

11-2017

## 2017 Bill Summary

Assembly Committee on Judiciary

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# ASSEMBLY COMMITTEE ON JUDICIARY

# 2017

# BILL SUMMARY

*A Comprehensive Breakdown of  
Legislation Considered by the  
Committee in 2017*

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*November 2017*

*The counsel and staff of the Assembly Judiciary Committee have prepared this comprehensive report of bills that were considered by the Committee in 2017. 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. Some of the highlights are described below, while a more detailed summary of all bills referred to the Committee follows this overview.*

**Immigration.** *The Committee heard an unprecedented number of bills relating to immigrants and immigration policy this year, likely prompted by the Trump Administration's actions and threats regarding those in the United States without documentation of legal presence. The Committee approved and the governor signed bills to safeguard students from immigration enforcement activities on the grounds of public schools, colleges, and universities. The Committee also passed SB 54, which limits the ability of law enforcement officials to cooperate with, or provide information to, immigration enforcement officials. In addition, the Committee approved legislation that would have required the state government to contract with nonprofit organizations to provide legal services to deported veterans as well as to persons facing immigration removal proceedings, but that measure did not reach the governor.*

**State and Federal Relations.** *The Committee heard a significant number of bills prompted by concerns that the Trump administration would undermine California's priorities in other areas of the law, including protection of the environment, public lands, and employee rights. In addition to SB 54 (discussed above), perhaps the most significant of these measures was AB 450, which—like SB 54—became law after substantial amendments. AB 450 prohibits employers from allowing immigration agents to enter the non-public areas of a worksite without a warrant, or obtain employee records without a subpoena. (Current federal law gives the employer the right to demand a warrant or subpoena, but does not require the employer to do so.)*

*Concerns about the Trump administration transferring federal lands in California to private parties prompted a measure that will, subject to certain exceptions, prohibit the recording of a deed for the transfer of federal land until the State Land Commission is provided with a right of first refusal to purchase the land, or arrange a sale to a public entity or private non-profit entity. That measure, despite significant constitutional concerns about the ability of a state to interfere with the federal government's exclusive authority to dispose of federal lands, was signed by the governor. The Committee also heard a measure prompted by concerns that the Trump administration would seek to stifle scientific research (and the free speech rights of researchers) that sought to protect the state license status of federal scientists and to protect and preserve scientific information from federal misuse or destruction. The governor vetoed the measure, largely on the grounds that the measure was unnecessary because loss of licensure is unlikely and because the state can preserve its scientific information without legislative mandate. On the other hand, the Committee did not approve a measure that would have authorized a county to ignore state laws that the county determined could jeopardize federal funding to the county.*

**Civil Procedure and Practice.** *The Committee heard a number of bills dealing with civil procedure and practice, including measures aimed at facilitating the informal resolution of disputes that arise during*

litigation. For example, the Committee approved a bill authorizing courts to conduct informal discovery conferences to resolve discovery disputes prior to the filing of the discovery motion, as well as a bill requiring a party to meet and confer with the opposing party prior to filing a motion to strike or a motion for judgment on the pleadings. The Committee also heard a number of measures intended to provide clarity to civil practice, including a bill amending several service of process rules; a bill clarifying the standards, conditions, and procedures for trial courts to follow before sanctioning a party for bad faith actions or tactics; and a bill authorizing an answer in intervention as a form of pleading in civil intervention. Significantly, the Committee heard a measure aimed at addressing the recent financial institution scandal involving the creation of sham accounts. This measure prohibits a court from granting a motion to compel in a case where the petitioner is a state or federally chartered depository institution that seeks to use an existing contractual relationship as the basis to arbitrate a claim involving the financial institution's fraudulent conduct. All of the aforementioned measures became law. Finally, the Committee heard several measures to protect vulnerable and seriously ill parties from stress during civil discovery. For victims of child abuse, the Committee heard and passed a measure that places a three-hour limit on the civil discovery mental examination of the victim. For victims of mesothelioma, the Committee heard and passed a measure that would have placed a 14-hour deposition limit on a deponent suffering from mesothelioma in a civil action for an injury or illness that results in mesothelioma. The former became law, while the latter did not.

**Family Law, Children, and Related Matters.** As in past years, the Committee heard many bills relating to family law, dependency, and domestic violence. The Committee passed and the governor signed legislation to streamline the background check process for prospective foster and adoptive families; to expand slightly the type of youth who qualify for extended foster care benefits; to define "specialized permanency services;" to require a child welfare case plan for a child who has been in foster care for at least three years to describe the specialized permanency services that have been provided to the child; and to expand the rights of parents who are themselves dependents or wards of the court to consult with counsel prior to their children being removed from their custody. The Committee also passed and the governor signed legislation to recognize Canadian protective orders and to protect minor's personal information in protective orders, when appropriate. Legislation that would have made it easier to recognize foreign adoptions and seal dependency records, and that would have required better oversight before minors are allowed to marry, passed the Committee but did not become law.

**Courts and Related Matters.** For the first time since 2015, the Legislature approved (and the governor signed into law) the State Bar's annual licensing fee bill, which enacted major reforms to the State Bar, including separating key trade association functions from the regulatory functions of the Bar, eliminating the Board of Trustee positions that are elected by attorneys, requiring more vigorous protections against the Bar's antitrust liability, and providing financial support for legal services. As usual, the Committee heard many bills relating to the function, funding, and administration of the courts. For example, the Committee approved measures to expand the use of electronic filing and service in several courts; streamline various rules related to those electronic filings; and provide a timeline for court reporters to provide parties (and the court) with copies of court transcripts in electronic form. Significantly, the Committee heard several bills aimed at improving the process for jury selection in both civil and criminal cases. The Committee heard and passed several important measures to improve the process for individuals to change their names and/or gender markers (such as female, male, or nonbinary) on identity documents, including birth certificates and driver's licenses. All of these measures became law. The Committee also approved urgency legislation to allow public access to the names of attorneys who pass the Bar exam and to provide law schools with access to information needed to maintain their ABA accreditation. Finally, the Committee heard a bill that would have required attorneys to annually report to the State Bar their

financial contributions and pro bono service hours to legal aid organizations, but that measure did not become law.

**Employee Rights.** The Committee heard several bills relating of employee rights, remedies, and protections – most of which expanded on existing law. For example, the Committee passed and the governor signed bills that extended existing family leave protections to employers with 20 or more employees; required existing sexual harassment prevention training for farm labor contractors to be conducted in a language that the employee understands; authorized the Labor Commissioner to seek injunctive relief and impose penalties in support of retaliation claims; and required a public school employer to pay an employee organization's post-settlement-offer attorney's fees if the employer rejects an offer and then fails to obtain a more favorable award after trial or arbitration. The Committee passed (but the governor vetoed) a measure that would have prohibited an employer from taking adverse action against an employee based upon the employee's private reproductive choices. Finally, as in past years, several bills seeking to limit workers' rights to use the Private Attorneys General Act (PAGA) to enforce provisions of the Labor Code were referred to the Committee, but all of those bills died or were held in the Assembly Labor & Employment Committee. Nonetheless, the Committee remains watchful of such repeated attempts to limit this important means of Labor Code enforcement.

**Civil and Constitutional Rights.** As usual, the Committee heard several bills and resolutions pertaining to civil and constitutional rights. Most notably, the Committee passed and the Governor signed the California Religious Freedom Act, which prohibits state and local agencies from disclosing information about a person's religious affiliation to the federal government. The Committee also passed two measures to address gender-pricing discrimination: one bill that would prohibit a business from engaging in gender-based pricing discrimination of "goods" (existing law prohibits gender-based discrimination for "services"); and another measure that requires an attorney to attach specified forms when sending a demand letter or serving a complaint alleging gender-pricing discrimination for services. Only the latter was sent to and signed by the governor. The Committee passed, but the governor vetoed, a bill that would have required California schools and colleges to adopt gender discrimination policies modeled upon existing federal regulations and guidelines, largely upon the grounds that the bill prematurely assumed that those federal Title IX regulations and guidelines will be weakened by the Trump administration. The Committee also heard measures raising First Amendment issues. For example, the Committee passed, but the governor vetoed, a bill that would have given students the right to wear religious, ceremonial, and cultural adornments at high school graduation ceremonies. The veto was largely premised on the view that existing case law already sets the parameters of student First Amendment rights and the circumstances under which schools may limit those rights.

**Civil Liability and Immunity.** Bills seeking immunity from civil liability, or otherwise altering the scope of liability for certain forms of conduct, continue to absorb a significant amount of the Committee's attention. A number of those bills were held in this or other committees, including bills that would do the following: prohibit a school district from acquiring property for a school facility within two miles of an operation farm unless the school held the farm harmless for injuries caused by the farms use of pesticides; prohibit the investment of public retirement funds in companies engaged in building a Mexican border wall and hold public employee retirement boards harmless for any damages caused by this prohibition; limit Caltrans liability to several only (not joint) and limit its economic damages to the proportion of its fault; exempt an insurer from liability for an injury caused by failure of OSHA to make an adequate inspection; and exempt landowners from liability for water contamination if the landowner had entered into a specified agreement with the state water board. However, one measure that modestly extended an existing qualified immunity to persons or entities that donate food to charitable organizations and food banks passed out of this Committee and was signed by the governor.



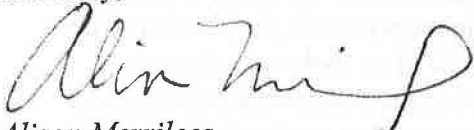
**Open Government and the Public Records Act.** The Committee heard and passed several bills relating to the Public Records Act, but few bills ultimately made significant changes to existing law. The most far-reaching bill, SB 244 (Lara), originally amended seven different codes in order to broadly limit the information shared with third parties (and the public) by the state and local governments, but was scaled back to make much more modest changes to existing laws regarding public records. That bill did not move to Governor Brown's desk. Another modest bill, AB 1479, which required a public agency to designate a person or office to act as the agency's custodian of records and respond to inquiries from the public about decisions to deny requests for public records, was vetoed. Although the Legislature continues to struggle to develop statewide standards regarding the issue of body cameras-- their use and the availability of their footage to the public--the Committee passed a modest measure on the topic that was later signed into law. That bill, AB 459, ensures that unredacted body-worn camera footage depicting victims of sexual or domestic violence will not be disclosed to the public, but will be released to the victim or victim's family upon their request.

**Construction-Related Accessibility Claims.** The Committee once again revisited the controversial and difficult issue of construction-related accessibility claims this past year, but was understandably reluctant to enact additional limits to the civil rights of disabled consumers after adopting major legislative changes to this area of the law in recent years. For example, the Committee did not approve two measures that sought to severely limit the ability of disabled plaintiffs and certain attorneys to bring construction-related accessibility claims. On a more positive note, the Committee approved (and Governor Brown signed) a measure to increase funding for the state Certified Access Specialist Program (CAsp) program, which provides important information to operators of public accommodations about how to ensure their business premises are accessible and thereby protect themselves from civil liability: AB 1379 (Thurmond). By imposing an additional \$4 fee on local business licenses for the next five years, AB 1379 would fund county CAsp services, improve compliance with state and federal construction-related accessibility standards, and deter litigation.

**Landlord- Tenant.** Regarding landlord-tenant law, a subject over which the Committee has primary jurisdiction, the Committee passed a number of measures that were later enacted into law. For example, the Committee approved measures to safeguard a tenant from the unauthorized disclosure of immigration or citizenship status to federal immigration authorities and other parties, and to protect a tenant from threats by landlords to disclose tenant information regarding immigration or citizenship status. In addition, the Committee approved and the governor signed one bill that prohibits a state agency or public entity from compelling a landlord to take certain actions based on the immigration or citizenship status of a tenant, and another measure that requires landlords to disclose to tenants that the rental property is located in a flood zone, as specified.

The following report contains a summary of each of the bills referred to the Committee, as well as helpful statistical data regarding the disposition of the bills assigned to the Committee in 2017. We hope you find this information useful.

Sincerely,



Alison Merrilees  
Chief Counsel, Assembly Judiciary Committee



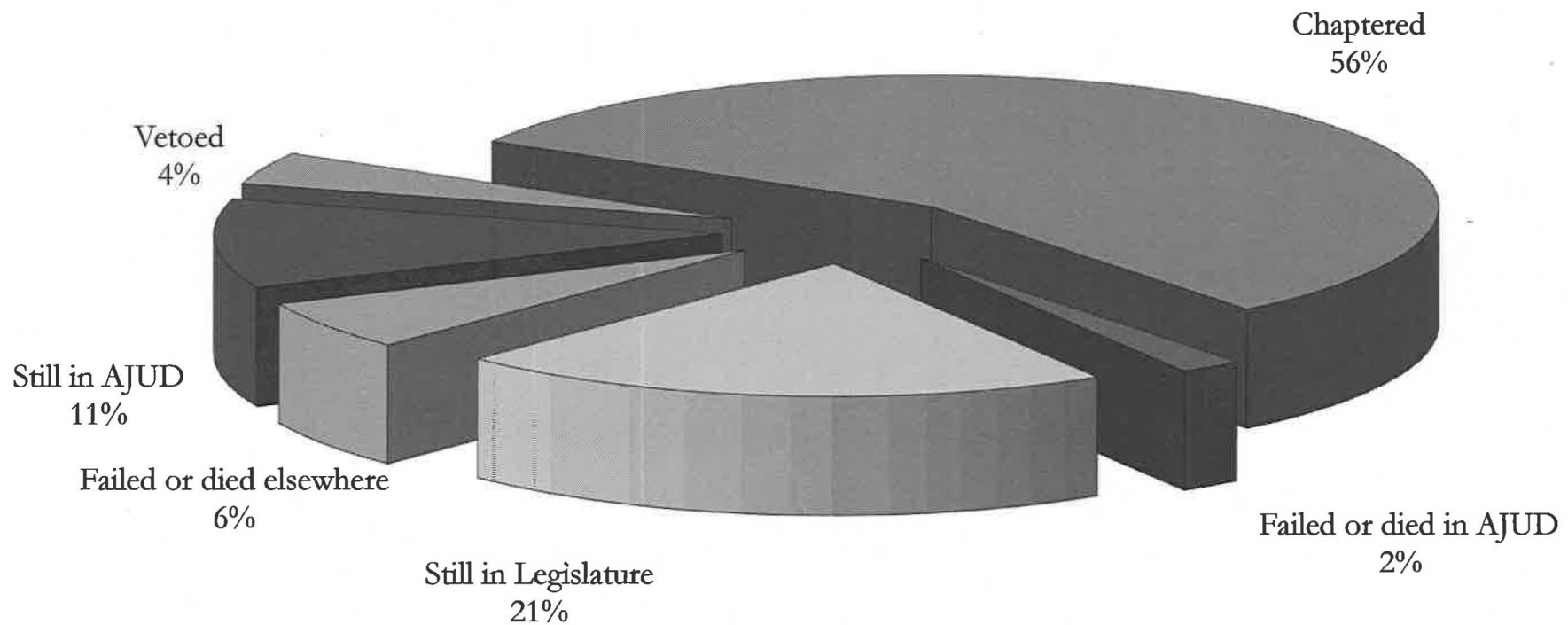
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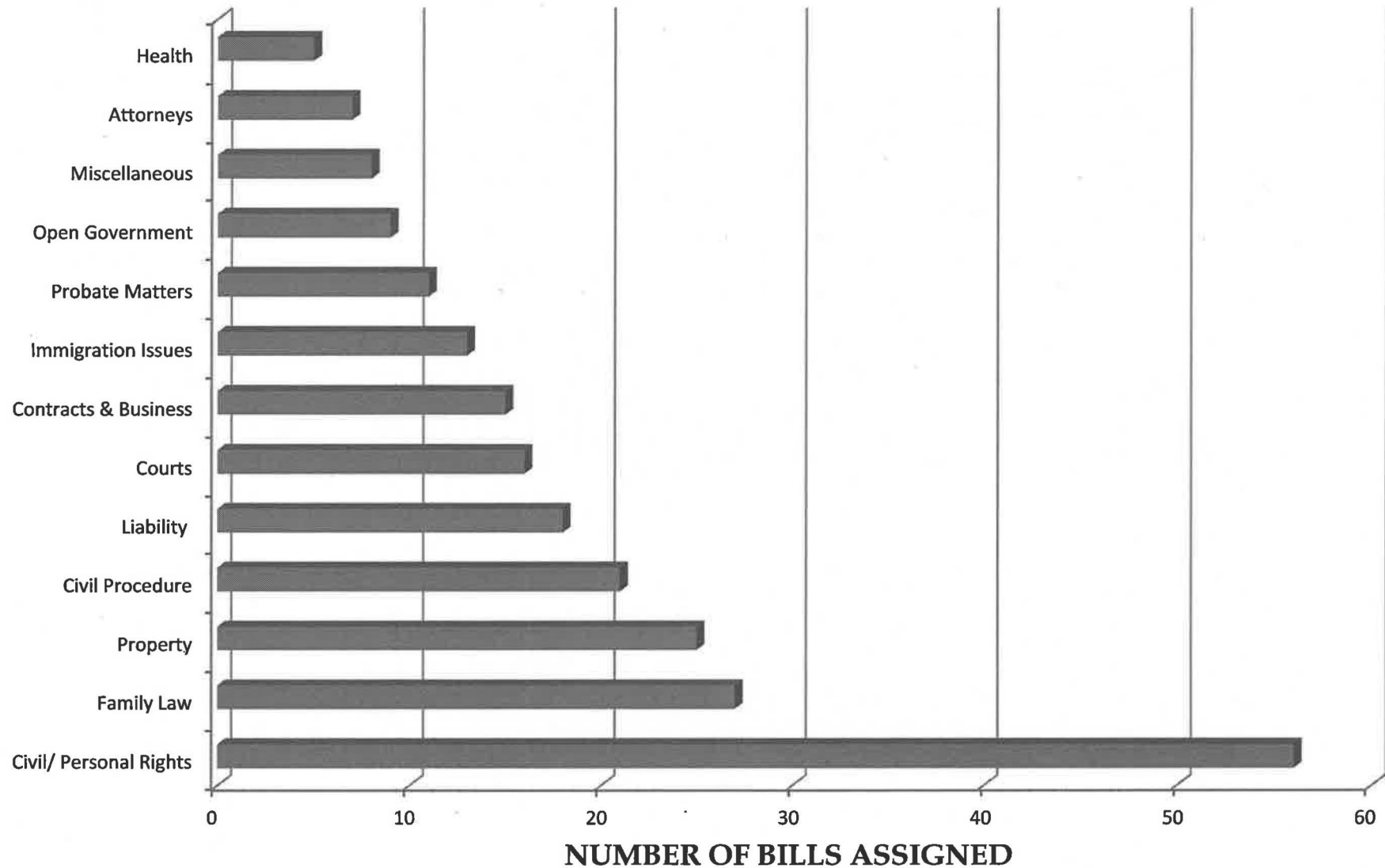
## DISPOSITION OF BILLS ASSIGNED TO THE COMMITTEE IN 2017

<b>ASSIGNED</b>	Assembly: 163 Senate: 68 Total: 231	
<b>CHAPTERED/ ADOPTED</b>	Assembly: 86 Senate: 43 Total: 129	56%
<b>STILL IN LEGISLATURE</b>	Assembly: 38 Senate: 12 Total: 50	21%
<b>STILL IN AJUD</b>	Assembly: 20 Senate: 5 Total: 25	11%
<b>FAILED/DIED IN AJUD</b>	Assembly: 4 Senate: 0 Total: 4	2%
<b>FAILED/DIED ELSEWHERE</b>	Assembly: 13 Senate: 1 Total: 14	6%
<b>VETOED</b>	Assembly: 4 Senate: 5 Total: 9	4%

## DISPOSITION OF BILLS ASSIGNED TO THE ASSEMBLY JUDICIARY COMMITTEE IN 2017



## TYPES OF BILLS ASSIGNED TO THE ASSEMBLY JUDICIARY COMMITTEE IN 2017





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## ATTORNEYS AND RELATED MATTERS

### *Attorneys and Related Services*

**AB 360 (Muratsuchi) State Bar pro bono program: veterans.** This bill seeks to encourage local bar associations, legal organizations, veterans' service providers, and volunteer attorneys to provide legal services to veterans throughout the state. Specifically, it requires the State Bar to do the following: (1) provide educational materials to attorneys and the public; (2) post a list of those organizations willing to provide pro bono legal services to veterans, categorized by city and county, on its Internet website; (3) conduct a statewide survey of programs that provide civil legal assistance to veterans in order to better identify where there is a need for legal advice clinics; (4) publish a report and recommendations based upon its findings no later than December 31, 2018; and (5) post the report on its internet website. Status: Chap. 401, Stats. 2017.

**AB 386 (Gonzalez Fletcher) Legal services for deported veterans.** This bill seeks to require the Department of Social Services to either contract with a qualified nonprofit legal services organization or contract with a nonprofit agency to administer funding to nonprofit legal services organization subcontractors, in order to provide legal services to deported veterans, as defined. The bill also authorizes the department to include the provision of post-conviction relief services to deported veterans in the contract, and requires the entities providing services pursuant to these contracts to meet specified conditions. Status: Sen Floor (Inactive file).

**AB 1146 (Flora) Cities and counties: legal services: contingency fee contracts.** This bill prevents an attorney or law firm that has made a political campaign contribution to a candidate running for local public office from entering into, or submitting a bid for, a contract to provide civil litigation legal services for that local agency. Status: Asm Local Government.

**AB 1290 (Obernolte) Attorney-client privilege: holder of the privilege.** As reviewed by this Committee, this bill provided that if a conservatee or a ward has appointed counsel, the conservatee or ward holds the attorney-client privilege with respect to communications with that counsel. This bill was later amended to provide that the statutory scheme relating to a holder of privilege does not require or permit an attorney from disclosing or waiving privileged information protected under the duties required of the attorney. Status: Sen Floor (Inactive file).

**SB 6 (Hueso) Immigrants: removal proceedings: legal services.** See summary under Immigration Issues.

**SB 316 (Wieckowski) Attorneys: pro bono legal aid services.** This bill requires all attorneys in the state to annually report to the State Bar their pro bono legal aid service hours and contributions to legal aid, and establishes an aspirational benchmark of 50 pro bono service hours each year by attorneys. Status: Asm Appropriations.

### *State Bar*

**SB 36 (Jackson) State Bar: annual dues, deunification, and reforms.** This bill reauthorizes the State Bar to collect up to \$390 for active membership dues for 2018, separates the Sections of the Bar into a separate nonprofit corporation, and makes other reforms to the Bar's governance structure. Specifically, it eliminates the six elected Board of Trustees members and reduces the

membership of the Board from 19 members to 13 members, extends terms of Board members from three to four years, requires the Supreme Court to appoint the chair and vice chair (previously, the president and vice president) of the Board, clarifies that the Bar may require members to be fingerprinted and re-fingerprinted for purposes of criminal background checks, allows excess funds in the Attorney Diversion and Assistance Program (also known as the Lawyer Assistance Program) that are not needed to support that program to be transferred to fund the Client Security Fund, provides for the division of the proceeds from the Bar's offer of discounts and other benefits, including insurance products, to its members, between the California Bar Foundation, the Association (for the 2018 year only), legal services programs, and the State Bar for discipline functions, and requires the State Bar to adhere to a Supreme Court-approved policy to identify and address any proposed decision of the Board that raises antitrust concerns, as provided. Status: Chap. 422, Stats. 2017.

**SB 690 (Jackson) State Bar: bar exam disclosures.** This urgency bill provides that, subject to laws protecting education records, the State Bar is not prohibited from disclosing, among other things, the names of applicants who have passed any Bar examination and information provided to a law school that is necessary for the purpose of the law school's compliance with accreditation or regulatory requirements, including beginning with the release of results from the July 2018 bar examination, the bar examination results of the law school's graduates and the scores of any graduates who did not pass the bar examination and who consent to the release of exam scores to the law school. These provisions apply retroactively to January 1, 2016. This bill also provides that, notwithstanding any other law except laws protecting education records, any information received from an educational or testing entity that is collected by the State Bar for the purpose of conducting a Law School Bar Exam Performance Study, other than aggregate, summary, or statistical data that does not identify any person and does not provide substantial risk of identification of any person, shall be confidential and shall not be disclosed pursuant to any state law. Status: Chap. 433, Stats. 2017.

## **CIVIL PRACTICE AND PROCEDURE**

### ***Civil Procedure***

**AB 383 (Chau) Civil actions: discovery status conference.** This bill gives a court the discretion to conduct an informal discovery conference upon the request of a party or upon a court's own motion to assist in the resolution of a discovery dispute in a civil action. The bill provides the procedures and timelines for such conferences. The bill specifies that the outcome of the discovery conference does not preclude the filing of any discovery motion or prejudice the disposition of a discovery motion. The bill sunsets on January 1, 2023. Status: Chap. 189, Stats. 2017.

**AB 644 (Berman) Civil procedure: pleadings.** This bill requires a party—prior to filing either a motion to strike or a motion for judgment on the pleadings—to meet and confer with the opposing party to attempt to resolve the specific dispute. The bill also requires the moving party to file and serve a meet-and-confer declaration before filing the motion. The bill also clarifies that its provisions do not apply to certain actions, including an anti-SLAPP motion, or a motion brought less than 30 days before trial. The bill sunsets on January 1, 2021. Status: Chap. 273, Stats. 2017.

**AB 814 (Bloom) Consumer protection: enforcement powers.** This bill gives to city attorneys of cities with a population exceeding 750,000 and a city attorney of both a city and county the same powers that are now granted to the Attorney General in order to conduct investigations of suspected violations of laws related to prohibited restraints on competition and unfair trade practices, including the power to issue pre-litigation subpoenas. Status: Sen Floor (Inactive file).

**AB 828 (Oberholte) Civil actions: fee recovery.** This bill expands the list of recoverable allowable costs in a civil action to include the electronic presentation of exhibits, including costs of rental equipment and electronic formatting. Status: Chap. 583, Stats. 2017.

**AB 889 (Stone) Secrecy in litigation.** This bill limits the ability of litigants to enter into "secret" settlement agreements, or obtain court protective orders that prevent the disclosure of evidence, when the subject of the litigation involves a danger to public health and safety, as defined, unless a court makes certain findings. Status: Asm Floor (Inactive file).

**AB 905 (Maienschein) Foreign money judgments.** This bill revises the standards for recognizing money judgments under the Tribal Court Civil Money Judgment Act and the Uniform Foreign-Country Money Judgments Recognition Act, as recommended in a recent California Law Revision Commission Report that was mandated by the Legislature. Status: Chap. 168, Stats. 2017.

**AB 984 (Calderon) Courts: frivolous actions or tactics.** This bill clarifies the standards, conditions, and procedures that a trial court must follow when it orders sanctions against a party, party's attorney, or both, as the result of an action or tactic made in bad faith, that are frivolous or solely intended to cause unnecessary delay. The bill provides that its provisions apply to actions or tactics that were part of a civil case filed on or after January 1, 2015. Status: Chap. 169, Stats. 2017.

**AB 1056 (Kiley) Asbestos Trust Transparency Act.** This bill enacts the Asbestos Tort Claim Trust Transparency Act that would establish additional procedures with respect to asbestos tort claims, as defined. The bill, among other things, requires a plaintiff to disclose specified information with respect to any asbestos trusts, as defined, against which the plaintiff has or could pursue a claim, and entitles a defendant to discovery with respect to relevant information pertaining to the plaintiff held by other asbestos trusts and to pursue various motions. The bill limits the ability of a plaintiff in an asbestos tort claim to obtain a trial preference that would otherwise be available to the plaintiff. Status: Asm Judiciary.

**AB 1093 (Chen) Service of process.** This bill clarifies the manner in which service of process on the first delivery attempt may be effected on a person whose only address reasonably known is a private mailbox obtained through a commercial mail receiving agency. Status: Chap. 129, Stats. 2017.

**AB 1693 (Judiciary) Civil actions: intervention.** This bill clarifies that a party seeking to intervene in a civil action may plead with an answer in intervention. The bill also provides that if leave to intervene is granted, the intervenor must serve both the order or notice of the court's decision or order, and the pleadings in intervention upon the other party. The bill also recasts provisions of existing law and makes conforming changes. Status: Chap. 131, Stats. 2017.

**SB 467 (Wilk) Civil actions: appearance by electronic means.** This bill authorizes a party to appear by electronic means, including by telephone, video teleconferencing, or other electronic means that provide remote access, at specified pretrial hearings. Status: Asm Judiciary.

**SB 543 (Morrell) Civil actions: personal service of documents.** This bill clarifies several instances when a party may serve a document on an opposing party by personal service, including in a good faith settlement involving multiple tortfeasors, a discovery request or motion, and a discovery exchange of information concerning expert witnesses. Status: Chap. 64, Stats. 2017.

**SB 548 (Atkins and Leyva) PERB: expedited resolution.** As amended, this bill codifies regulations of the Public Employment Relations Board (PERB) and authorizes expedited status for certain matters pending before the board. The bill, as referred to this Committee, included a "right to sue" provision that brought it within the jurisdiction of this Committee; however, that provision was removed and the Committee waived hearing. Status: Asm Floor (Inactive file).

**SB 632 (Monning) Civil discovery: depositions.** This bill places a seven-hour limit on a deposition of a deponent suffering from mesothelioma in a civil action for an injury or illness resulting in mesothelioma. The bill also allows the court, in its discretion, to grant an additional seven hours of deposition time if the court finds (1) that the extension is in the interest of fairness, and (2) that the health of the deponent does not appear to be endangered by the grant of additional time. Status: Asm Floor (Inactive file).

**SB 642 (Wieckowski) Civil actions: renewal of judgments.** This bill clarifies the service requirements for a motion by a judgment debtor to vacate the renewal of the judgment. Status: Asm Floor (Inactive file).

**SB 755 (Beall) Civil discovery: mental examination.** This bill provides that in a civil action where there are allegations of sexual abuse of a minor, no civil discovery mental examination of the minor shall exceed three hours, inclusive of breaks, unless the court grants an extension for good cause. The bill also requires the examiner to have expertise in understanding child abuse and trauma. Status: Chap. 133, Stats. 2017.

### ***Evidence***

**AB 1116 (Grayson) CISM teams: evidence: immunity.** This bill creates the Peer Support and Crisis Referral Services Act. The bill defines a "peer support team" as a local critical incident response team composed of emergency first responders, hospital staff, clergy, and educators who have completed specified training. The bill provides that certain communications arising out of the provision of peer support services are confidential and shall not be disclosed in a civil or administrative proceeding, except as specified. The bill also provides that, except for an action for medical malpractice, a peer support team or a peer support team member is not liable for damages for any harm caused in the rendering of those support services, as specified. Status: Sen Floor (Inactive file).

**AB 1159 (Chiu) Marijuana: privilege.** This bill modifies current state law to clarify that an attorney may provide legal advice to a person who is engaged in a marijuana business in conformity with state law, without violating ethical duties or compromising the attorney-client



privilege. It also specifically allows for the formation of contracts involving a marijuana business that is operating in conformity with state law. Status: Chap. 530, Stats. 2017.

**SB 217 (Wieckowski) Evidence: admissibility.** This bill would exempt certain disclosures—specifically those required by Sections 2104 and 2105 of the Family Code—from the mediation privilege, which generally prohibits evidence of statements or admissions made “for the purpose of, in the course of, or pursuant to, a mediation or a mediation consultation” from being “compelled, in any arbitration, administrative adjudication, civil action, or other noncriminal proceeding in which, pursuant to law, testimony can be compelled to be given.” Status: Chap. 60, Stats. 2017.

**SB 331 (Jackson) Evidentiary privileges: domestic violence counselor-victim privilege.** This bill expands the definition of a “domestic violence victim service organization” for purposes of the domestic violence counselor-victim privilege. The bill adds organizations that operate on the campus of a public or private college or university with the primary mission to provide support or advocacy services to victims of domestic violence to the definition of “domestic violence victim service organization” so that communications between victims and counselors at such campus organizations are covered by the privilege. Status: Chap. 178, Stats. 2017.

**SB 785 (Weiner) Evidence: immigration status.** This bill seeks to prohibit the inclusion of a person’s immigration status in a public court record or in public court records by a party except as first authorized by a court’s ruling, as provided. Status: Asm Public Safety.

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

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

**AB 228 (Gloria) Collectibles: sale of autographed memorabilia.** This bill revises and recasts consumer protections for purchasers of autographed collectibles and narrows the scope of the law to sports and entertainment collectibles that are sold for more than \$50. The bill also clarifies the definition of a dealer of these goods, modifies the civil penalties, provides a three-day right of cancellation, and updates the warranty and record retention provisions. Status: Chap. 696, Stats. 2017.

**AB 1583 (Chau) Proposition 65 enforcement: certificate of merit.** For an action brought pursuant to Proposition 65, this bill requires the Attorney General to serve a letter upon the noticing party and upon the alleged violator if she or he finds, after reviewing the certificate of merit, that there is no merit to the action. The bill requires the Governor’s Office of Business and Economic Development (GO Biz) to post on its internet website information relating to a business’s obligations under Proposition 65. Status: Chap. 510, Stats. 2017.

**AB 1621 (Allen) Toxic substances: Proposition 65 certificate of merit.** This bill requires anyone bringing an action under Proposition 65 to provide the certificate of merit and the factual information forming the basis for the certificate of merit – which under existing law must be provided to the Attorney General – to the alleged violator. Status: Asm Environmental Safety and Toxic Materials.

**SB 33 (Dodd) Arbitration agreements.** This bill prohibits a court from granting a motion to compel arbitration if the petitioner is a state or federally chartered depository institution that, on or after January 1, 2018, seeks to apply a written agreement to arbitrate contained in a contract consented to by a consumer if the petitioner fraudulently created the purported contractual relationship without the consumer's consent and by unlawfully using the consumer's personal identifying information. Status: Chap. 480, Stats. 2017.

**SB 378 (Portantino) Alcoholic beverages: licenses: emergency orders.** This bill would have authorized the Department of Alcoholic Beverage Control to temporarily suspend or condition an alcohol license upon a showing of evidence that such action is urgent and necessary to protect against an immediate threat to health or safety, and specified due process protections that must be provided to the licensee. Status: Held, Asm Appropriations.

**SB 486 (Monning) Contractors' State License Law: letter of admonishment.** This bill seeks to authorize the Contractors State License Board (CSLB) to issue a so-called "letter of admonishment" to licensees or applicants, under certain prescribed circumstances, as a new tool of discipline for lesser violations that do not involve financial harm to a consumer and are determined not to warrant greater formal discipline under the existing administrative citation process. In addition, the bill specifies procedures for the CSLB to follow in issuing such letters, as well as establishing procedures for licensees or applicants to contest them. Status: Chap. 308, Stats. 2017.

**SB 579 (Galgiani) Collectibles: sale of autographed collectibles.** This bill revises and recasts consumer protections for purchasers of autographed collectibles and narrows the scope of the autographed collectible law to only sports and entertainment collectibles sold for more than \$50. The bill also clarifies the definition of a dealer of these goods, modifies the civil penalties, and provides for a three-day right of cancellation. Status: Asm Floor (Inactive file).

### ***Vehicles***

**AB 218 (Bonta) Local agencies: airports: customer facility charges.** This bill authorizes airports, until January 1, 2023, to collect customer facility charges from car rental customers to finance permitted improvements of airport car rental facilities, as provided, without using bonds or incurring other forms of indebtedness. Status: Chap. 311, Stats. 2017.

**AB 1286 (Friedman) Airports: alternative customer facility charges.** This bill reauthorizes airports, until 2025, to seek authority to charge the "alternative customer facility charge" to customers of car rental companies at California airports. Under this bill, an airport may initiate the statutory process for obtaining the authority to charge or increase the alternative fee, as long as the airport does so before January 1, 2025. Status: Chap. 325, Stats. 2017.

### ***Contracts***

**AB 1491 (Caballero) Sales of dogs and cats: contracts.** This bill declares void as against public policy a contract entered into on or after January 1, 2018 that purports to transfer ownership of a dog or cat when ownership is contingent upon the buyer making payments over a period of time after the transfer of possession of the dog or cat, unless those payments are made on an unsecured loan for the purchase of that animal. This bill also declares void as against



public policy a contract entered into on or after January 1, 2018, for the lease of a dog or cat that provides for or offers the option of transferring ownership of the dog or cat at the end of the lease term. Status: Chap. 761, Stats. 2017.

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

**AB 1214 (Stone) Levying Officer Electronic Transactions Act.** This bill requires an electronic record transmitted to a levying officer to include, in addition to the information already required by law, the mailing address of the sender who transmits the electronic record. The bill also clarifies that a request mailed by a levying officer to a sender of an electronic record, asking for delivery of the paper version of the record, must be in writing. Status: Sen Judiciary.

**AB 1278 (Low) Contractor licensing: judgment debtor prohibition.** This bill specifies that if a judgment is entered against a contractor licensee, a person who is a qualifying person or personnel of record of that licensee is prohibited from serving the judgment on another license if the person was serving the licensee at the time of the activities on which the judgment is based until that judgment is satisfied. Status: Chap. 506, Stats. 2017.

**AB 1526 (Kalra) Civil actions: time of commencing.** This bill prohibits a debt collector from attempting to collect a time-barred debt without providing specified written notices to the debtor indicating that the debtor may not be sued for the debt, but that the debt, depending on its age, may be reported as unpaid to a credit reporting agency, as specified. The bill also requires that for an action to recover a book account or account stated for an account of one or more items, the time shall run separately for each transaction. Status: Asm Banking & Finance.

**SB 16 (Wieckowski) Wage garnishment restrictions: exempt earnings: student loans.** This bill reduces the maximum amount that a creditor may garnish from the wages of a debtor for a judgment based on private student loan debt under state law. Under the revised formula, the maximum amount that may be garnished is lowered from 25% of the debtor's disposable income to 15% of such income, unless the debtor is a low-wage worker in which case the amount may be calculated to be a smaller percentage of the debtor's income. Status: Asm Floor, reconsideration.

**SB 298 (Wieckowski) Enforcement of money judgments: exemptions.** This bill automatically exempts an amount of up to \$2,250 in a debtor's bank account from being levied to satisfy creditors seeking to recover a judgment debt from the debtor. The bill specifically provides that this amount is exempt without requiring the judgment debtor to make a claim for exemption, and clarifies that the exemption applies per debtor, not per account. Status: Asm Floor, reconsideration.

## **COURTS AND RELATED MATTERS**

### ***Courts***

**AB 452 (Bloom) Courts.** This bill changes statutory references to the Clerk of the Supreme Court to Clerk/Executive Officer of the Supreme Court, and changes references to the Clerk/Administrator of the Court of Appeal to Clerk/Executive Officer of the Court of Appeal.

The bill also provides that any state law reference to the Administrative Office of the Courts means the Judicial Council. Status: Chap. 36, Stats. 2017.

**AB 976 (Berman) Electronic filing and service.** This bill expands the use of permissive and mandatory electronic filing and service in civil courts as well as in criminal, probate, and juvenile courts. The bill also clarifies the rules relating to electronic filing and service, including but not limited to: the consent of the party; the use of electronic signatures; and the timing, notice, and transmission attendant to the filing. The bill provides a grace period for a local child support agency to comply with the electronic filing requirements. Status: Chap. 319, Stats. 2017.

**AB 1443 (Levine) Court records.** This bill updates existing law governing the retention and destruction of court records relating to gun violence restraining orders. The bill also eliminates the requirement that trial courts provide a list of all destroyed records to the Judicial Council. Status: Chap. 172, Stats. 2017.

**SB 403 (Cannella) Sale of county courthouses.** This bill authorizes the Judicial Council to sell several superior courthouses (e.g., Chico, Corning, Clovis, Firebaugh, Reedley, Avenal, and Corcoran), and allows the Judicial Council to deposit the net proceeds from the sales into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund. The bill requires the Judicial Council to consult with the county in which the property is located, and provide that county with the opportunity to purchase the property before offering it for public sale. Status: Chap. 358, Stats. 2017.

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

**AB 701 (Gallagher) Access to judicial and nonjudicial proceedings: deaf or hard of hearing.** This bill would have prohibited the official reporter or pro tem reporter assigned to produce the official transcript of a court proceeding to be the same person as the operator of a computer-aided-transcription system in a court. The bill would have also required the Court Reporters Board of California to adopt rules and identify standards to certify operators of a computer-aided transcription system no later than January 1, 2019. Status: Held, Asm Appropriations.

**AB 1450 (Oberholte) Court reporters: electronic transcripts.** This bill requires an official reporter or pro tem reporter to deliver their transcripts to the parties and the court in electronic form, except as otherwise provided. The bill's exceptions include the request of a party for a paper transcript prior to January 1, 2023, or when the court or the reporter lacks the technical ability to deliver a transcript in electronic form. The bill also provides that if a paper transcript is delivered, the reporter shall provide a full text-searchable portable document format to the court. This bill also provides that the adopted rule of court must be technology-neutral. The bill does not apply to deposition transcripts. Status: Chap. 532, Stats. 2017.

**SB 484 (Roth) Deposition reporting services: unlawful business practices.** This bill seeks to make it unlawful for a person who is employed by or who independently contracts with an entity to arrange for deposition officers to report or transcribe deposition testimony to offer, pursuant to any agreement or understanding, oral or otherwise, any gift, incentive, reward, or anything of value to any person or entity, as defined, associated with a proceeding being reported or

transcribed. The bill also provides for a civil fine of up to \$5000 for a violation, and allows violations to be publicly prosecuted. Status: Asm Judiciary.

### ***Juries***

**AB 535 (Jones-Sawyer) Trial jurors: eligibility.** This bill modifies the criteria for making a person ineligible to serve as a prospective juror. The bill specifies, consistent with the California Constitution, that a conviction for one of the following offenses, rather than a conviction for any felony, disqualifies a person from serving as a prospective juror: perjury, forgery, malfeasance in office, or another high crime. The bill also excludes from eligibility to serve as prospective jurors all persons who have been convicted of felonies but who have not completed probation, parole, post-release community supervision, or mandatory supervision for those convictions. Status: Asm Floor (Inactive file).

**AB 1541 (Kalra) Jury selection: criminal.** This bill requires a judge to consider several factors when determining the scope and time limits of voir dire in a criminal case. The bill prohibits the court from imposing specific unreasonable or arbitrary time limits, or establishing an inflexible time limit policy for voir dire. The bill also provides that during jury selection in a criminal case, the court shall permit liberal and probing examination calculated to discover bias or prejudice with regard to the circumstances of the particular case or the parties before the court. The bill also clarifies various voir dire procedures for criminal cases. Status: Chap. 302, Stats. 2017.

**ACR 12 (Gallagher) Civil Grand Jury Awareness Month.** This resolution proclaims the month of March 2017 as Civil Grand Jury Awareness Month in California, recognizes those who volunteer to serve on civil grand juries, and encourages all Californians to learn about the role of civil grand juries in our government. Status: Res. Chap. 33, Stats. 2017.

**SB 658 (Wiener) Jury selection: civil.** This bill requires a judge to consider several factors when determining the scope and time limits of voir dire in a civil case. The bill prohibits the court from imposing specific unreasonable or arbitrary time limits or from establishing an inflexible time limit policy for voir dire. The bill also clarifies various voir dire procedures for civil cases. Status: Chap. 337, Stats. 2017.

### ***Judges***

**AB 414 (Medina) Suspension and allocation of vacant judgeships.** This bill would have required that up to four vacant judgeships in superior courts with more authorized judgeships than their assessed judicial need to be allocated to those superior courts with fewer authorized judgeships than their assessed judicial need. This proposal was enacted in the budget. Status: Sen Judiciary.

**AB 740 (Reyes) Oaths and affirmations.** This bill streamlines the process for retired judges and justices to be certified by the Commission on Judicial Performance (CJP) to administer oaths or affirmations by doing the following: (1) removes a provision of state law that requires all retired judges, disabled or not, to obtain a doctor's statement verifying that they have no cognitive impairment or other mental or physical condition affecting the judge's ability to administer oaths or affirmations; (2) requires the CJP to approve an application for certification, except when the former judge was retired or removed from office for specified reasons; (3)

allows the CJP to require an applicant to obtain a medical certification in order to receive or renew a certification to administer oaths and affirmations; and (4) makes a judge's certification permanent in most cases. Status: Chap. 82, Stats. 2017.

**AB 745 (Reyes) Commissioners: criminal proceedings: pilot.** This bill would have authorized the counties of Riverside and San Bernardino to have court commissioners perform specified criminal magistrate duties until January 1, 2021. Status: Held, Asm Appropriations.

**AB 1463 (Levine) Election of judges: working group.** This bill, as amended by this Committee, would have required the Judicial Council to establish a working group to examine how to improve voter education of candidates for judicial election. The working group would have included representatives from the Commission on Judicial Nominees Evaluation of the State Bar of California, county election officials, and the Secretary of State. The bill would have required the Judicial Council to report its findings to the Legislature on or before January 1, 2020. Status: Held, Asm Appropriations.

**SB 235 (Allen) Judicial election: designations.** This bill limits the ballot designations for candidates for superior court to three words describing the candidate's official job title at the time of registering as a candidate or, if applicable, to commonly used designations for lawyers: "Attorney," "Attorney at Law," "Lawyer," or "Counselor of Law." Status: Chap. 512, Stats. 2017.

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

### ***Adoption***

**AB 724 (Choi) Foreign adoption orders: recognition and domestication.** This bill establishes a process to domesticate a foreign adoption decree. The bill requires the state to recognize as full and final a foreign adoption decree, as specified, without the need for readoption or any other legal proceedings in the state, if certain criteria are met. Status: Sen Floor (Inactive file).

**AB 1105 (Patterson) Adoption: appeal of final determination.** This bill provides that an order that is a final determination of a parent's rights in an adoption, or the rights of any other person seeking to prevent an adoption, may be appealed in the same manner as an order of the juvenile court declaring a person to be a ward of the juvenile court, and is conclusive and binding upon the parent. The bill provides that after making an order that is a final determination, the court has no power to set aside, change, or modify that order. Status: Asm Judiciary.

**AB 1352 (Friedman) Adoption: elimination of notice to a presumed father.** This bill allows a court, in an adoption case, to dispense with notice to a person who is a presumed parent based on being married to the mother, but is not the biological parent of the child, when the court makes specified findings. Status: Asm Judiciary.

### ***Children***

**AB 404 (Stone) Continuum of Care Reform.** This bill revises the Continuum of Care Reform effort, which reduces the reliance on long-term congregate foster care placements, establishes Intensive Services Foster Care for children with high needs, creates an option to license respite



caregivers, and defines outcome requirements for foster family agencies, by making various changes to the resource family approval process. Status: Chap. 732, Stats. 2017.

**AB 604 (Gipson) Nonminor dependents: extended foster care benefits.** This bill requires the court to assume transition jurisdiction over a minor or nonminor whose adjudication was vacated because he or she was a victim of human trafficking when the crime was committed, as specified. The bill also grants a nonminor who was adopted but is no longer receiving support from his or her parents the right to petition a court for entry into extended foster care, even if the adoptive parents are still receiving aid for the nonminor. Status: Chap. 707, Stats. 2017.

**AB 1006 (Maienschein) Foster youth: permanency.** This bill requires a social worker or probation officer to provide the prospective adoptive family of a dependent child or ward of the court with information about the importance of working with mental health providers that have specialized adoption clinical training, as specified. The bill defines “specialized permanency services,” as those designed for and with a child to address the child’s history of trauma, separation, and loss, as specified. The bill requires the case plan for a child who has been in care for three years or more to describe the specialized permanency services provided, or why such services were not provided, and makes related changes. Status: Chap. 714, Stats. 2017.

**AB 1181 (Stone) Dependent children: sealing of records.** This bill requires a court to order the sealing of all records related to a dependency petition that has been dismissed or for which jurisdiction has terminated, unless the court finds compelling evidence that the records should not be sealed. The bill requires that records, defined broadly, be automatically sealed at the time the case is dismissed or the court’s jurisdiction is terminated, unless the court finds compelling evidence why the records should not be sealed. The bill provides for certain, specific and limited access to the sealed records in the future. Status: Asm Appropriations.

**AB 1332 (Bloom) Dependent children: removal from noncustodial parent.** This bill enables the removal of a child from the physical custody of a parent with whom the child did not reside by providing the juvenile court with statutory authority to find clear and convincing evidence that there would be a substantial danger to the physical health, safety, protection, or physical or emotional well-being of the child if placed with that parent. Status: Chap. 665, Stats. 2017.

**AB 1371 (Stone) Dependent, nonminor dependent, and ward parents: family preservation.** This bill affirms and expands the rights of parents who are minor or nonminor dependents, or wards of the court to consult with legal counsel prior to their children being removed from their custody. The bill eliminates, where one or both minor parents are wards, the provision that reunification services need not be provided in instances where there has been a termination of reunification services for, or permanent severance of, parental rights over any siblings or half siblings, as specified, unless other specified circumstances eliminating the need for reunification services also exist. Status: Chap. 666, Stats. 2017.

**AB 1401 (Maienschein) Juveniles: protective custody warrant.** This bill clarifies that a court may issue a protective custody warrant for the protection of a child when the child is not already the subject of a dependency petition under specified circumstances. Specifically, the bill allows a protective custody warrant to be issued without filing a petition under Welfare and Institutions Code (WIC) Section 300 if the court finds probable cause to support all of the following: (1) the

child is a person described in WIC Section 300; (2) there is a substantial danger to the safety, or to the physical or emotional health of the child; and (3) there are no reasonable means to protect the child's safety or physical health without removal. Status: Chap. 262, Stats. 2017.

**AB 1682 (Burke) Department of Justice: Children's Justice Fund.** This bill would have created the Children's Justice Fund in the State Treasury and required that direct payments made to California as penalties recovered by the Attorney General from an action or settlement of a claim brought by the Attorney General's Bureau of Children's Justice be deposited into the Children's Justice Fund. The bill would have required that moneys in the Children's Justice Fund, upon appropriation by the Legislature, be used by the Bureau of Children's Justice within the Department of Justice's Public Rights Division to support investigations and prosecutions of laws intended to protect the rights and well-being of children. Status: Held, Sen Appropriations.

**SB 213 (Mitchell) Placement of children: criminal background checks.** This bill streamlines the background check process for prospective foster and adoptive parents by establishing a list of non-exemptible crimes, a list of crimes for which an exemption may be granted and a list of crimes for which exemptions must be granted absent a reasonable belief that the person is not of good character at present. Status: Chap. 733, Stats. 2017.

**SB 245 (Leyva) Foster youth: sexual health education.** This bill requires sexual health education to be included in the foster care case plan for youth 10 years of age and older and requires the Department of Social Services to develop a curriculum and training for case management workers and foster care providers, as specified. Status: Asm Human Services.

**SB 462 (Atkins) Juvenile delinquency files: access for data reporting and research.** This bill provides access to information in a juvenile delinquency case file, including a sealed case file, as required by state or federal law or by a grant requirement or for research, provided no personally identifying information is released. Status: Chap. 462, Stats. 2017.

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

**AB 369 (Waldron) Bifurcated family law proceedings: child custody appeals.** This bill adds a final order or judgment in a bifurcated proceeding regarding child custody or visitation rights to the list of judicial actions that may be appealed. Status: Chap. 41, Stats. 2017.

**AB 808 (Cunningham) Child custody: appointment of minor's counsel.** Existing law allows the court to appoint counsel for a minor in a child custody case and the minor's counsel to meet specified education and training requirements. This bill authorizes a court to appoint counsel who does not meet those education and training requirements if the court determines that an attorney who meets those requirements is not available and the appointment is in the best interests of the child. Status: Asm Judiciary.

### ***Marriage***

**AB 430 (Irwin and Low) Marriage: solemnization.** This urgency bill authorizes, to the extent not prohibited by law, specified officials, including retired judges and retired commissioners, to accept compensation for solemnizing a marriage, provided that the compensation is reasonable. Status: Chap. 42, Stats. 2017.



**AB 1236 (Gonzalez Fletcher) Records: maiden name.** This bill would have updated the terms "maiden name" and "mother's maiden name" with the terms "surname before first marriage" and "parents' surname before first marriage," respectively, throughout state statutes. Status: Held, Asm Appropriations.

**SB 273 (Hill) Marriage: minors.** This bill creates additional requirements and court oversight before a minor may marry or establish a domestic partnership by requiring that, among other things, Family Court Services separately interview the parties and, if applicable, at least one parent or guardian; Family Court Services prepare and submit to the court a written report containing any finding of potential force, threat, persuasion, fraud, coercion, or duress by either of the parties or their family members; and the court separately interview in camera each of the parties prior to making a final determination on an order granting or denying permission to marry or establish a domestic partnership, as provided. The bill also requires reporting of data on marriages and domestic partnerships involving minors. Status: Asm Floor (Inactive file).

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

**AB 1396 (Burke) Parentage: surrogacy.** This bill eliminates the requirement that any parental rights of a surrogate be terminated when establishing the parental rights of the intended parents and makes a clarifying change to correct a statutory cross-reference. Status: Chap. 326, Stats. 2017.

**SB 469 (Skinner) Child support guideline: low-income adjustment.** This bill continues, until January 1, 2021, the maximum low-income adjustment to the child support guideline of \$1,500 net disposable income per month, adjusted annually for cost of living increases. The bill clarifies that the low-income adjustment may reduce the child support obligation by an amount that is no greater than the amount calculated by multiplying the child support amount otherwise determined under guideline by a specified fraction. Status: Chap. 730, Stats. 2017.

### ***Domestic Violence***

**AB 326 (Salas) Board of Barbering and Cosmetology: domestic violence and sexual assault awareness training.** This bill allows the Health and Safety Advisory Committee within the Board of Barbering and Cosmetology to promote awareness of physical and sexual abuse by means of mail, television, radio, motion picture, newspaper, book, Internet, or other electronic communication and requires the Committee to develop a training program on physical and sexual abuse awareness as part of an educational program approved by the Board. The bill also requires the training program to be taught in schools approved by the board. Course development shall include pilot testing of the course and training classes to prepare instructors to effectively use the course. Status: Chap. 312, Stats. 2017.

**AB 929 (Rubio) Spousal support factors: domestic violence.** This bill clarifies that a court must consider all documented evidence of any history of domestic violence between the parties or perpetrated by either party against either party's child when deciding whether to order spousal support. Status: Sen Judiciary.

**AB 953 (Baker) Protective orders: minor's personal information.** This bill authorizes a minor or a minor's guardian to petition the court to keep all of a minor's information confidential

when issuing a protective order under either the Code of Civil Procedure or the Family Code. The court may grant such a petition if the court expressly finds that, among other things, (1) the minor's right to privacy overcomes the right of public access to the information, and (2) no less restrictive means exist to protect the minor's privacy. Under this bill, confidential information may be made available to law enforcement to the extent necessary and only for the purpose of enforcing the order. Status: Chap. 384, Stats. 2017.

**SB 204 (Dodd) Domestic violence: Canadian protective orders.** This bill enacts the Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act which authorizes the enforcement of a valid Canadian domestic violence protection order in a tribunal of this state under certain conditions. The bill prescribes the criteria for a court to determine whether a Canadian protection order is valid under these provisions, as specified, and authorizes the registration of such a protection order in the Domestic Violence Restraining Order System. The bill requires a law enforcement officer of this state to enforce a protection order under these provisions upon determining that there is probable cause to believe that a valid protection order exists and has been violated. Status: Chap. 98, Stats. 2017.

### *Family Law*

**AB 712 (Bloom) Change of venue: emergency family law orders.** This bill enables a court transferring jurisdiction of a family law action to retain jurisdiction over the matter in order to make orders designed to prevent immediate danger or irreparable harm to a party or to the children involved in the matter, or to prevent the immediate loss or damage to property subject to disposition in the matter, if transfer to another court's jurisdiction has not yet been perfected. Status: Chap. 316, Stats. 2017.

**AB 1692 (Judiciary) Family law omnibus.** This bill ratifies the authority of the Judicial Council to convert 10 subordinate judicial officer (SJO) positions to judgeships in 2017-18, provided the conversion of these positions will result in judges being assigned to family or juvenile law assignments previously presided over by an SJO. The bill also permits a court, until January 1, 2020, at a party's request, prior to the filing of a child custody or visitation petition, to set a custody or visitation issue for mediation. Status: Chap. 330, Stats. 2017.

### **HEALTH RELATED**

**AB 651 (Muratsuchi) Nonprofit health facilities: AG approval of sale of assets.** This bill extends the time frame for the Attorney General (AG) to approve or reject the proposed sale of a nonprofit health facility from 60 to 90 days and requires the public notice of a hearing regarding the proposed sale of such a facility to be provided in English, the primary languages spoken at the facility, and the threshold languages for Medi-Cal as determined by the Department of Health Care Services for the county in which the facility is located. The bill also requires the AG to consider whether the sale will have a significant effect on the availability and accessibility of cultural interests provided by the facility in the affected community. Status: Chap. 782, Stats. 2017.

**AB 937 (Eggman) Healthcare directives and POLSTs: conflicting directives.** This bill requires that if an individual's request regarding resuscitative measures directly conflicts with his or her known individual health care instruction, whether written or oral, then the most recent

order or instruction of the individual is effective to the extent of the conflict. The bill provides that a request regarding resuscitative measures executed by the individual or the individual's surrogate, agent or conservator is deemed to be a request of the individual. Status: Sen Health.

**HR 6 (Burke) Women's reproductive health.** This resolution urges the President of the United States and the United States Congress to express their support for a woman's fundamental right to control her own reproductive decisions, as well as their support for a woman's right of access to comprehensive reproductive health care, including the services provided by Planned Parenthood. Status: Adopted.

**SB 413 (Morrell) Dementia: major neurocognitive disorder.** This bill replaces the term "dementia" with the term "major neurocognitive disorder" in the Health & Safety and Probate Codes and makes other technical changes. Status: Chap. 122, Stats. 2017.

**SB 687 (Skinner) Health facilities: emergency centers: Attorney General.** This bill would have required a nonprofit corporation that operates a health facility that includes a licensed emergency center, regardless of whether it is currently operating or providing health care services or has a suspended license, to obtain written consent from the Attorney General prior to eliminating or reducing the level of emergency medical services provided at the facility. Status: Vetoed.

## **IMMIGRATION ISSUES**

**AB 21 (Kalra) Public postsecondary education: Access to Higher Education for Every Student.** This bill requires the California State University (CSU), California Community Colleges (CCC) and each Cal Grant eligible independent institution of higher education, and requests the University of California (UC), to establish various policies and procedures about what to do when law enforcement entities enter campus for purposes of enforcing immigration law, in order to safeguard against immigration enforcement activities on campuses of post-secondary institutions. Among other things, these policies and procedures include non-disclosure of personal information, compliance with a request for access only upon presentation of a judicial warrant, and notification of campus officials when confronted by immigration enforcement officers. Status: Chap. 488, Stats. 2017.

**AB 291 (Chiu) Housing: Immigrant Tenant Protection Act of 2017.** This bill establishes various protections and safeguards against the unauthorized disclosure of tenants' immigration or citizenship status to federal immigration authorities or other parties, as well as against the potential harassment, retaliation, or discrimination of tenants based on their immigration or citizenship status, or perceived immigration or citizenship status. Among other things, the bill prohibits landlords from issuing threats, especially threats to disclose information regarding immigration or citizenship status, and contains measures intended to deter landlords from reporting tenants to immigration authorities or disclosing tenant information regarding immigration status, as specified. Status: Chap. 489, Stats. 2017.

**AB 450 (Chiu) Employment: immigration worksite enforcement.** This bill prohibits an employer, except as otherwise required by federal law, from allowing an immigration enforcement agent to enter any nonpublic areas of a place of labor without a judicial warrant, or from providing an immigration enforcement agent to access, review, or obtain the employer's

employee records without a subpoena, unless the employer has been provided a Notice of Inspection to inspect I-9 Employment Eligibility Verification forms and other records. The bill also requires an employer to provide specified information to employees regarding worksite enforcement actions, as provided. Status: Chap. 492, Stats. 2017.

**AB 638 (Caballero) Immigration consultants.** This bill would have repealed California's immigration consultant law, effective January 1, 2019, and instead prohibited any person from engaging in the business or act in the capacity of an immigration consultant within the state, except for attorneys, paralegals acting under the active supervision of an attorney, or persons authorized by federal law to represent persons before the United States Department of Homeland Security or the United States Department of Justice. Status: Held, Sen Appropriations.

**AB 699 (O'Donnell) Educational equity: immigration and citizenship status.** This bill requires the Attorney General to publish model policies limiting assistance with immigration enforcement at public schools, requires local educational agencies (LEAs) to adopt the model policies or equivalent policies, and establishes measures to provide education and support to immigrant students and their families. Status: Chap. 493, Stats. 2017.

**AB 1252 (Allen) State law: immigration: local government: state grants.** Existing state law, the TRUST Act, prohibits law enforcement officials from detaining an individual on the basis of a United States Immigration and Customs Enforcement hold after that individual becomes eligible for release from custody, unless, at the time that the individual becomes eligible for release from custody, certain conditions are met, including, among other things, the individual has been convicted of specified crimes. This bill would have repealed the TRUST Act and instead prohibited a city, county, or city and county designated as a sanctuary jurisdiction, as defined, from receiving grant funding from the state. Status: Failed, Asm Public Safety.

**AJR 10 (Santiago) Access to Counsel Act.** This measure urges Congress to support S. 349, the Access to Counsel Act, which would ensure that those persons held or detained while attempting to enter the United States, whether at a border crossing or a port of entry, are guaranteed access to legal counsel. Status: Res. Chap. 143, Stats. 2017.

**AJR 14 (Ting) 135th anniversary of the Chinese Exclusion Act.** This resolution observes the 135th anniversary of the Chinese Exclusion Act of 1882 on May 6, 2017, notes the parallels between the Act and recent actions taken by the current presidential administration to exclude immigrants from the United States based on national origin, and declares the Legislature's opposition to three controversial executive orders on immigration enforcement issued by the president in 2017. Status: Res. Chap. 120, Stats. 2017.

**HR 66 (Gipson) Deferred Action for Childhood Arrivals (DACA).** As referred to this Committee, this measure condemns President Donald Trump's rescission of DACA and calls upon Congress to take affirmative steps toward development of a bipartisan and more effective version of DACA that provides a pathway to citizenship. The measure was withdrawn from this Committee without being heard and sent directly to the Assembly Floor for vote. Status: Adopted.



**SB 6 (Hueso) Immigrants: removal proceedings: legal services.** As referred to this Committee, this bill would have required the Department of Social Services to either contract with qualified nonprofit legal services organizations, or contract with a nonprofit agency to administer funding to nonprofit legal services organization subcontractors, to provide legal services to individuals in immigration removal proceedings who are not otherwise entitled to legal representation under an existing local, state, or federal program. The bill was subsequently amended to address an unrelated subject before being heard in this Committee. Status: Chap. 455, Stats. 2017.

**SB 29 (Lara) Law enforcement: immigration.** This bill establishes, effective January 1, 2018, contracting restrictions and new notice and public hearing requirements, as specified, for local governments and local law enforcement agencies with respect to contracts, building permits, and other official actions involving the federal government, federal agencies, or private corporations seeking to house or detain noncitizens for purposes of civil immigration custody. Status: Chap. 494, Stats. 2017.

**SB 54 (DeLeon) Law enforcement: data sharing.** This bill, in order to ensure that state and local resources are used to investigate and enforce state and local laws, rather than federal immigration laws, prohibits—among other things--state and local law enforcement agencies in California from doing any of the following: (1) using agency or department money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes; (2) placing peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement; (3) using immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody; (4) transferring an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or if the individual meets specified criteria regarding their past offenses; (5) providing office space exclusively dedicated for immigration authorities for use within a law enforcement facility; or (6) contracting with the federal government for the use of California law enforcement agency facilities to house federal detainees, except as specified by existing law. Status: Chap. 495, Stats. 2017.

**SB 613 (De Leon) Immigration status.** This bill repeals longstanding requirements in the Welfare and Institutions Code that require the Division of Juvenile Justice (DJJ), Department of State Hospitals (DSH), and Department of Developmental Services (DDS) to "cooperate with" federal immigration authorities in "arranging for the deportation of all aliens" who are confined in their respective institutions. Status: Chap. 774, Stats. 2017.

## **LIABILITY AND RELATED MATTERS**

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

**AB 334 (Cooper) Sex assault.** This bill sets the time for commencement of any civil action for damages suffered as a result of sexual assault, as defined, where the assault occurred on or after the plaintiff's 18th birthday, to either of the following (whichever is later): (1) within 10 years from the date of the last act, attempted act, or assault with intent to commit an act, of sexual assault, or (2) within three years from the date the plaintiff discovers or reasonably should have

discovered that an injury or illness resulted from such an act, attempted act, or assault. The bill also establishes standards for the examination and treatment of victims of sexual assault and requires that the costs of the examination for a sexual assault victim who chooses not to participate in a criminal investigation are to be reimbursed to the local law enforcement agency by the Office of Emergency Services at the locally negotiated rate in an amount not to exceed \$1,000. Status: Sen Public Safety.

**AB 672 (Jones-Sawyer) Utility services.** This bill allows a defendant in a civil action prosecuted by a utility to recover reasonable attorney's fees and costs of the suit from the utility if the defendant prevails upon judgment. Status: Asm Judiciary.

**AB 1147 (Salas) Solid waste disposal: civil enforcement.** This bill subjects a person to civil penalties and damages for collecting, removing, or transporting solid waste generated by another person on residential, commercial, or industrial premises, except in compliance with applicable law. The bill requires a court, if a plaintiff prevails in a civil action brought pursuant to these and related provisions, to award to the plaintiff reasonable attorney's fees, expert witness fees, and costs incurred in the course of the litigation, except as specified. Status: Asm Natural Resources.

**SB 387 (Jackson) False Claims Act.** The state False Claims Act provides that a person who submits a false claim for money, property, or services to the state or a political subdivision shall be liable to the state or political subdivision for damages and a civil penalty. Federal law increases a state's share of amounts recovered for false claims involving federal Social Security programs by ten percent if the civil penalty imposed by state law is equal to or greater than the civil penalty authorized under federal law. This bill ensures that the state will continue to receive the ten percent increase in the share recovered by adjusting state fines and penalties to those provided by the Federal Civil Penalties Inflation Adjustment Act of 1990. Status: Chap. 121, Stats. 2017.

**SB 631 (Nielsen) Nitrous oxide: retail sales.** This bill prohibits a retailer of tobacco-related products from selling or offering for sale nitrous oxide, and subjects any retailer who does so to a civil penalty. The bill allows the Attorney General, a city attorney, a county counsel, or a district attorney to enforce the violation through a civil action. The bill also allows the suspension of the retailer's tobacco license for up to 60 days. Status: Asm Judiciary.

### ***Immunity, Scope of Liability and Related Issues***

**AB 28 (Frazier) Department of Transportation: environmental review process: federal pilot program.** This bill provides that, in an action relating to the federal surface transportation project delivery program, the State of California will consent to federal court jurisdiction and will not assert its Eleventh Amendment immunity in those claims. This bill sunsets on January 1, 2020. Status: Chap. 4, Stats. 2017.

**AB 68 (Mathis) Schools: proximity to farm pesticides: immunity.** As referred to this Committee, this bill would have prohibited a local educational agency, charter school, or private school from acquiring real property to build a school facility if the proposed site is located within two miles of an operating farm, unless the agency or school agrees to hold the farm harmless and without fault for any harm to the health of pupils or school staff caused by the use of pesticides



on the farm, as specified. The bill was later amended to address another topic outside of this Committee's jurisdiction. Status: Asm Education.

**AB 421 (Santiago) Hazardous substances: liability.** This bill provides that for a cause of action under the Carpenter-Presley-Tanner Hazardous Substance Account Act, the term "disposal" also includes emissions into the air, thereby specifying that contamination caused by aerial emissions is eligible for cost recovery, as provided. Status: Asm Judiciary.

**AB 619 (Dahle) Sierra Lakes County Water District.** This bill authorizes the Sierra Lakes County Water District (District) to adopt, by ordinance, requirements relating to the installation and use of small tanks used for the storage of petroleum in order to regulate or control the discharge of pollutants from those tanks into groundwater or surface water. Among other things, this bill permits the District to adopt an ordinance that includes authorization for the District to bring a civil action to redress a violation of the ordinance. Status: Chap. 109, Stats. 2017.

**AB 909 (Steinorth) Emergency response: public access trauma kit.** This bill requires certain private and public buildings to make a "trauma kit," designed and intended for treatment of emergency medical care, available on their premises. The bill also clarifies that a "Good Samaritan" who uses such a kit to administer emergency medical care and an entity that trains lay rescuers to use the kit is not liable for injuries resulting from such use. Finally, the bill protects a person or entity that acquires a trauma kit from liability for misuse of the kit, as long as minimum requirements regarding installation and maintenance are satisfied. Status: Asm Appropriations (Suspense file).

**AB 946 (Ting and Gonzalez) Resist the Wall Act: PERS and STRS: immunity.** This bill prohibits the boards of the Public Employees' Retirement System and the State Teachers' Retirement System from making new investments or renewing existing investments of public employee retirement funds in a border wall construction company, as defined, and requires the boards to liquidate investments in such a company, as specified. The bill provides that board members and other officers and employees shall be held harmless and be eligible for indemnification in connection with actions taken pursuant to the bill's requirements. Status: Asm Public Employees, Retirement, & Social Security.

**AB 965 (Kiley) Department of Transportation: civil liability.** This bill reduces the financial exposure of the California Department of Transportation (Caltrans) in civil actions brought against it. Specifically, the bill does the following: (1) provides that Caltrans' liability for economic damages in any action against the department for personal injury, property damage, or wrongful death is several only and not joint; (2) limits Caltrans' liability to only the amount of economic damages allocated to the department in direct proportion to its percentage of fault. The bill also requires Caltrans, on an annual basis, to identify savings as a result of limiting tort liability and direct those savings as specified. Status: Asm Judiciary.

**AB 1219 (Eggman) Food donation: liability.** This bill expands existing provisions of the Civil Code, Food and Agricultural Code, and Health and Safety Code, relating to civil immunities and liabilities of entities that donate food to charitable organizations and food banks. In addition to certain clarifying changes, the bill distinguishes between the donation of perishable and nonperishable foods beyond a manufacturer's recommended shelf life date by providing qualified

immunity for the donation of nonperishable foods that exceed the date, but only if the donor makes a good faith evaluation that the donated food is wholesome and fit for human consumption. Status: Chap. 619, Stats. 2017.

**AB 1247 (Chen) Collateral Recovery Act: repossession agencies: limited liability companies.** As heard by this Committee, this bill would have authorized, until January 1, 2022, a repossession agency to be licensed as a limited liability company (LLC) by the Bureau of Security and Investigative Services (BSIS). The bill was subsequently amended in the Senate to apply existing law governing the release of impounded vehicles to a registered owner to situations when a stored vehicle is released to a licensed reposessor or repossession agency. Status: Sen Business & Professions.

**AB 1389 (Bigelow) Employment safety: boiler and tank inspections: liability.** This bill provides that an insurer would be exempt from liability for an injury caused by failure of the California Division of Occupational Health and Safety to inspect a workplace tank or boiler, or for making an inadequate or negligent inspection. Status: Asm Labor & Employment.

**AB 1517 (Muratsuchi) Securities: qualifications: liability.** This bill would have amended the rules governing how to qualify to obtain a permit to sell securities in the state. Specifically, the bill would have amended those rules in order to facilitate and a type of investing described as "crowdfunding." Status: Held, Asm Appropriations.

**AB 1605 (Caballero) Contaminant levels: water: liability.** Provides that a person or entity providing drinking water to replace ground water with contaminant levels for nitrate that exceed the maximum contaminant level for nitrate allowed by law shall not be deemed to have caused pollution or a nuisance to groundwater, or to be liable for negligence or trespass if the person or entity is a signatory to the Interim Replacement Water Settlement Agreement with the state board and regional board that became effective March 29, 2017, and if the person or entity takes certain remedial actions as determined by the state water board. Status: Asm Judiciary.

**SB 559 (Morrell) Private Investigator Act: license: limited liability company.** This bill extends the sunset date for the Bureau of Security and Investigative Services' (BSIS's) authority to issue private investigator licenses to limited liability companies (LLCs). Among other things, the bill also revises provisions relating to current education and experience requirements for licensees; requires public posting of claims against the liability insurance of LLCs beginning July 1, 2018; and requires license applicants and licensees applying for reassignment to notify the BSIS if they are an LLC beginning July 1, 2018. Status: Chap. 569, Stats. 2017.

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

### ***Civil Rights***

**AB 518 (Harper) Travel ban: exemptions for athletic and academic competition.** This bill exempts certain athletic and academic competitions from an existing statute that prohibits a state agency, department, board, or commission from requiring or funding employee or member travel to a state that has enacted a law that voids or repeals, or has the effect of voiding or repealing, existing protections against discrimination on the basis of sexual orientation, gender identity, or gender expression or has enacted a law that authorizes or requires discrimination against same-

sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression. Status: Asm Judiciary.

**AB 1576 (Levine) Gender Price Discrimination Act.** This bill prohibits a business establishment from discriminating with respect to the price charged for goods of a substantially similar or like kind, as defined, because of the gender of the targeted user of the good. The bill specifies that a good is targeted to a particular gender if the good is designed or intended to be used by, or appeal to, a consumer of the good based on his or her gender, as evidenced by certain factors. The bill provides that the remedies for a violation of this bill shall be the same as those provided under the Unruh Civil Rights Act. Status: Asm Floor (Inactive file).

**AB 1615 (E. Garcia) Gender discrimination: actions.** This bill requires an attorney to attach specified forms when sending a demand letter or serving a complaint that alleges gender discrimination in the pricing of services and requires the Judicial Council and Department of Consumer Affairs (DCA) to develop forms and materials accordingly. Status: Chap. 156, Stats. 2017.

**AB 1694 (Judiciary) Ralph Civil Rights Act.** This bill names the Ralph Civil Rights Act and the Tom Bane Civil Rights Act in order to distinguish them from the Unruh Civil Rights Act. Specifically, this bill finds and declares that Civil Code Section 51.7 was enacted as part of the Ralph Civil Rights Act, and that Civil Code Section 52.1 was enacted as part of the Tom Bane Civil Rights Act. Status: Held at Senate Desk.

**AJR 16 (Low and Cunningham) Anti-LGBT actions in the Chechen Republic.** This resolution makes findings relating to human rights violations in the Chechen Republic and calls upon the President and Congress of the United States to condemn anti-LGBT actions in Chechnya and to encourage federal immigration officials to grant asylum and refugee status, as specified, to victims of anti-LGBT persecution. Status: Res. Chap. 163, Stats. 2017.

**HR 59 (Chiu) Anti-Semitism and other biases and prejudices.** Under this measure, the Assembly affirms, in light of the recent increase in the volume and frequency of acts of intolerance and xenophobia, and the evolving nature of anti-Semitism, the Assembly's commitment to an open and inclusive state that actively opposes all forms of prejudice, bias, or discrimination against people based on religion, ethnicity, race, sex, national origin, immigration status, sexual orientation, gender identity and expression, or disability. Status: Asm Judiciary.

**SB 31 (Lara) California Religious Freedom Act: disclosure of religious affiliation.** This bill prohibits a state or local agency or a public employee from disclosing to the federal government information regarding a person's religious beliefs, practices, or affiliation when the information is sought for the purpose of compiling a database of individuals based on religious belief, practice, or affiliation, national origin, or ethnicity for law enforcement or immigration purposes. The bill imposes other restrictions on the ability of state agencies to use its resources, databases, or personnel to collect information on the religious beliefs, practices, or affiliation of any individual, or to investigate, enforce, or assist in the investigation or enforcement of any requirement that individuals register with the federal government or any federal agency. The bill terminates, to the extent of any conflict, any existing agreements that make any agency or department information or database available in conflict with the bill's provisions. The bill

clarifies that it does not prevent the collection, retention, or disclosure of personal information or documents as required by federal law or a court order. Status: Chap. 826, Stats. 2017.

**SB 169 (Jackson and De Leon) Education: Sex equity.** This bill would have required schools, colleges, and universities to comply with specified federal guidelines and regulations and would have made conforming changes to provisions of the California Education Code. Among other things, the bill would have defined “sexual harassment” to include “sexual violence.” More generally, the bill would have required the governing board or body of each elementary and secondary school that receives state financial assistance to adopt policies consistent with federal regulations and guidelines adopted during the Obama Administration. Status: Vetoed.

**SB 219 (Weiner) Long-term care facilities: rights of residents.** This bill enacts the Lesbian, Gay, Bisexual and Transgender (LGBT) Long-Term Care Facility Residents’ Bill of Rights and makes it unlawful for any long-term care facility, as defined, to take specified actions on the basis of a person’s actual or perceived sexual orientation, gender identity, gender expression, or HIV status. Status: Chap. 483, Stats. 2017.

**SB 491 (Bradford) Civil rights discrimination: enforcement.** This bill would have provided that a local government entity is permitted under the California Fair Employment and Housing Act to refer a person alleging discrimination to the Department of Fair Employment and Housing (DFEH) and to provide the person with relevant information and resources, as appropriate. The bill would require DFEH to establish an advisory group to study the feasibility of authorizing local government entities to enforce antidiscrimination statutes and make a report to the Legislature, should it find legislation advisable. Status: Vetoed.

**SCR 78 (Jackson) Discrimination against women.** This resolution urges the state and the private sector to adhere to the principles of the international Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to analyze their policies in light of those principles, and to make necessary changes to realize those principles. This measure acknowledges and makes findings as to the continued need for the state of California to protect the human rights of women and girls and to analyze the operations of state departments, policies, and programs in order to identify discrimination and, if identified, to remedy that discrimination. Status: Asm Judiciary.

### ***Constitutional Rights***

**AB 233 (Gloria) Pupils: dress code: graduation.** This bill would have permitted a student to wear religious, ceremonial, or cultural adornments, as defined, at school graduation ceremonies. The bill would have declared that nothing in its provisions shall be construed to limit a local educational agency’s authority to prohibit a student from wearing an item that is likely to cause a substantial disruption of, or interference with, the ceremony or to expand or diminish any pupil rights established under specified provisions of the Education Code related to school dress codes and pupil freedom of speech. Status: Vetoed.

**AB 517 (Harper) State government travel: political beliefs.** This bill prohibits a state agency, department, board, or commission, as specified, from prohibiting or denying an employee’s request to travel to states on the basis of the employee’s political beliefs. Status: Asm Judiciary.



**AB 1034 (Chau) Government interruption of communications: due process.** This bill implements recommendations of the California Law Revision Commission (CLRC) to reorganize and ensure the constitutionality of the existing statute that governs the ability of government entities to interrupt communication services. The bill maintains, for the most part, the substance of existing law, but moves provisions from the Public Utilities Code to the Penal Code. Most notably, the bill adds a provision requiring prior notice to the affected consumer, as specified, in order to comply with constitutional due process requirements demanded by a recent California Supreme Court decision. Status: Chap. 322, Stats. 2017.

**ACR 21 (Kiley) Colleges: free speech policy.** This resolution urges all private and public universities in California, to the extent that they have not done so, to adopt free speech statements consistent with the principles articulated by the Chancellor of the University of California at Irvine, and the Free Expression Statement formally adopted by the University of Chicago. Status: Res. Chap. 103, Stats. 2017.

**AJR 2 (Levine) Latino and Muslim Americans: First Amendment.** This measure commends Latino Americans and Muslim Americans for their economic, political, and cultural impact on California and the United States and requests the President and the President-elect of the United States and Members of the United States Congress to respect the First Amendment of the United States Constitution and reject efforts to build a wall along the United States-Mexico border, monitor mosques, police and profile Muslim Americans, or adopt any immigration policy based on discrimination. Status: Asm Judiciary.

**ACA 14 (Melendez) Campus Free Speech Act.** This constitutional amendment establishes the Campus Free Speech Act, which would, among other things, require the appropriate governing board or body of a higher education institution to adopt a policy on free expression that contains specified components. The act authorizes the Attorney General and a person who is denied the right to engage in expressive activity to bring an action, as specified. A person's whose rights were violated because of a violation of the bill's provisions would be entitled to injunctive relief, reasonable court costs, attorney's fees, and damages of \$1,000 or actual damages, whichever is higher. The act would make a higher education institution that does not comply with the act ineligible for any state funding, except as specified. The act would not apply to religious institutions of higher learning if conflicts with the institution's religious tenets. Status: Asm Judiciary.

**HR 63 (Gallagher) Antifa.** This resolution makes a number of legislative findings and, based upon those findings, condemns the violent tactics of anti-fascist groups that sometimes identify themselves as "Antifa." It also urges all citizens to commit to expressing their beliefs in respectful, reasoned, and civil debate. The resolution further calls on the University of California, the California State University, and community college campuses and the cities where they are located, to commit to securing the rights of individuals to free speech and specifically to take actions to ensure that groups like Antifa are not permitted to use violence and intimidation to suppress the free speech rights of others. Status: Asm Judiciary.

### ***Disability Rights***

**AB 150 (Mathis) Disabled persons: rights.** The bill requires a plaintiff who is denied access to a public building, public accommodation, or other facility that is required by law to be open and

accessible to all persons, regardless of disability, to overcome a number of procedural hurdles before pursuing a civil claim for denial of access. Specifically, the bill seeks to prevent a plaintiff from filing a complaint under the Disabled Persons Act against a business with fewer than 50 full-time employees unless the plaintiff has notified the businesses of the violations, described how those violations should be corrected, and waited six months to see if the violations have been remedied. Finally, the bill would have precluded the plaintiff from pursuing the complaint if the owner or operator of the small business has made a "good faith effort" to correct the violation. Status: Failed, Asm Judiciary. Reconsideration granted.

**AB 688 (Calderon) Enforcement of money judgments: exemptions.** This bill exempts funds in an Achieving a Better Life Experience (ABLE) account, not to exceed \$100,000, from a money judgment, commencing on September 1, 2018. This bill provides that a judgment in favor of the State Department of Health Care Services is not subject to the exemption. Status: Chap. 529, Stats. 2017.

**AB 913 (Gray) Disability access: extremely high frequency litigants.** This bill authorizes a court to enter a prefiling order prohibiting an "extremely high-frequency litigant" (defined as a plaintiff who has filed 15 or more complaints alleging violations of construction-related accessibility standards in one year) from filing any new litigation in the courts of this state without first obtaining leave of the court where the litigation is proposed to be filed, allowing the plaintiff to file such a complaint. Status: Failed, Asm Judiciary. Reconsideration granted.

**AB 1148 (Steinorth) Commercial property disclosures: disability access.** This bill defines the term "commercial property" for purposes of an existing statute mandating disclosures about the accessibility of the property to be made by owners or lessors of commercial property to prospective tenants. The bill defines "commercial property" to mean property that is offered for rent or lease to persons operating, or intending to operate, a place of public accommodation as specified or facility to which the general public is invited, at those premises. Status: Chap. 87, Stats. 2017.

**AB 1379 (Thurmond) CASp funding.** This bill seeks to increase funding for the state Certified Access Specialist Program (CASp) program in order to increase the availability of CASp services and ultimately improve compliance with state and federal construction-related accessibility standards. The bill, among other things, requires, on and after January 1, 2018, through December 31, 2023, any applicant for a local business license or equivalent instrument or permit, and any applicant for the renewal of a business license or equivalent instrument or permit, to pay an additional fee of \$4 for that license, instrument, or permit, in order to fund CASp services by the city, county, or city and county that issued the license, instrument, or permit. Status: Chap. 667, Stats. 2017.

**AB 1569 (Caballero) Disability rights: reasonable accommodations: animals.** This bill revises the law governing requests for disability-related reasonable accommodations to keep an animal on rental property. Upon such a request, this bill authorizes a person renting or leasing property to request that a prospective or current tenant provide reliable verification of the disability and the disability-related need for the animal, if the disability is not readily apparent or the disability-related need for an animal is not apparent. Among other things, the bill also specifies that certain types of documentation are not sufficient or reliable forms of third-party



verification, and authorizes the landlord to request additional third-party verification from a reliable source. Status: Asm Judiciary.

**ACR 115 (E. Garcia) Disabled individuals: tech and info access.** This resolution encourages the state to ensure that its policies and procedures, to the greatest extent possible, make technology and information accessible to all individuals with disabilities. Status: Res. Chap. 191, Stats. 2017.

### ***Personal Rights***

**AB 720 (Eggman) Inmates: psychiatric meds: informed consent.** This bill applies the existing framework for involuntary administration of medication to a person in county jail after being sentenced on a criminal conviction, to other inmates in county jail, including those awaiting arraignment, trial, or sentencing. It also limits the time period for an involuntary medication order for county jail inmates awaiting arraignment, trial, or sentencing to six months. The bill requires counties to report to the Legislature on the involuntary medication of inmates awaiting arraignment, trial, or sentencing, if a county engages in such a practice. Finally, the bill provides a sunset date of January 1, 2022 for its provisions. Status: Chap. 347, Stats. 2017.

**AB 1495 (Maienschein) Civil liability: sexual abuse: children.** This bill would have created a new civil action for child victims of sexual exploitation, and would have allowed for the recovery of civil penalties, damages, and other remedies to provide for the benefit and well-being of the child victim. Status: Held, Sen Appropriations.

**AB 1690 (Judiciary) Personal rights: compensatory relief.** This bill extends protections in existing law that prohibit inquiry into a litigant's immigration status in civil actions brought to enforce state labor, employment, civil rights, and housing laws, to actions brought to enforce the state's consumer protection laws. Specifically, this bill clarifies that for purposes of civil actions to enforce state consumer protection laws, a person's immigration status is irrelevant to the issue of liability, and in proceedings or discovery undertaken to enforce those laws, no inquiry shall be permitted into a person's immigration status, except where the person seeking to make this inquiry has shown by clear and convincing evidence that the inquiry is necessary in order to comply with federal immigration law. Status: Chap. 160, Stats. 2017.

**AJR 22 (Low) Transgender service members.** This resolution proclaims that the Legislature respectfully disagrees with the statements posted on Twitter by the President of the United States proposing to ban transgender Americans from serving in the military. This resolution also urges United States Secretary of Defense James Mattis to allow transgender individuals to serve in the United States military and calls on Governor Brown to direct the California National Guard and other state military forces to take no action that discriminates against transgender service members, unless required by federal law or formal directive from the United States Department of Defense. Status: Res. Chap. 209, Stats. 2017.

**HR 39 (McCarty) Loving Day.** This resolution designates Monday, June 12, 2017, as Loving Day, to be observed as the official commemoration of the landmark United States Supreme Court decision, *Loving v. Virginia* (1967) 388 U.S. 1, which legalized interracial marriage in the United States. Status: Adopted.

**SB 49 (De Leon) California Environmental, Public Health, and Workers Defense Act of 2017.** This bill enacts the California Environmental, Public Health, and Workers Defense Act of 2017, which would require specified state agencies to regularly assess proposed and final changes to federal statutes and regulations that threaten to weaken existing environmental or public health standards. The bill also provides that if the specified state agency determined that a change to federal law reasonably could result in a negative impact to the environment or public health or welfare in California, the state agency would take appropriate action to maintain protections at least as stringent as baseline federal standards, as provided. The bill also creates a civil action to allow public interest enforcement of protections adopted by the state agency if baseline federal standards were weakened, or if federal environmental civil actions were restricted or repealed. Status: Asm Rules.

**SB 179 (Atkins) Gender Recognition Act.** This bill enacts the Gender Recognition Act, which modifies the process for individuals to change their name and/or gender marker, such as female, male, or nonbinary, to conform with their gender identity in several identity documents, including a birth certificate and driver's license. Status: Chap. 853, Stats. 2017.

**SB 310 (Atkins) Name and gender change: prisons and county jail.** This bill, commencing on September 1, 2018, allows incarcerated persons to petition for a name change or gender change proscribed under existing law, and requires the name change petitioner to provide notice to the Department of Corrections and Rehabilitation (CDCR) or the county jail. Status: Chap. 856, Stats. 2017.

**SB 393 (Lara) Arrests: sealing.** This bill provides a uniform process for a person to petition a court to seal records of an arrest that did not result in a conviction and for a court to notify custodians of such records of its sealing order, with specified exceptions. It also provides, among other things, penalties for the failure to comply with the court's order. Specifically, the bill provides that a person or entity who improperly disseminates information relating to a sealed arrest is subject to a civil penalty of not less than \$500 and not more than \$2,500 per violation. However, the bill only authorizes the new civil penalty to be enforced by a city attorney, deputy district attorney, or the Attorney General. Status: Chap. 680, Stats. 2017.

**SB 481 (Pan) Long-term health facilities: informed consent.** This bill, in order to address apparent constitutional shortcomings in existing law, creates a process for notifying a person about the intent of a skilled nursing facility or intermediate care facility to prescribe or administer a medical intervention to the person when the person lacks capacity to consent to such an intervention. In order to do so, the bill amends a provision of existing law found to be unconstitutional by an Alameda County court in 2015. Status: Asm Judiciary.

### ***Privacy Rights***

**AB 1185 (O'Donnell) Rental passenger vehicles: use of electronic surveillance information.** This bill reduces the time car rental companies have to wait before using and accessing customer information to locate a missing rental vehicle from seven calendar days to three days, and permits several existing notice requirements to be met by use of an electronic display. Status: Sen Judiciary.

**SB 157 (Wieckowski) Invasion of privacy: distribution of sexually explicit material.** This bill amends existing law that provides a private cause of action against a person who distributes sexually explicit material, as specified. Specifically, this bill provides that when a plaintiff uses a pseudonym in such an action, all other parties must use the plaintiff's pseudonym in all pleadings and other documents filed or served in the action and at any proceedings open to the public. The bill requires a party filing any document in the action to exclude or redact identifying characteristics of the plaintiff, and requires the court to keep the plaintiff's name and excluded or redacted characteristics confidential. Status: Chap. 233, Stats. 2017.

**SB 466 (Bates) Rental passenger vehicle transactions: electronic surveillance technology: AMBER Alert.** This bill authorizes electronic surveillance technology to be used, accessed, or obtained by a rental company in circumstances in which the rental vehicle is the subject of an AMBER Alert. The bill requires a rental company, if it uses the equipment in this manner, to notify law enforcement that one of the rental company's vehicles is the subject of an AMBER Alert upon becoming aware of the situation, except as specified. Status: Chap. 163, Stats. 2017.

**SB 597 (Leyva) Human trafficking: victim confidentiality.** This bill makes the address confidentiality program administered by the Secretary of State, known as the Safe at Home program, available to victims of human trafficking. The bill also expands the Safe at Home program to include household members of victims of domestic violence, sexual assault, stalking, and human trafficking. Status: Chap. 570, Stats. 2017.

### ***Employment Rights***

**AB 31 (Rodriguez) Whistleblower complaints: State Auditor.** This bill amends the California Whistleblower Protection Act by providing a mechanism for confidential complaints about misconduct involving the State Auditor's Office (SAO) to be made to an investigator outside the SAO. The bill allows any person to make a confidential report about misconduct by the SAO, or employees of the SAO, by reporting such conduct to the California Department of Justice (DOJ). The bill also requires DOJ to determine whether an independent investigation of the complaint is warranted and, if so, to hire an independent investigator to conduct an investigation of the complaint. Status: Chap. 605, Stats. 2017.

**AB 281 (Salas) Labor code: PAGA.** This bill extends the period of time in which an employer may cure violations of the Labor Code that are enforced by the Labor Code Private Attorneys General Act of 2004 (PAGA) from 33 to 65 calendar days. Status: Asm Labor & Employment.

**AB 403 (Melendez) Legislative Employee Whistleblower Protection Act.** This bill would have enacted the Legislative Employee Whistleblower Protection Act to prohibit a Member of the Legislature, or a legislative employee, from directly or indirectly using or attempting to use that person's official authority or influence to intimidate, threaten, coerce, command a legislative employee for the purpose of interfering with the right of that employee to make a protected disclosure, as defined. The bill also would have prohibited retaliation against the legislative employee for making a whistleblower complaint. Finally, it would have provided a right of action against a Member, subject to the doctrine of legislative immunity. Status: Held, Sen Appropriations.

**AB 450 (Chiu) Employment: immigration worksite enforcement.** See summary under Immigration Issues.

**AB 553 (Daly) Workers' compensation program: prohibition of attorney's fees.** This bill requires the Director of the Division of Workers' Compensation to distribute \$120,000,000 annually to eligible workers and requires any remaining program funds to be distributed pro rata to those eligible workers, subject to a \$25,000 limit per calendar year. The bill, at the time of referral to this Committee, would have prohibited using any of the funds to pay attorney's fees. However, the attorney's fee provision was removed from the bill and this Committee waived hearing. Status: Sen Appropriations.

**AB 569 (Gonzalez Fletcher) Discrimination: reproductive health.** This bill would have prohibited an employer from taking any adverse action against an employee based on his or her reproductive health decisions, including, but not limited to, the use of any drug, device, or medical service. The bill would have also specified that any contract or agreement, express or implied, made by an employee to waive the right guaranteed by this bill is null and void. The bill would require an employee handbook to include notice of employee rights and remedies under the provisions of this bill. Status: Vetoed.

**AB 1017 (Santiago) Collective bargaining agreements: arbitration: litigation.** This bill expands to public employment the ability of a party to a collective bargaining unit to obtain attorney's fees when prevailing on claims against an arbitration or arbitrator's decision, unless the opposing party raises substantial issues involving complex or significant questions of law. As introduced, this bill would have prohibited the cost of attorney's fees from being passed onto the employee. As in print, this bill provides that only a labor organization or an employer would be liable for attorney's fees. Status: Sen Desk.

**AB 1102 (Rodriguez) Health facilities: whistleblower protections.** This bill increases the amount of the fine that can be assessed for a willful violation of the whistleblower protection law (which prohibits discrimination and retaliation against a patient, employee, member of the medical staff, or any other health care worker of the health facility who exercises his or her rights under the whistleblower protection law), a misdemeanor, from a maximum of \$20,000 to a maximum of \$75,000. The bill also clarifies that the criminal penalty is in addition to the possible civil penalty violation of up to \$25,000. Status: Chap. 275, Stats. 2017.

**AB 1174 (Harper) Right to work: labor organizations.** This bill would have established the "California Right to Work Act of 2017" to prohibit a person from requiring an employee, as a condition of obtaining or continuing employment, to contribute financial support to a labor organization. The bill would have permitted an employee or potential employee to seek injunctive relief, or monetary damages, or both, for violations or threatened violations of the bill's provisions. Status: Failed, Asm Labor & Employment.

**AB 1429 (Fong) Labor Code: PAGA.** This bill limits the type of violations for which an aggrieved employee is authorized to bring a civil action under the Labor Code Private Attorneys General Act (PAGA), and requires the employee to follow specified procedures before bringing an action. The bill caps the civil penalties recoverable under these provisions at \$10,000 per claimant and excludes the recovery of filing fees by a successful claimant. The bill requires the



superior court to review any penalties sought as part of a settlement agreement under these provisions. Status: Asm Labor & Employment.

**AB 1430 (Fong) Labor Code: PAGA.** This bill revises certain procedural provisions of the Labor Code Private Attorneys General Act (PAGA) in order to require the Labor and Workforce Development Agency (LWDA), after receiving notification of an alleged violation of PAGA, to investigate the alleged violation and either issue a citation or determine if there is a reasonable basis for a civil action. The bill authorizes an aggrieved employee to commence an action upon receipt of notice from the agency that there is a reasonable basis for a civil action, or if the agency fails to provide notification in a timely manner. Status: Asm Labor & Employment.

**AB 1710 (Veterans Affairs) Prohibited discrimination against service members.** This bill makes several amendments to California Military and Veterans Code Section 394 in order to conform that section with 2011 amendments to the federal Uniformed Services Employment and Reemployment Rights Act (USERRA). The conforming amendments ensure that, like USERRA, Section 394 provides workplace protections to California service members who experience a hostile work environment due to their military service. Status: Chap. 591, Stats. 2017.

**SB 51 (Jackson) Professional licensees: environmental sciences and climate change: whistleblower and data protection.** This bill would have prohibited state professional licensing entities from taking disciplinary action against a public employee for reporting improper governmental activity or sharing information about scientific or technical research in a scientific or a public forum or with the media. The bill also would have required the Secretary for Environmental Protection to make every reasonable effort to preserve and make available to the public scientific information and other data at risk of censorship or destruction by the federal government. Status: Vetoed.

**SB 63 (Jackson) Unlawful employment practice: parental leave.** This bill makes it an unlawful employment practice for an employer of twenty or more employees to refuse to allow an eligible employee to take up to twelve weeks of job-protected parental leave to bond with a new child within one year of the child's birth, adoption or foster care placement. The bill also prohibits an employer from refusing to maintain and pay for the employee's continued group health coverage during the leave. Status: Chap. 686, Stats. 2017.

**SB 76 (Nielsen) Excluded employees: arbitration.** This bill establishes the Excluded Employee Arbitration Act which authorizes an organization that represents excluded state employees to request on behalf of an excluded state employee binding arbitration for alleged violations of working conditions, as specified, when the grievance was not resolved satisfactorily. The bill also specifies how the arbitrator is selected, and specifies procedures for how the arbitration proceeding is to be conducted. Status: Asm Floor (Inactive file).

**SB 295 (Monning) Farm labor contractors: sexual harassment training.** This bill strengthens an existing law that requires licensed farm labor contractors to provide sexual harassment prevention training to supervisors and employees. Specifically, this bill requires that training must be provided in the language understood by the employee and also that the contractor must submit information regarding the training upon application for a license renewal.



The bill requires a licensee, as part of the application for license renewal, to provide to the Labor Commissioner with the total number of agricultural employees trained in the prior calendar year and requires the commissioner to aggregate and publish this data, as specified. The bill imposes specified civil penalties for failure to comply with the above provisions. Status: Chap. 424, Stats. 2017.

**SB 306 (Hertzberg) Retaliation actions: complaints: administrative review.** This bill authorizes the Division of Labor Standards Enforcement to commence an investigation of an employer when specified retaliation or discrimination is suspected during the course of a wage claim or other investigation. The bill authorizes the Labor Commissioner, upon finding reasonable cause to believe that the violation has occurred, to petition a superior court for injunctive relief, as provided. The bill also authorizes the commissioner to establish hearing procedures, issue citations, and prescribe civil penalties, as specified. Finally, the bill authorizes an employee who is bringing a civil action under these provisions to seek injunctive relief, as specified. Status: Chap. 460, Stats. 2017.

**SB 550 (Pan) Public school employment: legal actions: attorney's fees.** This bill requires a public school employer to pay an employee organization's reasonable attorney's fees and expenses if the employer rejects the employee organization's settlement offer and fails to obtain a more favorable judgment or reward than that provided in the settlement offer. The bill specifies that this fee-shifting provision does not apply to unfair practice or arbitration proceedings. Status: Chap. 812, Stats. 2017.

## **OPEN GOVERNMENT AND PUBLIC RECORDS**

**AB 459 (Chau) Public records: body-worn cameras.** This bill, in order to provide victims of sexual or domestic violence with greater certainty that unredacted body-worn camera footage depicting them won't be disclosed to the public, prohibits a law enforcement agency from publicly disclosing video and audio recordings held by the agency which depict a victim of sexual or domestic violence pursuant to a request made under the California Public Records Act (CPRA). The bill also requires that the victim or victim's family is given access to a copy of the recording upon their request. Status: Chap. 291, Stats. 2017.

**AB 492 (Grayson) Public records: solicitation fees.** This bill permits a nongovernmental entity to solicit a fee for providing a copy of a public record if that solicitation meets specified requirements, including by providing a disclosure stating that the document is an advertisement. The solicitation must also state the fee or cost charged by the relevant state or local government agency to obtain a copy of the record offered, and must include contact information for the state or local agency that has custody of the record. The bill authorizes the Attorney General, a district attorney, or a city attorney to bring an action against a person who violates the provisions of the bill and provides for civil penalties for such violations. Status: Chap. 293, Stats. 2017.

**AB 748 (Ting) Peace officers: body worn cameras.** This bill seeks to establish a standard for the release of body-worn camera footage captured by law enforcement agencies by balancing the privacy interests of persons depicted in the footage with the public interest in disclosure of the footage. It specifies that unless the agency demonstrates the public interest in nondisclosure of a video or audio recording clearly outweighs the public interest in disclosure, the recording shall

be released if it relates to a matter of public concern. The bill also provides that if the agency determines that release of the recording would violate the reasonable expectation of privacy of the subject shown in the recording, the agency shall articulate that interest and may use redaction technology to obscure those portions of the recording that protect the subject's privacy interest, provided the redaction does not interfere with the viewer's ability to comprehend the events captured on the video footage. Status: Sen Public Safety.

**AB 1455 (Bocanegra) Public records: collective bargaining records.** This bill extends an existing Public Records Act exemption that applies to documents relating to collective bargaining between a state agency and its employees to documents relating to collective bargaining between a local public agency and employees governed by the Meyers-Milias-Brown Act, so that those documents are also exempt from disclosure. Status: Chap. 560, Stats. 2017.

**AB 1478 (Jones-Sawyer) Charter schools.** This bill requires charter schools, including an entity managing a charter school, to comply with the same open government and conflict of interest requirements that apply to school districts. Specifically, charter schools and their managing entities must comply with applicable provisions of the following: the Ralph M. Brown Act; the Bagley-Keene Open Meeting Act; the California Public Records Act; Government Code Section 1090; and the Political Reform Act of 1974. Status: Asm Floor (Inactive file).

**AB 1479 (Bonta) Public record: denied access.** This bill would have required, until January 1, 2023, a public agency to designate a person or office to act as the agency's custodian of records in order to respond to any request made pursuant for a public record and any inquiry from the public about a decision by the agency to deny a request for records. Status: Vetoes.

**SB 19 (Hill) Public Utilities Commission: Public Records Act.** This bill makes several reforms to the operations of the California Public Utilities Commission (CPUC), including the transfer of four transportation-related functions from the CPUC to other agencies or jurisdictions. The bill also clarifies and, in some cases codifies, the responsibilities and oversight of various positions within the CPUC. The bill clarifies the notification requirements for the CPUC to contract for outside legal services. Most significant to this Committee, at the time that it was heard by this Committee, the bill permitted a civil action to be brought against the CPUC under the California Public Records Act in superior court (instead of having to be brought in appellate court). That provision was subsequently removed from the bill. Status: Chap. 421, Stats. 2017.

**SB 54 (DeLeon) Law enforcement: data sharing.** See summary under Immigration Issues.

**SB 244 (Lara) Privacy: agencies: personal information.** As heard by this Committee, this bill would have made significant changes to existing laws regarding the disclosure and sharing of information and public records, particularly regarding personal information held by state and local governments. At that time, the bill amended seven different codes—Business and Professions, Civil, Education, Government, Health and Safety, Vehicle and Welfare and Institutions--in order to broadly limit the information that is shared by the state and local governments. As amended on the Assembly Floor, SB 244 would have made much more modest changes to state laws regarding the disclosure of public records. Status: Asm Floor (Inactive file).

**SB 573 (Lara) Student financial aid: service learning programs: CPRA.** This bill authorizes the University of California, the California State University, and the California Community Colleges to develop and implement a student service program for students with financial need who are exempt from paying nonresident tuition under current law, or who meet equivalent requirements adopted by the UC Regents. The bill also imposes limitations on the collection, retention, and public disclosure of records and information about applicants and participants in the program. Status: Asm Floor (Inactive file).

## **PROBATE AND RELATED MATTERS**

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

**SB 438 (Roth) Legal guardianship: successor guardian.** This bill authorizes the assessment of a legal guardian for a foster child to also include the naming of a prospective successor guardian if one is identified. The bill authorizes the named successor guardian to be assessed and appointed in the event of the incapacity or death of an appointed guardian pursuant to the existing procedures that govern the appointment of a legal guardian. Status: Chap. 307, Stats. 2017.

### ***Elder Abuse***

**AB 575 (Jones-Sawyer) Elder and dependent adult abuse mandated reporters: substance use disorder counselors.** This bill expands the definition of health care practitioner to include a substance abuse disorder counselor for the purposes of being a mandated reporter of elder abuse. Status: Chap. 407, Stats. 2017.

**AB 611 (Dababneh) Mandated reporters of elder abuse: powers of attorney.** This bill authorizes a person who is a mandated reporter of suspected financial abuse of an elder or dependent adult to not honor a power of attorney if that person reports to an adult protective services agency or a local law enforcement agency that the elder or dependent adult who executed the power of attorney may have been subjected to financial abuse by the person attempting to exercise the power of attorney on that person's behalf. Status: Chap. 408, Stats. 2017.

**AB 859 (Eggman) Elder and dependent adult physical abuse: standard of abuse when defendant destroys or conceals evidence.** This bill would have applied a preponderance of the evidence standard to any claim brought against a residential care facility for the elderly or a skilled nursing facility, except as specified, for remedies sought pursuant to the Elder Abuse and Dependent Adult Civil Protection Act, upon circumstances in which spoliation of evidence has been committed by the defendant, as specified. Status: Vetoed.

### ***Probate***

**AB 308 (Maienschein) Probate actions: civil procedure.** This bill expands the requirements for notice provided to interested individuals in probate actions, specifically requiring the notice to include a description of the subject property and a description of the relief sought. Additionally, the bill clarifies how the Code of Civil Procedure's discovery rules apply to the Probate Code, by adding to the Probate Code when a petitioner may commence discovery. The

bill does not expand whom discovery may be obtained from or allow discovery to commence any earlier. Status: Chap. 32, Stats. 2017.

**AB 309 (Maienschein) Pour-over wills: trusts established after will.** This bill provides that a written instrument executed within 60 days after the execution of the testator's will may be used to devise the testator's property if the trust is identified in the testator's will and its terms are set forth in the written instrument. Status: Chap. 33, Stats. 2017.

**AB 439 (Gallagher) Trusts and estates: property claims.** This bill authorizes a petition to determine ownership of real or personal property claimed by an estate, ward, conservatee, or trustee to be filed in certain counties, including in the county where the property that is the subject of the petition is located, or in the county where the day-to-day administration of the trust in possession of, holding title to, or claiming an interest in the property takes place. Status: Asm Judiciary.

### ***Trusts and Estates***

**AB 307 (Maienschein) Trust distribution: allocation of principal and income.** This bill provides revised directions for how a trustee is required to allocate money to beneficiaries of an estate or trust as either principal or income. The bill provides that the directions include, among other things, how a trustee is to determine that a distribution is a return of capital that is allocated as principal. Status: Chap. 577, Stats. 2017.

**AB 926 (Irwin) Cemeteries: endowment funds.** This bill authorizes a cemetery authority to convert its endowment care fund distribution method from a net-income distribution method to a unitrust distribution method upon application to- and approval from- the Cemetery and Funeral Bureau (Bureau), commencing on or after January 1, 2020. The bill requires the cemetery authority to demonstrate to the Bureau that the cemetery authority will manage the trust under the prudent investor rule, create a reserve and a rainy day fund, and cap trustee compensation. The bill also requires the cemetery authority to submit annual reports to the Bureau. Status: Chap. 750, Stats. 2017.

**SB 153 (Anderson) Trusts and estates: donative transfers.** This bill updates the provisions regarding presumptive disqualification of donative transfers to certain individuals where fraud or undue influence is likely. In particular, the bill replaces the term "gift" with the term "donative transfer" with respect to presumptive disqualification of a donative transfer due to fraud or undue influence and adds to legislative intent that the presumptive disqualification of certain donative gifts is intended to supplement the common law on fraud, along with undue influence, without superseding or interfering in the operation of that law. Status: Chap. 56, Stats. 2017.

**SB 333 (Anderson) Trusts: modification or termination.** This bill revises and recasts provisions relating to the modification or termination of an irrevocable trust to delete the provision prohibiting a court from terminating an irrevocable trust that is subject to a valid restraint on the transfer of a beneficiary's interest and instead authorize the court to terminate a trust with this restraint if the court finds good cause to do so. The bill specifies that a court is authorized to limit the class of beneficiaries whose consent is necessary to modify or terminate a trust when the class is described as "heirs" or "next of kin." The bill also authorizes the trust to



be modified or terminated by the written consent of the settlor and all beneficiaries without court approval of the modification or termination. Status: Chap. 61, Stats. 2017.

## **PROPERTY AND RELATED MATTERS**

### ***Mortgage Lending and Foreclosure***

**AB 1139 (Reyes) Real property: transfer fees: notices.** This bill requires an advisory notice to potential homebuyers informing them of federal restrictions associated with private transfer fees, unless a specified exception under federal regulations applies. Among other things, the notice must disclose that federal housing agencies are prohibited from dealing in mortgages on properties encumbered by private transfer fee covenants that do not provide a direct benefit to real property encumbered, and that if a person purchases such a property, that person may have difficulty obtaining financing. Status: Chap. 148, Stats. 2017.

**SB 479 (Morrell) Mortgages: default procedures: trustee's or attorney's fees.** This bill raises, from \$425 to \$475, the maximum amount that a trustee may demand and receive for trustee's or attorney's fees arising out of a foreclosure sale. The bill also recasts the existing provisions that set forth the formula for calculating maximum fees associated with a trustee's sale, in order to make them easier to read and understand. Status: Chap. 217, Stats. 2017.

### ***Personal Property***

**AB 325 (Stone) Termination of tenancy: sale of property left behind.** Existing law provides that personal property left behind by a tenant after the premises have been vacated is required to be sold by the landlord at a public sale by competitive bidding, if after notice to the tenant the property remains unclaimed, as specified. The bill requires the public sale of that property to be held in the county where the vacated premises are located. Status: Asm Judiciary.

**AB 772 (Daly) Unclaimed property: publication of notice.** This bill allows the State Controller to publish a specific notice to owners of unclaimed property in any manner the Controller determines to be reasonable, instead of only being allowed to publish the notice in a newspaper of general circulation. The bill clarifies that a reasonable manner of publication of the notice may include, but is not limited to, newspapers, Internet websites, radio, television, or other media. Status: Chap. 200, Stats. 2017.

**AB 1108 (Daly) Self-service storage facilities.** This bill allows self-storage businesses to provide legal notices to customers by email, with the consent of the customer. The bill also clarifies that self-storage companies may use Internet auction sites when conducting public sale of storage unit contents. Status: Chap. 227, Stats. 2017.

### ***Common Interest Developments***

**AB 534 (Gallagher) Common interest developments: mechanics liens.** This bill clarifies the authority of a common interest development (CID) to authorize work or improvement to the common area of the CID. The bill also allows a mechanic's lien to be served on the CID association (e.g., homeowners association) in lieu of all the separate interest owners. The bill clarifies that a separate interest owner may remove their share of the mechanic's lien secured on



the common area by obtaining and recording a lien release bond for that owner's pro rata share of the overall claim. Status: Chap. 44, Stats. 2017.

**AB 634 (Eggman) Real property: solar energy systems.** This bill prohibits homeowner's associations (HOAs) from requiring approval of the membership of the common interest development (CID) for installation of a solar energy system in specified locations, and clarifies provisions that allow the imposition of reasonable restrictions on solar energy systems. Among other things, the bill provides that the HOA may require the owner to pay costs for damage to the common area or other separate interests resulting from the installation, maintenance or other work involving the solar system and for disclosing to prospective buyers the existence of the solar system and the related responsibilities of the owner. Status: Chap. 818, Stats. 2017.

**AB 690 (Quirk-Silva) Common interest developments: managers.** This bill requires a common interest development (CID) manager or management company to disclose certain information before entering into a management agreement with a homeowner's association (HOA) and requires the HOA annual budget to contain specified information relating to charges for certain documents provided by the CID manager or management company. Status: Chap. 127, Stats. 2017.

**AB 1412 (Choi) Common interest developments: notices: volunteer officers: liability.** This bill authorizes a homeowners association to use the last address provided in writing by the owner of a separate interest in a common interest development (CID) when the owner fails to provide notice of change of address. The bill also extends to the residential volunteer directors of a mixed-use CID the same limitations on personal liability that residential volunteer directors of an exclusively residential CID enjoy. Status: Chap. 278, Stats. 2017.

**SB 407 (Wieckowski) Common interest developments: noncommercial solicitation.** This bill clarifies the rights of homeowners and residents in common interest developments (CIDs) to engage in politically expressive activities within the CID. Among other things, the bill makes it unlawful for a CID's governing documents or operating rules to prohibit homeowners or residents from doing any of the following: (1) assembling peacefully; (2) inviting public officials, candidates for public office, and representatives of homeowner organizations to meet with homeowners, residents, and guests; (3) using common areas for political meetings; and (4) canvassing and petitioning other CID members and residents. Status: Chap. 236, Stats. 2017.

### ***Real Property***

**AB 408 (Chen) Eminent domain: final offer of compensation.** This bill would have required a court to award litigation expenses to a defendant in an eminent domain action if the government's final offer is less than 90% of the compensation finally awarded. Status: Dead, Asm Judiciary.

**AB 794 (Gallagher) County officers: recorder: record correction.** This bill allows specified persons to request that information in the recorder's index of record be corrected upon providing sufficient evidence, and requires the recorder to correct those indexing errors. The bill also clarifies a recorder's authority to correct certain indexing errors. Status: Chap. 349, Stats. 2017.

**AB 1059 (Gonzalez Fletcher) Dual agency: commercial real estate transactions.** This bill seeks to prohibit a real estate agent from acting as a dual agent in a commercial real estate transaction. The bill also prohibits a brokerage firm, broker, or any of its associate licensees from acting as an agent for both a seller and a buyer in the same commercial real estate transaction, and from acting as a dual agent in connection with its representation of any principal. Status: Asm Judiciary.

**AB 1289 (Arambula) Real property disclosure requirements.** This bill, in conjunction with AB 749, revises and recasts dozens of provisions throughout the Real Estate Law, including replacing the use of terms such as “agent,” “transferor”, and “broker.” In addition, the bill makes various changes to provisions pertaining to expert responsibility and real property disclosure requirements. Status: Asm Judiciary.

**AB 1626 (Irwin) Real estate brokers: dual agency.** This bill declares that the law regarding the responsibilities of associate licensees and supervising brokers in dual agency transactions requires clarification due to the holding in a specified California Supreme Court decision. The bill defines when dual agency exists and specifies, with respect to certain provisions of existing law, some of the duties of licensees in conducting dual agency transactions. Finally, the bill seeks to revise the mandatory disclosure form used in dual agency transactions. Status: Asm Judiciary.

**SB 42 (Hill) Public lands: Martins Beach: property acquisition.** This bill would have created the Martins Beach Subaccount in the Land Bank Fund (fund), and would have allowed the State Lands Commission to use up to \$1 million from the fund or any moneys deposited by public or private sources to acquire a right-of-way or easement for an access route to Martins Beach, as specified. Status: Vetoed.

**SB 50 (Allen) Federal public lands: conveyances: recording.** This bill provides that conveyances of federal public lands within the state of California are void unless the State Land Commission is first provided with the right of first refusal or the right to arrange for the transfer of the federal public land to another entity. The bill prohibits a person from knowingly presenting for recording or filing with the county recorder a deed, instrument, or other document related to the conveyance unless it is accompanied by a certificate of compliance. The bill subjects a person who violates this prohibition to a civil penalty not to exceed \$5,000. The bill requires the commission to ensure that future management of the conveyed federal public land is determined in a public process that gives consideration of past recognized and legal uses of those lands. Status: Chap. 535, Stats. 2017.

**SB 542 (Leyva) Manufactured Housing Act of 1980: notice of transfer and release of liability.** This bill provides that the owner of a new or used manufactured home or mobilehome who sells or transfers ownership of the home shall not be subject to civil or criminal liability for vehicle license fees or local property taxes after the seller both delivers possession of the home to the purchaser or transferee and provides specified notice to the Department of Housing and Community Development. Status: Chap. 832, Stats. 2017.

## ***Rental Property***

**AB 291 (Chiu) Housing: Immigrant Tenant Protection Act of 2017.** See summary under Immigration Issues.

**AB 299 (Calderon) Hiring of real property: immigration or citizenship status.** This bill expands existing prohibitions that prohibit cities and counties from compelling landlords to take certain actions based on the immigration or citizenship status of tenants or prospective tenants to also apply to state agencies and public entities, as defined. Status: Chap. 490, Stats. 2017.

**AB 646 (Kalra) Rental property: disclosures: flood hazard areas: areas of potential flooding.** This bill requires, for every lease or rental agreement for residential property entered into on or after July 1, 2018, the owner or person offering the property for rent to disclose to the tenant specified information pertaining to the risk of flooding, including, among other things, that the property is located in a special flood hazard area or an area of potential flooding, if the owner has actual knowledge of that fact. Status: Chap. 502, Stats. 2017.

**AB 1242 (Grayson) Rental property: owner or owner's agent: contact information.** This bill seeks to require an owner or the agent of the owner of a multifamily residential rental property that consists of 16 or more units to reside at the property or within 5 miles of the property. The bill also requires the name, telephone number, and email address for the owner or the owner's agent to be provided in writing to each tenant on or before February 1, 2018, and annually thereafter, upon signing a lease or rental agreement, and within 30 days of a change in any of that information. Status: Asm Judiciary.

**AB 1691 (Judiciary) Consumer credit reports: consumer credit reporting agencies.** This bill seeks to repeal a statute that prohibits consumer agencies from furnishing a credit report that contains records of unlawful detainer actions where the lessor was the prevailing party, as specified, because the provision was invalidated by a court for being unconstitutional in 1995. Status: Assembly Desk.

## ***Affordable Housing***

**AB 686 (Santiago) Housing discrimination: affirmatively further fair housing.** This bill seeks to require a public agency to administer its programs and activities relating to housing and community development in a manner that affirmatively furthers fair housing, as defined. In addition, the bill provides that if a public agency fails to meet its obligation to affirmatively further fair housing, that failure would constitute housing discrimination under the California Fair Employment and Housing Act. Status: Sen Transportation and Housing.

**AB 932 (Ting) Shelter crisis: homeless shelters.** This bill authorizes, upon a declaration of a shelter crisis by the City of Berkeley, Emeryville, Los Angeles, Oakland, or San Diego, the County of Santa Clara, or the City and County of San Francisco, "emergency housing" within these localities to include homeless shelters until January 1, 2021. The bill authorizes these localities to adopt by ordinance reasonable local standards for the design, site development, and operation of homeless shelters. Under this bill, HCD must review and approve these ordinances for compliance with health and safety standards, and provide its findings to the Legislature. Status: Chap. 786, Stats. 2017.

**AB 1203 (Gloria) Housing: discrimination.** Under existing law, the Planning and Zoning Law prohibits a city, county, city and county, and other local governmental agency from discriminating against a residential development or emergency shelter because of specified reasons, and also prohibits such a local agency from imposing different requirements on a residential development or an emergency shelter that is subsidized, financed, insured, or otherwise assisted by the federal or state government or by a local public entity than those imposed on non-assisted developments. This bill seeks to additionally apply these provisions to transitional housing. Status: Asm Housing and Community Development.

## **MISCELLANEOUS**

**AB 260 (Santiago) Human trafficking: notices.** This bill increases the number of businesses and other establishments that are required to post a notice on their premises related to slavery and human trafficking, including information related to specified nonprofit organizations that provide services in support of the elimination of slavery and human trafficking. Specifically, the bill adds hotels, motels, bed and breakfast inns, other than personal residences, to the list of businesses and other establishments that are required to post information about human trafficking on their premises. Status: Chap. 547, Stats. 2017.

**AB 536 (Melendez) Counties: federal funding.** This bill would authorize counties to elect not to comply with any state law if counties determined that compliance with the state law would jeopardize federal funding. Status: Failed, Asm Judiciary.

**AB 866 (Cunningham) Gateway monuments: flag display.** This bill authorizes a city or county to display the Flag of the United States of America or the Flag of the State of California, or both, as part of a gateway monument, which is defined as any freestanding structure or sign, or nonintegral highway feature, constructed within the state's right-of-way, that communicates the name of the city or county. Status: Chap. 201, Stats. 2017.

**AB 927 (Levine) Private schools: law enforcement services.** This bill would have created a grant program, using public funds from the state's General Fund, to pay for supplemental law enforcement services at private schools in order to keep children (who attend private schools) safe and to protect them from fear of hate crimes and anxiety about the recent increase of hate crimes. Status: Held, Asm Appropriations.

**AB 1040 (Mathis) DOJ: permits.** This bill places time limits on the process for the California Department of Justice (DOJ) to review and approve applications for permits to operate businesses such as a check cashing business or for a permit issued to a manufacturer, wholesaler, retailer or any other entity that sells, transfers, or furnishes specified controlled substances, and requires the department to notify the applicant, within 30 days of receiving the application, whether the department deems the application to be complete and the date of that determination. The bill requires the department to grant or deny the application within 180 calendar days of that date. Status: Asm Public Safety.

**AB 1516 (Cunningham) Code maintenance.** This bill makes non-substantive changes to the codes that are recommended by the Legislative Counsel's office. Specifically, the bill makes various grammatical and other technical changes suggested by the Office of Legislative Counsel

in order to correct non-substantive errors that exist in the original bill text. Status: Chap. 561, Stats. 2017.

**AJR 6 (Gloria) United States Postal Service.** This measure urges Congress to support specific federal legislation on postal reform, and to require the United States Postal Service (USPS) to restore service standards that were in effect as of July 1, 2012, continue the mandate for 6-day delivery service, and continue operation of all mail sorting centers in California. Status: Res. Chap. 150, Stats. 2017.

**SB 225 (Stern) Human trafficking: notice.** This bill revises the model notice that is required to be posted on the premises of certain businesses to include instructions for victims of human trafficking to text, in addition to call, the National Human Trafficking Resource Center to access help and services. The bill also requires, on or before January 1, 2019, the Department of Justice to revise and update the model notice to comply with the requirements of this bill and make the updated model notice available for download on the department's Internet Web site. Status: Chap. 565, Stats. 2017.



