

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2023-2024 Regular Session**

AB 3281 (Committee on Judiciary)

Version: June 10, 2024

Hearing Date: June 18, 2024

Fiscal: Yes

Urgency: No

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**SUBJECT**

Judiciary omnibus

**DIGEST**

This bill makes various noncontroversial changes to existing law, including clarifying existing law, deleting obsolete references, extending sunsets, and removing sunsets thereby indefinitely extending certain provisions of law.

**EXECUTIVE SUMMARY**

This bill is the Assembly Judiciary Committee omnibus bill that makes various noncontroversial changes to existing law with the purpose of increasing efficiencies in the legislative process, conserving legislative resources, and eliminating the need to unnecessarily hear a number of technical, clarifying, or modest stand-alone bills that might otherwise have to be introduced and require individual consideration by the Legislature. The bill, among other things, bill authorizes a court to transfer jurisdiction of any proceeding under the Family Code when it appears that both the petitioner and the respondent have moved from the county rendering the original order; makes various clarifications to duties of specified agencies, prohibits contractual waivers of the protections of various consumer protection statutes, and makes several other technical and generally non-substantive revisions to existing law.

**PROPOSED CHANGES TO THE LAW**

Existing law and this bill:

- 1) Requires every provider of health care, health care service plan, pharmaceutical company, or contractor who creates, maintains, preserves, stores, abandons, destroys, or disposes of medical information to do so in a manner that preserves the confidentiality of the information contained therein. (Civ. Code § 56.101(a).)

- a) Requires that a business that electronically stores or maintains medical information on the provision of sensitive services must develop capabilities, policies, and procedures, on or before July 1, 2024, to enable all of the following:
  - i. Limit user access privileges to information systems that contain medical information related to gender affirming care, abortion and abortion-related services, and contraception only to those persons who are authorized to access specified medical information;
  - ii. Prevent the disclosure, access, transfer, transmission, or processing of medical information related to gender affirming care, abortion and abortion-related services, and contraception to persons and entities outside of this state, as specified;
  - iii. Segregate medical information related to gender affirming care, abortion and abortion-related services, and contraception from the rest of the patient's record; and
  - iv. Provide the ability to automatically disable access to segregated medical information related to gender affirming care, abortion and abortion-related services, and contraception by individuals and entities in another state. (Civ. Code § 56.101 (c).)
- b) Exempts a provider of health care, as defined, from these requirements. (Civ. Code § 56.101 (c)(4).)

This bill expands the exemption to include a contractor or healthcare service plan, as defined.

- 2) Provides that in any proceeding for dissolution or nullity of marriage or legal separation of the parties where it appears that both petitioner and respondent have moved from the county rendering the order, the court may, when the ends of justice and the convenience of the parties would be promoted by the change, order that the proceedings be transferred to the county of residence of either party. (Fam. Code § 397.5.)

This bill authorizes a court to transfer jurisdiction of any proceeding under the Family Code, other than a proceeding involving the local child support agency subject to specified venue requirements, to another county when it appears that both the petitioner and the respondent have moved from the county rendering the original order.

- 3) Requires a party intending to move for a new trial to file with the clerk and serve upon each adverse party a notice of their intention to move for a new trial, designating the grounds upon which the motion will be made and whether the same will be made upon affidavits or the minutes of the court, or both, either:
  - a) after the decision is rendered and before the entry of judgment; or

- b) within 15 days of mailing notice of entry of judgment by the clerk of the court. (Code of Civ. Proc. § 659.)

This bill clarifies that the party intending to move for a new trial must file with the clerk and serve upon each adverse party a notice of their intention to move for a new trial, designating the grounds upon which the motion will be made and whether the same will be made upon affidavits or the minutes of the court, or both, either:

- a) after the decision is rendered and before the entry of judgment; or
  - b) fifteen days after the date of serving notice of entry of judgment by the clerk of the court.
- 4) Defines “absence of conflicting information relative to parentage” for the purpose of specified vital records to mean entries such as “unknown,” “not given,” “refused to state,” or “obviously fictitious names.” (Gov. Code § 102155.)

This bill updates the definition of “absence of conflicting information relative to parentage” to mean the absence of conflicting information relative to the existence or nonexistence of a parent and child relationship, as specified, and includes entries such as “unknown,” “not given,” “refused to state,” or “obviously fictitious names.”

- 5) Provides that whenever the facts are not correctly stated in any certificate of birth, death, fetal death, or marriage already registered, the person asserting that the error exists may make an affidavit under oath stating the changes necessary to make the record correct, that shall be supported by the affidavit of one other credible person having knowledge of the facts, and file it with the state or local registrar.
- a) Provides that these provisions apply to certificates of birth only in the absence of conflicting information relative to parentage on the originally registered certificate of birth. (Health and Saf. Code § 103225.)

This bill provides that whenever the facts are not correctly stated in any certificate of birth, death, fetal death, or marriage already registered, the person asserting that the error exists may make an affidavit under oath stating the changes necessary to make the record correct, that must be supported by the affidavit of one other credible person having knowledge of the facts, and file it with the state or local registrar, and that these facts include, but are not limited to, the correction of typographical, spelling, or statistical errors.

- (a) Provides that these are applicable to certificates of birth only in the absence of conflicting information relative to the existence or nonexistence of a parent and child relationship.
- 6) Authorizes the Attorney General to appoint and fix the salaries of Assistant Attorneys General, Deputy Attorneys General, service agents, experts, and technical and clerical employees as the Attorney General deems necessary for the proper

performance of the duties of the Attorney General's office. Further authorizes the Attorney General to organize the Department of Justice into sections. (Gov. Code § 12502 (a).)

This bill renames, across various code sections, the Consumer Law Section within the Department of Justice to the Consumer Protection Section.

- 7) Specifies the manner in which the Attorney General's Office is to be notified about various charitable asset sales pursuant to the Probate Code. (Prob. Code § 1209.)

This bill clarifies that the Attorney General does not waive the right to object to a proposed settlement that adversely impacts a charitable gift by failing to appear at a mediation, a mandatory settlement conference, or other court-ordered alternative dispute resolution proceeding related to the settlement.

- 8) Establishes the jurisdiction, duties, and powers of the Civil Rights Department. (Gov. Code § 12930.)

This bill clarifies the authority of the Civil Rights Department to bring forth and settle age discrimination related claims.

- 9) Existing law provides that a local government is prohibited from promulgating, enforcing, or implementing an ordinance, rule, policy, program, or regulation effecting a tenancy that does certain things. (Gov. Code § 53165.1.)

This bill clarifies that a local government is prohibited from promulgating, enforcing, or implementing an ordinance, rule, policy, program, or regulation affecting a tenancy, as specified.

- 10) Provides that all protections, rights, and remedies available under state law, except any reinstatement remedy prohibited by federal law, are available to all individuals regardless of immigration status who have applied for employment, or who are or who have been employed, in this state. (Civ. Code § 3339.)
  - a) Requires any person engaged in a trade or business who negotiates primarily in Spanish, Chinese, Tagalog, Vietnamese, or Korean, orally or in writing, to deliver to the other party to a resulting contract or agreement, and any other person who will be signing the contract or agreement, and before the execution thereof, a translation of the contract or agreement in the language in which the contract or agreement was negotiated, that includes a translation of every term and condition in that contract or agreement, as specified. (Civ. Code § 1632.)
  - b) Authorizes a plaintiff who prevails on a cause of action against a defendant named pursuant to specified federal consumer protection laws to recover costs and fees. (Civ. Code § 1459.5.)

- c) Adopts the Rosenthal Fair Debt Collection Practices Act to regulate debt collection practices in California. (Civ. Code § 1788 *et seq.*)
- d) Sets forward the rules governing guaranteed asset protection waivers that are offered, sold, or provided to a buyer, or administered, in connection with a conditional sale contract. (Civ. Code § 2982.12.)

This bill prohibits contractual waivers of the protections of the Educational Debt Collection Practices Act, Automobile Sales Finance Act, provisions of existing law requiring the translation of specified consumer contracts, and provisions of existing law extending the protections of state law to all residents regardless of immigration status.

- 11) Requires the State Architect to develop amendments or building regulations and submit them to the California Building Standards Commission for adoption to ensure that no accessibility requirements of the California Building Standards Code are to be enhanced or diminished except as necessary for:
- a) retaining existing state regulations that provide greater accessibility and features; or
  - b) meeting federal minimum accessibility standards of the federal Americans with Disabilities Act of 1990 as adopted by the United States Department of Justice, the Uniform Federal Accessibility Standards, and the federal Architectural Barriers Act.

This bill clarifies that State Architect to develop amendments or building regulations and submit them to the California Building Standards Commission for adoption to ensure that no accessibility requirements of the California Building Standards Code are to be modified except as necessary for:

- a) aligning with existing state regulations that provide greater accessibility and features;
- b) meeting federal minimum accessibility standards of the federal Americans with Disabilities Act of 1990 as adopted by the United States Department of Justice, the Uniform Federal Accessibility Standards, and the federal Architectural Barriers Act; or
- c) aligning with a provision improving accessibility and adopted in a national specification, published standard, or model code.

- 12) This bill makes various technical and nonsubstantive amendments.

### COMMENTS

1. Stated need for the bill

The author writes:

This broad measure makes modest updates to several policies falling within the jurisdiction of the Committee on the Judiciary that are insufficiently substantive to warrant a standalone bill. This bill modernizes the name of a report and fund at the Department of Justice, eliminates an outdated Judicial Council report, clarifies Government Claims Act filing fees for persons just above the poverty line, and makes several code clean-up related amendments.

## 2. Civil law omnibus

Since this bill was heard in the Assembly Judiciary Committee, it was amended to add additional changes relating to civil law that have not been analyzed by a policy committee and, therefore, this analysis will focus on analyzing those additional changes.<sup>1</sup>

- a. *Clarifies changes made that authorize a court to transfer jurisdiction of any proceeding under the Family Code to another county when it appears that both the petitioner and the respondent have moved from the county rendering the original order do not apply when a proceeding involving the local child support agency is subject to specified venue requirements under existing law*

Existing law provides that in any proceeding for dissolution or nullity of marriage or legal separation of the parties where it appears that both petitioner and respondent have moved from the county rendering the order, the court may, when the ends of justice and the convenience of the parties would be promoted by the change, order that the proceedings be transferred to the county of residence of either party. This bill expands that authority to any proceeding under the Family Code. Recent amendments specified that this new authority would not apply to a proceeding involving the local child support agency subject to specified venue requirements in Section 17400 of the Family Code. That section provides very specific venue provisions for actions involving a local child support agency. This amendment seeks to clarify that those venue provisions are still followed by a court.

- b. *State Architect duty to development amendment to building regulations*

Existing law requires the State Architect to develop amendments or building regulations and submit them to the California Building Standards Commission for adoption to ensure that no accessibility requirements of the California Building Standards Code are to be enhanced or diminished except as necessary for:

- retaining existing state regulations that provide greater accessibility and features;  
or

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<sup>1</sup> See Asm. Jud. Analysis for AB 1756 (Assembly Judiciary Committee), as amended March 29, 2023; Asm. Floor Analysis AB 1756 (Assembly Judiciary Committee), as amended April 12, 2023.

- meeting federal minimum accessibility standards of the federal Americans with Disabilities Act of 1990 as adopted by the United States Department of Justice, the Uniform Federal Accessibility Standards, and the federal Architectural Barriers Act.

This bill would instead require the State Architect to develop amendments or building regulations and submit them to the California Building Standards Commission for adoption to ensure that no accessibility requirements of the California Building Standards Code are to be modified except as necessary for:

- aligning with existing state regulations that provide greater accessibility and features;
- meeting federal minimum accessibility standards of the federal Americans with Disabilities Act of 1990 as adopted by the United States Department of Justice, the Uniform Federal Accessibility Standards, and the federal Architectural Barriers Act; or
- aligning with a provision improving accessibility and adopted in a national specification, published standard, or model code.

#### **SUPPORT**

None received

#### **OPPOSITION**

None received

#### **RELATED LEGISLATION**

Pending Legislation: None known.

Prior Legislation:

AB 1756 (Committee on Judiciary, Ch. 478, Stats. 2023) Assembly Committee on Judiciary omnibus bill.

AB 2960 (Committee on Judiciary, Ch. 420, Stats. 2022) Assembly Committee on Judiciary omnibus bill.

AB 1578 (Committee on Judiciary, Ch. 401, Stats. 2021) Assembly Committee on Judiciary omnibus bill.

AB 3364 (Committee on Judiciary, Ch. 36, Stats. 2020) Assembly Committee on Judiciary omnibus bill.

**PRIOR VOTES**

Assembly Floor (Ayes 59, Noes 10)

Assembly Appropriations Committee (Ayes 11, Noes 4)

Assembly Judiciary Committee (Ayes 9, Noes 1)

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