

CVAA - Legislative Bill Report

[AB 16\(Swanson\)](#) Human trafficking.

Status: 06/08/2009-**Failed Deadline** pursuant to Rule 61(a)(8).

Summary: Under existing law, including the Three Strikes Law, a person who is convicted of or who has a prior conviction for a serious or violent felony, is subject to additional years of imprisonment in the state prison, as specified. This bill would include within the definition of a serious and a violent felony the crime of human trafficking .

[AB 17\(Swanson\)](#) Human trafficking.

Status: **Signed into law**

Summary: Existing law, the California Control of Profits of Organized Crime Act, provides the procedure for the forfeiture of property acquired through a pattern of criminal profiteering activity and for the forfeiture of the proceeds of a pattern of criminal profiteering activity, as specified, and requires the prosecution to file a petition for forfeiture in conjunction with certain criminal charges. Under existing law, criminal profiteering activity is defined to include specified crimes. This bill would include abduction or procurement by fraudulent inducement for prostitution within the definition of criminal profiteering activity, as specified.

[AB 27\(Jeffries\)](#) Arson: aggravated: punishment.

Status: **2 year bill**

Summary: Existing law defines the crime of aggravated arson, and makes a person guilty of that crime if the fire caused property damage and other losses in excess of \$5,650,000. Existing law specifies costs to be included in calculating property damage for purposes of these provisions and states legislative intent to review the property damage threshold in light of inflation within 5 years. Existing law repeals the provisions relating to property damage on January 1, 2010. This bill would increase the amount of damage required for a person to be guilty of aggravated arson from \$5,650,000 to \$6,500,000 and extend the repeal date for the provisions relating to property damage until January 1, 2014. This bill contains other related provisions and other existing laws.

[AB 61\(Nava\)](#) Juvenile crime: deferred entry of judgment.

Status: **2 year bill**

Summary: Existing law, enacted by initiative statute, provides that if a minor consents and waives his or her right to a speedy jurisdictional hearing, the court may refer the case to the probation department or summarily grant deferred entry of judgment if the minor admits the charges in the petition and waives time for the pronouncement of the judgment. These provisions apply whenever a case is before the juvenile court for a determination of whether the minor is within the jurisdiction of the juvenile court because of the commission of a felony offense, and the minor meets other eligibility criteria, including that the offense charged is not one of an enumerated list of offenses for which a minor 14 years of age or older may be found unfit for treatment in juvenile court and prosecuted under the general law in a court of criminal jurisdiction. This bill would list additional sexual offenses for which a minor charged with the commission thereof would become ineligible for a deferred entry of judgment pursuant to these provisions. By changing the punishment for a crime, the bill would impose a state-mandated local program.

[AB 73\(Hayashi\)](#) Marriage licenses: vital records: fees: domestic violence.

Status: **Signed into law**

Summary: Existing law requires the collection of fees for issuing marriage licenses and for providing certified copies of vital records, including marriage certificates, birth certificates, fetal death records, and death records. Existing law provides for the establishment of county domestic violence program special funds for the purpose of funding local domestic violence programs. Certain fees payable at the time a marriage license or a certified copy of any of the above vital records is issued may be collected by the county clerks for deposit into these funds. This bill would extend the operation of those provisions indefinitely.

[AB 91\(Feuer\)](#) Vehicles: driving under the influence (DUI): ignition interlock device.

Status: Signed into law

Summary: Existing law requires all manufacturers of ignition interlock devices that meet specified requirements and are certified in a manner approved by the Department of Motor Vehicles, that intend to market the devices in this state, to first apply to the department on forms provided by the department and to pay an accompanying fee in an amount not to exceed the amount necessary to cover the costs incurred by the department in carrying out those provisions. This bill would require a manufacturer and a manufacturer's agent, certified by the department to provide ignition interlock devices, to provide each year to the department information on the number of false positives and the time to reset the device. The bill would also require the department to use this information in evaluating the continued certification of an ignition interlock device.

[AB 168\(Nava\)](#) Juvenile case files: sexually violent predator proceedings.

Status: 06/02/2009-Failed Deadline pursuant to Rule 61(a)(5).

Summary: Existing law provides for sentencing enhancements on the basis of prior felony convictions, which are defined to include certain offenses adjudicated before the juvenile court. However, existing law generally provides for the confidentiality of juvenile records, reports, and related information. Those records may be sealed and eventually destroyed, unless the subject of the record was found to be a ward of the court because of the commission of specified felony offenses committed when he or she was 14 years of age or older. Certain persons, including law enforcement personnel who are actively participating in criminal or juvenile proceedings involving a minor, may inspect those records and reports concerning that minor, but those persons may not disseminate the records or reports, or related information, without the prior approval of the presiding judge of the juvenile court, except as specified. This bill would authorize, in any investigation, action, or proceeding based on the sexually violent predator laws, a court, upon a showing of good cause, to permit the Department of Corrections and Rehabilitation, the State Department of Mental Health, and the attorney petitioning for commitment, or their agents, to obtain and use records that have been sealed, that are relevant to the civil commitment proceeding as determined by the court, in camera, and pertaining to sustained petitions for specified sexually violent offenses that were committed when the person had attained 14 years of age or older. The bill also would authorize, in any civil commitment proceeding based on the sexually violent predator laws, the court, counsel for the parties, any jury, and any other person authorized by the court, to obtain and use the records. The bill would provide that the records would remain confidential, as specified.

[AB 255\(Anderson\)](#) Internet security: virtual globe technology.

Status: 06/08/2009-Failed Deadline pursuant to Rule 61(a)(8).

Summary: Existing law requires the operator of a commercial Internet Web site or online service that collects personally identifiable information through the Internet about individual consumers residing in California who use or visit its commercial Internet Web site or online service to post its privacy policy on its Internet Web site or make that policy available, as specified. This bill would prohibit an operator, as defined, of a commercial Internet Web site or online service that makes a virtual globe browser available to members of the public from providing aerial or satellite photographs or imagery of places in this state that have been identified on the Internet Web site by the operator as a school, place of worship, or government or medical building or facility unless those photographs or images have been blurred. The bill would also prohibit that operator from providing street view photographs or imagery of those buildings and facilities.

[AB 258\(Ma\)](#) Domestic violence: restraining or protective order: aggressor.

Status: Signed into law

Summary: Existing law provides that where a peace officer responds to a domestic violence call where there are mutual protective orders, liability for arrest applies to the person reasonably believed to be the "primary aggressor," as defined. Other existing provisions of law relating to domestic violence define the term "dominant aggressor" identically to the definition of "primary aggressor." This bill would alter provisions relating to mutual protective orders by replacing the term "primary aggressor" with "dominant aggressor."

[AB 307\(Cook\)](#) Sex offenders: working with minors.

Status: Signed into law

Summary: Under existing law, a person required to register as a sex offender who applies for or accepts a position as an employee or volunteer with any person, group, or organization where he or she would be working directly and in an unaccompanied setting with minor children on a regular basis, is required to disclose his or her registrant status, as specified. Existing law also prohibits a person required to register as a sex offender because of a conviction for a crime where the victim was a minor under 16 years of age from being an employer, employee, or independent contractor, or acting as a volunteer with any person, group, or organization in a capacity in which the registrant would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or from having supervision or disciplinary power over minor children. A violation of these provisions is a misdemeanor. This bill would specify that "working directly and in an unaccompanied setting" includes, but is not limited to, providing goods or services to minors.

[AB 322\(Silva\)](#) Less lethal weapons.

Status: 10/11/2009-Vetoed by the Governor

Summary: Existing law generally regulates dangerous weapons, including stun guns and tasers, and establishes offenses committed with stun guns and tasers. This bill would replace the term "taser" with "less lethal weapon" for these purposes. This bill contains other related provisions and other existing laws.

[AB 334\(Fuentes\)](#) Medi-Cal: eligibility: inmates.

Status: 05/19/2009-Failed Deadline pursuant to Rule 61(a)(2).

Summary: Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, and under which qualified low-income persons receive health care benefits. The Medi-Cal program is governed, in part, by federal Medicaid provisions. This bill would expand, with certain modifications, the above provisions, commencing the later of January 1, 2011, or the date that all necessary federal approvals are obtained, to the extent permitted under federal law, to an individual who is 21 years of age or older who is an inmate of a public institution. This bill contains other related provisions and other existing laws.

[AB 337\(Torres\)](#) Juvenile court records: sealing and destruction.

Status: 10/11/2009-Vetoed by the Governor

Summary: Existing law authorizes a person who is the subject of a juvenile court record, or the county probation officer, to petition the court for the sealing of the records relating to the person's case, including records in the custody of the juvenile court and the probation officer and any other agencies, including law enforcement agencies and public officials as the petitioner alleges to have custody of the records. The petition may be filed 5 years or more after the jurisdiction of the juvenile court has terminated or, if no petition was filed, 5 years or more after the person was cited to appear before a probation officer or was taken before a probation officer or law enforcement officer, or, in any case, at any time after the person reaches 18 years of age. This provision does not apply if the person was found by the juvenile court to have committed any one of specified serious or violent offenses and the person was 14 years of age or older when he or she committed the offense. Existing law also does not permit the sealing of a record for an offense if the person has been convicted of that offense in criminal court, as specified. This bill would require, on and after January 1, 2011, each court and probation department to ensure that information regarding the eligibility for and the procedures to request the sealing and destruction of records is provided to each person for whom a petition has been filed, on or after January 1, 2011, to adjudge the person a ward of the juvenile court and to specified other minors who are taken into temporary custody and brought before a probation officer, as specified.

[AB 375\(Nielsen\)](#) Child custody: child sexual abuse.

Status: 2 year bill

Summary: Existing law requires the court to refrain from making an order granting or modifying a custody order on an ex parte basis unless there has been a showing of immediate harm to the child or immediate risk that the child will be removed from the State of California. For purposes of this provision, immediate harm to the child includes, but is not limited to, having a parent who has committed acts of domestic violence, or the sexual abuse of the child, where the court determines that the acts of domestic violence or of sexual abuse are of recent origin or are a part of a demonstrated and continuing pattern of those respective acts. This bill would revise that provision to prohibit the court from making, rather than refrain from making, that order. The bill would also prohibit, unless there is a showing of immediate danger to the health and safety of the child or immediate risk that the child will be removed from the State of California, a court from granting a request to modify a child custody order on an ex parte basis if there is a finding that there has been sexual abuse of, or domestic violence against, the child, if the court determines that the act of sexual abuse or domestic violence is of recent origin, or part of a demonstrated and continuing or escalating pattern of acts of sexual abuse of, or domestic violence against, the child, and if the request for modification of the custody order is made by a person who is alleged to have perpetrated a recent act or a pattern of acts of sexual abuse of, or domestic violence against, the child and it is alleged that the person is seeking the modification in order to gain greater access to the child. Under those circumstances, a hearing regarding modification of the custody order would be conducted in open court.

[AB 383\(Lieu\)](#) Criminal procedure: DNA evidence.

Status: 2 year bill

Summary: Existing law establishes limitations on the time for commencing criminal actions, with certain exceptions. Existing law provides for the tolling or extension of these time limitations, as specified. Existing law provides that regarding sex crimes and certain other crimes, as specified, a criminal complaint may be filed within one year of the date on which the identity of the suspect is conclusively established by DNA testing if the offense was committed on or after January 1, 2001, and biological evidence collected in connection with the offense is analyzed for DNA type not later than 2 years from the date of the offense. This bill would extend this limitation on the time period for analyzing biological evidence from 2 years to 5 years.

[AB 1017\(Portantino\)](#) Sexual assault crimes.

Status: 10/11/2009-Vetoed by the Governor

Summary: This bill would require local law enforcement agencies responsible for taking or processing rape kit evidence to annually report to the Department of Justice statistical information pertaining to the processing of rape kits, as specified. The reports received would be subject to inspection under the California Public Records Act.

[AB 1166\(Nielsen\)](#) Parole: hearings: review.

Status: Signed into law

Summary: Existing law provides that, one year prior to the minimum eligible parole release date of an inmate serving an indeterminate sentence, a panel of 2 or more commissioners or deputy commissioners of the Board of Parole Hearings shall meet with the inmate and set a parole release date, as specified. Existing law provides that in the event of a tie vote, the matter shall be referred to the board for an en banc hearing, as specified. This bill would, instead, provide that in the event of a tie vote, the matter shall be referred to the board for an en banc review limited to the record, as specified, that was before the panel that rendered the tie vote. The bill would require the board to vote, upon the en banc review of the record, to either grant or deny parole and render a statement of decision. The bill would require the board to separately state reasons for its decision to grant or deny parole. The bill would require that the commissioners involved in the tie vote be recused from consideration of the matter in the en banc review. This bill contains other related provisions and other existing laws.

[AB 1209\(Ma\)](#) Identification.

Status: Signed into law

Is Urgency: N

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Summary: Existing law regarding misdemeanor release procedures provides that an officer may book an arrested person prior to release or indicate on the citation that the arrested person shall appear at the arresting agency to be booked or indicate on the citation that the arrested person shall appear at the arresting agency to be fingerprinted prior to the arrested person's court date. This bill would specify that an officer may book the arrested person at the scene or at the arresting agency prior to release. This bill contains other related provisions.

[AB 1360\(John A. Perez\)](#) Domestic violence: corporal injury.

Status: 2 year bill

Summary: Under existing law, any person who willfully inflicts corporal injury resulting in a traumatic condition upon a person who is his or her spouse, former spouse, cohabitant, former cohabitant, or the mother or father of his or her child, is guilty of a felony, punishable as specified. This bill would make those provisions apply to the infliction of that type of injury on the fiance or fiancée of that person or on someone with whom the person has, or previously had, a dating or engagement relationship. By expanding the scope of a crime, the bill would impose a state mandated-local program. This bill contains other related provisions and other existing laws.

[AB 1376\(Bass\)](#) Sentencing.

Status: 2 year bill

Summary: Existing law prescribes various penalties for criminal offenses. This bill would create an independent, multijurisdictional body to provide a nonpartisan forum for statewide policy development, information development, research, and planning concerning criminal sentences and their effects.

[AB 1395\(Torrice\)](#) Parole: conditions.

Status: 2 year bill

Summary: This bill would, instead, require that any person being released on parole who was not committed to prison for a registerable sex offense, a serious felony, a violent felony, or any felony that directly or indirectly involved violence or the threat of violence, and who does not have a prior conviction for a serious or violent felony, be released on parole with only two conditions. Specifically, this bill would provide that an eligible parolee shall agree in writing to be subject to search or seizure and submit to random drug testing by a parole officer or other peace officer at any time of the day or night, with or without a search warrant and with or without cause. This bill would provide that any eligible inmate who does not agree in writing to those conditions shall lose worktime credit earned pursuant to specified provisions on a day-for-day basis and shall not be released until he or she either agrees in writing to these conditions or has no remaining worktime credit, whichever occurs first.

[AB 1516\(Lieu\)](#) Criminal procedure: discovery.

Status: Signed into law

Summary This bill would allow the court to order a defendant in a criminal action or a minor in a juvenile delinquency proceeding to submit to examination by a prosecution-retained mental health expert whenever a defendant or minor, as specified, places in issue his or her mental state at any phase of the criminal action or juvenile proceeding through the proposed testimony of any mental health expert. The bill would require the prosecuting attorney to submit a list of the tests he or she proposes to have a prosecution-retained expert conduct on the defendant or minor and would require the court, upon the request of the defendant or minor, to hold a hearing to consider any objections to the proposed tests. The bill would require the court to make a threshold determination before ordering the defendant to submit to the examination that the proposed tests bear some reasonable relation to the mental state placed in issue by the defendant or minor. The bill would specify that its purpose is to respond to *Verdin v. Superior Court* (2008) 43 Cal.4th 1096, as specified. This bill contains other related provisions.

[ACR 59\(Nielsen\)](#) Crime Victims' Rights Week.

Status: Enacted

Summary: This measure would recognize the week of April 26, 2009, through May 2, 2009, as Crime Victims' Rights Week.

[SB 18\(Oropeza\)](#) Elder or dependent adult abuse.

Status: Signed into law

Summary: Existing law makes it a crime for a person who knows or reasonably should know that a person is an elder or dependant adult, under circumstances likely to produce great bodily harm or death, to willfully cause or permit any elder or dependent adult to suffer, or inflict unjustifiably physical pain or mental suffering thereon, or to cause or permit the elder or dependent adult to be placed in a situation in which his or her person or health is endangered, as specified. Existing law punishes a violation of this provision by imprisonment in a county jail not exceeding one year, or by a fine not to exceed \$6,000, or by both that fine and imprisonment, or by imprisonment in the state prison for 2, 3, or 4 years. This bill would increase the fine for a 2nd or subsequent violation of that provision to an amount not to exceed \$10,000.

[SB 46\(Alquist\)](#) Sex offenders: commencing trial: time.

Status: 05/01/2009-**Failed Deadline** pursuant to Rule 61(a)(2). (Last location was PUB. S. on 04/21/2009)

Summary: Existing law provides that the prosecution of an offense punishable by death or by imprisonment in the state prison for life or for life without the possibility of parole, or for the embezzlement of public money, may be commenced at any time. This bill would add specified sex offenses, including rape, sodomy, lewd or lascivious acts, oral copulation, continuous sexual abuse of a child, and acts of sexual penetration to the list of crimes for which there is no statute of limitation for prosecution.

[SB 50\(Corbett\)](#) Victims of sexual assault.

Status: 2 year bill

Summary: This bill would provide that victims of sexual assault are not required to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam. Because this bill would expand a victim's right to a medical exam paid for by a local agency, it would impose a state-mandated local program.

[SB 52\(Correa\)](#) Public Safety Officer Medal of Valor.

Status: Signed into law

Summary: The Public Safety Officer Medal of Valor Act establishes the Medal of Valor Review Board that recommends candidates to the Attorney General for the Medal of Valor from among the applications received by the board. Existing law prohibits the board from meeting more than once each year or from recommending any more than 5 candidates to the Attorney General. The act authorizes the Attorney General to increase the number of candidates in a given year in extraordinary cases. This bill would remove the limit on the number of candidates that the board may recommend. The bill would also eliminate the provisions that prohibit the board from meeting more than once a year. The bill would also authorize the Governor to award and present the Medal of Valor to one or more public safety officers, as specified. The bill would specifically provide that the costs incurred by members and witnesses shall not be paid by the state, and would prohibit the board from holding hearings or having witnesses if donated funds are not available.

[SB 197\(Pavley\)](#) Domestic violence proceedings: conditional examination of witnesses.

Status: Signed into law

Summary: Existing law provides for the conditional examination of a witness by the defendant in all cases, and by the people in cases where the punishment may be other than death, if the defendant is charged with a serious felony and there is evidence that the life of the witness is in jeopardy, and in certain other circumstances. This bill would also provide for the conditional examination of a witness by the people or the defendant in a case of domestic violence, as defined, when there is evidence that the life of the witness is in jeopardy or when there is evidence that a victim or material witness has been or is being dissuaded, as provided, from cooperating with the prosecutor or testifying at trial.

Position: Watch

[SB 226\(Alquist\)](#) Identity theft: jurisdiction.

Status: Signed into law

Summary: Existing law provides that when multiple offenses occur in multiple jurisdictions and all of the offenses involve the same defendant or defendants and the unauthorized use of the personal identifying information of one person, then jurisdiction for all offenses is proper in any one of the counties where an offense occurred. This bill would provide, in addition, that when multiple offenses occur in multiple jurisdictions and all of the offenses involve the same defendant or defendants and either the same personal identifying information of one person or the same scheme or substantially similar activity, then jurisdiction for all offenses, including associated offenses connected together in their commission to an underlying identity theft offense, is proper in any one of the counties where one of the offenses occurred. This bill contains other related provisions and other existing laws.

[SB 314\(Calderon\)](#) Crime victims.

Status: Signed into law

Summary: This bill would allow the board to increase the cash payment or reimbursement for relocation to an amount greater than \$2,000, if the board finds this amount is appropriate due to the unusual, dire, or exceptional circumstances of a particular claim.

Existing law requires the Controller to offset specified financial obligations, listed in order of priority, against the amount of a personal income tax refund. This bill would modify this provision to include the nonpayment of penalties to the Restitution Fund.

[SB 325\(Alquist\)](#) Sex offenders: assessments.

Status: Signed into law

Summary: Existing law requires every person required to register as a sex offender to be subject to assessment by the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO). Existing law establishes the SARATSO Review Committee, which consists of representatives of the State Department of Mental Health, the Department of Corrections and Rehabilitation, and the Attorney General, and is staffed by the State Department of Mental Health. Existing law directs the committee to ensure that the SARATSO reflects the most reliable, objective, and well-established protocols for predicting sex offender risk of recidivism, has been scientifically validated and cross validated, and is widely accepted by the courts. Existing law also requires the SARATSO Training Committee to develop a training program for persons authorized to perform the risk assessments. Under existing law, this training is required to be conducted by experts in the field of risk assessment and the use of actuarial instruments in predicting sex offender risk. This bill would instead provide for the SARATSO Review Committee to be staffed by the Department of Corrections and Rehabilitation. The bill would provide a protocol for an agency that scores the SARATSO and believes that a score does not represent the person's true risk level to submit the case to certain experts for possible override. This bill contains other related provisions and other existing laws.

[SB 399\(Yee\)](#) Sentencing.

Status: 2 year bill

Summary: This bill would authorize a prisoner who was under 18 years of age at the time of committing an offense for which the prisoner was sentenced to life without parole to submit a petition for recall and resentencing to the sentencing court, and to the prosecuting agency, as specified. The bill would establish certain criteria, at least one of which shall be asserted in the petition, to be considered when a court decides whether to conduct a hearing on the petition for recall and resentencing and additional criteria to be considered by the court when deciding whether to grant the petition. The bill would require the court to hold a hearing if the court finds that the defendant's statement is true, as specified. The bill would apply retroactively, as specified.

[SB 431\(Benoit\)](#) Probation: transfers.

Status: Signed into law

Summary: Existing law provides that whenever any person is released upon probation, the case may be transferred to any court of the same rank in any other county in which the person resides permanently, provided that the court of the receiving county shall first be given an opportunity to determine whether the person does reside in and has stated the intention to remain in that county for the duration of probation. Existing law provides that if the court finds that the person does not reside in or has not stated an intention to remain in that county for the duration of probation, it may refuse to accept the transfer. This bill would provide that the transfers would be mandatory, unless there is a determination on the record that the transfer would be inappropriate, as specified. The bill would require a noticed motion for the transfer for certain cases, as specified, and would require the Judicial Council to promulgate rules of court pertaining to the motion procedures, as specified.

[SB 440 \(Denham\)](#) Sentencing.

Status: 2 year bill

Summary: This bill would add certain felonies to the list of violent felonies, the list of serious felonies, and to both lists.

[SB 588](#)(Committee on Public Safety) Sex Offender Management Board.

Status: Signed

Summary: Existing law establishes the Sex Offender Management Board, as specified, under the jurisdiction of the Department of Corrections and Rehabilitation. The purpose of the board is to address issues, concerns, and problems related to the community management of the state's adult sex offenders, with a goal of safer communities and reduced victimization. Existing law requires the board to conduct a thorough assessment of current management practices for adult sex offenders and to submit a report to the Legislature on that assessment. Under existing law, the board is also required to develop recommendations to improve management practices for those offenders, as specified, and the provisions creating the board remain effective only until January 1, 2010. This bill would delete the repeal date of January 1, 2010, thereby making those provisions operative indefinitely.

[SB 598](#)(Huff) Vehicles: driving under the influence (DUI).

Status: Signed into law

Summary: Existing law requires a person's privilege to operate a motor vehicle to be suspended or revoked for a specified period of time if the person has been convicted of violating specified provisions prohibiting driving a motor vehicle while under the influence of an alcoholic beverage or drug, or the combined influence of an alcoholic beverage and drug, or with 0.08% or more, by weight, of alcohol in his or her blood, or who is addicted to the use of any drug. Existing law authorizes a person whose privilege is suspended or revoked in that manner to receive a restricted driver's license if specified requirements are met, including, in some instances, the installation of a certified ignition interlock device on the person's vehicle. This bill would instead require the department to advise a person, who was only under the influence of an alcoholic beverage at the time of the violation, that he or she may apply for a restricted driver's license after completion of 90 days of the suspension period, under certain circumstances. This bill contains other related provisions and other existing laws.

[SB 662](#)(Yee) Domestic violence: funding.

Status: 2 year bill

Summary: Existing law provides for the indemnification of victims and derivative victims of specified types of crimes from the Restitution Fund, which is continuously appropriated to the California Victim Compensation and Government Claims Board for these purposes. This bill would, notwithstanding existing law, appropriate \$16,300,000 from the Restitution Fund to the State Department of Public Health to be allocated for purposes of funding this program. This bill contains other existing laws.

[SB 733](#)(Leno) Crime victims: trauma center grants.

Status: 06/08/2009-**Failed Deadline** pursuant to Rule 61(a)(8). (Last location was APPR. SUSPENSE FILE on 5/28/2009)

Summary: The California Victim Compensation and Government Claims Board administers a program to assist state residents to obtain compensation for their pecuniary losses suffered as a direct result of criminal acts. Payment is made under these provisions from the Restitution Fund, which is continuously appropriated to the board for these purposes. This bill would authorize the board to administer a program to award up to \$5.1 million in grants, annually, to trauma centers, as defined, with the amount of each grant being no more than \$1.7 million.

[SB 748](#)(Leno) Witness Relocation and Assistance Program: address records.

Status: Signed into law

Summary: Existing law establishes the Witness Relocation and Assistance Program. This bill would provide that no person, state or local public agency, or private entity shall post the home address, the telephone number, or personal identifying information that discloses the location of any witness or witness family member participating in the Witness Relocation and Assistance Program (WRAP) with the intent that another person imminently use that information to commit a crime involving violence or a threat of violence against that witness or witness' family member, and that a violation of these provisions would be a misdemeanor punishable by a fine of up to \$2,500, or up to 6 months in a county jail, or by both that fine and imprisonment. The bill would authorize participants in the program to submit opt-out forms to Internet search engine providers to notify those providers of the participants, and to prevent inclusion of the participants' addresses and telephone numbers in public Internet search databases, as specified. The bill would require a business, state or local agency, private entity, or person to remove the home address or telephone number of a WRAP participant from its public Internet search databases within two business days of delivery of the opt-out form, and to ensure the information is not reposted on the same Internet Web site, a subsidiary site, or any other Internet Web site maintained by the recipient of the opt-out form, and would subject a violator of this provision to a \$5,000 civil fine, as specified. The bill would authorize a witness whose home address or telephone number is made public as a result of a violation, as

specified, to bring an action seeking injunctive or declaratory relief. The bill would further provide that no business, state or local agency, private entity, or person that has received an opt-out form from a WRAP participant shall solicit, sell, or trade on the Internet the home address or telephone number of that participant, and would authorize an action for damages, as specified, for a violation of this prohibition..

SB 782(Yee) Residential tenancies: domestic violence.

Status: 2 year bill

Summary: Existing law governs the hiring of real property based on the terms of the agreement, or on the behavior of the parties. Under existing law, a tenant may notify the landlord in writing that he or she, or a household member, was a victim of an act of domestic violence, sexual assault, or stalking, and intends to terminate the tenancy. The tenant is released from any rent payment obligation 30 days following the giving of the notice, or as specified. This bill would create a defense to an action for possession under the unlawful detainer provisions described above, except as specified, if the court determines that (1) the tenant or the tenant's household member is a victim of an act or acts that constitute domestic violence, sexual assault, or stalking, and (2) the notice to quit is substantially based upon the act or acts against the tenant or a tenant's household member that constitute domestic violence, sexual assault, or stalking, including, but not limited to, an action for possession based on complaints of noise, disturbances, or repeated presence of police. The bill would prohibit the eviction of any members of the tenant's household from being evicted under the above circumstances, except that the bill would require the member of the household who committed the act or acts of domestic violence, sexual assault, or stalking, to be evicted. This bill contains other related provisions and other existing laws.