

CVAA – 2010 Legislative Bill Report

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

Status:

Position: Support

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

Status:

Position: Support

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:

Position: Support

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 461\(Gaines\)](#) Economic Crime Act of 1992: reenactment.

Status:

Position: Support

Summary: Provisions of law known as the Economic Crime Act of 1992 provided for specified limitations with respect to probation for, the imposition of specified restitution orders on, and a surcharge on a defendant convicted of a felony for

theft of an amount exceeding \$50,000. The Economic Crime Act of 1992 was repealed by its own terms on January 1, 2008. This bill would reenact those provisions and provide for their repeal on January 1, 2019, unless a later enacted statute, enacted before January 1, 2019, deletes or extends the date. This bill contains other related provisions and other existing laws.

[AB 668\(Lieu\)](#) Firearms: gun-free school zones.

Status:

Position: Support

Summary: Existing law, subject to exceptions, provides that it is an offense for any person to possess a firearm in a place that the person knows, or reasonably should know, is a school zone, unless it is with the written permission of the school district superintendent, his or her designee, or equivalent school authority. Existing law defines "school zone" for these purposes as an area in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or within a distance of 1,000 feet from the grounds of the public or private school. Existing law provides an exception to the prohibition for handguns that are in a locked container or within the locked trunk of a motor vehicle. This bill would revise this exception to instead except from the prohibition a handgun that is in a locked container inside a motor vehicle or that is unloaded and inside a locked trunk of a motor vehicle. The bill would increase the size of the zone to include the area up to 1,500 feet from the grounds of the public or private school. The bill would create an exception to the school zone firearms possession prohibition for firearms that are otherwise lawfully possessed or transported in a vehicle on a driveway or parking lot of a school, as specified. This bill contains other related provisions and other existing laws.

[AB 674\(Salas\)](#) Criminal procedure: veterans.

Status:

Position: Concerns

Summary: This bill would instead, if the defendant alleges that her or she committed the offense as a result of sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems stemming from military service in the United States military, require the court to make a determination as to whether a defendant was, or currently is, a member of the United States military, and would authorize the court to request through the use of existing resources an assessment of whether the defendant may be suffering from those disorders. The bill would eliminate the requirement that the offense be committed as a result of problems stemming from service in a combat theater. This bill contains other related provisions and other existing laws.

[AB 751\(Garrick\)](#) Theft: motor vehicle: penalties.

Status:

Position: Support

Summary: Existing law punishes persons who have been previously convicted of specified motor vehicle violations with imprisonment in the state prison for 2, 3, or 4 years, or by a fine of \$10,000, or by both that fine and imprisonment. These violations include certain felony grand thefts of a motor vehicle. This bill would apply those provisions to a person who has previously been convicted of one or more misdemeanor violations. The bill would also prohibit a person subject to punishment under the above provisions from being granted probation, except in unusual cases in which the court finds that the interests of justice would best be served by probation. This bill contains other related provisions and other existing laws.

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

Status:

Position: Support

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 fiancée or fiancé 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:

Position: Watch

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\(Torrigo\)](#) Parole: conditions.

Status:

Position: Watch

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 1596\(Hayashi\)](#) Protective orders: emergency protective orders: enforcement priority: sexual assault.

Status: 01/05/2010-From printer. May be heard in committee February 4.

Position:

Summary: Existing law authorizes a court to issue various types of restraining and protective orders to enjoin a person from engaging in specified acts against another person. This bill would provide that, in the event multiple restraining or protective orders are issued for the protection of the same person, all of the outstanding orders are to be interpreted and enforced in a manner that provides the greatest amount of protection to the person protected under the operative protective or restraining orders. This bill contains other related provisions and other existing laws.

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

Status:

Position: Support

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:

Position: Watch

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 59 \(Huff\)](#) Criminal procedure: trials: continuances.

Status:

Position: Support

Summary: Existing law provides that criminal trials may only be continued for good cause. Under existing law, good cause is defined to include when a prosecutor assigned to specific types of criminal cases has another trial, preliminary hearing, or motion to suppress in progress in that court or another court. This bill would include, as good cause, a case involving a violation of the California Street Terrorism Enforcement and Prevention Act when the assigned prosecutor has another case in progress, as specified.

[SB 110\(Liu\)](#) People with disabilities: victims of crime.

Status:

Position: Support

Summary: Existing law regulates the investigation and prosecution of crimes against a dependent adult, which is defined to include a person who is between 18 and 64 years of age, inclusive, and who has a physical or mental limitation which restricts his or her ability, or substantially restricts his or her ability, to carry out normal activities or to protect his or her rights, including, but not limited to, a person who has a physical or developmental disability or whose physical or mental abilities have diminished, or significantly diminished, because of age. Under existing law, the term also includes any person between 18 and 64 years of age, inclusive, who is admitted as an inpatient to certain 24-hour health facilities. This bill would require the Department of Justice to send a bulletin to law enforcement agencies and district attorneys describing the laws relating to the protection of persons with disabilities, as specified. This bill contains other related provisions and other existing laws.

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

Status:

Position: Oppose

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

Status:

Position: Sponsor/Support

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

[SB 657\(Steinberg\)](#) Human trafficking.

Status: 01/14/10 88 SEN SENATE BILLS-THIRD READING FILE

Position: Support

Summary: The federal Victims of Trafficking and Violence Protection Act of 2000 establishes an Interagency Task Force to Monitor and Combat Trafficking, as specified. This bill would, beginning January 1, 2011, require retail sellers and manufacturers doing business in the state to develop, maintain, and implement policies related to their compliance with federal and state law regarding the eradication of slavery and human trafficking, as specified. That provision would not apply to a retail seller or manufacturer having less than \$2,000,000 in annual sales. The bill would also make a specified statement of legislative intent regarding slavery and human trafficking. This bill contains 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:

Position: Watch

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 782\(Yee\)](#) Residential tenancies: domestic violence.

Status:

Position:

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.