PAI), to conform to federal law. Specifically, this bill (1) clarifies that broader populations than just the developmentally disabled or mentally ill are eligible for PAI services, (2) redefines "abuse," "neglect," and "complaint" to conform with federal law, and (3) clarifies the type of facilities that may be accessed by PAI in the course of an investigation. Status: Chapter 878, 2003.

**SB 796 (Dunn) Penalty of violation of Labor Code.** This bill enacts the Labor Code Private Attorneys General Act of 2004, establishing an alternative "private attorney general" system for labor law enforcement that allows employees to pursue civil penalties for Labor Code violations. It establishes a specified civil penalty where one is not specifically provided under the Labor Code and provides for the distribution of recovered civil penalties as well as reasonable attorney's fees and costs to aggrieved employees. Status: Chapter 906, 2003.

**SB 1025 (Escutia) Disability discrimination: multilevel townhouses.** This bill amends the Fair Employment and Housing Act to require that new multilevel townhouses include construction of 10 percent of the units with an accessible bathroom on the primary entry level floor, and that these units also meet existing accessibility requirements for mobility impaired persons. Status: Chapter 642, 2003.

### **Constitutional Rights**

**AB 470 (Bermudez) Conditional use permit: religious facility.** This bill prohibits a city or county, on land that is zoned to permit religious use, from requiring, in addition to a conditional use permit, an applicant for this permit who intends to use the property for religious services, worship, or other religious activities to prepare and submit planning documents or any other documents that are not directly related to the proposed use or occupancy of the property. Status: AsmLGOV.

**AB 600 (Maddox) Government regulation: religious exercise.** This bill prohibits any local, state, or other public agency from imposing or implementing a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, unless the agency demonstrates that the imposition of the burden on that person is in furtherance

of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest. The bill authorizes any person to bring an action to enforce those rights, as specified. Status: AsmLGOV.

**AB 666 (Haynes) School children: patriotic exercises.** This bill encourages each preschool and Head Start program that receives state funds or uses public school facilities to conduct age-appropriate patriotic exercises, and provides that this objective is satisfied by recitation of the Pledge of Allegiance to the United States flag. The bill also requires that parents and guardians be notified of their rights to: 1) refuse that their child participate in the recitation of the Pledge; 2) receive immediate assistance in the event of apparent harassment, discipline retaliation or ostracism against the child as the result of their non-participation in this exercise. Status: SenED failed, reconsideration.

**AB 1109 (Maddox) Justifiable homicide: defense of a fetus.** AB 1109 would add to the Penal Code section defining the circumstances under which a homicide is considered justifiable a homicide committed in defense of a fetus. Status: AsmJUD.

**AB 1525 (Longville) Common interest development: signs.** This bill provides that the governing documents of a common interest development may not prohibit the posting or displaying of noncommercial signs, posters, banners or flags on or in an owner's separate interest unless necessary to protect public health or safety or if the posting or display would violate a local, state, or federal law. This bill specifies the materials and locations that noncommercial signs, posters, banners or flags may and may not be displayed. The bill also allows associations to impose reasonable size restrictions. Status: Chapter 774, 2003.

**ACR 43 (Montanez) Girl Scouts.** Commends the Girl Scouts of the United States of America for 91 years of service. This resolution sets forth facts relating to the founding of the Girl Scouts and their continuing service in promoting ideals of tolerance as well as in developing each girl's potential. It further resolves that the Legislature commends the Girl Scouts of the United States of America for 91 years of service and for inspiring millions of girls with the highest ideals of character, conduct and patriotism. Status: Res. Chapter 28, 2003.

**ACR 59 (Pacheco) Eagle Scouts.** This resolution recognizes the outstanding efforts of the Boy Scouts who, through persistence and hard work, earn the rank of Eagle Scout, promote the brotherhood of scouting across international boundaries as a model of leadership, character, and honor, and provide a solid foundation and common thread to unite all persons around the world. Status: AsmJUD failed, reconsideration.

**ACR 89 (Goldberg) Boy Scouts of America.** This resolution recognizes the outstanding efforts of the Boy Scouts who earn the rank of Eagle Scout and encourages the Boy Scouts of America to accept for membership and leadership positions, including the rank of Eagle Scout, all qualified boys and men, without discriminating on the basis of sexual orientation or religious belief. Status: Res. Chapter 118, 2003.

**AJR 2 (Jackson) Relative to the 30<sup>th</sup> anniversary of Roe v. Wade.** This resolution makes various statements related to Roe v. Wade and its significant effect on the reproductive rights of women. This resolution states that the U.S. Supreme Court's decision in Roe v. Wade, guaranteeing women reproductive rights, is an occasion deserving of celebration and special public commendation. Status: Res. Chapter 63, 2003.

**AJR 4 (Mountjoy) The National Slave Memorial Act.** This resolution urges the Congress of the United States to pass H.R. 196, the National Slave Memorial Act, which authorizes the Secretary of the Interior to establish a memorial to slavery in the District of Columbia. Status: AsmJUD failed.

**SB 116 (Dunn) Mobilehome parks: signs.** This bill allows both resident and non-resident owned mobilehome parks to display campaign signs during a time period from 90 days before an election to 15 days following the election in a mobilehome park. The bill provides that the size of the face of a political sign may not exceed six square feet. In the event of a conflict between the provisions of this bill and those in Title 6 relating to the size and display of political campaign signs, the above provision contained in this bill shall prevail. Status: Chapter 249, 2003.

**SCR 47 (Alpert) Eugenics.** This measure expresses the profound regret of the Legislature over the state's past role in the eugenics movement, and would urge every citizen of the state to become familiar with the history of eugenics, in the hope that a more educated and tolerant populace will reject any similar abhorrent pseudoscientific movement should one arise in the future. Status: Res. Chapter 130, 2003.

### **Privacy Rights**

**AB 7 (Corbett) Privacy.** This bill contains intent language providing that it is the intent of the Legislature to ensure that state law adequately and fully protects the California Constitution's guarantee of an inalienable right to privacy. Status: AsmRULES.

**AB 68 (Simitian) Online Privacy Protection Act of 2003.** This bill enacts the Online Privacy Protection Act of 2003, requiring disclosure of online privacy policies. The bill requires an operator of a commercial Web site or online service that collects personally identifiable information about individual consumers residing in California who use or visit its commercial Web site or online service to conspicuously post its privacy policy on its Web site or in the case of an online service, make that policy available. Under the bill, an operator violates this requirement only if the operator fails to post the policy within 30 days after being notified of noncompliance. The bill also requires that the privacy policy contain specified information. Status: Chapter 829, 2003.

**AB 224 (Kehoe) Privacy: electronic reading and use of identification cards.** This bill prohibits businesses from electronically reading an identity card, including a driver's

license or state identity card, except under specified circumstances, and then only as necessary for a particular transaction or purpose. It also prohibits a retailer from storing, selling, or sharing personal information collected by electronic reading of an identification card. Status: AsmB&P.

**AB 258 (Calderon) Retail sales: personal information.** This bill prohibits any retail seller from requesting personal identifying information, as defined, from any person making a return or exchange of merchandise, if paid for by cash. Status: AsmJUD.

**AB 262 (Chan) Personal information.** This bill extends the prohibition in existing law for any health care provider, health care service plan, contractor, or corporation to intentionally share, sell, or otherwise use any medical information for any purpose not necessary to provide health care services to a patient, except as authorized by the patient, to also apply to marketing medical information. The bill also prohibits a health care provider, pharmacy, health care service plan or contractor from being remunerated for providing any information or data relating to a prescription if it includes identifiable information concerning the prescribing physician. Several of these provisions were added to AB 715 (Chan) (Chapter 562, 2003). Status: SenAPPROPS.

**AB 763 (Liu) Privacy: social security numbers.** This bill provides that a social security number that is allowed to be mailed to an individual under existing law, may not be printed, in whole or in part, on a postcard or other mailer not requiring an envelope, or visible on the envelope or without the envelope having been opened. Status: Chapter 532, 2003.

**AB 1136 (Maddox) Unemployment: wage information.** This bill would authorize the disclosure of wage information to consumer reporting agencies for the purpose of verifying information provided by an individual in connection with a specific credit or employment transaction if certain conditions are met. It would provide for civil penalties and civil actions for violations. Status: AsmINS.

**AB 1376 (Benoit) Access to vital records: private licensed investigators.** This bill expands the category of persons who are authorized to receive non-comprehensive birth or death indices for purposes of law enforcement or preventing fraud to include a private licensed investigator. Status: AsmHEALTH.

**AB 1387 (Yee) Legislature.** This bill requires the Legislature to take actions to protect the privacy of its employees including, among other things, using an identifying number other than an employee's social security number, informing employees of the official responsible for system of records, and notifying personnel, by specified means, of any security breach to computers housing personal information. Status: AsmAPPR.

**SB 1 (Speier) Financial institutions: nonpublic personal information.** This bill creates the California Financial Information Privacy Act limiting a financial institution's ability to share consumers' nonpublic personal information. The bill requires a financial

institution to obtain the consumer's written or electronic consent ("opt-in") before the financial institution may disclose or share the consumer's nonpublic personal information with any nonaffiliated, non-financial third party. The bill also requires a financial institution to give consumers annual written notice and the opportunity to "opt-out" before the institution discloses nonpublic personal information to affiliates or to third party financial institutions that do not meet specified criteria. The measure allows the sharing of nonpublic personal information with no restrictions (no-opt) when all of the following requirements are met: (1) The sharing is between financial institutions that are wholly owned by the same entity; (2) The same functional regulator (as defined) regulates the financial institution disclosing the information and the financial institution receiving it; (3) The financial institution disclosing the information and the financial institution receiving are both engaged in the same line of business, defined as insurance, banking or securities; and (4) The financial institution disclosing the information and the financial institution receiving it share a common brand within their trademark, service mark, or trade name. The bill also permits the unrestricted sharing of nonpublic personal information in specified circumstances and provides various civil penalties for negligent, or knowing and willful violations. Status: Chapter 241, 2003.

**SB 25 (Bowen) Personal information: identity theft.** This bill requires any person who uses a credit report to extend credit to take reasonable steps to verify the consumer's identity if the credit report contains a security alert. The bill also prohibits entities from making public an individual's social security number or using social security numbers as passwords or on an identification card as specified. Status: Chapter 907, 2003.

**SB 27 (Figueroa) Personal information: disclosure to direct marketers.** This bill requires businesses to either: (1) disclose to customers, upon request, what categories of personal information the business shares with third parties for marketing purposes, or (2) provide customers with the ability to opt-out of having their information shared for marketing purposes. Status: Chapter 505, 2003.

**SB 186 (Murray) Privacy: unsolicited commercial e-mail advertisements.** This bill prohibits a person or entity located in California from initiating or advertising in unsolicited commercial e-mail advertisements. It prohibits a person or entity not located in California from initiating or advertising in unsolicited e-mail advertisements sent to a California e-mail address, as defined. The bill also prohibits a person or entity from collecting e-mail addresses or registering multiple e-mail addresses for the purpose of initiating or advertising in an unsolicited e-mail advertisement from California or to a California e-mail address. The bill authorizes a recipient of a commercial e-mail advertisement sent in violation of these prohibitions, the electronic mail service provider or the Attorney General to bring an action to recover actual damages or liquidated damages of \$1000 per transmitted message up to \$1,000,000 per incident, as defined. Status: Chapter 487, 2003.

**SB 590 (Speier) Personal information: consumers.** This bill prohibits businesses from requesting, or requiring as a condition of a transaction, personal information from a



customer during a transaction, other than that which is necessary to effect, administer, or enforce that transaction. The bill also prohibits businesses from sharing personal information about a customer with a third party except as necessary to effect, administer, or enforce a transaction, or if the customer is given the opportunity to opt out of sharing. The bill does not apply to financial institutions, as defined. Status: Vetoed.

**SB 598 (Machado) Confidentiality of medical information: psychotherapy.** This bill exempts disclosures made for purposes of diagnosis or treatment from procedures established in current law that specify how a health care provider may disclose information relating to a patient's participation in outpatient treatment with a psychotherapist. Status: AsmJUD.

**SB 602 (Figueroa) Personal information.** This bill establishes the Identity Theft Prevention and Assistance Act which provides various protections and support for victims of identity theft. This bill requires consumer credit reporting agencies to notify each consumer who has requested that a security alert be placed on his/her consumer credit report of the expiration date of the alert. It establishes a penalty of up to \$2,500 for a credit reporting agency that recklessly, willfully, or intentionally fails to place a security alert when properly requested to do so. It establishes a \$10 limit that a credit reporting agency may charge each time a consumer places, removes, or temporarily lifts a freeze on their credit report. It prohibits a business that uses the electronic information encoded on a driver's license for purposes of verification of age or authentication of the license from retaining the information or using it for any further purpose. Status: Chapter 533, 2003.

**SB 660 (Speier) Court files: confidentiality.** This bill requires that an individual's social security number that is part of a court file in a dissolution matter be placed in the confidential portion of the court file, but the remainder of that file shall be open to public inspection. Status: Chapter 154, 2003.

### **Personal Rights**

**AB 274 (Koretz) Employment.** This bill would create a rebuttable presumption that an adverse employment action is retaliatory when taken within 90 days after an employee exercises his or her employment rights unless there is clear and convincing evidence that the employee fabricated the claim in order to prevent the employer from taking that adverse action. Status: Vetoed.

**AB 1229 (Simitian) Sexual harassment.** This bill would make an employer liable for unlawful sexual discrimination against individuals who are qualified for but are denied an employment opportunity or benefit, where the individual who is granted the opportunity or benefit received it because that person submitted to sexual advances or requests for sexual favors. Status: SenAPPR.

**AB 1582 (Koretz) Abusive work environments.** This bill would make it an unlawful employment practice to subject an employee to an abusive work environment, as defined,

and would specify that an employer is vicariously liable for a violation committed by its employees, subject to certain affirmative defenses. Status: AsmL&E.

**SB 12 (Bowen) Electronic mail advertising.** This bill deletes current law that provides the recipients of unsolicited electronic mail (e-mail) advertisements (ads) with the ability to contact the sender in order to remove the recipient's address from the sender's mailing list and, instead, prohibits the sending of unsolicited e-mail ads from California or to a California e-mail address, as defined. It authorizes recipients of unsolicited commercial e-mails, or electronic mail service providers, to bring an action to recover either actual damages or \$500 for each individual violation, whichever is greater, up to a maximum of \$50,000 per day, and allows the recovery of reasonable costs and attorney's fees. The court may, in its discretion, increase the amount of the award to an amount equal to not more than three times the amount otherwise allowed, if the violation was knowing or willful. SB 12 would make it unlawful for any person to sell or otherwise provide a list of e-mail addresses to be used by a sender who intends to do either of the following: (a) initiate the transmission of unsolicited commercial e-mail ads from California; or, (b) initiate the transmission of unsolicited e-mail ads to a California e-mail address. Many of the provisions of SB 12 were amended into SB 186 (Murray), described below, and adopted into law. Status: AsmB&P failed, reconsideration.

**SB 27 (Figueroa) Personal information: disclosure to direct marketers.** This bill requires certain businesses that disclose a customer's personal information, as defined, to third parties for direct marketing purposes to provide the customer, upon request, a description of the personal information disclosed and the names and addresses of the third parties to whom the information was disclosed during the preceding calendar year. It establishes various definitions related to this bill. It requires a business to designate a mailing address and electronic mail address where customers may deliver their requests, and requires the business to respond to customer requests made at the designated address within 30 days. If a request is made at another address, the business has 90 days to respond. A business that must comply with the federal Gramm-Leach-Bliley Act (GLB) to comply with this section by providing the customer with its GLB notice if the notice also contains the information required by this provision and it includes the designated address described above. Any customer injured by a violation may institute a civil action to recover specified damages. Status: AsmB&F.

**SB 211 (Dunn) Residential care facilities for the elderly: admission agreements.** This bill specifies requirements for the form and content of admission agreements for residential care facilities for the elderly and requires a facility to conspicuously post a copy of its agreement within the facility. The admission agreement is required to include, among other things, a comprehensive fee schedule, an explanation of third-party services, information relating to residents' rights, and information relating to billing and payment, term of contract, refunds, and termination of the agreement. Status: Chapter 409, 2003.

**SB 777 (Escutia) Whistleblowers.** This bill provides additional protections for employees who refuse to perform unlawful conduct and for an employee's acts in a

previous job. It also requires the Attorney General to maintain a whistleblower hotline for business crimes and regulatory misconduct and to refer calls to the appropriate investigative or regulatory agency. Status: Chapter 484, 2003.



## **PROBATE AND RELATED MATTERS**

### **Civil Commitment, Conservatorship and Guardianship**

**SB 294 (Soto) Statewide registry: conservators, guardians and trustees.** Under existing law, conservators and guardians are required to register with a Statewide Registry maintained by the Department of Justice; this bill extends the registration requirement to trustees. Status: Chapter 629, 2003.

### **Elder Abuse**

**AB 634 (Steinberg) Elder abuse actions: confidentiality.** This bill creates a statewide policy disfavoring confidential settlement agreements in any civil action the factual foundation for which establishes a cause of action for a violation of the Elder Abuse and Dependent Adult Civil Protection Act (EADACPA) such as financial abuse, neglect, or physical abuse, and would require a showing, as specified, before a confidentiality agreement in an EADACPA proceeding may be recognized or enforced by the court. The bill would also provide any information acquired through discovery that is protected from disclosure by a stipulated protective order shall remain subject to the protective order, except for information that is evidence of abuse of an elder or dependent adult. For that information, the bill would establish a process for submitting that information to the court for the court's review and determination as to whether it should remain confidential or be subject to disclosure, as specified. Status: Chapter 242, 2003.

### **Probate**

**AB 167 (Harman) Probate code.** This bill would make technical corrections to various provisions of the Probate Code, and clarify that the proportion of each beneficiary's share that may be taken to satisfy the share of an omitted spouse or omitted child shall be determined based on the value, as of the date of decedent's death, of decedent's property received by the beneficiary. Also, in a probate proceeding involving a community property transaction where a spouse also has a separate property interest, the petition must include an allegation of good cause to include that separate property in the transaction, and, in order to authorize the transaction, the probate court must find good cause to include the separate property interest in that transaction. The bill also would amend the statutory will form to clarify that a testator may appoint a "custodian" for the assets distributed to a person or child who is age 25 or less. Status: Chapter 32, 2003.

**AB 695 (Harman) Decedent's estates: posthumously conceived children.** This bill would provide that for purposes of determining rights to property to be distributed upon the death of a decedent, a child of the decedent conceived after the death of the decedent shall be deemed to have been born in the lifetime of the decedent if the child or his or her representatives prove by clear and convincing evidence that the decedent intended that his or her genetic material be used for posthumous conception of a person to be treated as a child of the decedent; that the genetic material was used in the manner intended by the

decedent and according to law; that written notice of the availability of the decedent's genetic material for the purpose of posthumous conception was given to a person with the power to control the distribution of the decedent's property, as specified, within six months of the decedent's death; and that the child was conceived using the decedent's genetic material and was born within two years of the decedent's death. Status: AsmJUD.

**AB 1349 (Canciamilla) Wills and trusts: prohibited transferees.** This bill adds to the list of those prohibited to receive a donative transfer under an instrument such as a will or trust a domestic partner of the person who drafted the instrument or of a person who has a fiduciary relationship with the transferor, or any person who is related by blood or marriage to, is a domestic partner of, is a cohabitant with or an employee of a care custodian of a dependent adult who is the transferor. Status: Chapter 444, 2003.

**AB 1705 (Judiciary) Trustees: distributions: liability.** This bill prohibits a trustee from requiring a beneficiary to relieve the trustee of liability as a condition of making a distribution to the beneficiary that is required by the trust instrument. The bill provides that this prohibition shall not be construed to affect the trustee's rights under current law to undertake specific actions. Status: Chapter 585, 2003.

## PROPERTY AND RELATED MATTERS

### Personal Property

**AB 182 (Harman) Exempt property: evaluation.** Under existing California law, the amounts of personal property that are exempt from enforcement in bankruptcy proceedings or proceedings to enforce a money judgment are subject to review by the California Law Revision Commission every ten years, at which time the statutorily set amounts may be adjusted for inflation. This bill would mirror federal bankruptcy law and create a mechanism whereby the exempt amounts would be automatically adjusted for inflation every three years. It would increase the personal property exemption amounts by approximately 20%, to reflect changes in the cost of living since the amounts were last adjusted in 1994. Status: Chapter 379, 2003.

**AB 378 (Steinberg) Unclaimed property: insurance proceeds.** This bill incorporates unclaimed demutualization insurance proceeds into the Unclaimed Property Law by providing that unclaimed property payable or distributable in the course of the demutualization of an insurance corporation is presumed abandoned up to three years after specified events in the course of the demutualization, and that the proceeds of all insurance corporation demutualization are reported to the State Controller each year. Status: Chapter 304, 2003.

**AB 1616 (Montanez) Intellectual property rights.** This bill prohibits any state agency (not including the state's higher education institutions) from asserting intellectual property rights over information that it could have rights to under copyright or patent law, except in certain limited circumstances. The bill also provides that intellectual property developed by state employees involving any use of state resources may be assigned to the state. Status: SenJUD.

**SB 237 (Florez) Vehicles: transfer of legal ownership.** This bill provides a 15-business-day deadline for transmittal of the certificate of ownership of a vehicle from the current legal owner to the new owner after satisfaction of a lien. Under existing law, there is no deadline for the transfer of the ownership certificate to the new legal owner. This bill applies the same deadline for transmittal of the certificate of ownership when a lessor exercises a purchase option on a vehicle lease. The bill imposes statutory damages of \$25 per day for each day that the deadline is not met, not to exceed \$2,500, and if this amount is not paid by the lienholder or lessor within 60 days of written request, the limit would be tripled and the recipient of payment would be entitled to attorney's fees incurred to collect the payment. Status: Chapter 151, 2003.

### Real Property

**AB 512 (Bates) Common interest developments.** This bill sets forth a process by which common interest development associations may adopt and change their operating rules, while giving notice and an opportunity to comment to association members. For

example, the bill requires that notice of a proposed rule change, or notice of adoption of an emergency rule, include the text of the change and a description of the rule's purpose and effect. And, the bill specifies that association members shall have access to association records, "including accounting books and records and membership lists," and that members shall have the same access to operating rules as they do to accounting books and records. Status: Chapter 557, 2003.

**AB 1607 (Keene) Hazardous substances: illegal methamphetamine laboratories.**

This bill requires law enforcement, when it finds a property where methamphetamine has been illegally manufactured, to contact the appropriate county health department and if the department inspects the property and makes a specified determination, the department is required to identify the property owner and send a certificate of nuisance to the owner. Status: AsmJUD.

**AB 1639 (Firebaugh) Appeals: nuisance abatement actions.** This bill provides that the filing of an appeal does not stay proceedings when a judgment or order grants relief in an action brought by a governmental entity under the Red Light Abatement Law or the Narcotics Abatement Law, unless the trial court orders otherwise. Status: Chapter 31, 2003.

**SB 455 (Torlakson) Home equity sales contracts.** Existing law imposes certain requirements regarding contracts for the sale of a home under foreclosure. SB 455 increases the penalties for violation of those requirements, authorizing a civil penalty of up to \$2500 for specified violations, and increasing the misdemeanor fine for specified criminal violations from \$10,000 to \$25,000. Status: Chapter 74, 2003.

**SB 619 (Ducheny) Housing.** This bill makes several changes to laws related to the development of affordable housing by seeking to streamline the housing approval process and to authorize awards of attorney's fees and costs to prevailing parties in actions against local governments for alleged failure to comply with affordable housing requirements. This bill prohibits discrimination against multifamily housing in zones designated for multifamily housing. It specifies required procedures by the Department of Housing and Community Development; requires multifamily residential housing to be permitted on any parcel zoned for multifamily housing if specifications are met; clarifies the term and requirements of "mixed use" land; and clarifies the criteria for awarding and administering CalHome funds. Status: Chapter 793, 2003.

**Rental Property**

**AB 624 (Lieber) Mobilehome parks.** Prohibits a park owner from requiring that a prospective homeowner have a monthly gross income greater than three times the combined sum of the monthly rent, utility charges, other park charges and the monthly loan payment on the mobilehome. AB 624 also prohibits park management from terminating a tenancy based upon facts that are not reasonably believed to be true by management. Any person violating this provision would be subject to actual damages or



a statutory damage in the amount of \$5,000, whichever is greater, attorneys' fees and court costs. Status: AsmFLOOR failed, reconsideration, to AsmINACTIVE.

**AB 647 (Nunez) Landlord-tenant: code violations.** This bill seeks to provide tenants additional recourse when an unscrupulous landlord does not abate a nuisance or repair a substandard condition after being notified of the need to do so by a housing code enforcement officer. The bill provides that a landlord may not demand rent, collect rent, issue a notice of a rent increase or issue a three-day notice to pay or quit if specified conditions exist as provided under existing law prior to the landlord's demand or notice. The bill also amends one of these specified conditions to decrease the time in which a landlord must comply with a notice issued by a public housing enforcement agency to abate a nuisance or repair substandard conditions from 60 to 35 days from the date of service. Finally, the measure increases the amount of special damages that may be awarded to a tenant for a landlord's violation from \$1,000 to \$5,000 and specifies that a tenant may be awarded reasonable attorney's fees and costs if a landlord institutes an unlawful detainer proceeding or other action to collect rent and the landlord has violated the above provisions. Status: Chapter 109, 2003.

**AB 693 (Corbett) Mobilehome parks: actions.** This bill provides that a mobilehome park owner who willfully violates the Mobilehome Residency Law may be liable for either a statutory penalty of up to \$2,000 or punitive damages, if the conduct is malicious, fraudulent, or oppressive. Status: Chapter 98, 2003.

**AB 831 (Goldberg) Landlord-tenant: unlawful detainer.** This bill increases the time in which a tenant has to file a written response to an unlawful detainer lawsuit after being served with a copy of the landlord's complaint from five days to 10 days except when the landlord's unlawful detainer action is based on an allegation that the tenant has used the premises for an unlawful purpose that poses an imminent threat and danger to the health and safety of others and the complaint states facts supporting that assertion. The bill also specifies that the five-day period in which a tenant must either vacate a rental unit voluntarily after a writ of possession of real property has been issued or oppose the writ of possession does not include weekends and judicial holidays. Finally, the bill provides that a court may restore to possession a tenant who has been evicted in violation of a court order and provides that a court may restore the tenant to possession if he or she has been displaced pursuant to a writ of possession that was issued or executed as a result of, among other things, fraud or mistake, or in violation of a court order provided that the tenant applies to the court for an order restoring him or her to possession within 10 days of being displaced. Status: AsmFLOOR.

**AB 1059 (Lieber) Landlord-tenant: harassment.** This bill provides additional protections to tenants against conduct by a landlord who retaliates against a tenant for the tenant's exercise of his or her rights or that is intended to influence a tenant into vacating the rental premises. Specifically, the measure provides that a landlord may not do any of the following for the purpose of influencing a tenant to vacate a rental unit: (1) Engage in theft or extortion as defined in the Penal Code; (2) Use or threaten to use force, threats, or

menacing conduct constituting a course of conduct that interferes with the tenant's right to quiet enjoyment of the premises in violation of existing law that would create an apprehension of harm in a reasonable person; and (3) Commit a significant and intentional violation of existing law governing a landlord's right to enter and inspect or make repairs to the rental dwelling upon notice and during normal business hours. The bill provides that a tenant is entitled to a civil penalty of up to \$2,000 for a violation of these provisions. And, the measure specifies that an oral or written warning notice, given in good faith, regarding conduct by a tenant, occupant or guest that violates, may violate, or violated the law or applicable rental agreement is not a violation of the bill's provisions and an oral or written explanation of the rental agreement, rules, or laws given in the normal course of business does not violate the bill. The measure also seeks to assist tenants who have been the subject of a retaliatory eviction by increasing the limit on punitive damages for such egregious misconduct from \$1,000 to \$2,000. Status: Chapter 542, 2003.

**AB 1202 (Montanez) Landlord-tenant: security deposits.** This bill permits a bond or commercial insurance policy purchased by a tenant to secure the performance of the terms and conditions of a rental agreement to be characterized as nonrefundable. Status: AsmJUD.

**AB 1361 (McCarthy) Commercial landlord-tenant: return of security deposit.** This bill provides that a landlord may retain a security deposit equal to one month's rent for 30 days after the landlord recovers possession of the property, in order to remedy any tenant defaults in rent, including the collection of common maintenance area charges. Any security deposit in excess of one month's rent that is held for the non-payment of rent must, as in existing law, be returned to the tenant within two weeks of the landlord recovering possession. Status: Chapter 89, 2003.

**AB 1384 (Maddox) Tenancy inspections.** This bill clarifies existing law which requires a landlord to notify a tenant of his or her right to request an initial inspection of the rental unit prior to terminating a tenancy by providing that a landlord is not required to give such a notice or perform the inspection when the tenancy is terminated pursuant to the landlord's service of specified three-day notices, which are not cured by the tenant or which cannot be cured. Status: Chapter 576, 2003.

**SB 90 (Torlakson) Tenancy: security deposits.** This bill seeks to provide tenants with accounting of their security deposits and deter unscrupulous landlords from making fraudulent deductions. Except, in specified conditions, the bill requires a landlord, at the same time he or she provides a tenant an itemized statement showing deductions from the security deposit, to also include copies of documents showing charges incurred and deducted by the landlord to repair or clean the premises. The bill permits the landlord, in certain circumstances, to deduct the amount of a good faith estimate of the charges that will be incurred and provide that estimate with the statement. The measure also provides that, except as specified, a landlord does not have to comply with the bill's requirements concerning receipts if either of the following apply: (1) The deductions for repairs and

cleaning are less than \$125 or (2) The tenant waived his or her rights to receive receipts provided that specified requirements are met. Status: Chapter 335, 2003.

**SB 345 (Kuehl) Tenancy.** This bill contains a number of reforms relating to landlord-tenant law. Among other things, the measure provides that, if a tenant prevails in an unlawful detainer action within 60 days after the complaint is filed, the court clerk may not allow access at any time to the court file, index, register of actions, or other court records. The bill also requires that a residential landlord attach specified documents to an unlawful detainer complaint. The measure clarifies that notice of the landlord's entry into the unit is not required in specified instances and requires a public housing authority to submit specified information in its annual report to the Department of Housing and Community Development, including, among other things, data on terminations of tenancies of domestic violence victims in public housing authority units and other related information. Status: Chapter 787, 2003.



## MISCELLANEOUS

**AB 152 (Levine) Special education.** This bill would make revisions to the law regarding the right of individuals with exceptional needs to receive free and appropriate public education. The bill conforms California law to federal requirements regarding pupil identification, assessment, and eligibility; individualized education program development, including notice, representation and hearing procedures and requirements; multidistrict special education local plan area monitoring, review, and correction procedures; the provision of early intervention services; and pupil data confidentiality. Status: AsmED.

**AB 277 (Dutra) Commercial and political cyberfraud.** This bill allows a court to consider an individual's intent to mislead, deceive, or defraud voters in determining whether the individual engaged in the bad faith registration of a domain name on the Internet. The bill also provides that in addition to any other remedies available under law, a court may order the transfer of a domain name as part of the relief awarded for a violation. And, the measure re-enacts state law, which expired on January 1, 2003, which had previously provided that it is unlawful to a person, with intent to mislead, deceive, or defraud, to commit an act of political cyberfraud, as defined. The bill expands this definition of "political cyberfraud" to include state and local ballot measures as well. Status: Chapter 277, 2003.

**AB 394 (Montanez) Law enforcement fees.** This bill adjusts the fees charged for certain civil process functions provided by sheriffs, and designates the purposes for which money collected for certain fees may be used. It increases from \$8 to \$10 the sheriff or marshal processing fee for each disbursement of money collected under a writ of attachment, possession, or sale. It increases from \$28 to \$30 the sheriff or marshal fee for making a "not found" return on a summons, affidavit and order, order for appearance, subpoena, writ of attachment or execution or order for delivery of personal property. AB 394 also creates a new fee of \$125 for levying on a safe deposit box pursuant to a writ of attachment or a writ of execution. It specifies that the processing fee for disbursement of money collected under specified writs shall be deposited in a special fund to be used to supplement the county's cost for vehicle fleet replacement and equipment, maintenance, and civil process operations. Status: Chapter 888, 2003.

**AB 588 (Koretz) Animals: sale of live or dead animals: research.** This bill would bar any animal shelter from selling, giving or furnishing any live or dead animal to an animal research facility or biological supply facility for the purposes of education, testing, research, or biological supply. A violation would be an infraction punishable by a fine of up to \$500 per animal. Status: AsmJUD.

**AB 1095 (Corbett) County law libraries.** This bill creates a task force on county law libraries, consisting of three representatives from the judicial branch, three representatives of counties, and three law library administrators. The task force will identify the needs related to county law library operations and develop recommendations for funding

sources and financing mechanisms. The bill requires the Administrative Office of the Courts to provide staff support and procedural guidelines for the task force. The task force is required to present its findings to the Judicial Council and the Legislature by January 1, 2005. Status: Chapter 394, 2003.

**AJR 6 (Diaz) Korean immigrants.** This resolution urges the U.S. Attorney General to suspend deportation proceedings for the South Korean immigrants who were given fraudulent green cards over a period of 12 years by a corrupt INS official in conjunction with rogue immigration consultants. It urges a fair process of review in each case to avoid deporting innocent immigrants unaware of the green card scam. Status: Res. Chapter 71, 2003.

**AJR 49 (Dymally) Immigration: Hermenegildo Ortega.** This resolution respectfully requests United States Attorney General, John Ashcroft, to permit Hermenegildo Ortega to be readmitted to the United States in order to care for certain children, including his HIV-infected ward. Status: Res. Chapter 159, 2003.

**SB 199 (Murray) Internet piracy.** This bill, which originally provided that genetic information is the personal property of the individual to whom the information pertains and is protected by the right to privacy, provides that it is the intent of the Legislature to enact legislation regarding Internet piracy. Status: AsmJUD.

**SB 298 (Dunn) Vehicles: New Motor Vehicle Board: powers and duties.** As heard by the Committee, this bill recast provisions relating to the jurisdiction of the New Motor Vehicle Board (NMVB). The bill permitted a franchisee to file a protest with the NMVB protesting an act or omission on the part of its franchisor that alleges a violation of specified sections of law relating to specified unlawful acts. The bill was subsequently amended to delete those provisions and became a Cedillo bill dealing with school facilities construction. Status: AsmED.

**SB 328 (Escutia) Student financial aid: eligibility.** This bill, as heard by the Committee, was a technical clean-up bill that made corrections and clarifying changes to the Trial Court Facilities Act of 2002. This language was placed into SB 256 and this bill was subsequently amended to establish financial aid application procedures to be used by individuals who do not have the legal immigration status necessary for federal processing of the financial aid application. Status: Vetoed.

**SB 600 (Judiciary) Maintenance of the codes.** This bill makes technical changes and restates existing provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature for consideration during 2003. Specifically, this bill corrects grammatical and other errors without substantive change to the law. Status: Chapter 62, 2003.

**SB 666 (Bowen) Environment.** As originally introduced, this bill required the Office of Privacy Protection to convene a working group of providers and users of wireless

telecommunications services, and privacy experts in order to make recommendations to the Legislature, no later than July 1, 2004, for a state privacy policy related to customer location information of users of wireless telecommunications services. The bill was later amended to delete this provision, taking the bill out of the Committee's jurisdiction. It was subsequently amended again to provide statutory authority to transfer 62 acres for wetland preservation in the Ballona Wetlands fronting on Santa Monica Bay, north of the Los Angeles International Airport, as specified. Status: Chapter 739, 2003.

**SB 902 (Soto) Public employees' retirement: industrial disability.** This bill, as heard by the Committee, allowed for agreements between state agencies and nonprofit public benefit corporations to provide that newly acquired public lands will be used for a public purpose. The bill was subsequently amended to provide a different method for calculating the disability retirement allowance of specified local safety members. Status: Senate.

**SCR 4 (Morrow) California Law Revision Commission: studies.** This resolution authorizes the California Law Revision Commission to continue to study 20 previously authorized topics and two additional topics for its report and recommendations to the Legislature. Status: Res. Chapter 92, 2003.

