

		File name: Master
CA AB 27	<b>AUTHOR:</b>	Melendez [R]
	<b>COAUTHOR(S):</b>	Gonzalez [D]
	<b>TITLE:</b>	Violent Felonies: Sex Offenses
	<b>FISCAL COMMITTEE:</b>	yes
	<b>URGENCY CLAUSE:</b>	no
	<b>DISPOSITION:</b>	Failed
	<b>LOCATION:</b>	ASSEMBLY
	<b>CODE SECTION:</b>	

An act to amend Section 667.5 of the Penal Code, relating to sex offenses.

**SUMMARY:**

Amends the Three Strikes Law to additionally define as violent felonies, rape, sodomy, penetration with a foreign object, or oral copulation, if the victim was unconscious, incapable of giving consent due to intoxication, incapable of giving legal consent because of a mental disorder or developmental or physical disability or submitted to the act under the belief that the person was someone known to the victim other than the accused, or if the act was committed under threat as specified.

**DIGEST:**

AB 27, as amended, Melendez. Violent felonies: sex offenses.

Existing law, as amended by Proposition 21, adopted March 7, 2000, and by Proposition 83, adopted November 7, 2006, classifies certain felonies as violent felonies for purposes of various provisions of the Penal Code. Existing law imposes an additional one-year term for a felony and a 3-year term for a violent felony for each prior separate prison term served for a violent felony. The Legislature may amend the above-specified initiative statutes by a statute passed in each house by a 2/3 vote.

This bill would additionally define as violent felonies rape, sodomy, penetration with a foreign object, or oral copulation, if the victim was unconscious, if the victim was incapable of giving consent due to intoxication, if the victim was incapable of giving legal consent because of a mental disorder or developmental or physical disability, if the victim submitted to the act under the belief that the person committing the act was someone known to the victim other than the accused, or if the act was accomplished against the victim's will by threatening to use the authority of a public official for purposes of the above -specified sentencing enhancements. By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote Required: TWO THIRDS Appropriation: NO Fiscal Committee: YES Local Program: YES Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

**STATUS:**

12/05/2016	INTRODUCED.
01/19/2017	To ASSEMBLY Committee on PUBLIC SAFETY.
03/14/2017	From ASSEMBLY Committee on PUBLIC SAFETY: Do pass as amended to Committee on APPROPRIATIONS. (6-1)
03/22/2017	In ASSEMBLY. Read second time and amended.

04/26/2017 Re-referred to Committee on APPROPRIATIONS.  
In ASSEMBLY Committee on APPROPRIATIONS: To  
Suspense File.  
05/26/2017 In ASSEMBLY Committee on APPROPRIATIONS: Held in  
committee.  
02/01/2018 Died pursuant to Art. IV, Sec. 10(c) of the Constitution.  
02/01/2018 From Committee: Filed with the Chief Clerk pursuant to JR  
56.

**VOTES:**

03/14/2017 Assembly Public Safety Committee P 6-1  
**Position:** 1st\_Fiscal, Support  
**Subject:** CriminalJustice

CA AB 67

**AUTHOR:** Rodriguez [D]  
**COAUTHOR(S):** Muratsuchi [D], Quirk-Silva [D], Lackey [R], Rubio [D],  
Santiago [D], Cervantes [D]  
**TITLE:** Violent and Nonviolent Felonies  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**DISPOSITION:** Failed  
**LOCATION:** ASSEMBLY  
**CODE SECTION:**

An act to amend Section 667.5 of the Penal Code, relating to crimes.

**SUMMARY:**

Relates to the Three Strikes Law. Defines human sex trafficking as a violent felony and expands the scope of sodomy, oral copulation, sexual penetration, and rape offenses that are categorized as violent felonies, including if the victim was unconscious, if the victim was incapable of giving consent due to intoxication, if the victim was incapable of giving legal consent because of a mental disorder or developmental or physical disability, or if the victim meets certain other criteria.

**DIGEST:**

AB 67, as amended, Rodriguez. Violent and nonviolent felonies. Existing law, as amended by Proposition 21 as approved by the voters at the March 7, 2000, statewide primary election and by Proposition 83 at the November 7, 2006, statewide general election, classifies certain felonies as violent felonies for purposes of various sentencing schemes. Existing law imposes an additional one-year term for a felony and a 3-year term for a violent felony for each prior separate prison term served for a violent felony. The Legislature may amend the above-specified initiative statutes by a statute passed in each house by a 2/3 vote.

This bill would additionally define human sex trafficking as a violent felony and expand the scope of sodomy, oral copulation, sexual penetration, and rape offenses that are categorized as violent felonies, including if the victim was unconscious, if the victim was incapable of giving consent due to intoxication, if the victim was incapable of giving legal consent because of a mental disorder or developmental or physical disability, if the victim submitted to the act under the belief that the person committing the act was someone known to the victim other than the accused, or if the act was accomplished against the victim's will by threatening to use the authority of a public official. By changing the sentence of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote Required: TWO THIRDS Appropriation: NO Fiscal Committee: YES Local Program: YES Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

**STATUS:**

12/14/2016 INTRODUCED.  
02/13/2017 To ASSEMBLY Committee on PUBLIC SAFETY.  
02/14/2017 From ASSEMBLY Committee on PUBLIC SAFETY with author's amendments.  
02/14/2017 In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.  
03/14/2017 From ASSEMBLY Committee on PUBLIC SAFETY: Do pass as amended to Committee on APPROPRIATIONS. (6-1)  
03/22/2017 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.  
04/26/2017 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.  
05/26/2017 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.  
02/01/2018 Died pursuant to Art. IV, Sec. 10(c) of the Constitution.  
02/01/2018 From Committee: Filed with the Chief Clerk pursuant to JR 56.

**VOTES:**

03/14/2017 Assembly Public Safety Committee P 6-1  
**Position:** 1st\_Fiscal, Support  
**Subject:** CriminalJustice

CA AB 177

**AUTHOR:** Chavez [R]  
**TITLE:** Child Abuse and Neglect: Reporting  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**DISPOSITION:** Failed  
**LOCATION:** ASSEMBLY  
**CODE SECTION:**

An act to add Section ~~11174.2 to the Penal Code,~~ [A] 328.1 to the Welfare and Institutions Code, [A] relating to child abuse and neglect.  
**SUMMARY:**

Requires a social worker investigating a case of child abuse or neglect involving an allegation against the parent or guardian of the child to attempt to determine if the parent or guardian is a member of the military. Requires the social worker to notify the Family Advocacy Program of the Department of Defense in certain cases.

**DIGEST:**

AB 177, as amended, Chvez. Child abuse and neglect: reporting.

Existing law provides that whenever a social worker has cause to believe that there was or is within the county, or residing therein, a child who has

suffered, or there is a substantial risk that the child will suffer, serious physical harm inflicted nonaccidentally upon the child by the child's parent or guardian, or serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child, or the willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left, or by the willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse, the social worker shall immediately make any investigation he or she deems necessary to determine whether child welfare services should be offered to the family and whether proceedings in the juvenile court should be commenced.

This bill would require a social worker investigating a case of child abuse or neglect involving an allegation against the parent or guardian of the child to attempt to determine if the parent or guardian is a member of the military. The bill would provide that if it is determined that the parent or guardian is a member of the military, the social worker would be required to notify the Family Advocacy Program of the Department of Defense that there is an allegation of abuse or neglect that relates to the parent or guardian who is a member of the military. By imposing additional duties on local government entities, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote Required: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

**STATUS:**

01/18/2017 INTRODUCED.  
01/30/2017 To ASSEMBLY Committee on PUBLIC SAFETY.  
02/21/2017 From ASSEMBLY Committee on PUBLIC SAFETY with author's amendments.  
02/21/2017 In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.  
02/01/2018 Died pursuant to Art. IV, Sec. 10(c) of the Constitution.  
02/01/2018 From Committee: Filed with the Chief Clerk pursuant to JR 56.  
**Position:** Support  
**Subject:** CriminalJustice

CA AB 197

**AUTHOR:** Kiley [R]  
**TITLE:** Violent Felonies  
**FISCAL COMMITTEE:** yes

**URGENCY CLAUSE:** no  
**DISPOSITION:** Failed  
**LOCATION:** ASSEMBLY  
**CODE SECTION:**

An act to amend Sections 667.1, 667.5, and 1170.125 of the Penal Code, relating to violent felonies.

**SUMMARY:**

Amends the Three Strikes Law by defining as violent felonies child abduction, providing a child under 16 years of age for purposes of a lewd act, abduction of a minor for purposes of prostitution, child abuse, sodomy with a minor, oral copulation of a minor, contact with a minor to commit specified offenses, elder and dependent adult abuse, false imprisonment of an elder or dependent adult, and animal abuse.

**DIGEST:**

AB 197, as introduced, Kiley. Violent felonies.

Existing law, as amended by Proposition 21 as approved by the voters at the March 7, 2000, statewide primary election and by Proposition 83 of the November 7, 2006, statewide general election, classifies certain felonies as violent felonies for purposes of various provisions of the Penal Code. Existing law imposes an additional one-year term for a felony and a 3-year term for a violent felony for each prior separate prison term served for a violent felony. Existing law, as added by Proposition 184, adopted November 8, 1994, and amended by Proposition 36, adopted November 6, 2012, commonly known as the Three Strikes Law, also imposes additional years of imprisonment in state prison on a person who commits a violent felony and has been convicted of, or who has a prior conviction for, a violent felony. The Legislature may amend the above-specified initiative statutes by a statute passed in each house by a vote. This bill would additionally define as violent felonies child abduction, providing a child under 16 years of age for purposes of a lewd act, abduction of a minor for purposes of prostitution, child abuse, sodomy with a minor, oral copulation of a minor, contact with a minor to commit specified offenses, arranging a meeting with a minor for lewd purposes, employing a minor to produce sexual matter, elder and dependent adult abuse, false imprisonment of an elder or dependent adult, and animal abuse, as specified, thereby amending Proposition 36 by adding to the list of violent felonies that can be prosecuted as a 3rd strike. By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: 2/3

Appropriation: NO

Fiscal Committee: YES

Local Program: YES

**STATUS:**

01/19/2017

INTRODUCED.

01/30/2017

To ASSEMBLY Committee on PUBLIC SAFETY.

03/21/2017

In ASSEMBLY Committee on PUBLIC SAFETY: Not heard.

02/01/2018

Died pursuant to Art. IV, Sec. 10(c) of the Constitution.

02/01/2018 From Committee: Filed with the Chief Clerk pursuant to JR 56.  
**Position:** Tracked  
**Subject:** CriminalJustice

CA AB 502

**AUTHOR:** Waldron [R]  
**COAUTHOR(S):** Bates [R], Gloria [D], Voepel [R]  
**TITLE:** Crime Victim Compensation: Elder Abuse  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**DISPOSITION:** Failed  
**LOCATION:** ASSEMBLY  
**CODE SECTION:**

An act to add and repeal Article 7 (commencing with Section 13967)[D>-  
to</D] [A>\_of<A] Chapter 5 of Part 4 of Division 3 of Title 2 of the  
Government Code, relating to crime victims.

**SUMMARY:**

Creates the San Diego County Elder or Dependent Adult Financial Abuse Crime Victim Compensation Pilot Program and authorizes the Victim Compensation Board to provide victims of elder or dependent adult financial abuse compensation to reimburse costs for financial counseling, mental health counseling, or supportive services.

**DIGEST:**

AB 502, as amended, Waldron. Crime victim compensation: elder or dependent adult financial abuse.

Existing law provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Existing law sets forth eligibility requirements and specified limits on the amount of compensation the board may award, and requires applications for compensation to be verified under penalty of perjury. This bill would create the San Diego County Elder or Dependent Adult Financial Abuse Crime Victim Compensation Pilot Program and would authorize the board, upon appropriation by the Legislature before January 1, 2020, to provide victims of elder or dependent adult financial abuse compensation to reimburse costs for financial counseling, mental health counseling, or supportive services, as specified, if the crime occurred in the County of San Diego. The bill would limit compensation pursuant to this authorization to \$3,000 per person and an aggregate total of \$1,000,000. The bill would exclude a derivative victim from eligibility for compensation if the only crime the victim suffered was elder or dependent adult financial abuse. The bill would authorize the pilot program to operate until January 1, 2021. The bill would require the board to report specified information related to the pilot program to the Legislature and Governor on or before July 1, 2021. By expanding the scope of the crime of perjury, this bill would impose a state-mandated local program. The bill would repeal these provisions on January 1, 2022.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of San Diego.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: MAJORITY

Appropriation: NO

Fiscal Committee: YES

Local Program: YES

**STATUS:**

02/13/2017 INTRODUCED.  
02/27/2017 To ASSEMBLY Committees on PUBLIC SAFETY and AGING AND LONG-TERM CARE.  
03/16/2017 From ASSEMBLY Committee on PUBLIC SAFETY with author's amendments.  
03/16/2017 In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.  
03/21/2017 From ASSEMBLY Committee on PUBLIC SAFETY: Do pass to Committee on AGING AND LONG-TERM CARE. (7-0)  
04/04/2017 From ASSEMBLY Committee on AGING & LONG TERM CARE: Do pass to Committee on APPROPRIATIONS. (7-0)  
04/26/2017 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.  
05/26/2017 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.  
06/20/2017 In ASSEMBLY. Coauthors revised.  
02/01/2018 Died pursuant to Art. IV, Sec. 10(c) of the Constitution.  
02/01/2018 From Committee: Filed with the Chief Clerk pursuant to JR 56.

**VOTES:**

03/21/2017 Assembly Public Safety Committee P 7-0  
04/04/2017 Assembly Aging and Long-Term Care P 7-0  
Committee

**Position:** 1st\_Fiscal, Support  
**Subject:** CriminalJustice

CA AB 516

**AUTHOR:** Maienschein [R]  
**COAUTHOR(S):** Bates [R], Brough [R], Gallagher [R], Lackey [R], Mathis [R], Mayes [R], Nguyen [R], Stone [R], Acosta [R], Baker [R], Vidak [R], Anderson [R], Berryhill [R], Nielsen [R], Cannella [R], Allen T [R], Chavez [R], Patterson [R], Waldron [R], Voepel [R]  
**TITLE:** Sex Offenses: Disabled Victim  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**DISPOSITION:** Failed  
**LOCATION:** ASSEMBLY  
**CODE SECTION:**

An act to amend Sections 667.61 and 667.9 of the Penal Code, relating to sex offenses.

**SUMMARY:**

Adds, under the provisions of Proposition 83 (Jessica's Law), the crimes of rape, sexual penetration, sodomy, and oral copulation, perpetrated against a person who is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, if the victims is developmentally disabled.

**DIGEST:**

AB 516, as introduced, Maienschein. Sex offenses: disabled victims.

(1) Existing law, as amended by Proposition 83, the Sexual Predator Punishment and Control Act (Jessica's Law), approved by the voters at the November 7, 2006, statewide general election, makes a defendant subject to imprisonment in the state prison for 25 years to life if convicted of certain crimes, including rape, sexual penetration, sodomy, oral copulation, continuous sexual abuse of a child, or rape, spousal rape, or sexual penetration in concert, if certain circumstances were present, including, among other things, in the commission of that offense, any person kidnapped the victim, tortured the victim, or committed the offense during the commission of a burglary, as specified. Existing law also makes a defendant subject to imprisonment in the state prison for 15 years to life if convicted of certain crimes, including rape, sexual penetration, sodomy, oral copulation, continuous sexual abuse of a child, or rape, spousal rape, or sexual penetration in concert, if certain circumstances were present, including, among other things, in the commission of that offense any person, except as specified in the provisions above, kidnapped the victim, committed the offense during the commission of a burglary, or used a dangerous or deadly weapon in the commission of the offense. Proposition 83 provides that the Legislature may amend the provisions of the act to expand the scope of their application or increase the punishment or penalties by a statute passed by a majority vote of each house of the Legislature.

This bill would add the crimes of rape, sexual penetration, sodomy, and oral copulation, perpetrated against a person who is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, to the above provisions, if the victim is developmentally disabled, as defined. By applying the above enhancements to these crimes, this bill would impose a state-mandated local program.

(2) Existing law makes a defendant subject to imprisonment in the state prison for 25 years to life if convicted of certain crimes, including rape, spousal rape or sexual penetration in concert, sexual penetration, sodomy, or oral copulation if certain circumstances were present, including, among other things, in the commission of that offense, any person kidnapped the victim, committed the offense during the commission of a burglary, or used a dangerous or deadly weapon in the commission of the offense, or under other specified circumstances, and the crime was committed against a minor 14 years of age or older.

This bill would add the crimes of rape, sexual penetration, sodomy, and oral copulation, perpetrated against a person who is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, to the above provisions, if the victim is developmentally disabled, as defined. By applying the above enhancements to these crimes, this bill would impose a state-mandated local program.

(3) Existing law requires that a person who commits certain enumerated crimes, including rape, sodomy, oral copulation, and sexual penetration, against a person who is 65 years of age or older, or against a person who is blind, deaf, developmentally disabled, a paraplegic, or a quadriplegic, or against a person who is under 14 years of age, receive a one-year sentence enhancement and requires that any person having a prior conviction for any of the enumerated offenses receive a 2-year sentence enhancement.

This bill would add to the enumerated list of crimes rape, sodomy, oral copulation, and sexual penetration, perpetrated against a person who is

incapable, because of a mental disorder or developmental or physical disability, of giving legal consent. By applying the above enhancements to these crimes, this bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote Required: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

**STATUS:**

02/13/2017 INTRODUCED.  
02/27/2017 To ASSEMBLY Committee on PUBLIC SAFETY.  
03/21/2017 From ASSEMBLY Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS. (7-0)  
03/21/2017 In ASSEMBLY. Coauthors revised.  
04/26/2017 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.  
05/26/2017 In ASSEMBLY Committee on APPROPRIATIONS: Not heard.  
02/01/2018 Died pursuant to Art. IV, Sec. 10(c) of the Constitution.  
02/01/2018 From Committee: Filed with the Chief Clerk pursuant to JR 56.

**VOTES:**

03/21/2017 Assembly Public Safety Committee P 7-0  
**Position:** 1st\_Fiscal, Support  
**Subject:** CriminalJustice

CA AB 689

**AUTHOR:** Obernolte [R]  
**TITLE:** Juvenile Proceedings: Competency  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**DISPOSITION:** Failed  
**LOCATION:** ASSEMBLY  
**CODE SECTION:**

An act to repeal and add Section 709 of the Welfare and Institutions Code, relating to juveniles.

**SUMMARY:**

Amends an existing law which authorizes, during the pendency of any juvenile proceeding, the minor's counsel or the court to express a doubt as to the minor's competency, which requires proceedings to be suspended in certain cases, and which requires the court to appoint an expert to evaluate whether the minor suffers from a mental disorder, developmental disability, developmental immaturity, or other condition. Expands upon the duties imposed upon an expert.

**DIGEST:**

AB 689, as amended, Obernolte. Juvenile proceedings: competency. Existing law authorizes, during the pendency of any juvenile proceeding, the minor 's counsel or the court to express a doubt as to the minor 's competency. Existing law requires proceedings to be suspended if the court finds substantial evidence raises a doubt as to the minor 's competency. Existing law requires the

court to appoint an expert, as specified, to evaluate whether the minor suffers from a mental disorder, developmental disability, developmental immaturity, or other condition and, if so, whether the condition or conditions impair the minor's competency.

This bill would revise and recast these provisions to, among other things, expand upon the duties imposed upon an expert during his or her evaluation of a minor whose competency is in doubt, as specified. The bill would authorize the district attorney or minor's counsel to retain or seek the appointment of additional qualified experts with regard to determining competency, as specified. The bill would require the Judicial Council to adopt a rule of court relating to the qualifications of those experts, as specified.

The bill would also add provisions that would require a minor's competency to instead be determined at an evidentiary hearing, and would establish a presumption of mental competency, unless it is proven by a preponderance of the evidence that the minor is mentally incompetent, except as specified. The bill would require the court, upon a finding of incompetency, to immediately refer the minor to services designed to help the minor attain competency, as specified. If the court finds that the minor will not achieve competency within a reasonable period of time, the bill would require the court to dismiss the petition. The bill would authorize the court to allow specified persons and agencies to discuss any services that may be available to the minor after the court's jurisdiction is terminated, and would require the court to make certain referrals for the minor. The bill would require, among others, the presiding judge of a juvenile court, the probation department, and the county mental health department to develop a written protocol describing the competency process and a program to ensure that minors who are found incompetent receive appropriate remediation services.

By imposing additional duties on local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: MAJORITY

Appropriation: NO

Fiscal Committee: YES

Local Program: YES

**STATUS:**

02/15/2017	INTRODUCED.
03/02/2017	To ASSEMBLY Committee on PUBLIC SAFETY.
03/16/2017	From ASSEMBLY Committee on PUBLIC SAFETY with author's amendments.
03/16/2017	In ASSEMBLY. Read second time and amended.
	Re-referred to Committee on PUBLIC SAFETY.
03/21/2017	From ASSEMBLY Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS. (7-0)
04/26/2017	In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

05/26/2017 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.  
02/01/2018 Died pursuant to Art. IV, Sec. 10(c) of the Constitution.  
02/01/2018 From Committee: Filed with the Chief Clerk pursuant to JR 56.

**VOTES:**

03/21/2017 Assembly Public Safety Committee P 7-0  
**Position:** 1st\_Fiscal, Support\_and\_Comment  
**Subject:** CriminalJustice

CA AB 750

**AUTHOR:** Gallagher [R]  
**TITLE:** Criminal Law: Competency: Department of Hospitals  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**DISPOSITION:** Failed  
**LOCATION:** ASSEMBLY  
**CODE SECTION:**

An act relating to criminal~~[D>law.</D]~~ [A> law, and making an appropriation therefor.<A]

**SUMMARY:**

Appropriates an unspecified sum to the State Department of State Hospitals for the purpose of expanding jail-based competency treatment programs for those deemed incompetent to stand trial.

**DIGEST:**

AB 750, as amended, Gallagher. Criminal law: competency: State Department of State Hospitals: appropriation.  
Existing law requires, if a defendant in a criminal proceeding is found mentally incompetent, the trial or judgment to be suspended until the person becomes mentally competent. Existing law requires the court to order a mentally incompetent defendant to be delivered by the sheriff to a state hospital for the care and treatment of the mentally disordered, as directed by the State Department of State Hospitals, or to any other available public or private treatment facility approved by the community program director that will promote the defendant's speedy restoration to mental competence, or placed on outpatient status, as specified.

This bill would appropriate an unspecified sum to the State Department of State Hospitals for the purpose of expanding jail-based competency treatment programs for those deemed incompetent to stand trial.

Vote Required: TWO THIRDS Appropriation: YES Fiscal Committee: YES Local Program: NO Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

**STATUS:**

02/15/2017 INTRODUCED.  
03/30/2017 To ASSEMBLY Committee on HEALTH.  
03/30/2017 From ASSEMBLY Committee on HEALTH with author's amendments.  
03/30/2017 In ASSEMBLY. Read second time and amended.  
Re-referred to Committee on HEALTH.  
02/01/2018 Died pursuant to Art. IV, Sec. 10(c) of the Constitution.

02/01/2018 From Committee: Filed with the Chief Clerk pursuant to JR 56.  
**Position:** Tracked  
**Subject:** CriminalJustice

CA AB 800

**AUTHOR:** Chiu [D]  
**TITLE:** Hate Crimes: Hotline  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**DISPOSITION:** Failed  
**LOCATION:** ASSEMBLY  
**CODE SECTION:**

An act to add Section 422.94 to the Penal Code, relating to hate crimes.

**SUMMARY:**

Requires the Attorney General to establish, maintain, and publicize a toll-free public hotline telephone number for the reporting of hate crimes, and for the dissemination of information about the characteristics of hate crimes, protected classes, civil remedies, and reporting options. Requires the Attorney General to post, maintain, and publicize a reporting form for hate crimes and hate incidents on his or her Internet Web site that can be completed and submitted online.

**DIGEST:**

AB 800, as amended, Chiu. Hate crimes: hotline.

Existing law defines "hate crime" as a criminal act committed, in whole or in part, because of actual or perceived characteristics of the victim, including, among other things, race, religion, disability, and sexual orientation.

This bill would require the Attorney General to establish, maintain, and publicize a toll-free public hotline telephone number for the reporting of hate crimes, and for the dissemination of information about the characteristics of hate crimes, protected classes, civil remedies, and reporting options, as specified. The bill would require the Attorney General to post, maintain, and publicize a reporting form for hate crimes and hate incidents on his or her Internet Web site that can be completed and submitted online. The bill would require the Attorney General's Internet Web site to provide the public with the same information available through the hotline as described above.

Vote Required: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: NO Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

**STATUS:**

02/15/2017 INTRODUCED.  
03/23/2017 To ASSEMBLY Committee on PUBLIC SAFETY.  
03/23/2017 From ASSEMBLY Committee on PUBLIC SAFETY with author's amendments.  
03/23/2017 In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.  
04/18/2017 From ASSEMBLY Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS. (7-0)  
05/10/2017 From ASSEMBLY Committee on APPROPRIATIONS with author's amendments.  
05/10/2017 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

05/17/2017 In ASSEMBLY Committee on APPROPRIATIONS: To  
Suspense File.  
05/26/2017 In ASSEMBLY Committee on APPROPRIATIONS: Held in  
committee.  
02/01/2018 Died pursuant to Art. IV, Sec. 10(c) of the Constitution.  
02/01/2018 From Committee: Filed with the Chief Clerk pursuant to JR  
56.

**VOTES:**

04/18/2017 Assembly Public Safety Committee P 7-0  
**Position:** 1st\_Fiscal, Tracked  
**Subject:** CriminalJustice

CA AB 935

**AUTHOR:** Stone [D]  
**TITLE:** Juvenile Proceedings: Competency  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**DISPOSITION:** Vetoed  
**LOCATION:** Vetoed  
**CODE SECTION:**

An act to amend Section 709 of the Welfare and Institutions Code, relating to juveniles.

**SUMMARY:**

Expands upon the duties imposed upon the expert during his or her evaluation of a minor whose competency is in doubt. Authorizes the district attorney or minor's counsel to retain or seek the appointment of additional qualified experts with regard to determining competency. Requires the Judicial Council to adopt a rule of court relating to the qualifications of those experts. Requires the minor's competency to be determined at an evidentiary hearing. Requires referrals of services to help the minor.

**DIGEST:**

AB 935, Mark Stone. Juvenile proceedings: competency.

Existing law authorizes, during the pendency of any juvenile proceeding, the minor's counsel or the court to express a doubt as to the minor's competency. Existing law requires proceedings to be suspended if the court finds substantial evidence raises a doubt as to the minor's competency. Upon suspension of proceedings, existing law requires the court to order that the question of the minor's competence be determined at a hearing. Existing law requires the court to appoint an expert, as specified, to evaluate whether the minor suffers from a mental disorder, developmental disability, developmental immaturity, or other condition and, if so, whether the condition or conditions impair the minor's competency.

This bill would revise and recast these provisions to, among other things, expand upon the duties imposed upon the expert during his or her evaluation of a minor whose competency is in doubt, as specified. The bill would authorize the district attorney or minor's counsel to retain or seek the appointment of additional qualified experts with regard to determining competency, as specified. The bill would require the Judicial Council to adopt a rule of court relating to the qualifications of those experts, as specified. The bill would require the minor's competency to be determined at an evidentiary hearing, except as specified, and establish a presumption of competency, unless it is proven by a preponderance of the evidence that he or she is incompetent. If the

minor is found incompetent and the petition contains only misdemeanor offenses, the bill would require the petition to be dismissed. The bill would require the court, upon a finding of incompetency, to refer the minor to services designed to help the minor attain competency. If the court finds that the minor will not achieve competency within 6 months, the bill would require the court to dismiss the petition. The bill would authorize the court to invite specified persons and agencies to discuss any services that may be available to the minor after the court's jurisdiction is terminated, and would require the court to make certain referrals for the minor. The bill would require, among others, the presiding judge of a juvenile court, the probation department, and the county mental health department to develop a written protocol describing the competency process and a program to ensure that minors who are found incompetent receive appropriate remediation services. The bill would prohibit secure confinement from extending beyond 6 months from the finding of incompetence, however, under specified conditions, the bill would authorize the court to order secure confinement for an additional 6 months, not exceeding one year. The bill would prohibit the total remediation period from exceeding one year from the finding of incompetence. By imposing additional duties on local officials, this bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote Required: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

**STATUS:**

02/16/2017	INTRODUCED.
03/27/2017	To ASSEMBLY Committee on PUBLIC SAFETY.
03/28/2017	From ASSEMBLY Committee on PUBLIC SAFETY with author's amendments.
03/28/2017	In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.
04/06/2017	From ASSEMBLY Committee on PUBLIC SAFETY with author's amendments.
04/06/2017	In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.
04/25/2017	From ASSEMBLY Committee on PUBLIC SAFETY: Do pass as amended to Committee on APPROPRIATIONS. (7-0)
05/01/2017	In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
05/10/2017	In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.
05/26/2017	From ASSEMBLY Committee on APPROPRIATIONS: Do pass as amended. (11-0)
05/30/2017	In ASSEMBLY. Read second time and amended. To second reading.
05/30/2017	In ASSEMBLY. Assembly Rule 63 suspended.

05/30/2017 In ASSEMBLY. Read second time. To third reading.  
05/31/2017 In ASSEMBLY. Read third time. Passed ASSEMBLY.  
\*\*\*\*\*To SENATE. (68-1)  
06/14/2017 To SENATE Committee on PUBLIC SAFETY.  
06/26/2017 From SENATE Committee on PUBLIC SAFETY with author's  
amendments.  
06/26/2017 In SENATE. Read second time and amended. Re-referred  
to Committee on PUBLIC SAFETY.  
07/11/2017 From SENATE Committee on PUBLIC SAFETY: Do pass as  
amended to Committee on APPROPRIATIONS. (5-0)  
07/13/2017 In SENATE. Read second time and amended. Re-referred  
to Committee on APPROPRIATIONS.  
08/21/2017 In SENATE Committee on APPROPRIATIONS: To Suspense  
File.  
09/01/2017 From SENATE Committee on APPROPRIATIONS: Do pass as  
amended. (5-2)  
09/01/2017 In SENATE. Read second time and amended. To second  
reading.  
09/05/2017 In SENATE. Read second time. To third reading.  
09/08/2017 In SENATE. Read third time and amended. To second  
reading.  
09/11/2017 In SENATE. Read second time. To third reading.  
09/12/2017 In SENATE. Read third time. Passed SENATE. \*\*\*\*\*To  
ASSEMBLY for concurrence. (33-6)  
09/13/2017 In ASSEMBLY. Assembly Rule 77 suspended.  
09/13/2017 In ASSEMBLY. ASSEMBLY concurred in SENATE  
amendments. To enrollment. (70-2)  
09/16/2017 Enrolled.  
09/20/2017 \*\*\*\*\*To GOVERNOR.  
10/13/2017 Vetoed by GOVERNOR.

**VOTES:**

04/25/2017	Assembly Public Safety Committee	P 7-0
05/26/2017	Assembly Appropriations Committee	P 11-0
05/31/2017	Assembly Assembly Floor	P 68-1
07/11/2017	Senate Public Safety Committee	P 5-0
09/01/2017	Senate Appropriations Committee	P 5-2
09/12/2017	Senate Senate Floor	P 33-6
09/13/2017	Assembly Assembly Floor	P 70-2

**Position:** 1st\_Fiscal, Support\_and\_Comment  
**Subject:** CriminalJustice

CA AB 1757

**AUTHOR:** Weber [D]  
**COAUTHOR(S):** Chu [D]  
**TITLE:** Peace Officers: Hate Crime Reporting Guidelines  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**CODE SECTION:**

An act to add Section 13024 to the Penal Code, relating to peace officers.

**SUMMARY:**

Requires specified reports of law enforcement agencies to include a check box

and specified question that indicate whether an incident was a suspected hate crime.

**DIGEST:**

AB 1757, as amended, Chu. Peace officers: hate crime reporting guidelines. Existing law requires every person or agency dealing with crimes or criminals to maintain the records necessary to report statistical data, and to report statistical data to the Department of Justice and the Attorney General. Existing law requires the Attorney General, subject to the availability of adequate funding, to direct local law enforcement agencies to report information related to hate crimes, as defined, to the Department of Justice.

This bill would require specified reports of law enforcement agencies to include a check box and specified question that indicate whether an incident was a suspected hate crime. The bill would require law enforcement agencies to implement the provisions of the bill on or before July 1, 2019. By imposing requirements on local law enforcement agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote Required: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

**STATUS:**

01/04/2018	INTRODUCED.
01/16/2018	To ASSEMBLY Committee on PUBLIC SAFETY.
03/06/2018	In ASSEMBLY Committee on PUBLIC SAFETY: Not heard.
03/23/2018	From ASSEMBLY Committee on PUBLIC SAFETY with author's amendments.
03/23/2018	In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.
04/10/2018	From ASSEMBLY Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS. (6-1)
04/25/2018	In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

**VOTES:**

04/10/2018	Assembly Public Safety Committee	P 6-1
<b>Position:</b>	Support	
<b>Subject:</b>	CriminalJustice	

CA AB 1865

<b>AUTHOR:</b>	Lackey [R]
<b>COAUTHOR(S):</b>	Jones-Sawyer [D], Quirk [D], Wilk [R], Mathis [R], Choi [R], Wiener [D]
<b>TITLE:</b>	Guide, Signal, and Service Dogs: Injury or Death
<b>FISCAL COMMITTEE:</b>	yes
<b>URGENCY CLAUSE:</b>	no
<b>DISPOSITION:</b>	Pending
<b>COMMITTEE:</b>	Senate Public Safety Committee
<b>HEARING:</b>	05/15/2018 8:30 am
<b>CODE SECTION:</b>	

An act to amend Sections 13955 and 13957 of the Government Code, and to amend Sections 600.2 and 600.5 of the Penal Code, relating to guide, signal, and service dogs, and making an appropriation therefor.

**SUMMARY:**

Relates to existing laws concerning the intentional causation of injury or death to any guide, signal, or service dog. Deletes from specified crimes the requirement that a guide, signal, or service dog be in discharge of its duties when the injury or death occurs and makes these crimes applicable to the injury or death of dogs that are enrolled in a training school. Requires a convicted defendant to make restitution to the person for medical expenses incurred by the person as a result of the crime.

**DIGEST:**

AB 1865, as amended, Lackey. Guide, signal, and service dogs: injury or death. Under existing law, it is an infraction or a misdemeanor for any person to permit any dog that is owned, harbored, or controlled by him or her to cause injury to, or the death of, any guide, signal, or service dog, as defined, while the guide, signal, or service dog is in discharge of its duties. Existing law makes any person who intentionally causes injury to, or the death of, any guide, signal, or service dog, as defined, while the dog is in discharge of its duties, guilty of a misdemeanor. Under existing law, if a defendant is convicted of either of these crimes, the defendant is required to make restitution to the person with a disability who has custody or ownership of the dog for any veterinary bills and replacement costs of the dog if it is disabled or killed, or other reasonable costs deemed appropriate by the court. Existing law provides for the compensation of victims of certain crimes by the California Victim Compensation Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Existing law authorizes the person with a disability in either of the above crimes to apply for compensation by the board for veterinary bills and replacement costs if the dog is disabled or killed, or other reasonable costs, as specified, in an amount not to exceed \$10,000.

This bill would delete, from both crimes, the requirement that the guide, signal, or service dog be in discharge of its duties when the injury or death occurs and would make these crimes applicable to the injury or death of dogs that are enrolled in a training school or program for guide, signal, or service dogs, as specified. The bill would require the defendant, convicted of either crime, to also make restitution to the person for medical or medical-related expenses, or for loss of wages or income, incurred by the person as a direct result of the crime. The bill would authorize the disabled person to apply for compensation from the California Victim Compensation Board and would authorize the board to pay compensation for medical and medical-related expenses, and loss of wages or income incurred by the person with a disability as a direct result of a violation of those criminal provisions, in an amount not to exceed \$10,000.

By expanding the authorization for the use of moneys in the continuously appropriated Restitution Fund, this bill would make an appropriation.

Because this bill would expand the scope and penalties of existing crimes, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: 2/3  
Appropriation: YES  
Fiscal Committee: YES  
Local Program: YES

**STATUS:**

01/12/2018 INTRODUCED.  
01/29/2018 To ASSEMBLY Committee on PUBLIC SAFETY.  
03/06/2018 In ASSEMBLY. Coauthors revised.  
03/06/2018 From ASSEMBLY Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS. (7-0)  
04/02/2018 From ASSEMBLY Committee on APPROPRIATIONS with author's amendments.  
04/02/2018 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.  
04/04/2018 From ASSEMBLY Committee on APPROPRIATIONS: Do pass. To Consent Calendar. (15-0)  
04/05/2018 In ASSEMBLY. Read second time. To Consent Calendar.  
04/12/2018 In ASSEMBLY. Read third time. Passed ASSEMBLY. \*\*\*\*\*To SENATE. (68-0)  
04/25/2018 To SENATE Committee on PUBLIC SAFETY.

**VOTES:**

03/06/2018 Assembly Public Safety Committee P 7-0  
04/04/2018 Assembly Appropriations Committee P 15-0  
04/12/2018 Assembly Assembly Floor P 68-0

**Position:** Watch  
**Subject:** CriminalJustice

CA AB 1914

**AUTHOR:** Flora [R]  
**TITLE:** Presence at Health Care Facilities: Conviction  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Human Services Committee  
**HEARING:** 06/12/2018 1:30 pm  
**CODE SECTION:**

An act to amend~~[D> Section 1522</D]~~ [A> Sections 1522, 1568.09, 1569.17, and 1596.871<A] of the Health and Safety Code, relating to health care facilities.

**SUMMARY:**

Enumerates additional crimes that prohibit the Department of Social Services from authorizing an individual from working or otherwise being present at a community care facility, a residential care facility for persons with a chronic, life-threatening illness, a residential care facility for the elderly, or a child day care facility including, among other crimes, the willful and unlawful use of personal identifying information.

**DIGEST:**

AB 1914, as amended, Flora. Presence at health care facilities: conviction of crimes.

Existing law prohibits the State Department of Social Services from authorizing individuals who have been convicted of certain crimes from working or otherwise being present at a community care facility, a residential care

facility for persons with a chronic, life-threatening illness, a residential care facility for the elderly, or a child day care facility. The act requires the department to perform criminal background investigations of individuals as part of its licensing and regulatory oversight of these facilities.

This bill would enumerate additional crimes that prohibit the department from authorizing an individual from working or otherwise being present at these facilities, including, among other crimes, the willful and unlawful use of personal identifying information.

Vote Required: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: NO Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

**STATUS:**

01/23/2018 INTRODUCED.  
02/05/2018 To ASSEMBLY Committee on HUMAN SERVICES.  
03/20/2018 From ASSEMBLY Committee on HUMAN SERVICES: Do pass as amended to Committee on APPROPRIATIONS. (7-0)  
04/02/2018 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.  
04/11/2018 From ASSEMBLY Committee on APPROPRIATIONS: Do pass. To Consent Calendar. (15-0)  
04/12/2018 In ASSEMBLY. Read second time. To Consent Calendar.  
04/19/2018 In ASSEMBLY. Read third time. Passed ASSEMBLY. \*\*\*\*\*To SENATE. (71-0)  
05/03/2018 To SENATE Committees on HUMAN SERVICES and PUBLIC SAFETY.

**VOTES:**

03/20/2018 Assembly Human Services Committee P 7-0  
04/11/2018 Assembly Appropriations Committee P 15-0  
04/19/2018 Assembly Assembly Floor P 71-0  
**Position:** Support  
**Subject:** CriminalJustice

CA AB 1934

**AUTHOR:** Jones-Sawyer [D]  
**TITLE:** Dependent Persons: Definition  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Public Safety Committee  
**HEARING:** 05/15/2018 8:30 am  
**CODE SECTION:**

An act to amend[A> Section 177 of the Evidence Code, to amend<A] Sections[D> ~~288 and 368~~</D] [A> 288, 368, and 1336<A] of the Penal Code,[A> and to amend Section 15610.23 of the Welfare and Institutions Code,<A] relating to dependent persons.  
**SUMMARY:**

Specifies that a person is a dependent person or dependent adult irrespective of whether the person lives independently for the purpose of provisions related to abuse and neglect of dependent persons and adults. Recasts certain legislative findings regarding crimes against dependent adults.

**DIGEST:**

AB 1934, as amended, Jones-Sawyer. Dependent persons: definition.

Existing law generally affords dependent persons and adults protections against abuse and neglect. Existing law makes it a crime to engage in certain types of conduct against a dependent adult or dependent person, including, among others, committing certain sexual acts upon a dependent person, willfully causing or permitting the person or health of a dependent adult to be injured. Existing law also establishes special conditions for dependent adults with respect to court proceedings, including oath requirements and witness examinations. Existing law defines "dependent person" for purposes of these provisions as, in part, a person who has a physical or mental impairment that substantially restricts his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have significantly diminished because of age. Existing law defines "dependent adult" for purposes of these provisions as, in part, a person who is between the ages of 18 and 64, who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This bill would specify that a person is a "dependent person" or "dependent adult" under the definitions described above irrespective of whether the person lives independently. The bill would also recast certain legislative findings regarding crimes against dependent adults.

Vote Required: MAJORITY Appropriation: NO Fiscal Committee: NO Local Program: NO Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

**STATUS:**

01/24/2018 INTRODUCED.  
 02/05/2018 To ASSEMBLY Committee on PUBLIC SAFETY.  
 02/22/2018 From ASSEMBLY Committee on PUBLIC SAFETY with author's amendments.  
 02/22/2018 In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.  
 03/06/2018 From ASSEMBLY Committee on PUBLIC SAFETY: Do pass. To Consent Calendar. (7-0)  
 03/07/2018 In ASSEMBLY. Read second time. To Consent Calendar.  
 03/15/2018 In ASSEMBLY. Read third time. Passed ASSEMBLY. \*\*\*\*\*To SENATE. (66-0)  
 04/19/2018 To SENATE Committees on PUBLIC SAFETY and JUDICIARY.

**VOTES:**

03/06/2018 Assembly Public Safety Committee P 7-0  
 03/15/2018 Assembly Assembly Floor P 66-0

**Position:** Support  
**Subject:** CriminalJustice

CA AB 1946

**AUTHOR:** Cervantes [D]  
**TITLE:** Elder and Dependent Adult Abuse  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Aging and Long-Term Care Committee  
**CODE SECTION:**

~~[D>An act to amend Section 368 of the Penal Code, relating to elder or dependent adult abuse.</D]~~

[A>An act to amend Section 368 of the Penal Code, relating to elder and dependent adult abuse.<A]

**SUMMARY:**

Makes it a felony for a person who knows or reasonably should know that a person is an elder or dependent adult and who willfully causes or permits any elder or dependent adult to suffer or inflict thereon unjustifiable physical pain or mental suffering. Makes the crime applicable to a person who has a business relationship with an elder or dependent adult. Expands the definition of dependent adult to include persons residing in a community care facility.

**DIGEST:**

AB 1946, as amended, Cervantes. Elder and dependent adult abuse.

Existing law makes it a misdemeanor for a person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer or inflict thereon unjustifiable physical pain or mental suffering.

This bill would make it a felony for a person to commit those acts against a resident of an unlicensed residential care facility for the elderly or an adult resident of an unlicensed community care facility, while owning, managing, or helping to operate that facility. By creating a new crime, this bill would impose a state-mandated local program.

Existing law makes it a misdemeanor or a felony for a caretaker of an elder or dependent adult to violate any law proscribing theft, embezzlement, forgery, fraud, or identity theft with respect to the property or personal identifying information of that elder or dependent adult. Under existing law, if the value of the property taken exceeds \$950, the offense is punishable by a fine not exceeding \$2,500, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, or by a fine not exceeding \$10,000, or by imprisonment in a county jail for 2, 3, or 4 years, or by both that fine and imprisonment.

This bill would additionally make the above specified crime applicable to a person who has a business relationship with an elder or dependent adult. If, in the commission of the above-specified offense, the elder or dependent adult is transported from one residential location to another residential location in furtherance of the offense, the bill would make the offense punishable by a fine not exceeding \$20,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, or by imprisonment in the state prison for 2, 3, or 4 years. By increasing the punishment for a crime, this bill would impose a state-mandated local program.

Existing law defines "dependent adult" for purposes of crimes against elderly or dependent adults as including any person between 18 and 64 years of age who is admitted as an inpatient to a 24-hour health facility, as defined.

This bill would expand that definition to include any person between 18 and 64 years of age who resides in a community care facility or an unlicensed community care facility. By expanding the application of crimes against dependent adults, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote Required: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

**STATUS:**

01/29/2018 INTRODUCED.  
03/19/2018 To ASSEMBLY Committees on AGING & LONG TERM CARE and PUBLIC SAFETY.  
03/21/2018 From ASSEMBLY Committee on AGING & LONG TERM CARE with author's amendments.  
03/21/2018 In ASSEMBLY. Read second time and amended.  
Re-referred to Committee on AGING AND LONG TERM CARE.  
**Position:** Watch  
**Subject:** CriminalJustice

CA AB 1985

**AUTHOR:** Ting [D]  
**TITLE:** Hate Crimes: Law Enforcement Policies  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Public Safety Committee  
**HEARING:** 05/15/2018 8:30 am  
**CODE SECTION:**

An act to amend Section 422.56 of, and to add Chapter 2.5 (commencing with Section 422.87) to Title 11.6 of Part 1 of, the Penal Code, relating to hate crimes.

**SUMMARY:**

Clarifies that a disability is protected under the hate crime law regardless of whether it is temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness. Requires any local law enforcement agency that updates an existing hate crime policy or adopts a new hate crime policy to include, among other things, the model policy framework developed by POST and information regarding bias motivation.

**DIGEST:**

AB 1985, as amended, Ting. Hate crimes: law enforcement policies. Existing law defines a "hate crime" as a criminal act committed, in whole or in part, because of actual or perceived characteristics of the victim, including, among other things, race, religion, disability, and sexual orientation. Existing law requires the Commission on Peace Officer Standards and Training (POST) to develop guidelines for instruction and training of law enforcement officers addressing hate crimes. Existing law requires state law enforcement agencies to adopt a framework or other formal policy on hate crimes created by POST. This bill would clarify that a disability is protected under the law regardless of whether it is temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness. The bill would also require any local law enforcement agency that updates an existing hate crime policy or adopts a new hate crime policy to include, among other things, the model policy framework developed by POST and information regarding bias motivation. The

bill would allow a local law enforcement agency that updates an existing hate crime policy or adopts a new hate crime policy to include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police.

Vote Required: MAJORITY Appropriation: NO Fiscal Committee: NO Local Program: NO Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

**STATUS:**

01/31/2018 INTRODUCED.  
02/08/2018 To ASSEMBLY Committee on PUBLIC SAFETY.  
02/28/2018 From ASSEMBLY Committee on PUBLIC SAFETY with author's amendments.  
02/28/2018 In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.  
03/06/2018 From ASSEMBLY Committee on PUBLIC SAFETY: Do pass. To Consent Calendar. (7-0)  
03/07/2018 In ASSEMBLY. Read second time. To Consent Calendar.  
03/15/2018 In ASSEMBLY. Read third time. Passed ASSEMBLY. \*\*\*\*\*To SENATE. (66-0)  
04/19/2018 To SENATE Committee on PUBLIC SAFETY.  
04/30/2018 From SENATE Committee on PUBLIC SAFETY with author's amendments.  
04/30/2018 In SENATE. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.

**VOTES:**

03/06/2018 Assembly Public Safety Committee P 7-0  
03/15/2018 Assembly Assembly Floor P 66-0  
**Position:** Support  
**Subject:** CriminalJustice

CA AB 2359

**AUTHOR:** Maienschein [R]  
**TITLE:** Sexual Assault Crimes Against Disabled Victims  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**CODE SECTION:**

~~[D>An act to amend Section 1050 of the Penal Code, relating to criminal procedure.</D]~~

[A>An act to add and repeal Article 5 (commencing with Section 13839) of Chapter 4 of Title 6 of Part 4 of the Penal Code, relating to crimes, and making an appropriation therefor.<A]

**SUMMARY:**

Requires the Office of Emergency Services to allocate and award funds for a specified number of District Attorney offices that employ a vertical prosecution methodology for the prosecution of sexual assault crimes involving disabled and developmentally disabled victims. Requires the Office to report on specified information. Makes an appropriation for funding the program.

**DIGEST:**

AB 2359, as amended, Maienschein. Sexual Assault Crimes Against Disabled and Developmentally Disabled Victims.

Existing law establishes the Office of Emergency Services, which is required to, among other things, allocate and award funds to communities developing and providing ongoing citizen involvement and crime resistance programs.

This bill would require the office, until January 1, 2023, to allocate and award funds to up to 11 district attorney offices that employ a vertical prosecution methodology for the prosecution of sexual assault crimes, as specified, involving disabled and developmentally disabled victims and that meet other specified criteria, including minimum staffing levels for the program. The bill would require the office, on or before January 1, 2022, to submit to the Legislature and the Governor's office a report that describes the counties that received funding pursuant to this program, the number of prosecutions for those sexual assault crime cases filed by the counties receiving funding, the number of sexual assault convictions obtained by those counties, and the sentences imposed by those counties. The bill would appropriate \$2,650,000 from the General Fund to the office for funding the program.

Vote Required: TWO THIRDS Appropriation: YES Fiscal Committee: YES Local Program: NO Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

**STATUS:**

02/13/2018 INTRODUCED.  
03/15/2018 To ASSEMBLY Committee on PUBLIC SAFETY.  
03/15/2018 From ASSEMBLY Committee on PUBLIC SAFETY with author's amendments.  
03/15/2018 In ASSEMBLY. Read second time and amended.  
Re-referred to Committee on PUBLIC SAFETY.  
04/03/2018 From ASSEMBLY Committee on PUBLIC SAFETY with author's amendments.  
04/03/2018 In ASSEMBLY. Read second time and amended.  
Re-referred to Committee on PUBLIC SAFETY.  
04/10/2018 From ASSEMBLY Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS. (7-0)  
04/25/2018 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

**VOTES:**

04/10/2018 Assembly Public Safety Committee P 7-0  
**Position:** Support  
**Subject:** CriminalJustice

CA AB 2823

**AUTHOR:** Nazarian [D]  
**COAUTHOR(S):** Rodriguez [D], Cervantes [D]  
**TITLE:** Violent Felonies  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**CODE SECTION:**

**SUMMARY:** An act to amend Section 667.5 of the Penal Code, relating to crime.

Defines human sex trafficking as a violent felony and expands the scope of sodomy, oral copulation, sexual penetration, and rape offenses that are categorized as violent felonies, including if the victim was unconscious, incapable of giving consent due to intoxication, or because of a disorder or disability, submitted to the act under the belief that the person was someone known to the victim other than the accused, or if the act was accomplished by threatening to use the authority of a public official.

**DIGEST:**

AB 2823, as amended, Nazarian. Violent felonies.

Existing law, as amended by Proposition 21 as approved by the voters at the March 7, 2000, statewide primary election and by Proposition 83 at the November 7, 2006, statewide general election, classifies certain felonies as violent felonies for purposes of various provisions of the Penal Code. Existing law generally imposes an additional one-year term for a felony and a 3-year term for a violent felony for each prior separate prison term served for a felony or a violent felony, respectively. The Legislature may amend these initiative statutes by a statute passed in each house by a 2/3 vote.

This bill would additionally define human sex trafficking as a violent felony and expand the scope of sodomy, oral copulation, sexual penetration, and rape offenses that are categorized as violent felonies, including if the victim was unconscious, if the victim was incapable of giving consent due to intoxication, if the victim was incapable of giving legal consent because of a mental disorder or developmental or physical disability, if the victim submitted to the act under the belief that the person committing the act was someone known to the victim other than the accused, or if the act was accomplished against the victim's will by threatening to use the authority of a public official. By changing the sentence of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote Required: TWO THIRDS Appropriation: NO Fiscal Committee:  
YES Local Program: YES Immediate Effect NO Urgency: NO Tax Levy: NO  
Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill:  
NO

**STATUS:**

02/16/2018 INTRODUCED.  
03/22/2018 To ASSEMBLY Committee on PUBLIC SAFETY.  
03/22/2018 From ASSEMBLY Committee on PUBLIC SAFETY with  
author's amendments.  
03/22/2018 In ASSEMBLY. Read second time and amended.  
Re-referred to Committee on PUBLIC SAFETY.  
04/17/2018 From ASSEMBLY Committee on PUBLIC SAFETY: Do pass  
to Committee on APPROPRIATIONS. (5-0)  
05/02/2018 In ASSEMBLY Committee on APPROPRIATIONS: To  
Suspense File.

**VOTES:**

04/17/2018 Assembly Public Safety Committee P 5-0  
**Position:** Support  
**Subject:** CriminalJustice

CA AB 3039

**AUTHOR:** Holden [D]  
**TITLE:** Health Care Facilities: Criminal Background Checks  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**CODE SECTION:**

An act to amend Sections 1522,~~[A] 1550,~~ [A] 1558,~~[A] 1568.082,~~ [A] 1568.09,~~[D] 15868.092,~~ [A] 1568.092,~~[A] 1569.17,~~ [A] 1569.50,~~1569.58,~~ [A] 1596.871,~~[A] 1596.885,~~ [A] 1596.8897, 1796.19, 1796.23, 1796.24, 1796.25, 1796.26, and~~[D] 17996.38~~ [A] 1796.38~~</D>~~ of the Health and Safety Code, relating to health care facilities.

**SUMMARY:**

Amends existing law prohibiting a person with specified convictions from obtaining a occupational license, permit, or certificate. Limits the disqualifying convictions to a directly and adversely related crime within a period, or a directly and adversely violent felony, as defined. Prohibits the Department from denying an exemption on the basis of a charge for which a pre or post plea diversion program has been completed, a conviction that was dismissed, an infraction or citation, or a pardoned conviction.

**DIGEST:**

AB 3039, as amended, Holden. Health care facilities: criminal background checks.

(1) Existing law requires the State Department of Social Services to license and regulate community care facilities, residential care facilities for persons with chronic, life-threatening illness, residential care facilities for the elderly, child care centers, and family child care homes. Existing law requires the department to obtain a criminal record for all applicants for licenses for these facilities and specified other employees and officers of these facilities. Existing law prohibits persons with specified convictions from obtaining a license, permit, or certificate. Existing law provides a process by which the department can grant an exemption from these prohibitions.

This bill, among other things, would limit the disqualifying convictions to a directly and adversely related crime within the preceding 5 years or a directly and adversely related violent felony, as defined. The bill would authorize the department to grant an exemption for any of these convictions and would prohibit the department from denying an exemption on the basis of a charge for which pre- or post-plea diversion program has been completed, a conviction that was dismissed, an infraction or citation, or a conviction for which the applicant has obtained rehabilitative relief, including a certificate of rehabilitation or a pardon from the Governor.

This bill would require the department to retain specified information, including application forms and other documents submitted by applicants and notices provided to applicants, for 3 years. The bill would also require the department to retain the number of applicants for each license type and the number of applications requiring criminal history inquiries, as well as other statistical information, and would require the department to make that information public on an annual basis, while ensuring the confidentiality of the individual applicants.

Existing law authorizes the department to prohibit a person from being a

member of the board of directors, an executive director, or an officer of a community care facility, residential care facility for persons with chronic, life-threatening illness, residential care facility for the elderly, or child care center if he or she, among other things, engaged in conduct that is inimical to the health, morals, welfare, or safety of either the people of the state or an individual in or receiving services from the facility or engaged in acts of financial malfeasance concerning the operation of the facility. Under existing law, an excluded person has 15 days after the order of exclusion to file a written appeal.

This bill would require the excluded person to have, in the course of fulfilling the functions or duties of the business or profession for which application is made, engaged in conduct within the preceding 5 years that is inimical to the health, morals, welfare, or safety of an individual in or receiving services from the facility or financial malfeasance within the preceding 5 years. The bill would authorize an excluded person to file a written appeal within 30 days of the order of exclusion.

(2) Existing law requires the department to register home health aides. Existing law requires the department to obtain a criminal record for all applicants for the registry. Existing law prohibits a person with specified convictions from inclusion on the registry. Existing law provides a process by which the department can grant an exemption from these prohibitions.

This bill would limit the disqualifying convictions to a directly and adversely related crime within the preceding 5 years or a directly and adversely related violent felony, as defined. The bill would authorize the department to grant an exemption for any of these convictions.

Vote Required: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: NO Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

**STATUS:**

02/16/2018	INTRODUCED.
04/02/2018	To ASSEMBLY Committee on HUMAN SERVICES.
04/03/2018	From ASSEMBLY Committee on HUMAN SERVICES with author's amendments.
04/03/2018	In ASSEMBLY. Read second time and amended. Re-referred to Committee on HUMAN SERVICES.
04/16/2018	From ASSEMBLY Committee on HUMAN SERVICES with author's amendments.
04/16/2018	In ASSEMBLY. Read second time and amended. Re-referred to Committee on HUMAN SERVICES.
04/24/2018	From ASSEMBLY Committee on HUMAN SERVICES: Do pass to Committee on APPROPRIATIONS. (5-2)

**VOTES:**

04/24/2018	Assembly Human Services Committee	P 5-2
<b>Position:</b>	Watch	
<b>Subject:</b>	CriminalJustice	

CA SB 8

<b>AUTHOR:</b>	Beall [D]
<b>COAUTHOR(S):</b>	Hertzberg [D], Skinner [D], Wieckowski [D], Maienschein [R], Acosta [R], Voepel [R]
<b>TITLE:</b>	Diversion: Mental Disorders
<b>FISCAL COMMITTEE:</b>	yes
<b>URGENCY CLAUSE:</b>	no
<b>DISPOSITION:</b>	Pending

**LOCATION:** Assembly Appropriations Committee  
**CODE SECTION:**

An act to add Chapter 2.9D (commencing with Section 1001.82) to Title 6 of Part 2 of the Penal Code, relating to diversion.

**SUMMARY:**

Authorizes a court to postpone prosecution of a misdemeanor or a felony punishable in a county jail, and place a defendant in a pretrial diversion program, if the court is satisfied the defendant suffers from a mental disorder and meets certain other requirements. Allows the defense to arrange for a program of mental health treatment utilizing existing inpatient or outpatient mental health resources.

**DIGEST:**

SB 8, as amended, Beall. Diversion: mental disorders.

Existing law authorizes a court, with the consent of the defendant and a waiver of the defendant's speedy trial right, to postpone prosecution of a misdemeanor and place the defendant in a pretrial diversion program if the defendant is suffering from sexual trauma, a traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of his or her military service. Existing law authorizes the defendant to be referred to services for treatment and requires the responsible agencies to report to the court and the prosecution not less than every 6 months.

This bill would authorize a court, with the consent of the defendant and a waiver of the defendant's speedy trial right, to postpone prosecution of a misdemeanor or a felony punishable in a county jail, and place the defendant in a pretrial diversion program for up to 2 years if the court is satisfied the defendant suffers from a mental disorder, that the defendant's mental disorder played a significant role in the commission of the charged offense, and that the defendant would benefit from mental health treatment. For specified offenses, the bill would condition granting diversion on the consent of the prosecution. The bill would require the defense to arrange, to the satisfaction of the court, for a program of mental health treatment utilizing existing inpatient or outpatient mental health resources. The bill would require the divertee's mental health provider to provide reports on the defendant's progress to the court, the defense, and the prosecution not less than every 3 months. By increasing the duties of local prosecutors and public defenders, this bill would impose a state-mandated local program. The bill would require, upon successful completion of the diversion program, that the charges be dismissed and the records of the arrest sealed, and that the arrest be deemed never to have occurred, except as provided. The bill would state findings and declarations by the Legislature regarding the need for the diversion program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: MAJORITY

Appropriation: NO

Fiscal Committee: YES

Local Program: YES

**STATUS:**

12/05/2016 INTRODUCED.  
01/12/2017 To SENATE Committee on PUBLIC SAFETY.  
02/21/2017 From SENATE Committee on PUBLIC SAFETY with author's amendments.  
02/21/2017 In SENATE. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.  
03/21/2017 From SENATE Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS. (5-2)  
04/03/2017 In SENATE Committee on APPROPRIATIONS: To Suspense File.  
05/25/2017 From SENATE Committee on APPROPRIATIONS: Do pass. (5-2)  
05/26/2017 In SENATE. Read second time. To third reading.  
05/30/2017 In SENATE. Read third time. Passed SENATE. \*\*\*\*\*To ASSEMBLY. (27-13)  
06/08/2017 To ASSEMBLY Committee on PUBLIC SAFETY.  
06/27/2017 From ASSEMBLY Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS. (4-2)  
07/12/2017 From ASSEMBLY Committee on APPROPRIATIONS with author's amendments.  
07/12/2017 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.  
08/21/2017 From ASSEMBLY Committee on APPROPRIATIONS with author's amendments.  
08/21/2017 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.  
08/23/2017 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.  
09/01/2017 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

**VOTES:**

03/21/2017	Senate Public Safety Committee	P 5-2
05/25/2017	Senate Appropriations Committee	P 5-2
05/30/2017	Senate Senate Floor	P 27-13
06/27/2017	Assembly Public Safety Committee	P 4-2

**Position:** Support  
**Subject:** CriminalJustice

CA SB 75

**AUTHOR:** Bates [R]  
**TITLE:** Violent felonies  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**DISPOSITION:** Failed  
**LOCATION:** SENATE  
**CODE SECTION:**

An act to amend Sections 667.5 and 2933.5 of the Penal Code, relating to violent felonies.

**SUMMARY:**

Relates to the classification of violent felonies. Defines the offenses of vehicular manslaughter, human trafficking involving a minor, assault with a deadly weapon, solicitation of murder, rape under various specified circumstances, and grand theft of a firearm as violent felonies for purposes of imposing specified

sentence enhancements.

**DIGEST:**

SB 75, as amended, Bates. Violent felonies.

Existing law, as amended by Proposition 21 as approved by the voters at the March 7, 2000, statewide primary election and by Proposition 83 of the November 7, 2006, statewide general election, classifies certain felonies as violent felonies for purposes of various provisions of the Penal Code. Existing law generally imposes an additional one-year term for a felony and 3-year term for a violent felony for each prior separate prison term served for a felony or a violent felony, respectively. The Legislature may amend this initiative statute by a statute passed in each house by a vote.

This bill would additionally define, among other crimes, the offenses of vehicular manslaughter, human trafficking involving a minor, assault with a deadly weapon, solicitation of murder, rape under various specified circumstances, and grand theft of a firearm as violent felonies for purposes of imposing specified sentence enhancements. The bill would also make conforming changes.

Because this bill would increase the duties of local officials in regard to prosecuting these crimes, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: 2/3

Appropriation: NO

Fiscal Committee: YES

Local Program: YES

**STATUS:**

01/10/2017	INTRODUCED.
01/19/2017	To SENATE Committee on PUBLIC SAFETY.
03/16/2017	From SENATE Committee on PUBLIC SAFETY with author's amendments.
03/16/2017	In SENATE. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.
04/04/2017	In SENATE Committee on PUBLIC SAFETY: Not heard.
04/18/2017	In SENATE Committee on PUBLIC SAFETY: Failed passage.
04/18/2017	In SENATE Committee on PUBLIC SAFETY: Reconsideration granted.
02/01/2018	In SENATE. Returned to Secretary of Senate pursuant to Joint Rule 56.

**VOTES:**

04/18/2017	Senate Public Safety Committee	F 2-5
<b>Position:</b>	Tracked	
<b>Subject:</b>	CriminalJustice	

CA SB 416

**AUTHOR:** Anderson [R]  
**TITLE:** Elder Abuse: Isolation  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**DISPOSITION:** Failed  
**LOCATION:** SENATE  
**CODE SECTION:**

An act to amend Section 368 of the Penal Code, relating to elder abuse.

**SUMMARY:**

Amends existing law which makes it a crime for a person who knows or reasonably should know that a person is an elder or dependent adult to inflict unjustifiable physical pain or mental suffering on that elder or dependent adult. Specifies that mental suffering may be proven by a pattern of isolation.

**DIGEST:**

SB 416, as amended, Anderson. Elder abuse: isolation.

Existing law makes it a crime for a person who knows or reasonably should know that a person is an elder or dependent adult to inflict unjustifiable physical pain or mental suffering on that elder or dependent adult.

This bill would specify that mental suffering may be proven by a pattern of isolation, as defined.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote Required: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

**STATUS:**

02/15/2017	INTRODUCED.
02/23/2017	To SENATE Committee on PUBLIC SAFETY.
04/25/2017	From SENATE Committee on PUBLIC SAFETY: Do pass as amended to Committee on APPROPRIATIONS. (7-0)
05/02/2017	In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
05/15/2017	In SENATE Committee on APPROPRIATIONS: To Suspense File.
05/25/2017	In SENATE Committee on APPROPRIATIONS: Held in committee.
02/01/2018	In SENATE. Returned to Secretary of Senate pursuant to Joint Rule 56.

**VOTES:**

04/25/2017	Senate Public Safety Committee	P 7-0
<b>Position:</b>	1st_Fiscal, Support	
<b>Subject:</b>	CriminalJustice	

CA SB 770

<b>AUTHOR:</b>	Glazer [D]
<b>COAUTHOR(S):</b>	Nielsen [R]
<b>TITLE:</b>	Violent Felonies
<b>FISCAL COMMITTEE:</b>	yes
<b>URGENCY CLAUSE:</b>	no
<b>DISPOSITION:</b>	Failed
<b>LOCATION:</b>	SENATE

**CODE SECTION:**

An act to amend Sections 667.5 and 2933.5 of the Penal Code, relating to violent felonies.

**SUMMARY:**

Relates to violent felonies. Includes additional crimes, including human trafficking, elder and dependent adult abuse, assault with a deadly weapon, rape under specified circumstances, discharge of a firearm at an occupied building, and specified crimes against peace officers and witnesses.

**DIGEST:**

SB 770, as introduced, Glazer. Violent felonies.

Existing law, as amended by Proposition 21 as approved by the voters at the March 7, 2000, statewide primary election and by Proposition 83 of the November 7, 2006, statewide general election, classifies certain felonies as violent felonies for purposes of various provisions of the Penal Code. Existing law generally imposes an additional one-year term for a felony and 3-year term for a violent felony for each prior separate prison term served for a felony or a violent felony, respectively. The Legislature may amend these initiative statutes by a statute passed in each house by a 2/3 vote.

This bill would amend the above initiative statutes by defining additional crimes, including, among others, human trafficking, elder and dependent adult abuse, assault with a deadly weapon, rape under specified circumstances, discharge of a firearm at an occupied building, and specified crimes against peace officers and witnesses, as violent felonies for purposes of the above specified sentence enhancements. The bill would also make conforming changes.

By increasing the punishment for these crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote Required: TWO THIRDS Appropriation: NO Fiscal Committee: YES Local Program: YES Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

**STATUS:**

02/17/2017 INTRODUCED.  
03/09/2017 To SENATE Committee on PUBLIC SAFETY.  
02/01/2018 In SENATE. Returned to Secretary of Senate pursuant to Joint Rule 56.

**Position:** Support  
**Subject:** CriminalJustice

CA SB 1187

**AUTHOR:** Beall [D]  
**TITLE:** Competence to Stand Trial  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**CODE SECTION:**

An act to amend Sections 1369.1, 1370.02, 1375.5, and 4019 of, and to repeal

and add Sections 1370, 1370.01, and 1370.1 of, the Penal Code, relating to criminal procedure.

**SUMMARY:**

Revises and recasts provisions relating to the evaluation of mental competence to stand trial in various ways, including, most notably, conforming with the process whereby a person is involuntarily administered psychotropic medication with other areas of law, reducing the term for commitment to a treatment facility when a felony was committed to the shorter of 2 years of the period of commitment equal to the maximum term of imprisonment provided by law for the most serious offense charged.

**DIGEST:**

SB 1187, as introduced, Beall. Competence to stand trial.

Existing law prohibits a person from being tried or adjudged to punishment while that person is mentally incompetent. Existing law establishes a process by which a defendant's mental competency is evaluated and by which the defendant receives treatment with the goal of returning the defendant to competency. Existing law allows a mentally incompetent defendant to be committed to the State Department of State Hospitals or other public or private treatment facility for a period of 3 years when a felony was committed or 1 year when a misdemeanor was committed or to a period of commitment equal to the maximum term of imprisonment provided by law for the most serious offense charged, whichever is shorter, and requires the defendant to be returned to the committing court after his or her maximum period of commitment. If the defendant is gravely disabled upon his or her return to the committing court, existing law requires the court to order the conservatorship investigator of the county to initiate conservatorship proceedings.

This bill would revise and recast the provisions relating to the evaluation of mental competence to stand trial in various ways, including, most notably, conforming the process whereby a person is involuntarily administered psychotropic medication with other areas of law, reducing the term for commitment to a treatment facility when a felony was committed to the shorter of 2 years or the a period of commitment equal to the maximum term of imprisonment provided by law for the most serious offense charged, and authorizing the court to begin a conservatorship investigation at any time in the process.

Existing law provides that a prisoner, who, for specified reasons, is confined in or committed to a county jail, industrial farm, or road camp, or a city jail, industrial farm, or road camp, shall, for each 4-day period of custody, have 2 days deducted from the prisoner's period of confinement, except as specified. This bill would apply those provisions to a person who is committed to a facility pending the return of mental competence.

Vote Required: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: NO Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

**STATUS:**

02/15/2018	INTRODUCED.
03/01/2018	To SENATE Committee on PUBLIC SAFETY.
03/20/2018	From SENATE Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS. (4-2)
04/16/2018	In SENATE Committee on APPROPRIATIONS: To Suspense File.

**VOTES:**

**Position:** Watch  
**Subject:** CriminalJustice

CA SB 1190

**AUTHOR:** Skinner [D]  
**COAUTHOR(S):** Beall [D], Limon [D]  
**TITLE:** Eugenics Sterilization Compensation Program  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**CODE SECTION:**

An act to add Chapter 1.5 (commencing with Section 24200) to Division 20 of the Health and Safety Code, relating to victim compensation, and making an appropriation therefor.

**SUMMARY:**

Establishes the Eugenics Sterilization Compensation Program, to be implemented by the State Victim Compensation Board for the purpose of providing victim compensation to any survivor of state sponsored sterilization conducted pursuant to eugenics laws that existed in the state between specified years. Requires the establishment of markers or plaques at designated sites, as well as a traveling historical exhibit, acknowledging the compulsory sterilization of thousands of people.

**DIGEST:**

SB 1190, as amended, Skinner. Eugenics Sterilization Compensation Program. Existing law prohibits sterilization of a person with developmental disabilities without his or her consent, if he or she has the ability to consent to sterilization, as defined, unless a limited conservator authorized to consent to the sterilization of an adult with a developmental disability is appointed and obtains court authorization to consent to the sterilization, as specified. Existing law prohibits sterilization for the purpose of birth control in county jails and state prison facilities, as specified.

Existing law provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation and Government Claims Board from the Restitution Fund, a continuously appropriated fund consisting of General Fund moneys, for specified losses suffered as a result of those crimes. Existing law sets forth eligibility requirements and specified limits on the amount of compensation the board may award, and requires applications for compensation to be verified under penalty of perjury. Under existing law, certain property is exempt from enforcement of money judgments, including benefits from a disability or health insurance policy or program.

This bill would establish the Eugenics Sterilization Compensation Program, to be implemented by the California Victim Compensation Board for the purpose of providing victim compensation to any survivor of state-sponsored sterilization conducted pursuant to eugenics laws that existed in the State of California between 1909 and 1979. The bill would require the board, in consultation with community-based organizations, to conduct outreach to locate any qualified recipient, as defined, notify that person of the process to apply for victim compensation, and review and verify all applications for victim compensation, as specified. The bill would require the board to keep

confidential and not disclose to the public any record pertaining to an individual's application for victim compensation or the board's verification of the application. The bill would appropriate an unspecified amount from the General Fund to the board for the purposes of paying victim compensation to qualified recipients and administering and implementing the program, as specified. The bill would exempt victim compensation payments from, among other things, being considered taxable income for state tax purposes or being subject to enforcement of a money judgment, as specified.

The bill would require the State Department of State Hospitals and the State Department of Developmental Services, in consultation with stakeholders, to establish markers or plaques at designated sites that acknowledge the compulsory sterilization of thousands of people. The bill would also require the board, in consultation with stakeholders, to develop a traveling historical exhibit and other educational opportunities about eugenics laws that existed in the State of California between 1909 and 1979 and the far-reaching impact they had on California residents.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote Required: TWO THIRDS Appropriation: YES Fiscal Committee: YES Local Program: NO Immediate Effect NO Urgency: NO Tax Levy: NO Election: NO Usual Current Expenses: NO Budget Bill: NO Prop 25 Trailer Bill: NO

**STATUS:**

02/15/2018	INTRODUCED.
03/01/2018	To SENATE Committees on HEALTH and JUDICIARY.
04/03/2018	From SENATE Committee on HEALTH with author's amendments.
04/03/2018	In SENATE. Read second time and amended. Re-referred to Committee on HEALTH.
04/04/2018	Withdrawn from SENATE Committee on HEALTH.
04/04/2018	Re-referred to SENATE Committee on RULES.
04/12/2018	Re-referred to SENATE Committee on PUBLIC SAFETY.
04/17/2018	From SENATE Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS. (7-0)
04/30/2018	In SENATE Committee on APPROPRIATIONS: To Suspense File.

**VOTES:**

04/17/2018	Senate Public Safety Committee	P 7-0
<b>Position:</b>	Support	
<b>Subject:</b>	CriminalJustice	

CA SB 1191

<b>AUTHOR:</b>	Hueso [D]
<b>TITLE:</b>	Crimes: Elder and Dependent Adult Abuse: Investigations
<b>FISCAL COMMITTEE:</b>	yes
<b>URGENCY CLAUSE:</b>	no
<b>DISPOSITION:</b>	Pending
<b>LOCATION:</b>	Assembly Aging and Long-Term Care Committee
<b>CODE SECTION:</b>	

An act to amend Section 368.5 of the Penal Code, relating to elder and dependent adult abuse.

**SUMMARY:**

Requires local law enforcement agencies and adult protective services agencies and long-term care ombudsman programs to revise or include in their policy manuals specified information regarding elder and dependent adult abuse.

**DIGEST:**

SB 1191, as amended, Hueso. Crimes: elder and dependent adult abuse: investigations.

Existing law makes it a crime for a person entrusted with the care or custody of any elder or dependent adult to willfully cause him or her to be injured or permit him or her to be placed in a situation in which his or her person or health is endangered. Existing law also authorizes county adult protective services agencies and local long-term care ombudsman programs to investigate elder and dependent adult abuse, but grants law enforcement agencies the exclusive responsibility for criminal investigations.

This bill would require local law enforcement agencies, as defined, and adult protective services agencies and long-term care ombudsman programs to revise or include in their policy manuals, as defined, specified information regarding elder and dependent adult abuse.

By requiring local agencies to revise their policy manuals, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: MAJORITY

Appropriation: NO

Fiscal Committee: YES

Local Program: YES

**STATUS:**

02/15/2018	INTRODUCED.
03/01/2018	To SENATE Committee on PUBLIC SAFETY.
04/03/2018	From SENATE Committee on PUBLIC SAFETY: Do pass as amended to Committee on APPROPRIATIONS. (6-0)
04/04/2018	In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
04/16/2018	From SENATE Committee on APPROPRIATIONS: To 2nd Reading without hearing pursuant to Senate Rule 28.8 and to Consent.
04/17/2018	In SENATE. Read second time. To Consent Calendar.
04/23/2018	In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (38-0)
05/03/2018	To ASSEMBLY Committees on AGING & LONG TERM CARE and PUBLIC SAFETY.

**VOTES:**

04/03/2018	Senate Public Safety Committee	P 6-0
04/23/2018	Senate Senate Floor	P 38-0

**Position:**

Watch

**Subject:**

CriminalJustice

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