

2014

## 2013-2014 Bill Summary

Assembly Committee on Judiciary

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## ASSEMBLY COMMITTEE ON JUDICIARY

# 2013-2014 BILL SUMMARY

*A Comprehensive Breakdown of  
Legislation Considered by the  
Committee in 2013-2014*

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**DONALD WAGNER**  
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**BRIAN MAIENSCHIN**

**AL MURATSUCHI**

**MARK STONE**

**Staff**

**DREW R. LIEBERT**  
*Chief Counsel*

**KEVIN G. BAKER**  
*Deputy Chief Counsel*

**LEORA GERSHENZON**  
*Counsel*

**TOM CLARK**  
*Counsel*

**ANTHONY LEW**  
*Counsel*

**CINDY MORANTE**  
*Committee Secretary*

**PIA ESTRADA**  
*Assistant Secretary*



**MEMBERS**

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 AL MURATSUCHI  
 MARK STONE

STATE CAPITOL  
 P.O. BOX 942849  
 SACRAMENTO, CA 94249-0108  
 (916) 319-2334

# Assembly California Legislature



## ASSEMBLY COMMITTEE ON JUDICIARY BOB WIECKOWSKI, CHAIR

CHIEF COUNSEL  
DREW LIEBERT  
 DEPUTY CHIEF COUNSEL  
KEVIN G. BAKER  
 COUNSEL  
LEORA GERSHENZON  
 COUNSEL  
TOM CLARK  
 COUNSEL  
ANTHONY LEW  
 COMMITTEE SECRETARY  
CINDY MORANTE  
 COMMITTEE SECRETARY  
SABA HASHMAT

*December 2014*

*The counsel and staff of the Assembly Judiciary Committee have prepared this comprehensive report on bills that were considered by the Committee in the 2013-2014 Legislative session. As in past years, the Committee was responsible for one of the largest and most complex bill loads in the Legislature, encompassing virtually all areas of our civil justice and legal system, including family law, our court system, immigration-related issues, and the state's key privacy and civil rights laws. Some of the highlights are described below, followed by a detailed summary of all bills referred to the Committee.*

**Civil Rights and Discrimination.** *The Committee continued its efforts to combat unlawful discrimination by passing legislation, later signed into law, that prohibits the forced waiver of any legal right, penalty, remedy, forum, or procedure with respect to certain civil rights. This important new law establishes that enforcement of the Ralph and Bane Civil Rights Acts may not be subject to mandatory arbitration or other waiver as a condition of entering into a contract for the provision of goods and services. The Committee also approved several bills related to the California Fair Employment and Housing Act (FEHA), including bills signed by the Governor that, respectively, designate "military and veteran status" as a protected class, ensure that workplace interns are protected from discrimination and harassment, and clarify that sexually harassing conduct need not be motivated by sexual desire to substantiate a claim under FEHA.*

**Privacy Rights.** *The Committee heard an increasing number of bills this session in the arena of privacy rights, particularly with respect to electronic and Internet privacy rights. Among legislation approved by the Committee that became law were bills that permit minors to remove specified types of personal information from the Internet, expand data breach disclosure requirements, and heighten security practices and procedures for businesses that maintain specified personal information. The Committee also approved legislation that would have required data brokers, as defined, to permit individuals to review the personal information that the data broker holds about them and to request that the data broker cease selling or otherwise sharing that personal information to third parties.*

**Family Law, Children, and Related Matters.** *As in past years, the Committee heard many bills relating to family law, adoption, dependency and domestic violence, among other things. This session the Committee passed and the Governor signed legislation that revises adoption processes and adoptive placement considerations, as well as legislation that strengthens and clarifies the rights of dependent minors to consent to and receive health care and other supportive services. In addition, the Committee approved bills to require courts, when making an award of spousal support, to consider either party's history of domestic violence, and to authorize courts to recognize more than two persons as having parental rights for a child after consideration of relevant specified factors. The Committee also approved legislation, signed into law, that promotes visitation with siblings for children in the dependency and juvenile justice system.*

**Employment Law.** *As in past sessions, the Committee considered many bills in the area of labor and employment law, relating to workers' rights, wages and compensation, and employment discrimination, among other things. The Committee passed landmark legislation, signed into law, that ensures that any employee that works in California for seven or more days in a calendar year is entitled to accrue paid sick days, as specified. In addition, the Committee approved a measure that would have authorized certain employees to obtain a wage lien upon real and personal property of an employer for unpaid wages and other compensation owed the employee, as specified.*

**Courts and Related Matters.** *As usual, the Committee heard many bills relating to the function, funding, and administration of the courts. For example, the Committee approved bills that would have required greater financial transparency of private contracts entered into by trial courts for certain services customarily performed by trial court employees, and would have made lawful permanent residents eligible for jury duty. Among legislation approved by the Committee that became law were bills affirming the obligation to provide court interpreters to parties who need them, regardless of their income, and implementing collection of court reporting fees for proceedings less than one hour in length.*

**Immigration.** *The Committee considered a number of proposals related to immigration and the employment of immigrants in California. For example, the Committee approved and the Governor signed legislation to prohibit employers from threatening to file a report with immigration authorities as retaliation for exercising rights under the Labor Code, and legislation to suspend or revoke the business license of an employer for retaliating against an employee on the basis of citizenship or immigration status. The Committee also passed measures, signed into law by the Governor, that seek to protect immigrants by establishing greater oversight of immigration consultants and foreign labor contractors. Finally, the Committee approved legislation to prohibit discrimination against holders of driver's licenses made newly available to immigrants by passage of AB 60 (2013).*

**Consumers and Debtors.** *The Committee continued its longstanding commitment to protect consumers and debtors by approving the Fair Debt Buyers Practice Act--important legislation subsequently signed into law that regulates the debt buyer industry and imposes strict new requirements that must be met before debt buyers may file suit or engage in other practices to attempt to collect on purchased consumer debt. In addition, the Committee passed and the Governor signed legislation to improve the utility and accessibility of consumer arbitration data disclosures required to be provided by private arbitration companies under existing law.*

*This is but a brief summary of the many important bills heard by the Committee which address issues of concern to Californians. The following report contains summaries of each of the bills heard by the Committee, as well as helpful statistical data regarding the disposition of the bills assigned to the Committee in the 2013-2014 session. We hope you will find this information useful.*

Sincerely,



Drew Liebert  
Chief Counsel, Assembly Judiciary Committee

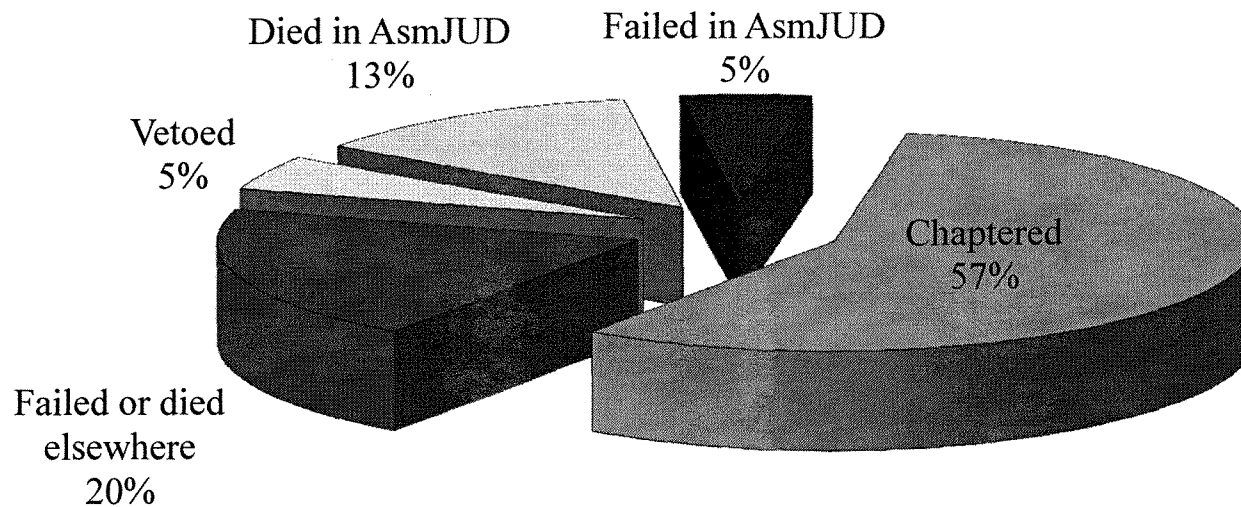
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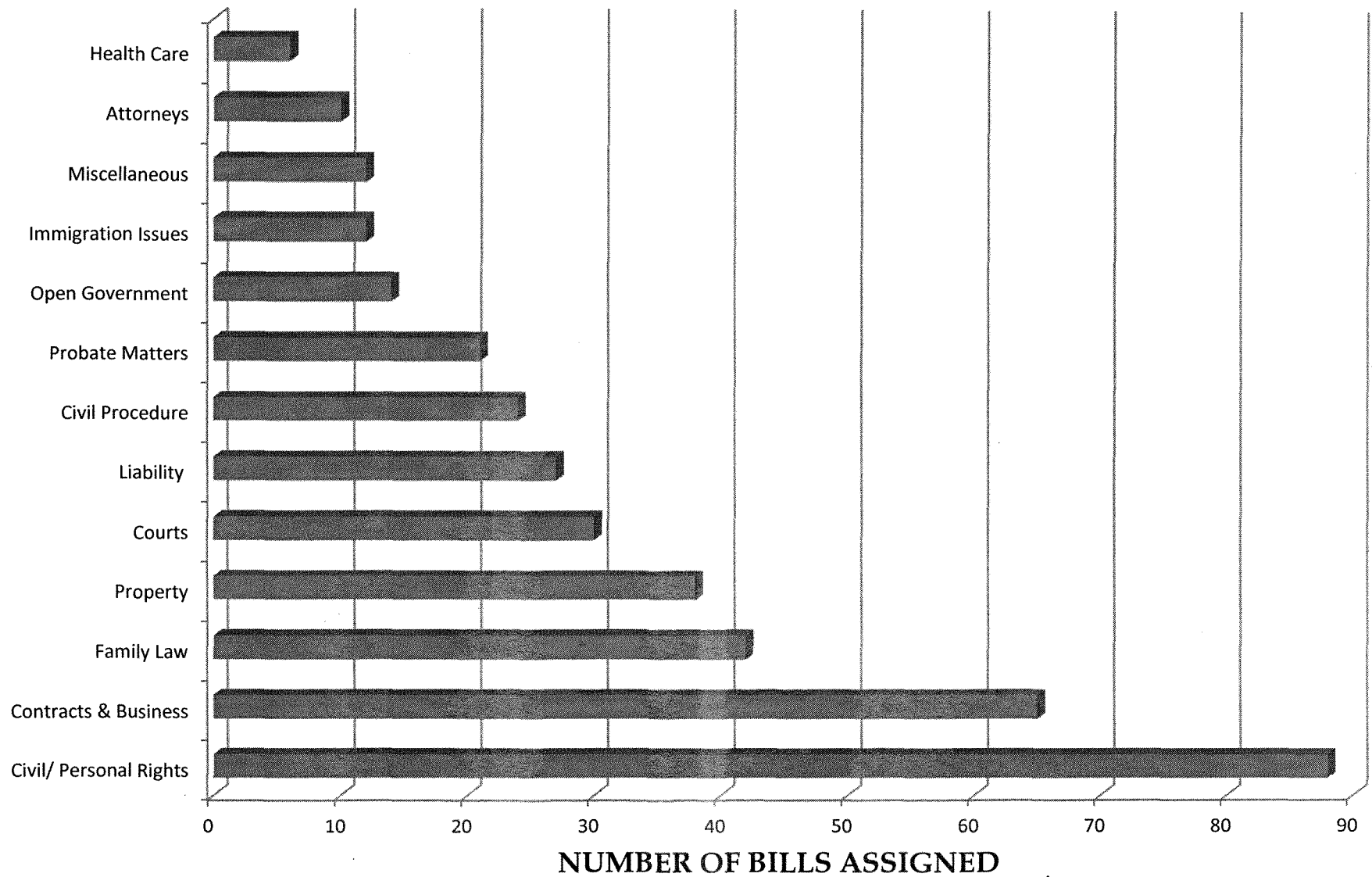
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<b>ASSIGNED</b>	Assembly: 299 Senate: 102 Total: <b>401</b>	
<b>CHAPTERED</b>	Assembly: 156 Senate: 74 Total: <b>230</b>	<b>57%</b>
<b>VETOED</b>	Assembly: 10 Senate: 10 Total: <b>20</b>	<b>5%</b>
<b>DIED IN AsmJUD</b>	Assembly: 51 Senate: 2 Total: <b>53</b>	<b>13%</b>
<b>FAILED IN AsmJUD</b>	Assembly: 20 Senate: 0 Total: <b>20</b>	<b>5%</b>
<b>FAILED OR DIED ELSEWHERE</b>	Assembly: 62 Senate: 16 Total: <b>78</b>	<b>20%</b>

## Disposition of Bills Assigned To The Assembly Judiciary Committee 2013-2014



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## ATTORNEYS AND RELATED MATTERS

### Attorneys and Related Services

**AB 296 (Wagner) Attorneys: provisional licenses.** As originally referred to this committee, this bill would have authorized a spouse or domestic partner of an active duty military member who is stationed in a jurisdiction outside his or her location of bar membership to be granted a provisional license to temporarily practice law in California without first passing the state bar examination, if certain conditions are met. After passing this committee, the bill was later amended in the Senate to address an unrelated subject. [See AB 296 in Trusts section.]

**AB 1024 (Gonzalez) Attorneys: admission to practice.** This bill authorizes the Supreme Court to admit to the practice of law an applicant who is not lawfully present in the United States, upon certification by the examining committee of the State Bar that the applicant has fulfilled those requirements for admission, as specified. Status: Chapter 573, Stats. 2013.

**AB 1125 (Wagner) Attorneys' fees.** This bill would have required the court, in setting the amount of an award of attorney's fees to a prevailing party, to determine a lodestar, as defined, and an adjustment pursuant to specified procedures. Status: Dead, Asm. Judiciary.

**AB 1402 (Committee on Judiciary) Attorneys: trust accounts.** This bill corrects an error regarding lawyer trust accounts. Specifically, this bill substitutes the word "on" for the word "in" with respect to interest-bearing lawyer trust funds. Status: Dead, Senate Judiciary.

**AB 1515 (Gonzalez) Attorneys: client trust accounts.** This bill would have clarified that an attorney has a clear and explicit statutory duty to deposit fees and expenses that a client has paid in advance for legal services into a client trust account, to be withdrawn by the attorney only as fees are earned or expenses incurred. Status: Dead, Senate Judiciary.

**AB 1800 (Alejo) California Law Fellowship Program.** This bill would have established the California Law Fellowship Program for the purpose of offering licensed attorneys limited-term placement opportunities in public sector legal positions within the executive, legislative, and judicial branches of state government and encouraging each participating attorney to seek permanent employment in the public sector at the conclusion of his or her fellowship, as specified. Status: Dead, Asm. Rules.

**AB 2746 (Committee on Judiciary) Attorneys: annual membership fees.** This bill, until January 1, 2016, requires the State Bar Board of Trustees (Board) to charge the annual membership fee, of up to \$390, for active members for 2015. Among other things, this bill also increases the optional, additional amount that can be contributed to pay for free legal services to people of limited means to \$40, and requires that all funds received for these programs be distributed, as specified. Status: Chapter 426, Stats. 2014.

## State Bar

**AB 888 (Dickinson) State Bar: enforcement actions.** This bill sought to strengthen enforcement tools available to the State Bar to combat the unauthorized practice of law. Among other things, this bill would have required the court, in a civil enforcement action by the State Bar, to consider specified remedies, including, but not limited to, specified civil penalties to be paid to the State Bar and specified penalties for any intentional violation of any injunction prohibiting the unauthorized practice of law to be paid to the State Bar. The bill also would have required the State Bar to disclose, in confidence, information in its investigation with the agency responsible for the criminal enforcement of unauthorized practice of law. Status: Vetoed.

**AB 2286 (Wagner) Process servers.** This law would have removed oversight of the registration of process servers from the counties and placed it instead within the State Bar of California. Status: Dead, Asm. Judiciary.

**SB 345 (Evans) Attorneys: annual membership fees.** This bill authorizes the State Bar to collect active membership dues of up to \$390 for the year 2014, extends the opportunity for members of the State Bar to voluntarily contribute to the support of legal aid programs for the needy at a suggested rate of \$30 if they choose to do so, allows the State Bar's \$2 million financial support of legal aid programs to sunset, and authorizes and directs the State Bar to participate in the Franchise Tax Board's interagency intercept collections program for unpaid fines and penalties, with any potential receipts to be for the support of legal aid programs. Status: Chapter 681, Stats. 2013.

## **CIVIL PRACTICE AND PROCEDURE**

### Civil Procedure

**AB 43 (Bocanegra) Sales and use taxes: claim for refund: customer refunds.** As referred to this committee, this bill would have required the court, in all actions or proceedings for judicial review of a county board's decision, to issue a written statement of decision or order that explains the factual and legal basis for the court's decision as to each of the material controversial issues and include instructions for remand to the county board if remand is required for any reason. Before hearing in this committee, the bill was amended in the Assembly to address an unrelated issue and referred to the Revenue and Taxation Committee. Status: Dead, Senate Appropriations.

**AB 522 (Bloom) Civil actions: exceptions to dismissal for delay.** This bill expands the types of actions to which the exception to dismissal of an action for delay in prosecution applies to include an action for the dissolution of a domestic partnership, an action based on void or voidable marriage, and an action relating to a child custody or visitation order. Under this bill, dismissal of the types of actions described above is prohibited if certain conditions exist, including if an order regarding child custody or visitation has been issued, as specified, or if a valid personal conduct restraining order exists and if an issue in the case has been bifurcated, as specified. Status: Chapter 40, Stats. 2013.

**AB 756 (Melendez) California Environmental Quality Act: judicial review: public works projects.** This bill would have applied the provisions of the Jobs and Economic Improvement Through Environmental Leadership Act of 2011(Act) to a public works project, defined to mean an infrastructure project carried out by the city, county, special district, or state government, or contracted out to a private entity by the governmental entity. Among other things, the Act would have required that any action or proceeding alleging that a public agency has approved or is undertaking a leadership project certified by the Governor, as specified, in violation of CEQA be conducted in accordance with specified streamlining benefits. Status: Dead, Asm. Judiciary.

**AB 1167 (Dickinson) Civil procedure: levies.** This bill requires instructions given to a levying officer to include specified information if the instructions are accompanied by a specified writ of execution issued by the court as an electronic record or document printed from an electronic record issued by the court. Except as specified, the bill authorizes the levying officer to proceed in the same manner as if in possession of a paper version of the original writ. Status: Chapter 156, Stats. 2013.

**AB 1183 (Jones) Civil discovery: motion to compel further response.** This bill provides that the 45-day period from service of a response or supplemental response in which notice of a motion to compel further response to discovery or must occur, begins to run after the receipt of a verified response or supplemental verified response. Status: Chapter 18, Stats. 2013.

**AB 1254 (Gorell) Civil actions: settlement offers.** Existing law provides that if a settlement offer is not accepted prior to trial or arbitration or within 30 days after it is made, whichever comes first, and the offering party obtains a more favorable result at trial or arbitration, the party making the offer may recover post-offer costs, as specified, actually incurred and reasonably necessary in preparation for trial or arbitration. This bill would have provided instead that for a settlement offer not accepted to have the above-described effect, it must be served 15 days prior to the commencement of trial or arbitration and not be accepted prior to the trial or arbitration or within 25 days after the offer is made, whichever comes first. Status: Dead, Asm. Judiciary.

**AB 1659 (Chau) Civil actions: post-verdict motions.** This bill requires that the moving, opposing, and reply briefs and accompanying documents in support or opposition to a motion for judgment notwithstanding the verdict or in support or opposition to a motion to set aside and vacate a judgment be served and filed in accordance with the deadlines applicable to a motion for new trial. Status: Chapter 93, Stats. 2014.

**AB 1856 (Wilk) Deposit in lieu of bond.** This bill updates California's Bond and Undertaking Law to add cashier's checks and bonds and notes of the United States and the State of California to the list of items of value that may be deposited with a court in lieu of a bond. Status: Chapter 305, Stats. 2014.

**AB 1932 (Jones) Appellate court decisions.** This bill requires a judgment of the appellate division in an appeal to contain a brief statement of the reasons for the judgment. Status: Chapter 58, Stats. 2014.



**AB 2006 (Wagner) Depositions: video recordings.** Existing law prescribes the procedure for taking oral depositions inside the state, including the procedure for recording a deposition by means of audio or video technology. At the trial or any hearing in an action, existing law authorizes the use of a deposition against a party for specified purposes. This bill would have defined “use of a deposition” to mean the use of a transcript or a video recording of the deposition testimony. Status: Dead, Asm. Judiciary.

**AB 2154 (Jones) Appeals in civil actions: stay of enforcement.** Existing law provides that, unless an undertaking is given, the perfecting of an appeal shall not stay the enforcement of a judgment or order for money or the payment of money, or for costs awarded pursuant to specified provisions. This bill provides that the perfecting of an appeal shall also not stay the enforcement of a judgment or order for attorney’s fees or costs, or both, awarded in a proceeding under the Family Code, unless an undertaking is given. Status: Chapter 95, Stats. 2014.

**AB 2256 (Garcia) Civil procedure: service and fees: sheriffs.** This bill revises and increases statutorily prescribed fees for serving, executing, and processing required court notices, writs, orders, and other services provided by sheriffs. Among other things, this bill also repeals the U.S. citizenship requirement that applies to any person who seeks to service legal process in an action against a sheriff, and allows the sheriff to publish notice of service of a protective order on the sheriff’s public Web site, in addition to providing such notice by email or telephone to the person protected by the order. Status: Chapter 470, Stats. 2014.

**AB 2338 (Wagner) Initiatives: writ of mandate.** This bill would have reversed an appellate decision upholding the availability of declaratory relief actions in specified election cases and instead required local governments seeking to challenge the qualification or validity of a certified ballot initiative to use a specified elections writ of mandate procedure instead of filing a pre-election action for declaratory relief. Status: Failed, Asm. Judiciary.

**AB 2494 (Cooley) Courts: frivolous actions or proceedings.** This bill re-authorizes until January 1, 2018 a trial court to award reasonable expenses incurred as a result of bad-faith actions or tactics that are frivolous or solely intended to cause unnecessary delay by deleting language that currently limits that authorization to actions or tactics arising from a complaint filed or proceeding initiated on or before December 31, 1994. Status: Chapter 425, Stats. 2014.

**AB 2688 (Brown) Employment: violations: good faith defense.** This bill, until January 1, 2019, would have allowed a person to raise as an affirmative defense that, at the time of an alleged violation of statute or regulation in a judicial or administrative proceeding, the person was acting in good faith, had sought, relied upon, and conformed with a published opinion letter or enforcement policy of the division and had provided true and correct information to the division in seeking the opinion letter or enforcement policy. Status: Dead, Asm. Labor & Employment.

**SB 25 (Steinberg) Agricultural labor relations: contract dispute resolution.** This bill sought to make various changes to the mandatory mediation procedures of the Agricultural Labor Relations Act. Among other things, this bill would have: (1) allowed an agricultural employer or labor organization to file an order to enforce a mandatory mediation order from the Agricultural

Labor Relations Board (ALRB) even if a party seeks appellate review of the decision; and (2) permitted a court to stay a mediator's decision only if there is clear and convincing evidence to do so, and required the court to provide written findings explaining their reasons. Status: Vetoed.

**SB 315 (Lieu) Civil actions: telephonic appearances.** As referred to this committee, this bill would have expanded the circumstances under which the courts permit a party to appear by telephone to include all conferences, hearings, and proceedings, except a trial and a trial readiness conference. Before being heard, the bill was amended to address an unrelated subject. Status: Chapter 392, Stats. 2014.

**SB 611 (Hill) Public Utilities Commission: Division of Ratepayer Advocates: judicial review of commission decisions.** As referred to this committee, this bill would have authorized the Office of Ratepayer Advocates (ORA) to seek rehearing and judicial review of Public Utilities Commission decisions, and would have require ORA to include information about petitions for writs of review filed by the office under this authority in its annual report to the Legislature. The bill was amended later in the Assembly to address an unrelated subject. Status: Chapter 860, Stats. 2014.

**SB 702 (Anderson) Application for entry of default judgment.** As referred to this committee, this bill would have required a plaintiff's application for entry of a default judgment to include specified information, and authorized a party as specified to use affidavits to comply with those requirements. The bill was subsequently amended to address an unrelated subject. Status: Chapter 514, Stats. 2014.

### **Evidence**

**AB 267 (Chau) Lawyer referral service-client privilege.** This bill provides that a person who consults a lawyer referral service, as defined, for the purpose of retaining a lawyer or securing legal advice has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the client and the lawyer referral service if the privilege is claimed by a specified person or entity. This bill also establishes the circumstances in which the privilege does not apply, and allows the lawyer referral service-client privilege to be waived in accordance with existing law. Status: Chapter 123, Stats. 2013.

**AB 715 (Dickinson) Summary judgments: rulings on admissibility of evidence.** As heard by this committee, this bill sought to revise appellate review of certain summary judgment issues. Specifically, this bill would have provided that a reviewing court may review a ruling on the admissibility of evidence using a de novo standard of review, as specified. The bill was later amended in the Senate to address an unrelated issue. Status: Chapter 446, Stats. 2014.

**AB 729 (Hernández) Evidentiary privileges: union agent-represented worker privilege.** This bill would have established that a union agent, as defined, and a represented employee or represented former employee have a privilege to refuse to disclose any confidential communication between the employee or former employee and the union agent while the union agent was acting in his or her representative capacity, except as specified. The bill would also

have provided that a represented employee or represented former employee also has a privilege to prevent another person from disclosing a privileged communication, except as specified. Status: Vetoed.

**AB 824 (Jones) Written agreements: exclusion of evidence.** This bill adds trust instruments to the list of agreements that are covered by the statute codifying the parole evidence rule. Status: Chapter 81, Stats. 2013.

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

### **Business and Consumer Protection**

**AB 126 (Hall) Time shares: management and governance.** This bill would have constricted the rights of timeshare owners to obtain contact information regarding fellow owners when the membership corporation is organized as a nonprofit mutual benefit corporation and potentially expanded the rights of timeshare corporations to share information with third parties. Status: Dead, Asm. Judiciary.

**AB 329 (Pan) Ticket sellers: equitable online ticket buying process: sale or use of circumventing software.** This bill provides that a person who intentionally uses software to circumvent a security measure, access control system, or other control or measure on a ticket seller's Internet Web site that is used to ensure an equitable ticket buying process is guilty of a misdemeanor. Status: Chapter 325, Stats. 2013.

**AB 359 (Holden) Vehicle rental agreements: customer facility charge.** This bill provides new guidelines regarding the scope of the independent audit that, under existing law, is used to determine the reasonable costs of financing, designing, and constructing an airport car rental facility the cost of which is passed on to consumers. Specifically, this bill requires the audit to be posted on the airport's Internet Web site and to be reported to specified legislative committees, and limits the requirement to conduct the audit every 3 years to those instances where the customer facility charge is used to either operate a common-use transportation system or acquire vehicles for that system. Status: Chapter 549, Stats. 2013.

**AB 491 (Torres) Corporations: bylaws.** This bill authorizes certain types of corporations to take actions in anticipation of or during an emergency, as defined, to conduct these corporations' ordinary business operations and affairs, as specified, and provide that any action taken in good faith in anticipation of or during an emergency under this authorization would bind these corporations and not be a basis to impose liability on a corporate director, officer, employee, or agent. This bill also authorizes these corporations to adopt bylaws to manage and conduct ordinary business affairs effective only in an emergency, as specified. Status: Chapter 255, Stats. 2013.

**AB 642 (Rendon) Publication: newspaper of general circulation: internet website.** This bill would have provided that a newspaper that is available on an Internet Web site may also qualify as a newspaper of general circulation, provided that newspaper meets certain specified criteria. Status: Dead, Asm. Judiciary.

**AB 802 (Wieckowski) Private arbitration companies: disclosures.** This bill clarifies existing consumer arbitration data disclosures by private arbitration companies. Specifically, this bill requires that private arbitration companies provide the currently-required disclosures in a sortable database format, rather than simply a "searchable" format, and also specifies further information to be provided, such as the identity of the initiating party, the assertion of counterclaims, specification of case types, and the location of the proceeding. Status: Chapter 870, Stats. 2014.

**AB 834 (Williams) Energy efficiency standards: unfair business practice.** As referred to this committee, this bill would have authorized the Energy Commission to (1) bring an action under the unfair competition laws to enforce any statute or regulation that the commission is directed to adopt, implement, administer, or enforce; (2) collect civil penalties for a violation thereof; and (3) upon appropriation by the Legislature, spend those monies for purposes of enforcement. The bill was later amended in the Senate to address a different subject. Status: Chapter 176, Stats. 2014.

**AB 964 (Bonta) Vehicles: dealers.** This bill would have prohibited a vehicle from being advertised or sold if the dealer knows or should have known that the vehicle is subject to a manufacturer's safety recall, to be effective 180 days after the adoption of certain federal regulations. Among other things, this bill also would have required dealers who sell vehicles at retail to provide buyers with written disclosure identifying the presence of specified conditions, if the dealer knows or should know of their presence. Status: Dead, Asm. Inactive file.

**AB 1300 (Hernandez) Credit cards: oral disclosures.** This bill would have required a credit card issuer on or near the campus of an institution of higher education or at an event sponsored by or related to an institution of higher education to orally disclose to a first-time cardholder between 18 and 26 years of age certain information. Status: Failed, Asm. Banking and Finance.

**AB 1355 (Wilk) Limited liability companies: indemnification: agents.** This bill would require a limited liability company to indemnify its agent, as defined, in proceedings, as defined, for the successful defense or settlement of claims brought against the agent by reason of his or her agent status. Status: Dead, Asm. Judiciary.

**AB 1608 (Olsen) Private investigators: limited liability companies.** This bill authorizes a licensed private investigator to organize as a limited liability company (LLC) until January 1, 2018, requires a private investigator that is an LLC to maintain liability insurance, as specified, and establishes various other requirements for private investigators organizing as a LLC. Status: Chapter 669, Stats. 2014.

**AB 1934 (Alejo) Nonprofit corporations: corporation sole.** This bill would have made various changes to the law governing the formation, operation and dissolution of a corporation sole, a type of nonprofit corporation that may be formed by the presiding officer of a religious denomination, society, or church. Status: Dead, Asm. Banking and Finance.

**AB 1981 (Brown) Rental vehicles: contracts: damage waivers.** This bill removes the manufacturer's suggested retail price as one of the criteria for the rate of a damage waiver sold by a rental company. The bill increases the maximum rate of the damage waiver to \$11 per rental day for rental vehicles that a rental company designates as an "economy car," "compact car," or similar category, as specified. The bill also increases the maximum rate of the damage waiver to \$17 per rental day for rental vehicles in the next 3 body-size categories of vehicles described in these standards and that are also within a specified model year. For rentals that are older than the previous year's model, the bill establishes the maximum rate as \$11 per rental day. Status: Chapter 417, Stats. 2014.

**AB 2042 (Levine) Zero-emission vehicles (ZEV): consumer option to purchase.** As heard by this committee, this bill would have required that a lease contract for the lease of a ZEV to contain the option for the lessee to purchase the vehicle at the end of the lease term if that lease was counted by the manufacturer towards meeting the requirements of the California Air Resources Board. The bill was later amended in the Senate to address an unrelated subject. Status: Dead, Senate Transportation & Housing.

**AB 2237 (Grove) Consumer remedies: litigation costs: prevailing party.** Existing law requires a court to award court costs and attorney's fees to the prevailing plaintiff in an action brought pursuant to the Consumer Legal Remedies Act. Existing law permits a court to award reasonable attorney's fees to a prevailing defendant only if the court finds that the plaintiff's prosecution of the action was not in good faith. This bill would have permitted a defendant to recover attorney's fees in any case in which the defendant prevails. Status: Dead, Asm. Judiciary.

**AB 2331 (Rendon) Business: self-service storage facilities.** Existing law requires that a lien sale of property at a self-service storage facility be advertised in a newspaper of general circulation in the judicial district where the sale is to be held, or posted in conspicuous places in the neighborhood of the proposed sale, as specified. This bill would alternatively permit the advertisement of the lien sale to be posted on a publicly accessible Internet Web site if there is no newspaper of general circulation published in the judicial district where the sale is to be held. Status: Dead, Asm. Judiciary.

**AB 2365 (Perez) Contracts: consumer statements.** This bill provides that a contract or proposed contract for the sale or lease of consumer goods or services may not include a provision waiving the consumer's right to make any statement regarding the seller or lessor or its employees or agents concerning the goods or services. In addition, this bill makes it unlawful to threaten or to seek to enforce a provision made unlawful under this bill, or to otherwise penalize a consumer for making any statement protected under the bill. Status: Chapter 308, Stats. 2014.

**AB 2525 (Bonta) Limited Liability Worker Cooperative Act.** This act would have authorized the formation of worker cooperative companies for any lawful purpose provided that it is organized and conducts its business primarily for the mutual benefit of its members as patrons of the worker cooperative company. The act would have specified detailed rules for the organization, membership, and operation of such companies. Status: Dead, Asm. Judiciary.

**SB 6 (Lieu) Uniform Commercial Code: licensees in ordinary course of business.** This bill reinstates, until January 1, 2015, provisions of the Uniform Commercial Code that ensure continuing payment of residuals to performers, writers, and directors, but that sunset at the end of 2012. Specifically, this bill provides that a licensee in ordinary course of business takes its rights under a nonexclusive license free of a security interest in the general intangible created by the licensor, even if the security interest is perfected and the licensee knows of its existence. Status: Chapter 54, Stats. 2013.

**SB 193 (Monning) Hazard evaluation system and information service.** This bill would have required businesses involved in the manufacture or distribution of chemicals used in places of employment within this state to provide the Hazard Evaluation System and Information Service (HESIS) with the names and addresses of their customers, and other information about their shipments within the state, upon request by HESIS. Status: Chapter 830, Stats. 2014.

**SB 251 (Calderon) Insurance: notice: electronic transmission.** This bill authorizes, until January 1, 2019, an insurer, with the consent of the policyholder, to transmit electronically, in lieu of mail, certain notices pertaining to workers' compensation insurance; the offer of renewal required for personal auto, real and personal property, and liability insurance policies; the notice of conditional renewal for commercial insurance policies; and the offer of renewal and certain disclosures related to earthquake insurance, so long as the insurer complies with specified provisions of the Uniform Electronic Transactions Act (UETA) and other appropriate additional procedures. Status: Chapter 369, Stats. 2013.

**SB 556 (Padilla) Providers of health and safety labor or services: identification.** This bill prohibits a person or other nongovernmental entity that contracts to perform labor or services relating to public health or safety for a public entity from displaying on a vehicle or uniform a logo that reasonably could be interpreted as implying that the labor or services are being provided by employees of the public agency, unless the vehicle or uniform conspicuously displays a disclosure, as specified. Status: Chapter 832, Stats 2014.

**SB 564 (Monning) Ski resorts: safety plans: accident reports.** This bill would have required a ski resort to prepare an annual safety plan and, upon request, make the safety plan available to the public the same day the request is received. The bill would also have required a ski resort to make available to the public, within 30 days of receipt of a request, a monthly report with specified details about any fatal incidents at the resort that resulted from a recreational activity. Status: Dead, Asm. Appropriations.

**SB 679 (Berryhill) Licensees: reporting requirements.** This bill revises the monetary threshold for a licensed engineer or land surveyor to report a civil action settlement or administrative action to the Board for Professional Engineers, Land Surveyors, and Geologists (Board), and requires a licensed engineer or land surveyor to report to the Board any civil action judgment or binding arbitration award or administrative action of \$25,000 or greater. Status: Chapter 471, Stats. 2013.

**SB 680 (Wolk) Tobacco Master Settlement Agreement: qualified escrow funds.** This bill seeks to close an inadvertent loophole in existing law that requires tobacco manufacturers not

party to the Master Settlement Agreement (MSA) to make payments into escrow for their sales in California. Specifically, this bill, for the purposes of calculating the amount a tobacco product manufacturer is required to place in the qualified escrow fund, revises the definition of “units sold” to specify that it means the number of cigarettes sold to a consumer, regardless of whether the state excise tax was due or collected, except as provided. Status: Chapter 168, Stats. 2013.

**SB 686 (Jackson) Vehicles: vehicle dealers.** This bill would have prohibited a vehicle dealer from selling, leasing, renting, loaning, or otherwise transferring ownership of a used vehicle if the dealer knows or should have known that the vehicle is subject to an manufacturer's safety recall, and would have placed similar restrictions on the sale or transfer of ownership of a used vehicle by a rental car company that is also a licensed dealer. Status: Failed, Asm. Business and Professions.

**SB 907 (Monning) International commercial disputes: representation and assistance.** This bill would have established that in any proceeding or procedure conducted pursuant to the statutes governing the arbitration or conciliation of international commercial disputes, the parties may appear in person or be represented or assisted by any person of their choice. Status: Dead, Asm. Judiciary.

**SB 1050 (Monning) Notaries public: verification of identity: notice.** This bill adds a statutory notice to specified forms completed by a notary public indicating that the notarial certification verifies only the identity of the person who signed the document, and not the truthfulness, accuracy, or validity of that document. That legible notice should be included, as specified, in a certificate of acknowledgment, proof of execution, and jurat. Status: Chapter 197, Stats. 2014.

**SB 1188 (Jackson) Consumers Legal Remedies Act: material facts.** This bill, for the purposes of the Consumers Legal Remedies Act, would have provided that fraud or deceit may consist of the suppression or omission of a material fact by one who is bound to disclose it or who gives information of other facts that are likely to mislead for want of communication of that fact, and would provide that a fact is material if a reasonable person would attach importance to its existence or nonexistence in determining a choice of action in the transaction in question. This bill would also have provided, for the purposes of the Act, that materiality is not limited to circumstances in which a product poses a threat to health or safety. Status: Dead, Asm. Judiciary.

**SB 1301 (DeSaulnier) Social Purpose Corporations Act.** This bill renames “flexible purpose corporations” (FPCs) as “social purpose corporations” (SPCs), imposes additional requirements for that identification, and authorizes a corporation to elect to change its status from an FPC to an SPC by amending its articles of incorporation. The bill also requires that any references to SPCs be deemed a reference to FPCs, and revises procedures for converting or changing the status of a corporation previously formed as a SPC. Status: Chapter 694, Stats. 2014.

**SCR 62 (Jackson) Corporations: female representation on boards of directors.** This measure encourages equitable and diverse gender representation on corporate boards, and urges that, within a 3-year period from January 2014 to December 2016, every publicly held corporation in California with 9 or more director seats have a minimum of 3 women on its board,

every publicly held corporation in California with 5 to 8 director seats have a minimum of 2 women on its board, and every publicly held corporation in California with fewer than 5 director seats have a minimum of one woman on its board. Status: Res. Chapter 127, Stats. 2013.

### Vehicles

**AB 397 (Fox) Vehicles: emergency contact locator database.** This bill would have required manufacturers of new motor vehicles to provide a means by which a purchaser or lessee of a new motor vehicle can voluntarily designate at the original retail point of sale an emergency contact to be stored in a national database. The bill would also have required the emergency contact information to be made available electronically only to authorized law enforcement and would have required law enforcement personnel, when practicable, to expeditiously notify the registered owner's emergency contact, if a vehicle occupant is rendered unable to communicate due to physical injury. Status: Dead, Asm. Transportation.

**AB 1884 (Lowenthal) Vehicle liens.** This bill would have required a vehicle lienholder of a vehicle valued at over \$4,000 to obtain a federal National Motor Vehicle Title Information System (NMVTIS) vehicle history report and to include the report in the application to the DMV for authorization to conduct a lien sale. The bill also would have required the DMV to notify the vehicle registration agency of another state of the pending lien sale if the NMVTIS report indicates the vehicle was last titled in that state. Status: Dead, Asm. Appropriations.

**SB 155 (Padilla) Vehicles: motor vehicle manufacturers and distributors.** This bill modifies the relationship between motor vehicle dealers and manufacturers by, among other things, making changes regarding the use of flat-rate time schedules for warranty reimbursement, warranty and incentive claims, audits, protest rights, export policies, performance standards, and facility improvements. Status: Chapter 512, Stats. 2013.

### Contracts

**AB 536 (Wagner) Contractors: payments.** This bill would have excluded certain types of claims from the calculation of a "disputed amount" for purposes of an existing law that authorizes the withholding of 150% of a disputed amount from the progress payments due to a contractor or subcontractor. The excluded amounts that were proposed under this bill are those in excess of liquidated damages claims, those in excess of the withholding permitted for mechanics lien or stop payment notices, and claims for additional compensation. Status: Dead, Asm. Judiciary.

**AB 870 (Jones-Sawyer) Public contracts: bidders: employment practices.** This bill would have prohibited the state from accepting a bid from an entity that asks an applicant for employment to disclose information regarding their conviction or criminal history, including disclosure on an employment application, until the employer has determined the applicant meets minimum qualifications for the position. Status: Dead, Asm. Appropriations.

**AB 993 (Linder) Contractors: arbitration.** This bill would have revised provisions relating to Contractors State License Board's arbitration program that provides for an alternative dispute



resolution process between consumers and contractors for claims up to \$50,000. This bill would have clarified the arbitration process, the arbitrator's authority, awarding of attorney's fees, as specified, and make other technical and conforming changes. Status: Dead, Senate Judiciary.

**AB 1141 (Dahle) Franchises.** This bill would have revised the rights and responsibilities of franchisors and franchisees, as well as the rules that govern the franchise relationship in California. Among other things, this bill would have: (1) established that good cause in a termination case consists of a substantial and material breach of the franchise agreement after the franchisee is given written notice and 60 days to cure the failure; (2) required the parties to a franchise agreement to deal with each other in good faith; and (3) provide that a condition or provision in a franchise agreement requiring the application of the law of another state is void. Status: Dead, Asm. Judiciary.

**AB 1239 (Holden) Public contracts: anti-trafficking.** This bill would have prohibited a contractor that has entered into a contractual relationship with a public entity from engaging in trafficking-related activities, including destroying, concealing, confiscating, or otherwise denying access to the employee's identity documents, such as passports or drivers' licenses. Status: Dead, Asm. Judiciary.

**AB 1823 (Wagner) Contractors: payments.** Existing law allows specified persons to withhold from a contractor or subcontractor no more than 150% of the disputed amount if there is a good faith dispute over the amount due on a contract payment. This bill would have excluded the amount of specified claims from being considered disputed amounts, as provided. Status: Dead, Asm. Business and Professions.

**AB 2136 (Daly) Contracts: statute of frauds.** This bill exempts electronic messages of an ephemeral nature from the requirement imposed on real estate brokers to retain specified records and transactions for three years from the date of the closing of a transaction. Status: Chapter 107, Stats. 2014.

**SB 610 (Jackson) Franchises: good faith requirement.** This bill would have revised the California Franchise Relations Act to require franchisors, subfranchisors, and franchisees to deal with each other in good faith in the performance and enforcement of the franchise agreement, where "good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade. This bill also would have prohibited a franchisor or subfranchisor from restricting the right of a franchisee to join or participate in an association of franchisees to the extent the restriction is prohibited by existing law. Status: Vetoed.

**SB 650 (Lieu) Motion pictures: non-exclusive rights: residuals.** This bill removes a sunset, and thus makes permanent, a provision in the Commercial Code which states that a licensee of non-exclusive rights in "intangible" property (e.g. intellectual property) takes its rights free from any security obligation that was created by the licensor. At the same time, this bill adds an exception to that general rule: a licensee of non-exclusive rights in a motion picture takes its rights subject to the obligation to pay residuals, but only if the motion picture was produced pursuant to a collective bargaining agreement governed by federal law and the obligation to pay residuals was set forth in the collective bargaining agreement. Status: Chapter 118, Stats. 2014.

## **Creditor-Debtor Relations**

**AB 198 (Wieckowski) Exempt property.** This bill would have made a number of changes to California laws that collectively permit debtors to exempt various types of property, in specified amounts, from enforcement of a money judgment. The bill would have increased the amounts of the homestead exemption, which protects equity value of debtors in their principal residence, and would have removed the requirement that proceeds from the forced sale of the home be reinvested in another home within six months or lose exempt status. Among other things, this bill also sought to exempt benefits from matured life insurance policies, including endowment and annuity policies, and vacation credits or accrued or unused vacation pay. Status: Dead, Asm. Appropriations.

**AB 233 (Wieckowski) Wage garnishment: exempt earnings.** This bill would have prohibited the use of an earnings withholding order for purposes of enforcing a judgment for the collection of debt that the judgment debtor proves is from a student loan that is not made, insured, or guaranteed through a federal student loan program. This bill also would have required a court to terminate an earnings withholding order issued on or after July 1, 2014, upon proof by the judgment debtor that the earnings withholding order enforces a judgment for collection of non-federal program student loan debt. Status: Failed, Senate Floor.

**AB 502 (Wagner) Commercial law: secured transactions.** This bill incorporates amendments made to UCC Article 9 into California's comparable statute, Commercial Code Division 9 (governing security interests), to, among other things: (1) Revise rules relating to the sufficiency of the name of the debtor provided on financing statements; (2) Modify provisions relating to the priority of competing security interests; and (3) Clarify rules prescribing the location of debtors for purposes of financing statements. Status: Chapter 531, Stats. 2013.

**AB 508 (Calderon) Debt collection: homeless veterans.** This bill prohibits courts from garnishing the wages or levying a bank account of a homeless veteran for outstanding unpaid citations related to loitering, curfew violations, or illegal lodging for a period of up to five years, as provided. Status: Chapter 234, Stats. 2013.

**AB 567 (Wagner) Enforcement of money judgments.** This bill removes an existing requirement directing the California Law Revision Commission to review the statutory dollar amounts of personal property exempted from the enforcement of monetary judgments every ten years, and to recommend to the Governor and the Legislature any necessary changes regarding those amounts. The bill retains the commission's general authority to study, review, and make recommendations regarding the enforcement of judgments law. Status: Chapter 15, Stats. 2013.

**AB 1853 (Wieckowski) Debtor exemptions.** This bill would have removed the existing requirement that debtors reinvest homestead exemption money into another property within six months from the date the home is sold, or else lose their homestead exemption. This bill also would have created additional new categories of property exemptions available to debtors, including exemptions for benefits from matured life insurance policies, endowment and annuity

policies, and vacation credits or accrued or unused vacation pay. Status: Dead, Asm. Appropriations.

**AB 1858 (Perea) Commercial law: secured transactions.** This bill revises the requirements for a Uniform Commercial Code Article 9 financing statement to sufficiently provide the name of an individual debtor. Specifically, this bill provides that, for the purpose of filing an Article 9 financing statement where the debtor is an individual, the financing statement sufficiently provides the name of the debtor only if it reflects the name that is on the individual's most current driver's license, or, if the person does not have a driver's license, only if the financing statement provides the individual name of the debtor or the surname and first personal name of the debtor. Status: Chapter 284, Stats. 2014.

**AB 1945 (Wieckowski) Enforcement of money judgments: exemptions.** Under existing law, certain property is exempted from enforcement of money judgments. Existing law permits the spouse of a judgment debtor to claim an exemption in the case of community property, whether or not the spouse is also a judgment debtor under the judgment. This bill also permits a domestic partner to claim an exemption in the case of community property. Status: Chapter 415, Stats. 2014.

**AB 2317 (Maienschein) Execution: sale of property.** Existing law provides that a sale of property pursuant to specified statutory provisions regarding enforcement of judgments is absolute and may not be set aside for any reason. The judgment debtor may recover from the judgment creditor the proceeds of a sale pursuant to the judgment with interest if the judgment is reversed, vacated, or otherwise set aside. If the sale was later found to be improper, the judgment debtor or his successor in interest may commence an action within 90 days after the date of sale to set aside the sale if the purchaser at the sale is the judgment creditor. This bill declares that these provisions do not affect, limit, or eliminate a judgment debtor's equitable right of redemption. Status: Chapter 183, Stats. 2014.

**SB 233 (Leno and Correa) Debt buyers.** This bill enacts the Fair Debt Buyers Practices Act, imposing various requirements on practices that may be used to collect on purchased consumer debt. Among other things, this bill prohibits a debt buyer from making any written statement in an attempt to collect a consumer debt unless the debt buyer possesses certain information, as specified. The bill also prohibits a debt buyer from making any written statement to a debtor in an attempt to collect a consumer debt unless the debt buyer has access to a copy of a contract or other document evidencing the debtor's agreement to the debt, or if no signed contract exists, demonstrating that the debt was incurred by the debtor. Status: Chapter 64, Stats. 2013.

**SB 318 (Hill) Pilot Program for Increased Access to Responsible Small Dollar Loans.** This bill, until January 1, 2018, establishes a pilot program for the purpose of allowing greater access for responsible installment loans in principal amounts of at least \$200 and less than \$2,500. The bill requires loans made pursuant to the pilot program to, among other things, be unsecured, have interest accrual on a simple interest basis, and meet other criteria with respect to permissible interest rates and administrative fees. Status: Chapter 467, Stats. 2013.

**SB 406 (Evans) Tribal Court Civil Money Judgment Act.** This bill establishes, until January 1, 2018, specific procedures for applying and objecting to an application for the recognition of tribal court money judgments of federally recognized Indian tribes in California state courts. Status: Chapter 243, Stats. 2014.

**SB 551 (Gaines) Writs of execution: judgment debtor.** This bill clarifies that a judgment debtor whose liability for a judgment has ceased shall not subsequently be named by the judgment creditor on an application for writ of execution or renewal of judgment. Status: Chapter 176, Stats. 2013.

**SB 720 (Correa) Military service: benefits.** This bill ensures that military reservists and National Guard members ordered to active federal or state military service are able to defer financial obligations for all active duty assignments under terms currently reserved only for those recalled to active duty as part of the Iraq and Afghanistan conflicts, including protection from having to pay interest on the accumulated principal or interest of a deferred financial obligation. Status: Chapter 220, Stats. 2013.

### **Wages and Compensation**

**AB 442 (Nazarian) Employees: wages.** This bill authorizes the Labor Commissioner to issue a citation for the recovery of liquidated damages associated with unpaid minimum wages, payable to the employee. Status: Chapter 735, Stats. 2013.

**AB 1164 (Lowenthal) Liens: employers and workers.** This bill, with certain exceptions, would have authorized an employee to record and enforce a wage lien upon real and personal property of an employer or property owner for wages, other compensation, and related penalties and damages owed the employee. The bill would have prescribed requirements relating to the recording and enforcement of the wage lien and would have required a notice of lien on real property to be executed under penalty of perjury. Status: Dead, Asm. Inactive file.

**AB 1336 (Frazier) Prevailing wages: payroll records.** Among other things, this bill: (1) extends the deadline from 180 days to 18 months, as specified, for the Labor Commissioner to serve a civil wage and penalty assessment against a public work contractor or subcontractor, or both; (2) extends the deadline from 180 days to 18 months, as specified, for a joint labor-management committee to bring an action against an employer that fails to pay the prevailing wage to its employees; (3) revises and recasts remedies that may be awarded by a court in these joint labor-management committee actions. Status: Chapter 792, Stats. 2013.

**AB 1522 (Gonzalez) Employment: paid sick leave.** This bill provides that an employee who, on or after July 1, 2015, works in California for 30 or more days within a year from the commencement of employment is entitled to paid sick days for prescribed purposes, to be accrued at a rate of no less than one hour for every 30 hours worked. Among other things, the bill prohibits an employer from discriminating or retaliating against an employee who requests paid sick days, and requires employers to satisfy specified posting and notice and recordkeeping requirements. This bill does not apply to certain categories of employees that meet specified requirements. Status: Chapter 317, Stats. 2014.

**AB 1723 (Nazarian) Employees: wages.** This bill provides that minimum wage citations issued by the Labor Commissioner shall also include any applicable "waiting time" penalties provided for under existing law, as specified. Status: Chapter 886, Stats. 2014.

**AB 1939 (Daly) Public works: prevailing wages: contractor's costs.** This bill authorizes a contractor on a private works project to bring an action to recover from the hiring party that the contractor directly contracts with the difference between the wages actually paid to an employee and the increased wages that were required to be paid to an employee, in addition to any penalties or other sums required to be paid, and costs and attorney's fees, because the project was subsequently deemed to be a public work subject to prevailing wage requirements. Status: Chapter 161, Stats. 2014.

**AB 2079 (Grove) Labor Code Private Attorneys General Act of 2004.** This bill would have amended the Labor Code Private Attorneys General Act of 2004 (PAGA) to allow an employer to cure an alleged violation of law related to itemized wage statements before a civil action may be brought by an aggrieved employee. Status: Failed, Asm. Labor Committee.

**AB 2095 (Wagner) Employee compensation: itemized statements.** This bill would have established a two-way fee shifting structure ("prevailing-plaintiff standard") for certain claims relating to itemized wage statements. Specifically, this bill would have authorized an employer to recover reasonable attorney's fees and costs from an employee for specified claims of failure to provide an accurate itemized wage statement, where the employer is the prevailing party and the court determines that the action was brought in bad faith. Status: Failed, Asm. Judiciary.

**AB 2416 (Stone) Liens: laborers and employees.** This bill would have enacted the California Wage Theft Recovery Act to authorize specified employees to request that the Labor Commissioner record, on his or her behalf, a wage lien upon real and personal property of an employer, or a property owner, as specified, for unpaid wages and other compensation owed the employee, and certain other penalties, interest, and costs. The bill would have prescribed requirements relating to the recording and enforcement of the wage lien and for its extinguishment and removal, and would have authorized the employer or property owner to use a procedure to release the notice of lien or reduce the amount of the lien if the employer makes specified contentions. Status: Failed, Senate Floor.

**SB 462 (Monning) Employment: compensation.** This bill makes the award of attorney's fees and costs in an action for nonpayment of wages where the prevailing party is not an employee contingent on a finding by the court that the employee brought the court action in bad faith. Status: Chapter 142, Stats. 2013.

## **COURTS AND RELATED MATTERS**

### **Courts**

**AB 515 (Dickinson) Environmental quality: California Environmental Quality Act (CEQA): judicial review.** This bill would have established a CEQA compliance division of the

superior court in a county in which the Attorney General maintains an office and would vest the division with original jurisdiction over actions of proceedings brought pursuant to CEQA and joined matters related to land use and environmental laws. Among other things, this bill would have required the Judicial Council to adopt rules for establishing protocol to govern the administration and efficient operation of the division. Status: Dead, Senate Environmental Quality.

**AB 566 (Wieckowski) Court services: privatization.** This bill, until January 1, 2020, would have established specified standards if a trial court intends to enter into a new contract, or renew or extend an existing contract, for any services that are currently or customarily performed by that trial court's employees. Among other things, the bill would have required the trial court to clearly demonstrate that the contract will result in actual overall cost savings to the trial court for the duration of the entire contract as compared with the trial court's actual costs of providing the same services. The bill would also have required a contract for services in excess of \$100,000 annually to include specific, measurable performance standards and provisions for audits on performance and cost savings, as specified. Status: Vetoed.

**AB 619 (Garcia) Court facilities.** This bill provides that penalty payments on the delinquent transfer of court fees to the State Facilities Court Construction Fund be made by the entity (county, city and county, or court) responsible for the error or other action that caused the failure to pay, as determined by the State Controller in notice given to the responsible entity. This bill also recalculates the penalty on a delinquent payment, and authorizes the Controller to permit the entity to pay the interest or penalty amounts under a payment schedule if the interest or penalty amount causes hardship to the entity. Status: Chapter 452, Stats. 2013.

**AB 632 (Fox) Superior Courts: judicial districts.** This bill would have made the judicial district of the superior court in the county where the defendant or some of the defendants reside or where the acts occurred the proper court for purposes of determining the proper court for trial of the action, as specified. Status: Dead, Asm. Judiciary.

**AB 666 (Wieckowski) Automated traffic enforcement systems: violations.** This bill would have required violations recorded by an automated traffic enforcement system to be cited as civil violations, subject to a civil penalty, administrative process, and appeal in superior court, rather than by criminal adjudication. Among other things, this bill would have required the Department of Motor Vehicles to refuse to renew the registration of a vehicle if the registered owner or lessee has been mailed a notice of automated violation, as specified, unless the full amount of all outstanding automated violation penalties and administrative fees are paid to the department, except as provided. Status: Dead, Asm. Judiciary.

**AB 868 (Ammiano) Courts: training programs: gender identity and sexual orientation.** This bill integrates gender identity, sexual orientation, and cultural competency and sensitivity curriculum relating to providing adequate care to lesbian, gay, bisexual, and transgender (LGBT) youth into existing judicial training programs. Status: Chapter 300, Stats. 2013.

**AB 1008 (Torres) Courts: clerks.** As heard by this committee, this bill would have clarified that a clerk of the superior court must attend every session of the superior court and upon judges

in chambers when required. The bill was subsequently amended in the Senate to address an unrelated subject under the authorship of Asm. Buchanan. Status: Chapter 311, Stats. 2013.

**AB 1127 (Chau) Courts: language access plan.** This bill would have required the Judicial Council to establish a working group to act as an advisory body to any Judicial Council committee, advisory board, or joint committee charged with developing a comprehensive statewide Language Access Plan, to review, identify, and develop best practices to provide interpreters in civil actions and proceedings. Among other things, this bill also would have directed the working group to select up to three courts to participate in a pilot project, which shall commence on or before July 1, 2014, for the purpose of creating models for effectively providing interpreters in civil matters and implementing best practices. Status: Vetoed.

**AB 1352 (Levine) Courts: destruction of court records.** This bill authorizes the destruction of various court records earlier than permitted under existing law, deletes records retention provisions for records no longer maintained by the court (such as coroner's inquest records), and establishes records retention periods for records that are not specifically addressed under existing law. The bill also authorizes the clerk of the court to use electronic or other technological means to generate certified copies of court records if the means adopted by the court meet specified criteria. Status: Chapter 274, Stats. 2013.

**AB 1657 (Gomez) Courts: interpreters.** This bill affirms the obligation to provide court interpreters to parties who need them, expressly prohibits a party from being charged a fee for the provision of a court interpreter, and clarifies that a court may provide an interpreter in any civil action or proceeding at no cost to the parties, regardless of the income of the parties. This bill also provides that until sufficient funds are appropriated to provide an interpreter to every party who needs one, interpreters must initially be provided in accordance with priorities set forth by this bill. Status: Chapter 751, Stats. 2014.

**AB 2332 (Wieckowski) Courts: personal services contracts.** This bill would have established standards for the use of contracts by the trial courts for all services currently or customarily performed by that trial court's employees, as specified. This bill would also have restricted the use of personal services contracts to those resulting in actual overall cost savings to the trial court for the duration of the entire contract, permitting contracts only if specified conditions are met. Status: Dead, Senate Appropriations.

**AB 2370 (Chau) Court interpreters.** This bill requires specified information to be stated on the record when a non-certified or non-registered court interpreter is used, including, among other things: the name of the interpreter; a finding that a certified or registered interpreter is not available; a statement that he or she meets the qualification requirements specified to be stated on the record; a statement that the required procedures and guidelines adopted by the Judicial Council have been followed; and a statement that the interpreter's oath was administered to the qualified interpreter pursuant to proper procedures. Status: Chapter 424, Stats. 2014.

**AB 2727 (Frazier) Courts: witness: local agency employees.** This bill increases the amount that a subpoenaing party must advance, together with the subpoena, from \$150 to \$275 for each

day that a local agency employee is required to remain in attendance pursuant to the subpoena. Status: Chapter 170, Stats. 2014.

**HR 13 (Williams) Homeless court programs.** This measure would have encouraged county governments to find ways to make homeless courts more accessible, such as allowing people to bring multiple cases to court per year instead of limiting them to one, and allowing fines to be recalled from collection by the county or collections agencies. Status: Dead, Asm. Judiciary.

### **Court Reporting and Recording**

**AB 251 (Wagner) Electronic court reporting.** This bill would have added family law to the list of court proceedings that can be electronically recorded if no court reporter is available for the proceeding. Specifically, this bill would have allowed a court, if an official court reporter or an official reporter pro tempore is unavailable, to use electronic recording equipment in a family law case. Status: Failed, Asm. Judiciary.

**AB 365 (Mullin) Court reporting.** As heard by this committee, this bill would have clarified that only proceedings that are transcribed by licensed official court reporters and official reporters pro tempore can be considered as prima facie evidence of that testimony and the proceedings. The bill was later amended in the Senate to address an unrelated subject. Status: Dead, Senate Rules.

**AB 648 (Jones-Sawyer) Court reporters.** This bill establishes rules to implement the collection of the existing \$30 fee for court reporting services in proceedings anticipated to last one hour or less. Specifically, this bill requires the fee to be charged to the party, or parties if filing jointly, that filed the paper that resulted in the proceeding being scheduled, and requires the fee to be charged once per case for all proceedings conducted within the same hour if the total time taken by those proceedings is one hour or less. Status: Chapter 454, Stats. 2013.

**AB 655 (Quirk-Silva) Court reporters: salary fund.** As heard by this committee, this bill would have authorized each trial court to establish a revolving fund, known as a Reporters' Salary Fund, for the payment of the salaries and benefits of official reporters, as specified. The bill was later amended in the Senate to address an unrelated subject. Status: Dead, Senate Rules.

**AB 679 (Fox) Fees: official court reporters.** This bill would have required the Judicial Council to adopt rules to ensure that a party arranging for a certified shorthand reporter notifies the other parties of that fact, and that attempts to share costs for the certified shorthand reporter are made to provide better access to justice for all parties involved in the proceeding. Status: Dead, Asm. Judiciary.

**AB 788 (Wagner) Court transcripts.** This bill would have provided that the existing limitation on copying of court transcripts applies only to computer-readable transcripts. Specifically, this bill would have permitted the purchaser of a paper transcript, without paying a further fee to the reporter, to reproduce one or more copies or portions of the transcript for internal use, or in response to a request for discovery, court order, rule, statute, or subpoena, except the purchaser



may not otherwise provide or sell a copy to any other party or person. Status: Dead, Senate Judiciary.

### **Juries**

**AB 301 (Wagner) Elections: affidavits of voter registration: cancellation.** This bill would have required elections officials to summarily cancel the affidavit of registration of each person whose name appears on a court list as having declared in response to a jury summons that he or she is not qualified to serve as a juror because he or she is not a U.S. citizen. Status: Failed, Asm. Judiciary.

**AB 1401 (Committee on Judiciary) Jury duty: eligibility.** This bill would have modified existing law barring non-U.S. citizens from eligibility for jury duty by instead making a person eligible and qualified to be a prospective juror if, among other things, he or she is a lawful permanent immigrant but not a citizen. Status: Vetoed.

**AB 1708 (Alejo) Jurors: peace officer exemption.** This bill would have excluded certain parole officers, probation officers, deputy probation officers, board coordinating parole agents, correctional officers, transportation officers of a probation department, and other employees of the Department of Corrections and Rehabilitation, the State Department of State Hospitals, and the Board of Parole Hearings, from jury service in criminal matters. Status: Dead, Asm. Public Safety.

**AB 2070 (Campos) Juries: social media accounts.** As referred to this committee, this bill would have prohibited a court from requiring or requesting a juror or prospective juror to disclose a username or password for the purpose of accessing personal social media, or requiring the juror or prospective juror to access personal social media in the presence of the judge, counsel for either party, or any other officer of the court. The bill was subsequently amended to address an unrelated subject without being heard in this committee. Status: Dead, Asm. Higher Education.

**AB 2683 (Cooley) Contempt: jurors.** This bill eliminates criminal contempt for the use of an electronic or wireless communication device by a juror. Status: Chapter 99, Stats. 2014.

### **Judges**

**AB 1005 (Alejo) Judicial appointments: demographic data.** This bill adds disability and veteran status to the list of demographic data that is provided annually by judicial applicants, nominees, appointees, justices, and judges, and required to be collected and released by the Governor, the Commission on Judicial Nominees Evaluation (JNE Commission) of the State Bar, and the Administrative Office of the Courts (AOC). Status: Chapter 113, Stats. 2013.

**AB 1313 (Donnelly) Trial court funding: judges.** This bill would have required the Judicial Council, upon the availability of funding, to allocate 12 additional judges each fiscal year to those counties in which the current judicial position allocations are disproportionate to the Judicial Council's recommendation of assessed judicial need. Status: Failed, Asm. Judiciary.

**AB 2693 (Bloom) Judges: retirement: employment.** This bill would have prohibited a judge of a court of record, upon retirement from either system, from accepting employment with any individual, or public or private entity, for one year after the date of his or her retirement if the individual, or public or private entity, appeared before the judge in connection with any contested matter within one year prior to the date of the judge's retirement. Status: Dead, Asm. Judiciary.

**AB 2745 (Committee on Judiciary) Courts: subordinate judicial officers.** This bill authorizes the Judicial Council to convert 10 subordinate judicial officer (SJO) positions to judgeships in the 2014-2015 year, if the conversion will result in a judge being assigned to a family law or juvenile law assignment, as specified. This bill also authorizes the Judicial Council to increase the procedures for family centered case resolution. Status: Chapter 311, Stats. 2014.

**SB 1190 (Jackson) Courts: judgeships.** This bill would have authorized 50 additional judges, upon appropriation by the Legislature, to be allocated to the various superior courts, pursuant to the uniform criteria approved by the Judicial Council. This bill would also have appropriated an unspecified sum to the judicial branch for the purpose of funding a previously authorized set of 50 judges, and would have increased the number of justices in the division of the Fourth Appellate District of the Court of Appeal, located in the San Bernardino/Riverside area, from seven to nine justices. Status: Dead, Senate Appropriations.

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

### **Adoption**

**AB 848 (Patterson) Adoptions.** This bill makes several changes to adoption processes and adoptive placement considerations. Specifically, this bill: (1) clarifies when a birth parent's waiver of the right to revoke consent to an adoption is void or able to be rescinded; (2) clarifies that only specified adoptive parents qualify for an abbreviated home study, and codifies existing regulations that require review of specified documents as part of the abbreviated home study; and (3) extends eligibility for a reduced fee home study to lower income prospective adoptive parents, as specified. Status: Chapter 743, Stats. 2013.

**AB 1701 (Patterson) Family law: adoption.** This bill makes several changes to adoption processes and adoptive placement considerations. Among other things, this bill restores the marital presumption of parentage for a child born to a married couple, clarifies that all actions involving custody of a child are to be stayed upon filing of an action to terminate parental rights, and allows a single petition to terminate parental rights to be filed for two or more siblings, or for a child with two or more alleged fathers. Status: Chapter 763, Stats. 2014.

**AB 2118 (Ridley-Thomas) Adoption records: confidentiality.** Under existing law, a petition for access to adoption records is by or on behalf of an adopted child who has attained majority, the granting of any petition is solely within the discretion of the court. Existing law also authorizes a party to the adoption to request, and the court to order, that the name of the child's

birth parents or any information tending to identify the child's birth parents is deleted from the documents prior to the clerk of the court providing the documents for inspection by any person. This bill would have authorized an adopted child to have full and unrestricted access to his or her adoption records in the same manner as a party to the proceeding. Status: Dead, Asm. Judiciary.

### **Children**

**AB 438 (Mitchell) Juveniles: dual-status minors.** This bill would allow the filing of a petition or the entry of an order to make a minor simultaneously both a dependent child and a ward of the court, by deleting provisions which currently prohibit this. Status: Dead, Asm. Judiciary.

**AB 787 (Stone) Foster care: non-minors.** This bill makes various technical and clarifying changes to the California Fostering Connections to Success Act of 2010. Among other things, this bill allows re-entry into nonminor dependency for former nonminor dependents (NMD) who reached permanency whose guardian or relative or adoptive parent Dead before their 21st birthday. The bill also clarifies the juvenile court's authority and the process it must undertake to terminate dependency for a NMD, but maintain jurisdiction over the youth as a nonminor. Status: Chapter 487, Stats. 2013.

**AB 921 (Jones-Sawyer) Child welfare services.** This bill, among other things, would have prohibited a county child welfare agency from retaliating against a social worker if the social worker has reasonable cause to believe that a policy, procedure, or practice related to the provision of child welfare services endangers the health or well-being of a child or children and the social worker discloses this information to a government or law enforcement agency, an appointed or elected official, or the public. Status: Vetoed.

**AB 1618 (Chesbro) Juveniles: case file inspection.** This bill clarifies that the authorization for those persons specified to inspect the case file of a dependent child or ward of the juvenile court includes persons serving in a similar capacity for an Indian tribe, reservation, or tribal court when the case file involves a child who is a member of, or is eligible for membership in, that tribe. Status: Chapter 57, Stats. 2014.

**AB 1828 (Donnelly) Child abuse.** This bill would have required county child protective services (CPS) social workers to use a video and audio recorder to make a video or audio recording of his or her interactions with the children and their parents during an investigation. Among other things, this bill would have also required the county welfare agency (CWA) to catalog and preserve these video and audio recordings, and to produce a copy of any such recording in a usable format upon request of any parent during a dependency hearing. Status: Dead, Asm. Human Services.

**AB 2001 (Ammiano) Homeless youth: child welfare services.** This bill would have required the Department of Social Services to establish a working group to develop policy and practice recommendations to the Legislature to ensure that homeless, unaccompanied minors have timely, reliable access to appropriate placements and services through the state's child welfare system. This bill would have authorized counties to establish and participate in a pilot program, as

specified, to develop and implement child welfare services to meet the individual needs of homeless youth. Status: Dead, Senate Appropriations.

**AB 2391 (Calderon) Dependent children: placement.** This bill would have clarified that, after the dispositional hearing for a child in foster care, preferential consideration shall be given, on a case-by-case basis to a relative of a child in foster care for purposes of placement of the child. Status: Dead, Senate Judiciary.

**AB 2454 (Quirk-Silva) Foster youth: nonminor dependents.** This bill allows a nonminor former dependent who previously received extended Kinship Guardianship Assistance Payment (Kin-GAP) or Adoption Assistance Payment (AAP), but whose guardian or adoptive parent no longer provides ongoing support, to petition the court to resume dependency under the extended foster care program, as specified. Status: Chapter 769, Stats. 2014.

**AB 2607 (Skinner) Juveniles: detention.** This bill requires that a person be released from juvenile detention upon an out-of-home placement order unless the court determines that a delay in the release from detention is reasonable, as specified, and enumerates specific circumstances where such a delay is not reasonable. Status: Chapter 615, Stats. 2014.

**SB 343 (Yee) Dependent children: documents.** This bill would have required county welfare agencies, at a dependent child's first regularly scheduled court hearing after he or she turns 16 years of age, to submit a report verifying that specified information, documents, and services have been provided to the minor, including but not limited to assistance in obtaining employment and in preparing and applying for admission to a postsecondary educational institution or vocational training program. In addition, the bill would have reorganized the requirements for the termination of a nonminor's dependency jurisdiction. Status: Dead, Asm. Appropriations.

**SB 528 (Yee) Dependents: care and treatment: minor parents and nonminor dependent parents.** This measure provides additional considerations for foster youth with respect to the provision of supportive services. Among other things, this bill adds greater specificity to the types of medical care a dependent minor may consent to for diagnosis and treatment, as specified, and permits a social worker to inform a dependent over the age of 12 of his or her right to consent to and receive those health care services. Status: Chapter 338, Stats. 2013.

**SB 738 (Yee) Sexually exploited and trafficked minors.** This bill would have provided that a child may come within the jurisdiction of the juvenile dependency court if the minor is a victim of human trafficking, a victim of sexual exploitation, or receives food or shelter in exchange for sexual acts, or is paid to perform sexual acts, and the parent or guardian failed or was unable to protect the child. This bill also would have required the training for administrators of group home facilities, licensed foster parents, and relative or nonrelative extended family member caregivers to include instruction on cultural competency and sensitivity related to providing adequate care to a sexually exploited and trafficked minor. Status: Dead, Asm. Human Services.

**SB 977 (Liu) Juveniles: dependency court.** This bill imposes additional duties on social workers to include in each social study, evaluation, and supplemental report to the courts a factual discussion of whether a child can be returned to the custody of his/her parent who is

enrolled in a certified substance abuse treatment facility that allows a dependent child to reside with his/her parent. This bill requires courts to consider whether a child can be returned to the custody of his/her parent in these situations, as specified. Status: Chapter 219, Stats. 2014.

**SB 996 (Evans) Juveniles: dependent children: documents.** This bill would have required county welfare agencies to submit reports at the first regularly scheduled review hearing after a dependent child has attained 16 years of age and at the last regularly scheduled review hearing before a minor attains 18 years of age, and at every regularly scheduled review hearing thereafter, verifying that the county has provided specified information, documents, and services to the child. Status: Vetoed.

**SB 1099 (Steinberg) Dependent children: wards of the juvenile court: sibling visitation.** This bill encourages visitation with siblings for children in the dependency and juvenile justice system. Specifically, this bill gives juvenile courts the authority to order visitation between a dependent or a ward in a foster care placement and a non-dependent or non-ward siblings in specified circumstances. Additionally, this bill requires that the case plan submitted on behalf a ward with a foster care placement must include information on siblings and efforts made to encourage sibling contact, and updates existing sibling visitation statutes, such as requiring more detailed information in social worker reports. Status: Chapter 773, Stats. 2014.

### **Child Custody and Visitation**

**AB 958 (Jones) Child custody: evaluations and reports.** This bill would have expanded the circumstances in which the written confidential report by a child custody evaluator may be disclosed by requiring a court to disclose the report to the licensing board governing the evaluator upon written request by the board, in order to assist its investigation of allegations that the evaluator engaged in unprofessional conduct. This bill would also have specified in what circumstances the board could utilize the report, the procedures the board must follow when utilizing the report, and to whom the board may disclose the report. Status: Dead, Asm. Judiciary.

**AB 1628 (Fox) Visitation rights: grandparent rights.** This bill allows the court to grant reasonable visitation to a grandparent when: (1) there is a preexisting relationship between the grandchild and grandparent; (2) the interests of the child in having visitation with the grandparent are balanced against right of the parent to exercise parental authority; and (3) one of the parents is incarcerated or institutionalized. Status: Chapter 328, Stats. 2014.

**AB 1843 (Jones and Gordon) Child custody evaluations: confidentiality.** This bill authorizes the disclosure of a confidential child custody evaluation to the licensing entity of an evaluator for the purposes of investigating allegations of unprofessional conduct by the child custody evaluator, or in a criminal, civil, or administrative proceeding involving the child custody evaluator. This bill also requires the Board of Behavioral Sciences, upon receipt of a child custody evaluation, to notify the non-complaining party in the underlying child custody dispute who is a subject of that report, of the pending investigation. Status: Chapter 283, Stats. 2014.

## Marriage

**AB 1525 (Lowenthal) Marriage: solemnization.** This bill adds city clerks to the list of officials and other persons authorized to solemnize a marriage. Status: Chapter 450, Stats. 2014.

**SB 1306 (Leno) Marriage.** This bill clarifies that the statutory language in California's Family Code enacted by Proposition 22 of 2000 no longer has, after the California Supreme Court's *In re Marriage Cases* (2008) 43 Cal.4th 757, any legal effect, and therefore defines marriage gender-neutrally. Specifically, this bill provides, consistent with the *In re Marriage Cases*, that marriage is a personal relation arising out of a civil contract between two persons, and repeals the provision that provides that only marriage between a man and a woman is valid or recognized in California. Status: Chapter 82, Stats. 2014.

## Paternity and Child, Family and Spousal Support

**AB 414 (Fox) Spousal support: modifications.** This bill eliminates the sunset date for the provision which states that in a proceeding in which a spousal support order exists or in which the court has retained jurisdiction over a spousal support order, if a companion child support order is in effect, the termination of child support shall constitute a change of circumstances that may be the basis for a request for modification of spousal support. This bill also requires that a motion to modify spousal support on the basis of the change in circumstances caused by the termination of a child support order be filed within six months of the termination of the child support order, except as specified. Status: Chapter 202, Stats. 2014.

**AB 681 (Melendez) Spousal support.** This bill requires a court, when making an award of spousal support, to consider either party's history of domestic violence against either party's children. Status: Chapter 455, Stats. 2013.

**AB 1654 (Bonilla) CalWORKs: assignment of child support.** This bill would have, effective January 1, 2016, increased the amount of monthly child support "passed-through" to CalWORKs recipients from \$50 per family to \$100 for a family with one child or \$200 for a family with two or more children. Status: Dead, Senate Appropriations.

**SB 115 (Hill) Parent and child relationship.** As referred to this committee, this bill would have allowed any interested party, regardless of whether he was a sperm donor to a licensed physician or sperm bank and did not agree to parent the child prior to conception, to bring an action to determine the existence or nonexistence of a parent and child relationship based on the presumption that the presumed parent received the child into his or her home and openly held the child out as his or her own. The bill was held in committee then amended to address an unrelated subject. Status: Dead, Asm. Rules.

**SB 274 (Leno) Family law: parentage: child custody and support.** This bill authorizes a court to find that more than two persons with a claim to parentage, as specified, are parents if the court finds that recognizing only two parents is detrimental to the child; and directs the court, in making this determination, to consider all relevant factors, including, but not limited to, the harm of removing the child from a stable placement with a parent who has fulfilled the child's physical

needs and the child's psychological needs for care and affection, and who has assumed that role for a substantial period of time. Status: Chapter 564, Stats. 2013.

### **Domestic Violence**

**AB 157 (Campos) Protective orders: false impersonation.** This bill, commencing July 1, 2014, authorizes a court to issue an ex parte order enjoining a party from credibly impersonating or falsely personating another party pursuant to the Domestic Violence Prevention Act. Status: Chapter 260, Stats. 2013.

**AB 161 (Campos) Restraining orders: domestic violence.** This bill, commencing July 1, 2014, authorizes a court, when issuing an ex parte order under the Domestic Violence Protection Act, to restrain any party from cashing, borrowing against, cancelling, transferring, or disposing of, or changing the beneficiaries of any insurance or other coverage held for the benefit of the parties, their children, if any, for whom support may be ordered, or both. Status: Chapter 261, Stats. 2013.

**AB 238 (Gomez) Protective and restraining orders: computer database system.** This bill deletes the requirement under existing law that a law enforcement officer or a peace officer who requests an emergency protective order carry copies of the order while on duty. Instead, this bill requires the law enforcement agency to have that order entered into the computer database system for protective and restraining orders maintained by the Department of Justice, also known as the California Restraining and Protective Order System. Status: Chapter 145, Stats. 2013.

**AB 499 (Ting) Judicial proceedings: injunctions prohibiting harassment.** This bill provides that, as of July 1, 2014, a civil injunction prohibiting harassment may remain in effect for up to five years and may be renewed for an additional period of five years, with both the original and renewed order subject to modification or termination by further order of the court upon either written stipulation or motion of a party. Status: Chapter 158, Stats. 2013.

**AB 1623 (Atkins) Family justice centers.** This bill authorizes the creation of Family Justice Centers (FJCs) and defines key aspects of their operations under state law. Under this bill, FJC's are multiagency, multidisciplinary service centers where public and private agencies assign staff members to provide services to victims of domestic violence, sexual assault, elder and dependent adult abuse, or human trafficking in order to reduce the number of places victims must go to for help and increase access to services and support for them and their children. Status: Chapter 85, Stats. 2014.

**AB 2089 (Quirk) Domestic violence: protective orders.** This bill revises and clarifies the issuance of domestic violence restraining orders under the Domestic Violence Protective Act (DVPA). Among other things, this bill clarifies that abuse is not limited to the actual infliction of physical abuse or assault; provides that a court may issue a restraining order based solely on the affidavit or testimony of the person requesting the order; and provides that the length of time since the most recent abuse is not, by itself, determinative, and requires the court to consider the totality of the circumstances in determining whether to grant or deny a petition for a restraining order. Status: Chapter 635, Stats. 2014.

**SB 400 (Jackson) Employment protections: victims of domestic violence, sexual assault, or stalking.** This bill: (1) expands the protections given to victims of domestic violence and sexual assault who take time off to obtain any relief (such as a temporary restraining order) to victims of stalking; (2) prohibits an employer from discharging, retaliating or discriminating against an employee because of his or her known status as a victim of domestic violence, sexual assault, or stalking, as specified; and (3) requires an employer to provide reasonable accommodation for an employee who is a victim of domestic violence, sexual assault, or stalking, as specified. Status: Chapter 759, Stats. 2013.

**SB 545 (Anderson) Name change: Safe At Home participants.** This bill clarifies that the newspaper publication requirements for a name change are waived for active members of the Secretary of State's address confidentiality program who are seeking the name change to avoid domestic violence or stalking, or who are victims of sexual assault, when the name he or she seeks to acquire is the one on file with the Secretary of State. Status: Chapter 49, Stats. 2014.

### **Family Law**

**AB 176 (Campos) Family law: protective and restraining orders.** This bill, effective July 1, 2014, establishes rules of enforcement priority when there are multiple restraining orders involving the same parties. Specifically, when there are multiple protective or restraining orders regarding the same parties and one of those orders is a no-contact order, this bill requires law enforcement to enforce the no-contact order, unless there is an emergency protective order that has enforcement precedence, as provided. If neither an emergency protective order nor a no-contact protective order has been issued, then this bill requires the police officer to enforce the last issued criminal order. Status: Chapter 263, Stats. 2013.

**AB 1121 (Atkins) Gender identity: petition for change of name.** This bill creates a new administrative procedure that transgender persons born in California may utilize in seeking a new birth certificate that reflects changes to their sex and name. This bill also makes several changes to reduce burdens on and protect privacy for transgender persons seeking to obtain an order for a legal name change through the current court process. Among other things, these changes include requiring the court in uncontested cases to grant a petition for a name change without a hearing, and enhancing privacy protections for the names of transgender persons within various court records. Status: Chapter 651, Stats. 2013.

**AB 1403 (Committee on Judiciary) Family law.** This bill codifies case law clarifications to the Uniform Parentage Act, particularly making the Act's provisions gender neutral where appropriate. This bill also ratifies the authority of the Judicial Council to convert 10 subordinate judicial officer positions (SJOs) to judgeships in 2013-14, provided the conversion of these positions will result in judges being assigned to family or juvenile law assignments previously presided over by a SJO. Status: Chapter 510, Stats. 2013.

**AB 2344 (Ammiano) Family law: parentage.** This bill makes three changes to support intended parents using assisted reproduction to create families and same-sex couples whose unions may not be recognized in other jurisdictions. First, this bill provides optional, statutory



forms to help couples in three narrow situations demonstrate their intent to be parents. Second, the bill requires that assisted reproduction agreements with surrogates, using donated embryos, contain information on medical coverage for the surrogate and the newborn. Finally, the bill simplifies the stepparent adoption process for married couples or registered domestic partners whose marriage or domestic partnership might not be recognized in another jurisdiction. Status: Chapter 636, Stats. 2014.

**AB 2586 (Bloom) Family law proceedings.** This bill automatically reopens discovery as to the issues raised in the postjudgment pleadings currently before the court when a request for order or other motion is filed and served after entry of judgment in a family law case. Status: Chapter 169, Stats. 2014.

**SB 826 (Committee on Judiciary) Civil law: omnibus bill.** This bill makes noncontroversial technical corrections to sections of the Family and Probate Codes. Among other things, this bill clarifies that supervised visitation requirements are set forth in Standard 5.20 of the Standards of Judicial Administration, and makes a technical correction to provide for fee reimbursement when an estate is commenced on behalf of a "decedent," not a "dependent." Status: Chapter 61, Stats. 2013.

## **HEALTH CARE**

**AB 446 (Mitchell) HIV testing.** This bill expands voluntary human immunodeficiency virus (HIV) testing outreach to certain patients at primary care clinics, and revises requirements for obtaining consent from, and providing information to, persons being tested for HIV infection. Among other things, this bill modifies the information that a medical provider is required to give to a person about to receive an HIV test in a clinical setting, and allows informed consent to be provided orally or in writing when an HIV test is administered in a non-clinical setting rather than only a signed written statement. Status: Chapter 589, Stats. 2013.

**AB 506 (Mitchell) HIV testing: infants.** This bill provides social workers with additional authority to consent to medical assessments, without court approval, for certain infants who have been placed into temporary custody or have been ruled a dependent of the court. Among other things, this bill provides that if an infant tests positive for HIV infection and the physician and surgeon determines that immediate HIV medical care is necessary to render appropriate care to that infant, that care shall be considered emergency medical care that may be authorized, without court order, by a social worker. Status: Chapter 153, Stats. 2013.

**AB 599 (Donnelly) Minors: vaccinations: parental consent.** This bill would have provided that existing law which allows a minor who is 12 years of age or older and who may have come into contact with an infectious, contagious, or communicable disease to consent to medical care, as specified, does not authorize a minor to receive a vaccine without the consent of the parent or guardian of the minor. Status: Failed, Asm. Health Committee.

**AB 1265 (Conway) Mental health: assisted outpatient treatment.** This bill would have extended from six to twelve months the time period that a court may order a person to receive assisted outpatient services, provided that person meets the criteria for assisted outpatient

treatment and there is no appropriate and feasible less restrictive alternative. Status: Failed, Asm. Judiciary.

**AB 1376 (Hernandez) Workers' compensation: medical treatment: interpreters.** This bill delays until March 1, 2014, regulations adopted by the Division of Workers' Compensation to implement provisions of SB 863 (2012) that requires medical interpreters in the workers' compensation system to be certified and specifies how these interpreters can become certified. Status: Chapter 793, Stats. 2013.

**AB 2266 (Waldron) Mental health: assisted outpatient treatment.** This bill would have extended, from six months to one year, the amount of time that a court can initially order an individual to participate in the Outpatient Treatment Demonstration Project. Second, it permits, in any county that has elected to implement the project, the evaluation of a patient about to be released from an involuntarily inpatient detainment by the professional staff of the facility to determine if the patient meets the criteria for assisted outpatient treatment. Status: Failed, Asm. Judiciary.

## IMMIGRATION ISSUES

**AB 35 (Hernández) Deferred action for childhood arrivals.** This bill establishes that only immigration consultants, attorneys, notaries public, and organizations accredited by the United States Board of Immigration Appeals are authorized to charge clients or prospective client's fees for providing consultations, legal advice, or notary public services associated with filing a federal Deferred Action for Childhood Arrivals program (DACA) application. This bill also prohibits price gouging for those services and specifies civil and criminal penalties for violations, as well as attorney and notary discipline. Status: Chapter 571, Stats. 2013.

**AB 263 (Hernández) Employment: retaliation: immigrant-related practices.** This bill prohibits employers from engaging in any unfair immigration-related practices, as defined, against any person as retaliation for exercising Labor Code-related rights, and establishes penalties for violation of this prohibition. Immigration-related practices under this bill include, among other things, using the federal E-Verify system to check the employment authorization status of a person at a time or in a manner not currently authorized, threatening to file or filing a false report to law enforcement, or threatening to contact immigration authorities. Status: Chapter 732, Stats. 2013.

**AB 1159 (Gonzalez) Immigration services.** This bill imposes various restrictions and obligations on persons who offer services related to comprehensive immigration reform. Among other things, this bill makes it unlawful for an attorney to demand, or accept advance payment of, any funds from a person for immigration reform act services before the enactment of an immigration reform act. Any funds received after the effective date of this bill, but, before the enactment of an immigration reform act must be promptly refunded to the client, as specified. Status: Chapter 574, Stats. 2013.

**AJR 3 (Alejo) Immigration.** This measure specifies principles for repairing the nation's immigration system, and would urge Congress and the President of the United States to take a

comprehensive and workable approach to improving the nation's immigration system using those principles. Status: Res. Chapter 77, Stats. 2013.

**AJR 49 (Gonzalez) Immigration: deportation.** This measure urges the President to take executive action to suspend any further deportations of legalization-eligible individuals with no serious criminal history. Status: Res. Chapter 169, Stats. 2014.

**HR 51 (V.M. Perez) Immigration.** This measure makes specified findings and recognizes that all California residents have a civic responsibility to respect the human dignity of immigrants seeking refuge in the United States, and to ensure that they are afforded due process and equal protection. Status: Adopted by the Assembly.

**SB 23 (Lara) Task Force on New American Integration.** This bill would, until January 1, 2018, establish the Task Force on New American Integration within the office of the Governor to provide, among other things, recommendations to the Legislature on protocols and collaboration among governmental agencies to streamline resources to assist immigrant integration. Status: Dead, Asm. Appropriations.

**SB 477 (Steinberg) Foreign labor contractors: registration.** This bill requires foreign labor contractors to register with the Labor Commissioner, as well as follow additional contractual and bonding requirements, as specified. Among other things, this bill prohibits a person from knowingly entering into a contract for the services of a foreign labor contractor that is not registered; requires a foreign labor contractor to disclose in writing specified information to each foreign worker who is recruited for employment; and specifies remedies and civil liability for violations of these requirements. Status: Chapter 711, Stats. 2014.

**SB 516 (Steinberg) Foreign labor contractors: registration.** This bill would have expanded registration and disclosure requirements to regulate foreign labor contractors and the employers who use their services, and specified remedies and civil liability for violations of these requirements. Among other things, this bill would have required foreign labor contractors to register with the Labor Commissioner, and comply with additional contractual and bonding requirements, as specified. Status: Vetoed.

**SJR 8 (Correa) Immigration.** This measure makes certain findings regarding immigrants and the nation's immigration system, and urges Congress and the President of the United States to take a comprehensive and workable approach to improving the nation's immigration system. Status: Res. Chapter 102, Stats. 2013.

**SJR 9 (Huff) Entrepreneur's visa for legal immigrants.** This measure urges the United States Congress and the President to establish new entrepreneur and science, technology, engineering, or mathematics (STEM)-related visa categories for legal immigrants as part of comprehensive federal immigration reform that (1) creates an Entrepreneur's Visa for legal immigrants; (2) provides authorization to adjust the status of not more than 50,000 aliens who have earned a master's degree or a doctorate degree, as specified, to that of aliens conditionally admitted for permanent residence; and (3) eliminates per-country caps for employment-based immigrant visas. Status: Res. Chapter 117, Stats. 2013.

**SJR 13 (Yee) Immigration reform: F3 and F4 visa categories.** This resolution memorializes the President and Congress of the United States to: (1) support immigration reform efforts that do not hurt families by eliminating or negatively impacting the F3 and F4 visa categories, or that end the discrimination against same-sex couples; and (2) take a comprehensive, bipartisan, and well-reasoned approach to immigration issues that maintains the fair and appropriate priority for family reunification, including same-sex partners. Status: Res. Chapter 132, Stats. 2013.

## **LIABILITY AND RELATED MATTERS**

### **Damages and Civil Penalties**

**AB 167 (Hagman) Unfair competition: private enforcement actions.** This bill would have define the injury in fact required for a private person to bring suit under the Unfair Competition Law as damages suffered by each individual plaintiff or member of a class amounting to at least \$500, adjusted for inflation, as specified. In addition, the bill would have made these provisions effective only after having been submitted to and approved by the voters of California. Status: Dead, Asm. Judiciary.

**AB 519 (Logue) Unfair competition.** This bill would have required a court, prior to the imposition of any civil penalty pursuant to the Unfair Competition Law (UCL), to consider all factors in mitigation of both the imposition and amount of any civil penalty, including but not limited the magnitude of any actual harm to persons, the reasonable efforts taken by the defendant to prevent any actual harm to persons, and efforts undertaken by the defendant to remediate or prevent future actual harm to persons. Status: Dead, Asm. Judiciary.

**AB 818 (Blumenfield) Air pollution: penalties.** This bill would have required any city attorney of a city having a population in excess of 750,000, with the consent of the district attorney, to recover specified civil penalties in a civil action for specified violations. In an action for civil penalties resulting from specified violations, the bill would have required the entire amount of the penalty collected be paid to the treasurer of the city or county, in addition to the district on whose behalf judgment was entered. Status: Dead, Asm. Natural Resources.

**AB 852 (Dickinson) Driver's licenses: applications.** This bill prohibits a person from receiving financial compensation for the sole purpose of filling out an original driver's license application for another person. The bill also imposes a \$2,500 civil penalty for a violation of this provision and authorizes enforcement by the Attorney General or by the district attorney, county counsel, or city attorney of the location in which the violation occurred, as specified. Status: Chapter 447, Stats. 2014.

**AB 976 (Atkins) Coastal resources: California Coastal Act of 1976: enforcement: penalties.** This bill would have authorized the Coastal Commission, by majority vote and at a duly noticed public hearing, to impose an administrative civil penalty on a person who intentionally and knowingly violates the California Coastal Act. Status: Dead, Asm. conference committee.

**AB 1938 (Hagman) Actions for damages: felony offenses.** This bill would have significantly extended the statute of limitations for certain civil actions against the criminally insane. Specifically, this bill would have provided that the time for commencement of an action for damages, against a defendant who is found not guilty of specified, serious felony offenses by reason of insanity, is within 10 years of the date on which the defendant is released from custody. Status: Dead, Senate Judiciary.

**AB 2157 (Morrell) Actions for damages: felony offenses.** This bill would have made human trafficking offense a serious felony for which an action for damages against a defendant may be brought within 10 years from the date on which the defendant is discharged from parole. Status: Dead, Asm. Judiciary.

**AB 2368 (Wagner) Libel: damages.** Under existing law, in any action for damages for the publication of a libel in a newspaper or of a slander by a radio broadcast, the plaintiff is required to recover no more than special damages unless a correction is demanded and the correction is not published or broadcast. If a correction is demanded but not published or broadcast in a specified manner in the newspaper or on the broadcasting station, existing law authorizes the plaintiff to recover general, special, and exemplary damages provided certain requirements are met. This bill would have expanded these provisions to additionally include libel in a periodical or other medium, either in print or electronic form. Status: Dead, Asm. Judiciary.

**SB 131 (Beall) Childhood sexual abuse: statute of limitations.** This bill would have provided that the time limits for commencement of an action for recovery of damages suffered as a result of childhood sexual abuse shall be applied retroactively to any claim that has not been adjudicated to finality on the merits as of January 1, 2014. This bill would have revived, for a period of one year, a cause of action, as specified, that would otherwise be barred by the statute of limitations as of January 1, 2014, provided that the plaintiff's 26th birthday was before January 1, 2003, and the plaintiff discovered the cause of his or her injury on or after January 1, 2004. Status: Vetoed.

**SB 924 (Beall and Lara) Childhood sexual abuse: statute of limitations.** This bill would have provided that, with respect to local public entities, an action for recovery of damages suffered as a result of childhood sexual abuse that occurred on or after January 1, 2015, shall be commenced within 22 years of the date the plaintiff attains the age of majority, or within three years of the date the plaintiff discovers or reasonably should have discovered that psychological injury or illness occurring after the age of majority was caused by the sexual abuse, whichever period expires later. Status: Vetoed.

### **Judgments Against the State**

**AB 59 (Bonta) Claims: local public agencies.** This bill would have replaced certain terms (including "statute" and "ordinance") used to describe the laws relating to the presentment of claims against local public entities with the terms "enactment" and "resolution" as specified. Status: Dead, Asm. Judiciary.

**AB 748 (Eggman) Judgments against the state: interest.** This bill provides, except as specified, that when interest accrues on any tax or lien claim against a public entity that results in public judgment against the public entity, or when a judgment becomes enforceable, the interest shall accrue at a rate equal to the weekly average one-year constant maturity U.S. Treasury yield, but not to exceed 7% per annum. Status: Chapter 424, Stats. 2013.

**AB 1007 (Wagner) State government: payment of claims against the state.** This bill would have required the interest on the amount of a claim, judgment, or settlement against the State of California to be calculated based on the same 13-week U.S. Treasury rate that is applied to the overpayment of taxes, fees, and surcharges to the state. Status: Failed, Asm. Judiciary.

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

**AB 227 (Gatto) Proposition 65: enforcement: chemical listing.** This bill changes the enforcement provisions of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) by limiting recovery by private citizen enforcement action for specified types of exposure to chemicals causing cancer or birth defects or other reproductive harm in those circumstances when the failure to provide clear and reasonable warnings has been remedied and a penalty has been paid. Status: Chapter 581, Stats. 2013.

**AB 265 (Gatto) Local government liability: dog parks.** This bill establishes that a public entity, as defined, that owns or operates a dog park shall not be held liable for an injury or death of a person or pet resulting solely from the actions of a dog in the dog park. Status: Chapter 74, Stats. 2013.

**AB 403 (Stone and Eggman) Solid waste: home generated sharps.** This bill would have required a producer of home-generated sharps or a stewardship organization designated by the producer to submit a home-generated sharps stewardship plan by April 1, 2015, to the Department of Resources Recycling and Recovery. The bill would have required the plan to provide for the development and implementation of a recovery program to manage the end of life of home-generated sharps, and to include specified elements, including provisions to meet specified minimum collection rates for the home-generated sharps subject to the plan. Status: Dead, Asm. Appropriations.

**AB 415 (Garcia) Public utilities: Public Utilities Act: violation: defense.** As referred to this committee, this bill would have established a reasonable good faith reliance defense, as specified, to an enforcement action by the Public Utilities Commission pursuant to the act or an order, decision, rule, direction, demand, or requirement of the Commission. The bill would have prohibited the Commission from commencing or maintaining an adjudication or other enforcement action or proceeding against an entity if that entity has relied, in good faith, on the advice or direction of the staff of the Commission. The bill was later amended to address a different subject. Status: Chapter 612, Stats. 2013.

**AB 633 (Salas) Emergency medical services: liability.** This bill prohibits an employer from adopting or enforcing a policy that prohibits an employee from voluntarily providing emergency

medical services in response to a medical emergency, except as specified. Status: Chapter 591, Stats. 2013.

**AB 635 (Ammiano) Drug overdose treatment: liability.** This bill revises certain provisions from the current pilot program authorizing prescription of opioid antagonists for treatment of drug overdose and limiting civil and criminal liability, expands these provisions statewide, and removes the 2016 sunset date for the pilot program. Among other things, this bill permits a licensed health care provider who is authorized by law to prescribe an opioid antagonist, if acting with reasonable care, to prescribe and subsequently dispense or distribute an opioid antagonist to a person at risk of an opioid-related overdose or a family member, friend, or other person in a position to assist the person at risk, and limits the professional and civil liability of licensed health care providers and persons who possess or distribute opioid antagonists, as specified. Status: Chapter 707, Stats. 2013.

**AB 725 (Wilk) Health court demonstration program.** This bill would have required the Secretary of California Health and Human Services to submit an application on behalf of the state to the federal Department of Health and Human Services to receive a grant for state demonstration programs to evaluate alternatives to current medical tort litigation, as authorized by the federal Affordable Care Act. The bill would have required the secretary to write the application to design a program to create health courts based upon a no-fault process to improve the injury resolution of liability, and specified which items a patient would need to prove under the health court demonstration program. Status: Dead, Asm. Judiciary.

**AB 738 (Harkey) Public entity liability: bicycles.** This bill would have shielded a public entity or an employee of a public entity acting within his or her official capacity from any liability for an injury caused to a person riding a bicycle while traveling on a roadway, if the public entity has provided a bike lane on that roadway. Status: Dead, Asm. Judiciary.

**AB 774 (Donnelly) County zone dissolution: immunity.** This bill would have eliminated responsibility and liability for counties, county service areas (CSAs) and CSA zones for street services when a CSA or zone is dissolved or divested of authority, and when a board of supervisors is unable to raise revenues. Status: Dead, Asm. Judiciary.

**AB 925 (Bigelow and Gaines) State officer or supervisory employee: personal liability for overpayment of compensation.** This bill would have provided that a state officer or supervisory employee who intentionally circumvents statutes or regulations, resulting in the overpayment or unauthorized payment of compensation to himself, herself, or others, shall be personally liable for treble damages, based on the overpayment or unauthorized payment as determined by a court in a civil action brought by the state, as specified. Status: Failed, Asm. Judiciary.

**AB 939 (Melendez) Pupil and school personnel health: automatic external defibrillators (AEDs).** This bill, among other things, would have provided that school district and employees of the school district are not liable for civil damages resulting from certain uses, attempted uses, or non-uses of an AED, except as provided. This bill also would have required that a principal designate only school employees who volunteer to be designated as AED volunteers to respond

to an emergency that may involve the use of an AED during normal operating hours. Status: Dead, Senate Appropriations.

**AB 957 (Wagner) Postmortem photographs.** This bill clarifies the law governing images of a deceased person taken by, or for, coroners. Specifically, this bill: (1) clarifies that the current prohibition on reproduction of these images includes dissemination; (2) clarifies that coroners are among those to whom the prohibition does not apply when the image is used for investigative purposes to include identification and identification confirmation; and (3) clarifies that coroners shall not be personally liable for monetary damages in a civil action for any act or omission, in compliance with these provisions. Status: Chapter 53, Stats.2013.

**AB 1106 (Waldron) Public entities: jails: liability.** This bill would have provided that a public entity that owns or operates a county jail or correctional facility constructed prior to October 1, 2011, or an employee thereof, shall not be liable to an inmate, ward, or prisoner of that county jail or correctional facility for an injury arising out of the failure of the facility to comply with standards or conditions imposed upon state prisons, as specified. Status: Failed, Asm. Judiciary.

**AB 1138 (Chau) Workers' compensation: notice: records: liability.** As referred to this committee, this bill would have require employers to include specified information in the workers' compensation notice given to employees, retain a copy of the notice for five years thereafter, and make it available to specified governmental entities and the insurer upon request. Among other things, these notices would not be public records subject to California Public Record Act, and any employer that violates these new notice provisions would have been subject to citation and civil penalty by the Labor Commissioner, as provided. The bill was subsequently amended to address a different subject and re-referred only to the Insurance Committee. Status: Dead, Asm. Insurance.

**AB 2217 (Melendez) Pupil and personnel health: automated external defibrillators.** This bill authorizes a public school to solicit and receive non-state funds to acquire and maintain an automated external defibrillator (AED). The bill provides that the employees of the school district are not liable for civil damages resulting from certain uses, attempted uses, or nonuses of an AED, except as provided. Finally, the bill provides that a public school or school district that complies with certain requirements related to an AED is not liable for any civil damages resulting from any act or omission in the rendering of the emergency care or treatment, except as provided. Status: Chapter 812, Stats. 2014.

**AB 2361 (Jones) Proposition 65: enforcement.** This bill would have prohibited any person from bringing an enforcement action against a company that employs 25 people or less for failure to provide a warning for an exposure to a chemical known to the state to cause cancer or reproductive toxicity, in violation of Proposition 65, if , within 14 days after service of the notice of alleged violation, the company corrects the alleged violation, agrees to pay a civil penalty in the amount of \$500, and notifies the person bringing the action that the violation has been corrected. Status: Dead, Asm. Environmental Safety.

**AB 2442 (Gordon) Porter-Cologne Water Quality Control Act: remedial action: liability.** This bill prohibits the State Water Resources Control Board, a regional water control quality



board, or an employee of the state board or regional board from being held liable in a civil proceeding for trespass or any other act that is necessary to carry out an investigation, cleanup, abatement, or other remedial work. This bill also prohibits the state board, regional board, or any authorized person from incurring any obligation to undertake additional investigation, cleanup, abatement, or other remedial work solely because of its decision to undertake that work. Status: Chapter 739, Stats. 2014.

**SB 39 (De Leon) Local agencies: public officers: claims and liability.** This bill requires the forfeiture of a contractual, common law, constitutional, or statutory claim against a local public agency employer to retirement or pension rights or benefits, as specified, by a local public officer who exercised discretionary authority and who was convicted of a felony for conduct arising out of, or in the performance of, his or her official duties. Status: Chapter 775, Stats. 2013.

**SB 415 (Knight) Space light liability.** This bill provides that the legislatively prescribed warning and acknowledgement that must be signed by a voluntary participant in a space flight activity shall not be construed to be contrary to the public policy of this state. Status: Chapter 48, Stats. 2014.

**SB 669 (Huff) Emergency medical care: epinephrine auto-injectors.** This bill authorizes a trained pre-hospital emergency medical care person, first responder, or lay rescuer to obtain and use epinephrine auto-injectors to render emergency care to another person, pursuant to specified requirements, and grants them qualified immunity from liability, as specified, unless their conduct in rendering emergency care is grossly negligent. Among other things, the bill also requires that the Emergency Medical Services Authority (EMSA) establish and approve authorized training providers and minimum standards for training and the use and administration of epinephrine auto-injectors. Status: Chapter 725, Stats. 2013.

**SB 724 (Emmerson) Liability: charitable vision screenings.** This bill provides qualified immunity from liability for damage or injury to a nonprofit charitable organization that provides vision screenings and, if applicable, donated or recycled glasses, as well as participating licensed optometrists, ophthalmologists, or trained volunteers who work with such nonprofit charitable organizations to provide charitable vision screenings under appropriate conditions. Status: Chapter 68, Stats. 2013.

**SB 1072 (Fuller) Real property: duty of care: aviation activities.** Existing law provides that an owner of any estate or interest in real property owes no duty of care to keep the premises safe for entry or use by others for any recreational purpose or to give any warning of hazardous conditions, uses of, structures, or activities on those premises to persons entering for a recreational purpose, with certain exceptions. This bill expands the definition of “recreational purpose” to include private noncommercial aviation activities. Status: Chapter 52, Stats. 2014.

**SB 1130 (Roth) Drinking water: County Water Company of Riverside water system: liability.** This bill provides limited immunities from liability for the Elsinore Valley Municipal Water District, the Eastern Municipal Water District, the Western Municipal Water District, and the Metropolitan Water District of Southern California for claims by past or existing County Water Company of Riverside (CWC) customers, or those who consumed water provided through

the CWC water system, prior to and during an interim operation period, as specified. Status: Chapter 173, Stats. 2014.

**SB 1266 (Huff) Pupil health: epinephrine auto-injectors.** This bill requires school districts, county offices of education (COE), and charter schools to provide emergency epinephrine auto-injectors to school nurses or trained personnel who have volunteered, as specified. Among other things, this bill also authorizes school nurses or trained personnel to use the epinephrine auto-injectors to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an anaphylactic reaction. Status: Chapter 321, Stats. 2014.

**SB 1438 (Pavley) Controlled substances: opioid antagonists: liability.** As heard by this committee, this bill would have clarified the authority of peace officers to possess and administer opioid antagonists to persons at risk for or experiencing an opiate-related overdose, and clarified the application of protection from civil and criminal liability to peace officers for those acts. The bill was subsequently amended to remove these provisions. The remaining provisions of the bill require the development of training and other standards for the administration of naloxone by emergency medical technicians and other pre-hospital emergency care personnel. Status: Chapter 491, Stats. 2014.

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

### **Civil Rights**

**AB 5 (Ammiano) Homeless persons: basic rights.** This bill seeks to enact the Homeless Person's Bill of Rights and Fairness Act. Among other things, this bill would have: (1) established certain protections against discrimination on the basis of homelessness by public entities with regard to persons on public property engaged in specified activities, such as resting, eating and praying; (2) ensured that homeless persons have rights to confidentiality in specified public records, and the right to decline public services without sanction or harassment; (3) provided a right to legal counsel when a local government brings specified criminal enforcement actions against a homeless person, as well as a civil right of action for violations of the civil rights recognized in the bill. Status: Dead, Asm. Appropriations.

**AB 556 (Salas) Fair Employment and Housing Act (FEHA): military veterans.** This bill adds "military and veteran status," as defined, to the list of categories protected from employment discrimination under FEHA, and also provides an exemption for an inquiry by an employer regarding military or veteran status for the purpose of awarding a veteran's preference as permitted by law. Status: Chapter 691, Stats. 2013.

**AB 688 (Hernandez) Sexual harassment: interns.** This bill would have provided that a person acting in a supervisory capacity relative to an intern, as defined, can be liable for sexual harassment of an intern. Status: Dead, Asm. Judiciary.

**AB 1443 (Skinner) Harassment: unpaid interns.** This bill expands discrimination and harassment protections under the Fair Employment and Housing Act to include an unpaid

internship or any other program that provides unpaid work experience for a person in the workplace or industry. Status: Chapter 302, Stats. 2014.

**AB 1660 (Alejo) Driver's licenses: nondiscrimination.** Existing law requires the Department of Motor Vehicles to issue a driver's license to a person who signs an affidavit attesting that he or she is ineligible for a social security account number and unable to submit proof that his or her presence in the United States is authorized under federal law. Existing law also prohibits discrimination under the Unruh Civil Rights Act against an individual because he or she holds or presents a driver's license issued under these provisions. This bill also prohibits this discrimination under the Fair Employment and Housing Act, prohibits a governmental authority from discriminating against that individual, and clarifies that the person's affidavit is exempt from disclosure under the California Public Records Act. Status: Chapter 452, Stats. 2014.

**AB 2617 (Weber) Civil rights: waiver of rights.** This bill imposes specified restrictions on the future contractual waivers of rights under the Ralph Civil Rights Act and the Tom Bane Civil Rights Act. Among other things, this bill prohibits any person from requiring another person to waive any legal right, penalty, remedy, forum, or procedure for violation of either Act as a condition of entering into a contract for the provision of goods and services. Status: Chapter 910, Stats. 2014.

**AB 2634 (Bradford) Civil rights: injunctive relief.** This bill expressly authorizes individuals to seek appropriate equitable and declaratory relief to eliminate a pattern or practice of interference, or attempted interference, with the exercise or enjoyment of rights secured by the laws or Constitution of the United States or of the State of California. Status: Chapter 296, Stats. 2014.

**AB 2646 (Ting) Civil rights: political structure equal protection.** This bill prohibits a statute, ordinance, or other specified enactment from denying a minority group, as defined, political structure equal protection of the law by altering, restructuring, or reordering the policy decision-making process in a manner that burdens the ability of members of the minority group to effect the enactment of future legislation, solely with respect to a matter that inures primarily to the benefit of, or is primarily of interest to, one or more minority groups. Status: Chapter 912, Stats. 2014.

**SB 292 (Corbett) Employment: sexual harassment.** This bill clarifies that, with respect to an employment-related sexual harassment claim made under the Fair Employment and Housing Act (FEHA), sexually harassing conduct need not be motivated by sexual desire. Status: Chapter 88, Stats. 2013.

**SB 323 (Lara) Taxes: exemptions: prohibited discrimination.** This bill would have stopped allowing organizations that discriminate on the basis of gender identity, sexual orientation, and religious affiliation from being considered a nonprofit organization entitled to tax-exempt status. Specifically, this bill would have provided that, for taxable years beginning on or after January 1, 2014, any "public charity youth organization", as defined, shall not be exempt from the Corporation Tax Law if it discriminates on the basis of gender identity, race, sexual orientation, nationality, religion, or religious affiliation. Status: Dead, Asm. Inactive file.

**SB 404 (Jackson) Fair employment: familial status.** This bill would have included “familial status,” as defined, as an additional basis upon which the right to seek, obtain, and hold employment cannot be denied under the California Fair Employment and Housing Act. Status: Dead, Asm. Appropriations.

**SB 655 (Wright) Fair Employment and Housing Act: unlawful practices.** This bill would have codified and revised a recent California Supreme Court ruling that an employee shall prevail under the Fair Employment and Housing Act (FEHA) for the purpose of specified remedies if the employee proves that a protected characteristic was a substantial motivating factor in the challenged employment action. Status: Vetoed.

**SB 666 (Steinberg) Employment: retaliation.** This bill provides for the suspension or revocation of an employer’s business license for retaliation against employees and others on the basis of citizenship and immigration status, and establishes a civil penalty up to \$10,000 per violation. Status: Chapter 577, Stats. 2013.

**SB 1407 (Jackson) Employment discrimination.** This bill would have declared that a waiver or release of claims under the Fair Employment and Housing Act is contrary to public policy and unenforceable, unless the waiver or release of claims is knowing and voluntary. Status: Dead, Asm. Inactive file.

### **Constitutional Rights**

**AB 202 (Donnelly) School security: school marshal plan.** This bill would have authorized school districts, county offices of education, and charter schools to use general purpose funds to provide training for school marshals—defined as school employees who, in accordance with the Gun-Free School Zone Act of 1995, and pursuant to locally adopted policies, are authorized to possess a firearm at a schoolsite or designated school activities. Status: Failed, Asm. Education.

**AB 2336 (Grove) Abortion: gender selection.** This bill would have prohibited a person from intentionally performing or attempting to perform an abortion with knowledge that the pregnant woman is seeking the abortion because of the gender of the unborn child. The bill would have provided for injunctive relief, civil damages, and civil fines for a violation of this provision and would have prohibited the public disclosure of the woman’s identity, unless she consented to that disclosure. Status: Failed, Asm. Health.

**ACA 5 (Grove) Abortion: parental notification.** This proposed constitutional amendment would have prohibited a physician and surgeon from performing an abortion on an unemancipated minor, as defined, unless the physician and surgeon or his or her agent has delivered written notice to the parent of the unemancipated minor, or until a waiver of that notice has been received from the parent or issued by a court pursuant to a prescribed process. The measure would also have required the physician and surgeon performing an abortion on an unemancipated minor to report specified information to State Department of Public Health and would have imposed civil and criminal liability for violations of these provisions, as specified. Status: Failed, Asm. Health.

**ACR 19 (Pan) Japanese American: discrimination: apology.** This resolution issues an official public apology to Japanese Americans who were dismissed from their state civil service positions in 1942 as a result of Senate Concurrent Resolution 15 of 1942. Status: Res. Chapter 104, Stats. 2013.

**AJR 1 (Gatto) Federal constitutional convention.** This measure seeks to petition Congress to call for a federal constitutional convention for the purpose and hope of solely amending the United States (U.S.) Constitution with a single amendment to limit "corporate personhood" for purposes of campaign finance and political speech and declare that money does not constitute speech. Status: Res. Chapter 77, Stats. 2014.

**AJR 18 (Skinner) Equality of rights for men and women.** This measure urges the Congress of the United States to pass Senate Joint Resolution No. 10, an amendment to the Constitution of the United States that is subject to ratification by the legislatures of 3/4 of the states, to ensure that equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex. Status: Res. Chapter 111, Stats. 2013.

**SB 396 (De Leon) Public services: Proposition 187.** Proposition 187, which was approved by the voters at the November 8, 1994, statewide general election, made illegal aliens ineligible for specified public social services, public health care services, and public school education at the elementary, secondary, and post-secondary levels. Among other things, the proposition also required various state and local agencies to report suspected illegal aliens, as specified, and required the Attorney General to perform certain tasks in connection with transmitting and retaining those reports. These provisions of Proposition 187 were rendered unenforceable after a federal court found them to be preempted by the United States Constitution and other federal law. This bill repeals the unenforceable provisions of Proposition 187 described above and strikes them from the California Codes. Status: Chapter 318, Stats. 2014.

**SCR 122 (De Leon) Chinese Americans in California.** This measure acknowledges the history of the Chinese in California, recognizes the contributions made to the State of California by Chinese Americans and Chinese immigrants, and apologizes for past discriminatory laws and constitutional provisions that resulted in the persecution of Chinese living in California. Status: Res. Chapter 132, Stats. 2014.

### **Disability Rights**

**AB 223 (Olsen) Civil actions: disabled access.** This bill would have added local governments to the list of specified defendants who, upon being served with a summons and complaint asserting a construction-related accessibility claim, are currently permitted to file a request for a court stay and early evaluation conference. Status: Dead, Asm. Judiciary.

**AB 897 (Wagner) Disability access fees: reporting.** This bill would have repealed the one-dollar fee currently charged to any applicant for a local business license, or any applicant for the renewal of a business license, that is collected by the issuing city or county and required to be used to fund increased certified access specialist (CASp) services in the jurisdiction for the

public, and to facilitate compliance with construction-related disability access requirements. The bill also would have repealed other reporting and information requirements applying to cities and counties related to collection of the fee. Status: Dead, Asm. Judiciary.

**AB 1848 (Allen) Public accommodations: construction-related accessibility claims: notice.** This bill would have required disabled persons who have been deprived of their civil rights to full and equal access to places of public accommodation to undertake prescribed notice procedures at least 30 days before filing an action against a business for an alleged violation of these civil rights. The bill would have specified the required content of the notice, including that the notice must advise the recipient of the nature of the accessibility violation and that the recipient may be civilly liable for actual and statutory damages if the access barriers that constitute the basis of the construction-related accessibility claim are not removed during the 30-day time period. Status: Failed, Asm. Judiciary.

**AB 1885 (Bigelow) Special access: disabled persons: liability.** This bill would have established notice requirements for an alleged aggrieved party to follow before bringing an action against a business for allegedly interfering with the access rights of a disabled individual. The bill would have required an owner, agent, or other responsible party, upon being provided by a specified notice by the aggrieved party, to respond within 30 days with a description of the improvements to be made or with a rebuttal to the allegations, as specified. Among other things, the bill also would have provided 90 days for the owner, agent, or other responsible party elects to fix the alleged violation. Status: Failed, Asm. Judiciary.

**HR 54 (Olsen) Americans with Disabilities Act (ADA).** This measure would have urged the United States Congress to pass Congressional House Resolution 994, which (1) seeks to require an owner or operator of a business to provide a party alleging a violation of the ADA, within 60 days, a description outlining improvements that would be made to address the barrier; and (2) would permit the suit to go forward only if the business owner or operator failed to correct the violation within 120 days. Status: Dead, Asm. Judiciary.

### **Personal Rights**

**AB 218 (Dickinson) Employment applications: criminal history.** This bill requires state and local agencies, effective July 1, 2014, to determine a job applicant's minimum qualifications, as stated in any notice issued for the position, before obtaining and considering information regarding the applicant's conviction history on an employment application. The bill exempts from this prohibition any position for which a state or local agency is otherwise required by law to conduct a conviction history background check, as well as other specified positions. Status: Chapter 699, Stats. 2013.

**AB 375 (Buchanan) School employees: dismissal or suspension: hearing.** This bill would have made a large number of changes to the suspension and dismissal hearing process for school employees. Among other things, this bill would have modified procedural timelines within the suspension process; required the completion of disciplinary hearings by a certain time; modified evidentiary rules to limit disclosure and discovery, as specified; and limit the school district's ability to amend charges against the school employee. Status: Vetoed.

**AB 581 (Ammiano) Residential care facilities: retaliation.** This bill extends discrimination and retaliation protections to a resident or employee of a community care facility, residential care facility, or residential care facility for the elderly who has filed with the Department of Social Services or a state or local ombudsman a complaint, grievance, or request for inspection regarding the facility. Status: Chapter 295, Stats. 2013.

**AB 625 (Quirk) Notaries public: acceptance of information.** This bill authorizes notaries public to reasonably rely on the presentation of an inmate identification card issued by the Department of Corrections and Rehabilitation, if the inmate is in custody, to establish the identity of the inmate described in and executing a written instrument. Status: Chapter 159, Stats. 2013.

**AB 1195 (Eggman) Public records: crime victims.** This bill prohibits law enforcement agencies from requiring proof of legal presence in the United States and refusing to accept certain forms of identification, if identification is required, for the disclosure of crime reports and other related records required to be disclosed under the Public Records Act. Status: Chapter 272, Stats. 2013.

**AB 1198 (Jones-Sawyer) State contractors: criminal conviction history.** As heard by this committee, this bill would have provided that state contractors on public works and transportation contracts must determine a job applicant's minimum qualifications before obtaining and considering information regarding the applicant's criminal conviction history. The bill was later amended to address an unrelated subject. Status: Dead, Asm. Accountability and Administrative Review.

**AB 1650 (Jones-Sawyer) Public contracts: bidders: employment practices.** This bill provides that state contractors must determine an on-site construction-related job applicant's minimum qualifications before obtaining and considering information regarding the applicant's criminal conviction history except as specified. Status: Chapter 880, Stats. 2014.

**AB 2171 (Wieckowski) Residential care facilities for the elderly.** This bill establishes specified rights for residents of privately operated residential care facilities for the elderly, including, among other things, to be accorded dignity in their personal relationships with staff, to be granted a reasonable level of personal privacy of accommodations, medical treatment, personal care and assistance, and to confidential treatment of their records and personal information, as specified. The bill also requires, at admission, a facility staff person to personally advise a resident and the resident's representative, as described, of these and other specified rights and to provide them with a written copy of these rights. Status: Chapter 702, Stats. 2014.

**AB 2288 (Hernandez) Child Labor Protection Act of 2014.** This bill authorizes treble damages to an individual who was discriminated against in the terms or conditions of his or her employment because he or she filed a claim or civil action alleging a violation of employment laws that arose while the individual was a minor. The bill also subjects a specified class of violations of employment laws relating to the employment of minors to a civil penalty, as provided. Finally, the bill requires the tolling of the statute of limitations for claims arising from

violations of employment laws until the person allegedly aggrieved attains majority. Status: Chapter 96, Stats. 2014.

**AB 2535 (Grove) Employment applications: criminal history.** Existing law prohibits a state or local agency from asking an applicant to disclose information regarding a criminal conviction, except as specified, until the agency has determined the applicant meets the minimum employment qualifications for the position. This bill would have required a state agency, subsequent to making a determination that an applicant meets the minimum employment requirements, to require the applicant to disclose, in writing, whether or not he or she has been convicted in any court of a misdemeanor or a felony. Status: Failed, Asm. Judiciary.

**AJR 42 (Williams) Indigenous peoples: declaration of rights.** This measure expresses the Legislature's endorsement of the principles of the United Nations Declaration on the Rights of Indigenous Peoples, and, among other things, calls for increased awareness, sensitivity, and respect for issues of sovereignty related to the heritage of Native Americans and indigenous peoples. Status: Res. Chapter 105, Stats. 2014.

**AJR 50 (Bloom) Blood donation.** This measure requests that the President encourage, and that the Secretary of the U.S. Department of Health and Human Services adopt, policies that repeal the current donor suitability policies of the federal Food and Drug Administration regarding the donation of blood by men who have had sex with another man. Status: Res. Chapter 170, Stats. 2014.

**SB 380 (Padilla) Communications: service interruptions.** This bill prohibits a governmental entity, or a communications service provider acting at the request of a governmental entity, from interrupting communications service for the purpose of protecting public safety or preventing the use of communications service for an illegal purpose, except pursuant to an order signed by a judicial officer and including a finding of probable cause. Status: Chapter 371, Stats. 2013.

**SB 496 (Wright) Whistleblower Protection Act: administrative procedure.** This bill makes several technical and substantive changes to the whistleblower protection statutes for public employees, and clarifies procedural rules for the State Personnel Board's administrative hearings and litigation over procedural questions regarding the right to sue. Status: Chapter 781, Stats. 2013.

**SB 530 (Wright) Criminal offenders: employment.** This bill provides that a potential employer may not ask for, seek, or utilize as a factor in determining any condition of employment, information about a conviction that has been judicially dismissed or ordered sealed, as specified. Status: Chapter 721, Stats. 2013.

**SB 558 (Lieu) Reporters' shield law.** This bill requires any party issuing a subpoena to a third party that seeks the records of a journalist to provide prior notice of the subpoena to the journalist and publisher, as specified. The bill requires this notice to include, at a minimum, an explanation of why the requested records will be of material assistance to the party or body seeking them and why alternate sources of information are not sufficient to avoid the need for the subpoena. Status: Chapter 519, Stats. 2013.



**SB 606 (De Leon) Harassment: child or ward.** This bill clarifies that misdemeanor harassment of a child because of the employment of the child's parent or guardian may include attempting to record the child's image or voice if done in a harassing manner. The bill also increases criminal penalties and subjects a person who commits misdemeanor harassment to civil liability. Status: Chapter 348, Stats. 2013.

**SB 967 (De Leon) Student safety: sexual assault.** This bill requires the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing boards of independent postsecondary institutions, as specified, to adopt a policy concerning campus sexual violence, domestic violence, dating violence, and stalking that includes specified components and standards. For example, the policy must establish an affirmative consent standard in the determination of whether consent was given by both parties to sexual activity, where "affirmative consent" means an affirmative, conscious and voluntary agreement to engage in sexual activity. Status: Chapter 748, Stats. 2014.

### **Privacy Rights**

**AB 17 (Hueso) Vehicles: enhanced driver's licenses.** This bill would have authorized issuance of enhanced driver licenses with transmission technology to communicate identity and citizenship for purposes of entering the United States at land and sea ports of entry. Status: Dead, Asm. Transportation.

**AB 134 (Logue and Gray) Public Records Act: firearm licenses.** This bill would have exempted from the California Public Records Act the names, addresses, and telephone numbers of licensees and applicants set forth in licenses or applications to carry firearms. Status: Dead, Asm. Judiciary.

**AB 179 (Bocanegra and Levine) Public transit: electronic transit fare collection systems: disclosure of personal information.** As referred to this committee, this bill sought to expand provisions of existing law related to ensuring the privacy of electronic toll collection system subscribers to include users of public transit systems that employ electronic transit fare collections systems. In addition this bill would have shortened the time period, from 4 years and six months to six months, for which transportation agencies are allowed to retain personally identifiable information, with limited exceptions. After this latter provision was amended out by the author, the bill was referred to Asm. Appropriations and not heard by this Committee. Status: Chapter 375, Stats. 2013.

**AB 555 (Salas) Social Security numbers.** This bill permits a state adult correctional facility, or an adult city or county jail, to release an inmate's social security number (SSN) for the purpose of determining the inmate's status as a military veteran and his or her eligibility for veterans' benefits. The release of an inmate's SSN may only occur with the inmate's consent, and only upon request by a county Veterans Service Officer or by the U.S. Department of Veterans Affairs. Status: Chapter 103, Stats. 2013.

**AB 658 (Calderon) Personal information: disclosure.** This bill applies the prohibitions of the Confidentiality of Medical Information Act to any business that offers software or hardware to consumers, including a mobile application or other related device that is designed to maintain medical information to allow an individual to manage his or her information, or for the diagnosis, treatment, or management of a medical condition of the individual. Status: Chapter 296, Stats 2013.

**AB 844 (Dickinson) Credit and debit cards: transactions: personal information.** This bill would have prohibited a person, business, or operator of a commercial Internet website or online service that accepts credit cards or debit cards for the transaction of business from requesting or requiring the cardholder to provide any personal identifiable information as a condition of the transaction. Status: Dead, Senate Banking and Finance Committee.

**AB 928 (Olsen) Personal information: privacy.** This bill requires each state department and state agency to conspicuously post its privacy policy on its Internet Web site. Status: Chapter 851, Stats. 2014.

**AB 1149 (Campos) Identity theft: local agencies.** This bill extends existing data breach disclosure requirements, currently applicable to any state agency, person or business, to local agencies. As a result, a local agency that owns or licenses computerized data that includes personal information must disclose any breach of the security of the system to any California resident whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person, in the most expedient time possible and without unreasonable delay. Status: Chapter 395, Stats. 2013.

**AB 1256 (Bloom) Civil law: privacy: entry and exit of facilities.** This bill revises statutory elements establishing civil liability for physical invasion of privacy and intentional intimidation or interference with any person attempting to enter or exit a facility, including school, health, and lodging facilities, as defined. The bill also authorizes a person aggrieved by a violation of these provisions to bring a civil action to enjoin the violation, for compensatory and punitive damages, and other remedies. Status: Chapter 852, Stats. 2014.

**AB 1274 (Bradford) Privacy: public utilities.** Among other things, this bill prohibits a business from sharing, disclosing, or otherwise making accessible to any third party a customer's electrical or natural gas usage data without obtaining the express consent of the customer and conspicuously disclosing to whom the disclosure will be made and how the data will be used. The bill also requires a business and a nonaffiliated third party, pursuant to a contract, to implement and maintain reasonable security procedures and practices to protect the data from unauthorized disclosure. Status: Chapter 597, Stats. 2013.

**AB 1291 (Lowenthal) Privacy: disclosure of a customer's personal information.** Among other things, this bill would have required any business that retains a customer's personal information, as defined, or discloses that information to a third party, to provide at no charge, within 30 days of the customer's request, a copy of that information to the customer as well as the names and contact information for all third parties with which the business has shared the information during the previous 12 months. Status: Dead, Asm. Judiciary.

**AB 1356 (Bloom) Privacy: stalking.** This bill includes a pattern of conduct intended to place the plaintiff under surveillance, as defined, within those elements defining the tort of stalking. Among other things, the bill also permits the plaintiff to show, as an alternative to reasonably fearing for his or her safety or that of a family member, that the pattern of conduct resulted in the plaintiff suffering substantial emotional distress, and that the pattern of conduct would cause a reasonable person to suffer substantial emotional distress. Status: Chapter 853, Stats. 2014.

**AB 1710 (Dickinson) Personal information: privacy.** This bill enacts various changes to the personal information security and data breach notification laws. With respect to information required to be included in a data breach notification, if the person or business providing the notification was the source of the breach, this bill requires the source of the breach to offer appropriate identity theft prevention and mitigation services at no cost for not less than 12 months if the breach exposed or may have exposed specified personal information. The bill heightens security practices and procedures for businesses that maintain personal information and explicitly bans the sale, advertising for sale, or offering for sale of an individual's social security number. Status: Chapter 855, Stats. 2014.

**AB 1830 (Conway) California Health Benefit Exchange: confidentiality of personally identifiable information.** This bill would have prohibited the California Health Benefit Exchange and its contractors from using or disclosing personal information, except as necessary to carry out functions allowed under specified federal regulations under the Patient Protection and Affordable Care Act (ACA), and would have created a civil penalty of up to \$25,000 per individual or entity, per use or disclosure in violation of this bill. Status: Failed, Asm. Health.

**AB 1898 (Brown) Public health records: reporting: HIV/AIDS.** This bill adds hepatitis B, hepatitis C, and meningococcal infection to the list of diseases that local public health agencies are permitted to disclose, along with personally identifying information in public health records, to state public health agency staff for the purposes of the investigation, control, or surveillance of HIV co-infection. Status: Chapter 566, Stats. 2014.

**AB 2059 (Muratsuchi) Medical records: electronic delivery.** This bill would have required a health care provider, as defined, to provide an electronic copy of an electronic medical record or electronic health record, when an electronic copy is requested, if the medical record exists in digital or electronic format and the medical record can be delivered electronically. The bill would also have extended the period following presentation of the written request and authorization after which a health care provider that fails to make the records available may be subject to reasonable expenses, including court costs, incurred to enforce these provisions from 5 days to 20 business days. Status: Dead, Senate inactive file.

**AB 2306 (Chau) Constructive invasion of privacy: liability.** This bill expands personal liability for constructive invasion of privacy, by removing the limitation that the person specifically use a visual or auditory enhancing device to capture a visual image, sound recording, or other physical impression that is offensive to a reasonable person, and instead makes the person liable when using any device to engage in such unlawful activity. Status: Chapter 858, Stats. 2014.

**AB 2399 (Perez) Organ and tissue donor registry: driver's license information.** This bill authorizes an organ procurement organization, as defined, to swipe a driver's license or identification card to transmit information to California Organ and Tissue Donor Registry for the purpose of allowing an individual to identify himself or herself as a registered organ donor, subject to a specified procedure. The bill also requires that information gathered or transmitted pursuant to this authorization comply with the Department of Motor Vehicles Information Security Agreement. Status: Chapter 569, Stats. 2014.

**AB 2468 (Donnelly) Search warrants: privacy.** This bill would have prohibited the state, or a corporation providing services on behalf of the state, from providing services to, or utilizing any assets, state funds, or funds allocated by the state to local entities to engage in activities that aid a federal agency, federal agent, or corporation providing services to the federal government involved in the collection of electronic data or metadata of any person pursuant to an action not based on a valid warrant, as specified. Status: Failed, Asm. Judiciary.

**AB 2643 (Wieckowski) Invasion of privacy: distribution of sexually explicit materials.** Effective July 1, 2015, this bill creates a private right of action against a person who intentionally distributes a photograph or recorded image of another that exposes the intimate body parts, as defined, of that person or shows him or her engaged in specified sexual acts, without his or her consent, knowing that the other person had a reasonable expectation that the material would remain private, if specified conditions are met. The bill also establishes affirmative defenses to that cause of action, including waiver or consent of the person appearing in the material. Status: Chapter 859, Stats. 2014.

**AB 2667 (Bloom) Rental-purchase agreements: electronic devices: monitoring technology.** This bill amends the Karnette Rental-Purchase Act to require a lessor to give clear and prominent notice to a consumer and obtain their express consent when selling an electronic device that has geophysical location tracking (GPS) technology installed by the lessor. This bill prohibits the lessor from using, selling, or sharing GPS technology for any purpose other than the repossession of the electronic device when there is a violation of the rental-purchase agreement, or when requested by the consumer. This bill also prohibits a lessor from using or installing monitoring technology on an electronic device for any purpose other than to provide remote technical assistance when requested by the consumer. Status: Chapter 426, Stats. 2014.

**AJR 26 (Allen) Civil liberties.** This measure would have urged Congress and the President to make the protection of civil liberties and national security equal priorities, to immediately discontinue any practices contrary to the Fourth Amendment, and to instruct national security agencies to ensure that national security is achieved without invasive violations of civil liberties. Status: Failed, Asm. Judiciary.

**AJR 27 (Donnelly) Limiting Internet and Blanket Electronic Review of Telecommunications and Email Act.** This measure would urge Congress to pass and the President to sign into law the Limiting Internet and Blanket Electronic Review of Telecommunications and Email Act (LIBERT-E Act) in order to protect the public from invasion of privacy. Status: Failed, Asm. Judiciary.

**SB 15 (Padilla) Aviation: unmanned aircraft systems (UAS).** Among other things, this bill would have clarified that a law enforcement agency must obtain a search warrant to use an UAS under circumstances where the subject has a reasonable expectation of privacy, but a warrant may be issued if that reasonable expectation of privacy is outweighed by a legitimate public safety interest supported by probable cause. The bill further clarifies that a UAS cannot be used in a manner to invade a person's privacy, as specified. Status: Failed, Asm. Public Safety.

**SB 46 (Corbett) Personal information: privacy.** This bill expands the scope of personal information subject to existing security breach disclosure requirements to include a user name or email address, in combination with a password or security question and answer that permits access to an online account. This bill also imposes additional requirements on the disclosure of a breach of the security of the system or data in situations where the breach involves personal information that permits access to an online or email account. Status: Chapter 396, Stats. 2013.

**SB 138 (Hernandez) Confidentiality of medical information.** This bill requires health care service plans and health insurers to take specified steps to protect the confidentiality of an insured individual's medical information for purposes of sensitive services or if disclosure will endanger an individual, as specified. Status: Chapter 444, Stats. 2013.

**SB 249 (Leno) Public health: health records: confidentiality.** This bill authorizes the sharing of health records involving the diagnosis, care, and treatment of HIV or AIDS related to a beneficiary enrolled in federal Ryan White Act funded programs who may be eligible for health care under the federal Affordable Care Act (ACA) between the Department of Public Health and qualified entities, as specified. Status: Chapter 445, Stats. 2013.

**SB 282 (Yee) Confidential medical information: required authorization to disclose.** This bill extends provisions to require an authorization to disclose medical information, as specified, to also accompany a demand for settlement or offer to compromise issued prior to the service of a complaint in any action arising out of the professional negligence of a person holding a valid license as a marriage and family therapist, similar to requirements for physicians or surgeons. Status: Chapter 58, Stats. 2013.

**SB 383 (Jackson) Credit cards: personal information.** This bill would have expanded the Song-Beverly Credit Card Act to online transactions involving an electronic downloadable product. Among other things, this bill would have permitted a person or entity to require a cardholder, as a condition of accepting a credit card as payment in full or in part in an online transaction involving an electronic downloadable product, to provide personal identification information if used solely for the detection, investigation, or prevention of fraud, theft, identity theft, or criminal activity, or for enforcement of terms of sale. Status: Dead, Asm. Banking and Finance.

**SB 397 (Hueso) Vehicles: enhanced drivers' licenses.** This bill would have authorized the Department of Motor Vehicles to enter into a Memorandum of Understanding with the federal government to issue "enhanced driver's licenses" which transmit personal information by radio

frequency identification technology to persons who request them, so as to expedite border crossings between California and Mexico. Status: Dead, Asm. Appropriations.

**SB 1027 (Hill) Booking photographs: commercial use.** This bill prohibits a person who publishes a booking photograph, as defined, via print or electronic means from soliciting, requiring, or accepting a fee or other consideration from a subject individual, as defined, to remove, correct, modify, or to refrain from publishing or otherwise disseminating that photograph, as specified. The bill also authorizes a subject individual who is aggrieved by a violation of these provisions to bring a civil suit to recover the greater of actual damages or a \$1,000 penalty for each violation, as specified. Status: Chapter 194, Stats. 2014.

**SB 1348 (DeSaulnier) Data brokers: sale of personal information.** This bill would have required a data broker, as defined, to permit an individual to review the personal information that the data broker holds about them and to request that the data broker cease selling, or otherwise sharing, that personal information to third parties, except as specifically allowed. Status: Dead, Asm. Arts & Entertainment Committee.

### **Internet and Electronic Privacy Rights**

**AB 25 (Campos) Employment: social media.** This bill would have specified that existing law that prohibits employers from requiring or requesting an employee or prospective employee to disclose their private username or password for the purpose of accessing their social media accounts applies to both public and private employers. Status: Dead, Senate Rules.

**AB 242 (Chau) Privacy: internet.** This bill would have required operators of commercial web sites to ensure their privacy policies are no more than 100 words, are written in clear and concise language at no greater than an 8th grade reading level, and to include a statement indicating whether the personally identifiable information may be sold or shared with others, and if so, how and with whom the information may be shared. Status: Dead, Asm Judiciary.

**AB 257 (Hall) Privacy: mobile devices.** This bill would have required that privacy policies used by operators of commercial websites identify the uses and retention period for each category of personally identifiable information, and describe the process the operator maintains allowing individual consumers to review and request changes to any of their personally identifiable information. This bill would also have required the operator to use reasonable security safeguards to protect personally identifiable information from unauthorized access, use, disclosure, modification, or destruction, and to describe these safeguards in its privacy policy. Status: Dead, Asm. Judiciary.

**AB 319 (Campos) Internet websites and online services: minors.** As referred to this committee, this bill would have required an operator of an Internet website or online service directed to minors or collecting personal information from a minor to provide notice on the Internet website of what information is collected from minors by the operator and how the operator uses the information. Among other things, this bill would have required the operator to provide specified information to the parent of a minor that has provided personal information to the Internet website or online service and to provide the parent with the opportunity to refuse to

permit the operator's further use or future collection of personal information from the minor. Before being heard by this committee, the bill was amended to address an unrelated subject. Status: Chapter 138, Stats 2014.

**AB 1442 (Gatto) Pupil records: social media.** This bill requires a school district, county office of education, or charter school that considers a program, as specified, to gather or maintain in its records any information obtained from social media of any enrolled pupil to notify pupils and their parents about the proposed program. Status: Chapter 799, Stats. 2014.

**AB 1584 (Buchanan) Pupil records: privacy: third-party contracts.** This bill authorizes a local educational agency, pursuant to a policy adopted by its governing board or governing body, as appropriate, to enter into a contract with a third party to provide services for the digital storage, management, and retrieval of pupil records, provided the contract includes specific provisions about the use, ownership, and control of the pupil records, as specified. Status: Chapter 800, Stats. 2014.

**AB 2147 (Melendez) State government Internet websites: information practices.** This bill would have required a state agency that collects personal information in an online form, and shares that information with other agencies or private parties, to prominently display a notice informing the person submitting the information that his or her information may be shared with another state agency or a private party. The bill also would have prohibited a state agency from using or sharing information from a partially completed online form. Status: Dead, Asm. Appropriations.

**AB 2504 (Chau) Public contracts: schools: cloud service providers.** Existing law sets forth the requirements for competitive bidding on various types of contracts awarded by state and local agencies. This bill would have required specified terms, related to data types and disclosure, to be included in a school district contract with a cloud service provider entered into on or after January 1, 2015. Status: Dead, Asm. Education.

**SB 467 (Leno) Privacy: electronic communications: warrant.** This bill would have required a search warrant to be obtained whenever a governmental agency is seeking the contents of a wire or electronic communication that is stored, held or maintained by a provider, as specified. The bill also would have required a government entity that obtains the contents of an electronic communication from a service provider pursuant to a warrant to serve notice and a copy of the warrant upon the customer, subscriber, or user within three days after obtaining the communication. Status: Vetoed.

**SB 501 (Corbett) Social networking Internet Web sites: privacy: minors.** As referred to this committee, this bill would have required a social networking Internet Web site, as defined, to remove the personal identifying information, as defined, of any registered user that is accessible online, within 96 hours after his or her request and would also require removal of that information in that same manner regarding a user under the age of 18 upon request by the user's parent or legal guardian, except as may be otherwise required by state or federal law. The bill was later amended to address an unrelated subject. Status: Dead, Asm. Insurance.

**SB 568 (Steinberg) Privacy: internet: minors.** This bill prohibits, as of January 1, 2015, the operator of an Internet Web site or online service, online application, or mobile application from marketing certain kinds of products or services to a minor, and permits a minor to remove posted personal information, as specified. Status: Chapter 336, Stats. 2013.

## **OPEN GOVERNMENT AND PUBLIC RECORDS**

**AB 382 (Mullin) State and local government: alternative investments: public access.** This bill amends the Brown Act to provide that specified written information concerning alternative investments shall be exempt from the general requirement that writings, when distributed to members of a legislative body of a local agency in connection with a matter subject to discussion or consideration at an open meeting of the body, are disclosable public records under the California Public Records Act (PRA). Status: Chapter 326, Stats. 2013.

**AB 418 (Mullin) California Whistleblower Protection Act: Internet posting.** As referred to this Committee, this bill would have required state agencies to post a graphical link, as specified, to the State Auditor's Internet Web page that contains information on how to file a complaint under the California Whistleblower Protection Act. The bill was later amended to address a different subject. Status: Dead, Senate Desk.

**AB 527 (Gaines) Western Climate Initiative: public records.** This bill would have required various transparency and accountability actions of the Western Climate Initiative, Incorporated (WCI, Inc.), a multi-jurisdictional body providing services that support the state's Cap-and-Trade program. Status: Vetoed.

**AB 634 (Gomez) Public records: exception to disclosure: public officials.** This bill authorizes the recognized collective bargaining representative of an elected or appointed official who is a peace officer, a District Attorney, or a Deputy District Attorney to make a demand that certain information not be disclosed under a Public Records Act request. Status: Chapter 791, Stats. 2014.

**AB 811 (Lowenthal) Excavations: regional notification center system: contractor certification.** The bill requires statewide information, as defined, provided by operators and excavators regarding facility events to be compiled and made available in an annual report by regional notification centers and posted on the Internet Web sites of those regional notification centers. Status: Chapter 250, Stats. 2013.

**AB 914 (Gordon) Political Reform Act of 1974: campaign disclosures.** As approved by this committee, this bill would have imposed new disclosure requirements under the Political Reform Act for nonprofit corporations, provided they make in California contributions, expenditures, or independent expenditures, as defined, in support of or opposition to a candidate, political party, or ballot measure, or any combination thereof in the aggregate totaling \$50,000 or more during a calendar year of the nonprofit corporation. The bill was later amended in the Senate to address an unrelated subject under a different author. Status: Dead, Senate Rules.



**AB 1374 (Gray) California Whistleblower Protection Act: state agencies: Internet.** This bill would require a state agency to post a graphical link, as specified, to the California State Auditor's Internet Web page that contains information on how to file a complaint under the California Whistleblower Protection Act. Status: Dead, Asm. Judiciary.

**AB 1431 (Gonzalez) Campaign contributions: school district and community college district administrators.** This bill would have prohibited an administrator of a school district or community college district, as defined, from knowingly soliciting, accepting, or receiving a contribution for the campaign of an elected official of the district employing the administrator, or any candidate for an office of the school district or community college district employing the administrator. Status: Vetoed.

**AB 1923 (Daly) State government: contracts: public records.** Existing law authorizes the Department of General Services to enter into exclusive or nonexclusive contracts on a bid or negotiated basis with the manufacturers and suppliers of single source or multisource drugs, as specified, and further authorizes those contracts to include price discounts, rebates, refunds, or other strategies aimed at managing escalating prescription drug prices. This bill would have exempted the financial terms of a contract executed pursuant to this authorization from disclosure under the California Public Records Act. Status: Dead, Asm. Judiciary.

**AB 2065 (Melendez) Legislative Employee Whistleblower Protection Act: Legislature: employees.** This act would have prohibited interference with the right of legislative employees, as defined, to make protected disclosures of ethics violations, and would have prohibited retaliation against legislative employees who have made protected disclosures. This act would have established a procedure for legislative employees to report violations of the act to the Legislature. Finally, this bill would have imposed civil and criminal liability on a person who interferes with a legislative employee's right to make a protected disclosure or who engages in retaliatory acts, as specified. Status: Dead, Senate Appropriations.

**AB 2507 (Bocanegra) Public Records Act: exemptions: pending litigation.** This bill would have exempted from disclosure under the California Public Records Act records pertaining to pending litigation to which the public agency is a defendant in a civil action, including outside attorney's invoices, billing statements, or requests for payment, until the pending litigation has been finally adjudicated or settled. Status: Dead, Asm. Judiciary.

**SB 110 (DeSaulnier) Bay Bridge Safety Review Task Force.** This bill would have established a safety review task force to assess the seismic safety of the East Span of the San Francisco-Oakland Bay Bridge, exempted the task force and its members from liability, and exempted the task force from open meeting and public record access requirements. Status: Vetoed.

**SB 332 (Emmerson) California Health Benefit Exchange: records.** This bill eliminates an exemption from the California Public Records Act for contracts entered into by the California Health Benefit Exchange (Covered California), and instead requires contracts between health plans or insurers and Covered California to be open to inspection one year after the effective date and payment rates to be open three years after a contract or amendment is open to inspection.

The bill also deletes provisions that exempt impressions, opinions, strategy, training, and other Covered California business from the Public Records Act. Status: Chapter 446, Stats. 2013.

**SB 726 (Lara) California Global Warming Solutions Act of 2006: Western Climate Initiative, Inc.** This bill, among other things, conditions California's involvement with the Western Climate Initiative upon that body's adoption of open meeting and public records policies that are consistent with the Bagley-Keene Act and the California Public Records Act, respectively. Status: Chapter 420, Stats. 2013.

## **PROBATE AND RELATED MATTERS**

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

**AB 937 (Wieckowski) Conservatees: personal rights.** This bill provides that a conservator's control of a conservatee shall not extend to personal rights retained by the conservatee, including, but not limited to, the right to receive visitors, telephone calls, and personal mail, unless specifically limited by a court order. Status: Chapter 127, Stats. 2013.

**AB 1339 (Maienschein) Professional fiduciaries: licensing.** This bill requires a professional fiduciary or other person, who petitions the court for appointment of the professional fiduciary to act as a guardian or conservator, to provide an hourly fee schedule with the petition for appointment. This bill also requires the professional fiduciary, upon filing an inventory and appraisal, to provide an hourly fee schedule or statement of his/her proposed compensation from the estate. Finally, this bill also establishes requirements, as specified, for the authorization of periodic payments from the estate to the professional fiduciary for services rendered. Status: Chapter 248, Stats. 2013.

**AB 1520 (Gatto) Guardians ad litem: animals.** This bill would have authorized a court to appoint a guardian ad litem to represent the interest of an animal for which a trust has been established if the court determines that representation of the interest otherwise would be inadequate. Status: Vetoed.

**AB 1725 (Maienschein) Conservatorship hearings.** This bill would have created an additional means by which a conservatorship under the Lanterman-Petris-Short Act could be recommended to the county investigator. Specifically this bill would have allowed the probate court to make a recommendation to the county investigator, but only if the person is already under a probate conservatorship and the court has heard medical evidence supporting the recommendation. Status: Dead, Asm. Appropriations.

**SB 156 (Beall) Conservatorships and guardianships: attorney's fees.** This bill would have prohibited a guardian or conservator from being compensated from the estate for any costs or fees, including attorney's fees, incurred in defending the compensation in the petition, if the court reduces or denies the compensation requested in the petition. Status: Vetoed.

**SB 940 (Jackson) California Conservatorship Jurisdiction Act.** This bill establishes the California Conservatorship Jurisdiction Act (CCJA), effective January 1, 2016, which provides

jurisdictional and procedural guidance on conservatorship proceedings between California and other states. Among other things, the Act establishes specific provisions to assist state courts determine appropriate jurisdiction for proposed conservatees, and provides new procedures and considerations for a California court to determine whether or not to transfer an established conservatorship to another state or to accept the transfer from another state. Status: Chapter 553, Stats. 2014.

### **Elder Abuse**

**AB 140 (Dickinson) Undue influence: elder financial abuse.** This bill establishes in the Elder Abuse and Dependent Adult Civil Protection Act a new definition of undue influence that focuses on excessive persuasion causing another person to act or refrain from action, by overcoming that person's free will, resulting in inequity. This bill also provides a list of considerations for a court to utilize in determining whether an action constituted excessive persuasion. Status: Chapter 668, Stats. 2013.

**AB 381 (Chau) Estates and trusts: undue influence and elder abuse.** This bill extends existing double damage provisions in the Probate Code to a person who misappropriates property through undue influence in bad faith, or through acts of financial elder abuse, and provides that the person shall also be liable for reasonable attorney's fees and costs at the discretion of the court, except as otherwise provided by law. Status: Chapter 99, Stats. 2013.

**AB 849 (Garcia) Protection of victims: address confidentiality.** This bill allows an application to the Safe at Home program to be completed at a community-based assistance program that serves victims of elder or dependent adult abuse. This bill also requires the Secretary of State to conduct outreach activities to identify and recruit agencies to assist victims, as specified, in applying to the Safe at Home program. Status: Chapter 676, Stats. 2013.

**AB 961 (Levine) Health facilities.** This bill would have required the Department of Public Health to complete its investigation of a long-term health care facility and issue a citation, if any, within specified time frames. The bill also would have authorized public notice of facility investigation and evaluation information, as specified, for a facility with a license capacity of 16 or more beds. Status: Dead, Asm. Appropriations.

**AB 2034 (Gatto) Elder and dependent adults.** This bill would have incorporated the authority of a family member to petition the court to seek visitation with an isolated elder or dependent adult within existing court processes, and would have provided that upon a filing of a petition for visitation, the court must determine counsel for the elder or dependent adult, and if no attorney is retained by the elder or dependent adult, the court may appoint counsel for the elder or dependent adult. Status: Dead, Senate Rules.

**AB 2379 (Weber) Abuse of elders and dependent adults: multidisciplinary teams.** Under existing law, counties are authorized to establish multidisciplinary personnel teams composed of persons trained in the prevention, identification, management, or treatment of abuse of elderly or dependent adults, that may include, but need not be limited to, specified persons, including social workers with experience or training in prevention of abuse of elderly or dependent adults. This

bill would add child welfare services personnel to the list of persons who may be included in those multidisciplinary personnel teams. Status: Chapter 62, Stats. 2014.

### **Probate**

**AB 490 (Skinner) Intestate succession: children.** This bill revises existing law regarding inheritance of a parent from or through a child on the basis of the parent and child relationship. Specifically, this bill provides that a parent does not inherit from or through a child if the parent's parental rights were terminated and the parent-child relationship was not judicially reestablished, the parent did not acknowledge the child, or the parent left the child during the child's minority without an effort to provide for the child's support or without communication from the parent, as specified. Status: Chapter 39, Stats. 2013.

**AB 838 (Morrell) Personal representatives: bonds.** This bill would have, commencing July 1, 2014, required the reasonable amount for the cost of recovery to collect on the bond, including attorney's fees and costs, to be included in the amount of the bond, fixed by the court, that is posted by a person appointed as a personal representative of an estate. Status: Dead, Asm. Judiciary.

**AB 1160 (Wagner) Decedents' estates: personal representative.** This bill allows a personal representative, upon prior order of the court on a showing of good cause, to provide assistance in a proceeding to determine beneficiaries and distribution rights. The bill also allows the court to direct the personal representative to file papers as a party or to take other specified action if deemed by the court to be necessary to assist the court. Status: Chapter 84, Stats. 2013.

**AB 1293 (Bloom) Courts: filing fee.** This bill adds, until January 1, 2019, a new \$40 fee for filing a request for special notice in a decedent's estate, guardianship, conservatorship or trust proceeding, and requires this fee to be in addition to any other fee charged for a paper filed concurrently with a request for special notice. Status: Chapter 382, Stats. 2013.

**AB 1622 (Bonta) Uniform Powers of Appointment Act.** This bill would have repealed existing state law on powers of appointment and in its place enacted the Uniform Powers of Appointment Act, as proposed by the Uniform Law Commission. If adopted, the Act would have codified case law concerning powers of appointment, which are commonly included in both wills and trusts, and used by estate planners to give a third party the authority to direct the disposition of a donor's property to specified eligible recipients. Status: Dead, Asm. Judiciary.

**AB 2567 (Daly) Decedents' estates: personal representative: bond.** Existing law requires every person appointed as a personal representative of a decedent's estate to give a bond conditioned on the faithful execution of the duties of the office, which may be waived under certain circumstances. This bill would have required the court to make a good cause determination that the beneficiaries and creditors of the estate will not suffer harm as a result of the waiver of the above-described bond or reduction of the bond amount before authorizing a waiver or reduction. Status: Dead, Asm. Judiciary.

## Trusts

**AB 296 (Wagner) Trusts.** This bill clarifies how a specific distribution to a trust is allocated between income and principal. Specifically, this bill provides that an allocation to principal of money received in total or partial liquidation of an entity does not include a net short-term capital gain distribution from a regulated investment company or a real estate investment trust. Status: Chapter 867, Stats. 2014.

**AB 1029 (Maienschein) Trusts and estates: allocation of receipts.** This bill revises the requirements by which a trustee is to determine whether money received from a distributing entity is to be treated as a partial liquidation. The bill provides that a trustee is not liable for any claim of improper allocation of the receipt that is based on information that was not received or actually known by the trustee as of the date of allocation, provided that the trustee satisfies specified requirements, and makes various technical changes. Status: Chapter 105, Stats. 2013.

**AB 2166 (Bonta) Decedents' estates: administration: custodians of wills.** This bill would have required the original custodian of a will to either deliver the will to a named executor or beneficiary, as specified, or deliver the will to the clerk and mail a copy to the executor or beneficiary. The bill would have required the named executor or beneficiary who receives a will from the original custodian with a specified notification to, within 30 days of receipt, deliver the will to the clerk and, if the recipient of the will is a beneficiary, mail a copy of the will to the named executor, if the whereabouts of the executor is known. Status: Dead, Senate Judiciary.

## **PROPERTY AND RELATED MATTERS**

### Mortgage Lending and Foreclosure

**AB 1036 (Blumenfield) Mortgages.** This bill would have made technical, non-substantive changes to existing law that imposes various conditions for exercising a power of sale under a mortgage or deed of trust. Status: Dead, Asm. Judiciary.

**AB 1072 (Wagner) Mortgage loan modification.** This bill would have prohibited a person who engages in mortgage loan modification from accepting payment for services in advance of the loan modification approval. Among other things, the bill would have assessed civil penalties for various related violations and would have authorized further civil penalties for unlawful or fraudulent mortgage modifications perpetrated against seniors or disabled persons, as defined, and provide criteria for the assessment of these additional penalties. Status: Dead, Asm. Judiciary.

**AB 1091 (Skinner) Mortgages: notice of default.** As referred to this committee, this bill would have required a notice of default and the summary of mortgage terms provided to a mortgagor or trustor to include a statement that includes the telephone number of the Homeowners Home Ownership and Opportunity for People Everywhere (HOPE) program or a similar mortgage payment assistance program of the U.S. Department of Treasury, or Housing and Urban Development. The bill was later amended to address a different subject and re-referred to a different committee. Status: Chapter 243, Stats. 2013.

**AB 1240 (Jones) Mortgages: deed of trust.** This bill would have eliminated the exclusion of a deed of trust from the definition of “mortgage” for purposes of existing law governing mortgages. Status: Dead, Asm. Judiciary.

**AB 1730 (Wagner) Mortgage loan modification.** This bill enhances potential civil and criminal penalties for violation of existing prohibitions regarding mortgage loan modification fees. Among other things, this bill authorizes a public prosecutor to assess a \$20,000 civil penalty against any person who negotiates a loan modification charging the borrower an upfront fee, as well as a \$2,500 civil penalty if the victim is a disabled person or a senior citizen, authorizes a court to order an offender to pay restitution to a victim, and enacts a four-year statute of limitation for bringing an action. Status: Chapter 457, Stats. 2014.

**SB 310 (Calderon) Mortgages: foreclosure notices: title companies.** This bill exempts a licensed title company or underwritten title company, except when it is acting as a trustee, from liability for a violation of the Homeowners' Bill of Rights if it records or causes to record a notice of default or notice of sale at the request of a trustee, substitute trustee, or beneficiary, in good faith and in the normal course of its business activities. Status: Chapter 251, Stats. 2013.

**SB 426 (Corbett) Civil procedure: deficiency judgments.** This bill prohibits a deficiency from being owed or collected following a judicial foreclosure with respect to certain circumstances, as specified. The bill also prohibits a deficiency from being owed or collected for a deficiency on a note secured by a deed of trust or mortgage on real property or an estate for years therein, as specified. Status: Chapter 65, Stats. 2013.

**SB 827 (Liu) Local government: Los Angeles County: notice of recordation.** This bill extends, from January 1, 2015, to January 1, 2020, the authority of the Los Angeles County Recorder to notify affected parties, including occupants of the property, when a notice of default or notice of sale has been recorded on a property. The bill permits the Los Angeles County Recorder to collect a fee of up to \$7 in order to cover the cost of notifying the parties and providing information about housing assistance and counseling. Status: Chapter 65, Stats. 2014.

### **Personal Property**

**AB 212 (Lowenthal) Unclaimed property.** This bill allows, as of July 1, 2014, unclaimed property items valued under \$25 each to be reported in aggregate, rather than accompanied by individually identifying information. In addition, the bill clarifies that the unclaimed property holder may impose a service charge of up to \$2 to send the notification, but only if the unclaimed property has a value greater than \$2. Status: Chapter 362, Stats. 2013.

**AB 983 (Melendez) Self-service storage facilities.** This bill allows an owner of a self-storage facility to have a vehicle, watercraft, or trailer, subject to lien, towed from the premises if rent and other charges have not been paid for 60 days and the required notice has been sent to the occupant. In addition, this bill revises the time period within which that notice must be sent and makes technical changes to the declaration in opposition to lien sale. Status: Chapter 778, Stats. 2014.

**AB 1011 (Salas) Unclaimed property: interest.** This bill would have required that the Controller add interest, at specified rates, to the amount of any claim paid by the Controller to an owner under the Unclaimed Property Law. The bill would also have imposed the requirement to pay interest on a former holder of property who compensates an owner of property that has escheated and been remitted to the Controller, and would have allowed a former holder who makes such a payment to seek reimbursement in that amount from the Controller, as specified. Status: Dead, Asm. Appropriations.

**AB 1275 (Chau) Unclaimed property: filing of claims.** This bill clarifies that only a person who claims to have been an unclaimed property owner, as defined, may file a claim with the Controller, and requires the Controller, within 180 days after the claim is filed, to determine if the claimant is the owner of the property claimed. The bill also revises the definition of owner to include the estate representative and guardian or conservator, and remove the legal representative, of the person who had the legal right to the property prior to its escheat. Status: Chapter 128, Stats. 2013.

**AB 1712 (Gomez) Unclaimed property: nonprofit owners.** This bill revises the definition of "owner" of unclaimed property to also include a nonprofit civic, charitable, or educational organization that granted a charter, sponsorship, or approval for the existence of the organization that had the legal right to the property prior to its escheat but that has dissolved or is no longer in existence, if the charter, or other governing documents provide that unclaimed property shall be conveyed to the granting organization upon dissolution or cessation to exist as a distinct legal entity. Status: Chapter 330, Stats. 2014.

**AB 2611 (Bocanegra) Unclaimed property: auditing standards.** Existing law authorizes the Controller to examine the records of a person if the Controller has reason to believe that the person has failed to report property that should have been reported pursuant to that law. Existing law requires the Controller to adopt guidelines as to the policies and procedures governing the activity of third-party auditors who are hired by the Controller. This bill would have required an examination of records to be conducted in accordance with the generally accepted government auditing standards, and would require the Controller to adopt regulations, on or before July 1, 2015, in accordance with those standards, as to the policies and procedures governing the activity of third-party auditors hired by the Controller. Status: Dead, Asm. Judiciary.

### **Real Property**

**AB 374 (Wagner) Eminent domain: compensation: loss of goodwill.** This bill would have specified that an owner of a business must adduce sufficient evidence to permit a jury to find that goodwill existed prior to the taking before the owner is entitled to receive any compensation for the loss of goodwill, in the instance that the owner's business is taken by eminent domain. Status: Vetoed.

**AB 436 (Jones-Sawyer) Inverse condemnation: comparative fault.** Existing case law generally provides that comparative fault does not apply in inverse condemnation actions. This bill would instead have provided that comparative fault does apply to actions in inverse

condemnation and would require a court or arbiter to reduce the compensation to be paid to a plaintiff in direct proportion to his or her percentage of fault, if any, in the damaging of property that constitutes a taking for a public use. This bill would also have allowed a plaintiff's compensation to be reduced if an earlier settlement offer that was more favorable than the final judgment was rejected. Status: Dead, Senate Judiciary.

**AB 905 (Ting) Real property: environmental fee covenants.** This bill would have provided for the recording of an Environmental Fee Covenant, as specified, that is, among other things, imposed for no more than 50 years in connection with the installation on the property of equipment or improvements that are intended to promote energy efficiency and resource conservation. The bill would have required the covenant to be subject to and subordinate to the lien and encumbrance of any first mortgage or any other mortgage against the property subject to certain requirements. Status: Dead, Asm. Judiciary.

**AB 1404 (Committee on Judiciary) Real property: boundaries.** This bill requires adjoining landowners to share equally, with certain exceptions, the responsibility for maintaining the boundaries and monuments between them. The bill establishes a rebuttable presumption that adjoining landowners share an equal benefit from any fence dividing their properties and, absent a written agreement to the contrary, are equally responsible for the reasonable costs for the fence, as specified. Status: Chapter 86, Stats. 2013.

**AB 2023 (Wagner) Eminent domain: compensation: loss of goodwill.** Existing law provides that an owner of property taken by eminent domain is entitled to compensation for loss of goodwill if the owner proves certain specified elements. This bill would have required that an owner additionally prove that goodwill existed before the taking, and that evidence of the other elements would be presented to the trier of fact only if the owner produces evidence tending to show that goodwill existed before the taking. Status: Failed, Senate Judiciary.

**AB 2039 (Muratsuchi) Real property sales: auctions.** Effective July 1, 2015, with respect to an auction that includes the sale of real property, this bill prohibits a person from causing or allowing any person to bid at a sale for the sole purpose of increasing the bid on any real property being sold by the auctioneer, but does allow an auctioneer or another person to place a bid on the seller's behalf during an auction of real property if specified notice is given. This bill requires in this regard that the person placing that bid disclose to all auction participants that the particular bid has been placed on behalf of the seller. Status: Chapter 893, Stats. 2014.

**SB 652 (DeSaulnier) Real property disclosures: construction defect litigation.** This bill, beginning July 1, 2014, revises the transfer disclosure statement form to additionally disclose to a potential transferee specified claims for damages by the seller. Status: Chapter 431, Stats. 2013.

**SB 968 (Hill) Public lands: Martins Beach property: access road.** This bill directs the State Lands Commission to enter into negotiations with the owner of the property known as Martins Beach to acquire a right-of-way or easement for the creation of a public access route. If the Commission is unable to reach an agreement to acquire a right-of-way or easement and the owners do not voluntarily provide public access by January 1, 2016, this bill will direct the



Commission to acquire such a right-of-way or easement by eminent domain. Status: Chapter 922, Stats. 2014.

**SB 1171 (Hueso) Real property transactions: agents: obligations.** Existing law requires listing and selling agents to provide the seller and buyer in a residential real property transaction, including a leasehold interest, with a disclosure form containing general information on real estate agency relationships. Existing law also requires the listing or selling agent to disclose to the buyer and seller whether he or she is acting as the buyer's agent exclusively, the seller's agent exclusively, or as a dual agent representing both the buyer and the seller. This bill extends these disclosure requirements to include transactions involving commercial real property, as defined, including a leasehold interest. Status: Chapter 200, Stats. 2014.

**SB 1356 (Lieu) Counterfeit goods: abatement: nonresidential premises.** As heard by this committee, this bill would have extended, until January 1, 2016, the sunset date for the current pilot program authorizing local prosecutors to maintain an action for nuisance abatement in non-residential property used for the manufacture or sale of counterfeit goods, as provided. The bill was subsequently amended to address an unrelated subject. Status: Chapter 314, Stats. 2014.

### **Common Interest Developments**

**AB 1738 (Chau) Common interest developments: dispute resolution.** This bill authorizes a member of a homeowners' association (HOA) and the HOA to be assisted by an attorney or another person at their own costs during the informal process for resolving disputes between the parties, and requires any resolution or agreement arising from the process to be written and signed by both parties. Status: Chapter 411, Stats. 2014.

**AB 2430 (Maienschein) Common interest developments: transfer disclosures.** This bill specifies that a common interest development association may collect a reasonable fee from the seller for the actual cost of providing these documents, that the cost for these documents must be separately stated and billed from other charges, and that these documents may not be bundled with other documents required to be disclosed as part of the sale. Status: Chapter 185, Stats. 2014.

**SB 752 (Roth) Commercial and industrial common interest developments.** This bill makes the Davis Stirling Common Interest Development Act inapplicable to commercial and industrial CIDs, and instead establishes the Commercial and Industrial Common Interest Development Act, which would provide for the creation and regulation of commercial and industrial common interest developments. Status: Chapter 605, Stats. 2013.

### **Rental Property**

**AB 969 (Ammiano) Landlord and tenant: unlawful detainer.** This bill would have clarified that, in unlawful detainer proceedings involving residential premises, determinations of habitability shall be made by the trier of fact, whether judge or jury. This bill also would have clarified that tenants have the right to present evidence of retaliation in an unlawful detainer case, whether or not the landlord has alleged non-payment of rent. Status: Dead, Asm. Judiciary.

**AB 1205 (Wieckowski) Mobilehome residency: mediation.** This bill would have established a mediation program for alleged violations of the Mobilehome Residency Law (MRL), including investigation of alleged violations of the MRL and determination and notice of violations, to be administered by an unspecified department. The bill would also have imposed an unspecified monetary assessment on owners of mobilehome parks, and would authorize an owner to impose a portion of that assessment on homeowners. Status: Dead, Asm. Housing and Community Development.

**AB 1513 (Fox) Residential property: possession by declaration.** This bill establishes, until 2018, a pilot program in specified cities to facilitate removal of persons unlawfully occupying residential property that, pursuant to the program, has been registered with and verified by local law enforcement to be vacant. Specifically, the bill allows an owner of vacant real property to file an action for a temporary restraining order and injunctive relief against any person who is found on the property not less than 48 hours after that person has been notified by local law enforcement to produce written authorization from the owner to be on the property or other evidence demonstrating right to possession. Status: Chapter 666, Stats. 2014.

**AB 2310 (Ridley-Thomas) Unlawful detainer: nuisance: weapons and ammunition.** This bill reauthorizes a lapsed pilot program allowing city attorneys or prosecutors in specified cities to bring an unlawful detainer action in the name of the people against a tenant for illegal conduct involving illegal weapons or ammunition on real property. Status: Chapter 339, Stats. 2014.

**AB 2405 (Ammiano) Landlord-tenant law: Ellis Act.** This bill would have prohibited a court clerk from allowing access to any court records in the case of a complaint involving residential property described in Section 7060.6 of the Government Code (aka "Ellis Act eviction"), except to specified persons and as provided. Status: Failed, Asm. Judiciary.

**AB 2485 (Dickinson) Unlawful detainer: nuisance: controlled substances.** This bill reauthorizes a lapsed pilot program allowing city attorneys or prosecutors in specified cities to bring an unlawful detainer action in the name of the people against a tenant for illegal conduct involving a controlled substance on real property. Status: Chapter 341, Stats. 2014.

**AB 2508 (Fox) Unlawful detainer: pleadings.** This bill would have required, in an unlawful detainer action for default in payment of rent for a residential property in which specified affirmative defenses are asserted, that a defendant set forth and allege specified facts in support of those affirmative defenses in the defendant's answer to the complaint, as specified. This bill also would have prohibited tenants in unlawful detainer actions from filing a general written denial in lieu of demurrer or other answer to the complaint. Status: Failed, Asm. Judiciary.

**AB 2561 (Bradford) Personal agriculture: restrictions.** This bill requires a landlord to permit a tenant to participate in personal agriculture in portable containers approved by the landlord in the tenant's private area, as defined, if certain conditions are met. With respect to common interest developments (CID), this bill also makes void any provision of a CID governing document that effectively prohibits or unreasonably restricts the use of a homeowner's backyard for personal agriculture. Status: Chapter 584, Stats. 2014.

**AB 2565 (Muratsuchi) Rental property: electric vehicle charging stations.** This bill requires an owner of a commercial or residential property to approve the installation of an electric vehicle (EV) charging station if it meets specified requirements and complies with the owner's process for approving a modification to the property. This bill also makes a term in a lease of a commercial property, executed, renewed, or extended on or after January 1, 2015, void and unenforceable if it prohibits or unreasonably restricts the installation of an EV charging station in a parking space. Status: Chapter 529, Stats. 2014.

**SB 612 (Leno) Residential tenancy: victims of human trafficking and elder or dependent adult abuse.** This bill extends a number of tenant protections to victims of human trafficking. Specifically, this bill allows a tenant to terminate his or her lease upon the issuance of documentation from qualified third parties that demonstrates the tenant or a household member is seeking assistance for physical or mental injuries resulting from abuse, and prohibits landlords from disclosing information related to a tenant's early termination based on abuse, as specified. Status: Chapter 130, Stats. 2013.

**SB 1439 (Leno) Residential real property: withdrawal.** This bill would have allowed the city and county of San Francisco, through an ordinance or ballot measure, to (1) prohibit an owner of a rental property from filing a notice to withdraw a property from the rental housing stock, under the Ellis Act, unless the owner has owned the property for five continuous years or more; and (2) prohibit any person or entity that withdraws a property under the Ellis Act from withdrawing another property if it is purchased within ten years of that filing. Status: Failed, Asm. Housing and Community Development.

## MISCELLANEOUS

**AB 383 (Wagner) Maintenance of the codes.** This bill makes various non-substantive changes to the codes by recommendation of the Legislative Counsel's Office. Status: Chapter 76, Stats. 2013.

**AB 429 (Daly) Real Estate Commissioner: powers.** This bill would have required the Attorney General to act as the attorney for the Real Estate Commissioner in actions and proceedings brought by or against the commissioner under or pursuant to the Real Estate Law or the Subdivided Lands Law upon request of the commissioner in civil and criminal courts. This bill also would have authorized the commissioner to prosecute administrative actions and proceedings to enforce the provisions and pursue violations of the Real Estate Law and the Subdivided Lands Law, and would have required the commissioner to employ attorneys, deputies, and other employees for those purposes. Status: Dead, Asm. Business and Professions.

**AB 1062 (Jones-Sawyer) Human resources.** This bill makes further clarifications to the authority of the Department of Human Resources (CalHR) resulting from the merger of the State Personnel Board (SPB) and the Department of Personnel Administration (DPA) initiated in the Governor's Reorganization Plan of 2011, and updates civil service statutes to reflect modern processes and promote greater efficiency. Status: Chapter 427, Stats. 2013.

**AB 1405 (Committee on Judiciary) Subversive Organization Registration Law: repeal.** This bill repeals the Subversive Organization Registration Law, which requires the registration of subversive organizations which are conceived and exist for the purpose of undermining and eventually destroying the democratic form of government in this state and in the United States. Status: Chapter 117, Stats. 2013.

**AB 1847 (Chesbro) Mental health disorders: language.** This bill updates numerous California code sections by removing references to insane or mentally disordered or defective persons and replacing those references with mental health disorder, intellectual disability, or developmental disability. Status: Chapter 144, Stats. 2014.

**AB 2444 (Hill) Confederate flag: sales: government property.** This bill prohibits the State of California from selling or displaying the Battle Flag of the Confederacy, or a similar image, or tangible personal property inscribed with those images, unless the image appears in a book, digital medium, or state museum that serves an educational or historical purpose. Status: Chapter 538, Stats. 2014.

**AB 2747 (Committee on Judiciary) Civil law: omnibus bill.** This bill makes various technical, clarifying and other modest changes to the California codes as part of the Judiciary Committee's civil omnibus bill. Status: Chapter 913, Stats. 2014.

**SB 250 (Wolk) Olive Oil Commission of California.** This bill establishes the Olive Oil Commission of California to engage in olive oil quality and nutritional research and to recommend grades and labeling standards. This bill also prescribes membership, board of directors, powers and duties, implementing and voting procedures, assessments and recordkeeping, penalties, continuation or termination of the Commission, and creation of quality standards. Status: Chapter 344, Stats. 2013.

**SB 594 (Hill) Use of public resources.** This bill prohibits nonprofit organizations and their employees, officers, or agents from using funds received from local agencies for campaign purposes, as specified. This bill also requires nonprofit organizations that receive specified amounts of money from local agencies to maintain a separate bank account for campaign activities and to disclose the sources of those funds, as specified. Status: Chapter 773, Stats. 2013.

**SB 1304 (Committee on Judiciary) Maintenance of the codes.** This bill makes various non-substantive changes to the codes by recommendation of the Legislative Counsel's office. Status: Chapter 71, Stats. 2014.

**SCR 54 (Padilla) California Law Revision Commission (CLRC): referral for study.** This measure requires the California Law Revision Commission to report to the Legislature recommendations to revise statutes governing access by state and local government agencies to customer information from communications service providers, as specified. Status: Res. Chapter 115, Stats. 2013.

**SCR 83 (Monning) California Law Revision Commission: studies.** This measure grants approval to the California Law Revision Commission to continue its study of designated topics that the Legislature previously authorized or directed the commission to study, and requires the Commission to report to the Legislature recommendations to revise the law in these areas.  
Status: Res. Chapter 63, Stats. 2014.