

**CALIFORNIA LEGISLATURE**

**Senate Committee on Judiciary**  
**2017 - 2018 Legislative Bill Summaries**

Editor's note:

During the 2017-2018 Regular Legislative Session, 523 measures were referred to the Senate Committee on Judiciary. This report contains summaries of the bills referred to the Judiciary Committee during the 2017-2018 Regular Legislative Session. Bills that were passed by the Legislature and became law are followed by the chapter number and year enacted. For bills that did not become law, the last location of the bill in the legislative process is shown. Veto messages are included for bills vetoed by Governor Edmund G. Brown. Bills are listed categorically based on the main subjects of the bill. Some bills could have been placed in several subject categories; an effort was made to place each bill in the most appropriate categories. Additional information on these measures may be obtained online at <http://leginfo.legislature.ca.gov/> or by calling the Senate Committee on Judiciary at (916) 651-4113.

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## **ADMINISTRATIVE LAW**

### **SB-378 (Portantino) - Alcoholic beverages: licenses: emergency orders.**

This bill would have authorized and provided a process for the Department of Alcoholic Beverage Control to temporarily suspend or condition a license by temporary restraining order, subject to judicial review.

**Status:** Held in the Assembly Appropriations Committee

### **AB-243 (Cooper) - California Beef Commission.**

This bill would have established the California Beef Commission. It would have provided the Commission with broad authority, including authorization to negotiate directly with governmental agencies and to educate those effectuating policy likely to impact California cattle producers or beef and beef products.

**Status:** Held in the Senate Judiciary Committee

### **AB-313 (Gray) - Water.**

This bill would have created a new Water Rights Division within the Office of Administrative Hearings. The bill would have tasked this new water rights division with hearing challenges to water use violation charges and recommending a decision to the State Water Resources Control Board. In his veto message, Governor Brown acknowledged the bill's goal of increasing fairness and transparency in the water rights enforcement process, but indicated his belief that the bill would not accomplish that aim. The Governor directed the Secretary of the Environmental Protection Agency to explore a potential role for administrative law judges in the water rights adjudication process.

**Status:** Vetoed by the Governor

### **AB-552 (Irwin) - United Water Conservation District.**

This bill authorizes the United Water Conservation District to seek a variety of additional remedies against water-producing facilities that are delinquent in payment of groundwater charges or otherwise in non-compliance.

**Status:** Chapter 294, Statutes of 2017

### **AB-944 (Limón) - California Spiny Lobster Commission.**

This bill provides for the establishment of the California Spiny Lobster Commission as necessary for the efficient creation and management of a research program to develop improved harvesting and processing practices, an integrated approach to fishery management, and more efficient resource assessment, monitoring, and protection tools.

**Status:** Chapter 503, Statutes of 2017

**AB-1438 (Committee on Environmental Safety and Toxic Materials) - State Water Resources Control Board: environmental laboratories: public water systems: certificates and permits: procedures.**

This bill updates the Environmental Laboratory Accreditation Act under which the State Water Board evaluates and certifies environmental testing laboratories by: (1) correcting outdated references to other government programs and agencies; (2) harmonizing the process for challenging environmental laboratory permitting and enforcement actions with other State Water Resources Control Board programs; and (3) adding a process for judicial review of administrative actions.

**Status:** Chapter 327, Statutes of 2017

**AB-2234 (Jones-Sawyer) - School districts: employees: dismissal or suspension administrative proceedings: testimony of minor witnesses: pupil contact information.**

This bill enacts discretionary protocols for the participation of minors as witnesses in administrative school employee discipline hearings when the allegations involve egregious misconduct. Specifically, the bill allows an administrative law judge to grant a request for a minor witness to testify via closed-circuit television or videotaped deposition, subject to certain specified conditions, and requires an administrative law judge to allow or appoint a person to accompany and support the minor witness throughout the hearing.

**Status:** Chapter 996, Statutes of 2018

**AB-2886 (Daly) - Public Employee Relations Board: Orange County Transportation Authority: San Joaquin Regional Transit District.**

This bill would have transferred jurisdiction over unfair labor practice charges for the Orange County Transportation Authority and the San Joaquin Regional Transit District from the judicial system to the Public Employee Relations Board (PERB). Consistent with law applicable to other entities under PERB jurisdiction, the bill would also have authorized parties to a labor dispute to, in effect, appeal a PERB decision or order to the courts through a petition for a writ of extraordinary relief filed within 30 days of the PERB decision. In his veto message, the Governor stated that: "[t]he Board's jurisdiction should not be expanded again until the Board's ability to handle its previously expanded caseload is established."

**Status:** Vetoed by the Governor

## **ANIMALS**

### **SB-1249 (Galgiani) - Animal testing: cosmetics.**

This bill makes it unlawful for a manufacturer of cosmetic products to import for profit, sell, or offer for sale in this state, any cosmetic, if the cosmetic was developed or manufactured using an animal test that was conducted or contracted by the manufacturer, or any supplier of the manufacturer, on or after January 1, 2020, as specified. This bill provides that violations are punishable by an initial \$5,000 fine and an additional \$1,000 for each day the violation continues.

**Status:** Chapter 899, Statutes of 2018

### **AB-243 (Cooper) - California Beef Commission.**

This bill would have established the California Beef Commission. It would have provided the Commission with broad authority, including authorization to negotiate directly with governmental agencies and to educate those effectuating policy likely to impact California cattle producers or beef and beef products.

**Status:** Held in the Senate Judiciary Committee

### **AB-944 (Limón) - California Spiny Lobster Commission.**

This bill provides for the establishment of the California Spiny Lobster Commission as necessary for the efficient creation and management of a research program to develop improved harvesting and processing practices, an integrated approach to fishery management, and more efficient resource assessment, monitoring, and protection tools.

**Status:** Chapter 503, Statutes of 2017

### **AB-1491 (Caballero) - Sales of dogs and cats: contracts and advertising.**

This bill declares, as void against public policy, a contract for the purchase of a dog or cat which is made contingent on the making of payments over a period of time, or other types of lease-to-own agreements that do not immediately transfer ownership of the animal to the purchaser. A consumer taking possession of a dog or cat transferred under such contracts shall be deemed the owner of the dog or cat and shall also be entitled to the return of all amounts the consumer paid under the contract.

**Status:** Chapter 761, Statutes of 2017

### **AB-1780 (Maienschein) - Importation of diseased dogs and cats.**

This bill would have provided that if the State Public Health Officer (SPHO) determines that the importation of dogs or cats into this state from another state for the purpose of resale or change of ownership could pose a risk of an outbreak of any communicable disease that is dangerous to individuals, the SPHO would be able to issue an order to prohibit the importation of those affected dogs or cats. This bill would also have provided that any person (defined as an individual, firm, partnership, corporation, association, or other entity) who violates the order by importing a prohibited dog or cat

into this state shall be subject to a civil penalty of five hundred dollars (\$500) for each separate imported prohibited dog or cat.

**Status:** Held in the Senate Appropriations Committee

**AB-2274 (Quirk) - Division of community property: pet animals.**

This bill provides statutory guidance on the rights of parties in a proceeding for marital dissolution or legal separation to petition a court for sole or joint ownership of a community property pet.

**Status:** Chapter 820, Statutes of 2018

## **ARBITRATION AND MEDIATION**

**SB-33 (Dodd) - Arbitration agreements.**

This bill adds an additional determination to the list of exclusions from compelled arbitration. This bill provides arbitration is not compelled when the court determines that a petitioner is a state or federally chartered depository institution that seeks to apply a written agreement to arbitrate, contained in a contract consented to by a consumer, to a purported contractual relationship with that consumer created fraudulently by the petitioner without the consumer's consent and by unlawfully using the consumer's personal identifying information.

**Status:** Chapter 480, Statutes of 2017

**SB-217 (Wieckowski) - Evidence: admissibility.**

This bill provides that the admissibility of financial disclosures mandated by Family Code Sections 2104 and 2105 in relevant family law cases is not limited by the mediation confidentiality provisions of the Evidence Code even if prepared for the purpose of, in the course of, or pursuant to, a mediation or a mediation consultation.

**Status:** Chapter 60, Statutes of 2017

**SB-766 (Monning) - International commercial arbitration: representation.**

This bill authorizes out-of-state attorneys and attorneys from foreign jurisdictions that meet certain conditions to provide legal services in an international commercial arbitration or related conciliation, mediation, or alternative dispute resolution proceeding, as specified. A qualified attorney rendering legal services pursuant to these provisions is subject to the jurisdiction of the courts and disciplinary authority of California with respect to the California Rules of Professional Conduct and the laws governing the conduct of attorneys to the same extent as a member of the State Bar of California. The State Bar of California is required to submit a report to the Supreme Court annually that specifies the number and nature of any complaints that it has received during the prior calendar year against attorneys who provide legal services

pursuant to these provisions and any actions it has taken in response to those complaints

**Status:** Chapter 134, Statutes of 2018

**SB-954 (Wieckowski) - Mediation: confidentiality: disclosure.**

This bill requires an attorney representing a client participating in a mediation or a mediation consultation to provide the client with a written disclosure containing the mediation confidentiality restrictions provided in the Evidence Code. The attorney is required to obtain a printed acknowledgment signed by the client stating that the client has read and understands the confidentiality restrictions. The bill prescribes the format and details of the disclosure, and provides a safe-harbor disclosure.

**Status:** Chapter 350, Statutes of 2018

**AB-1017 (Santiago) - Collective bargaining agreements: arbitration: litigation.**

This bill would have required courts in the context of public sector bargaining agreement disputes to award attorney's fees to the prevailing party in any motion to compel arbitration, in any motion to compel compliance with the arbitrator or grievance panel's decision, or in any appeal of the arbitrator's decision, unless the losing party raised substantial issues involving complex or significant matters. Such fee shifting provisions already exist in the context of private sector collective bargaining disputes.

**Status:** Died on the Senate Floor

**AB-1654 (Rubio) - Labor Code Private Attorneys General Act of 2004: construction industry.**

This bill exempts a construction industry employer from California Private Attorneys General Act (PAGA) lawsuits for work performed under a collective bargaining agreement, so long as that agreement contains certain specified terms, including a process for arbitrating grievances and the availability of all the remedies that are otherwise available under PAGA. PAGA provides a mechanism for employees to sue their employers on behalf of themselves and similarly situated co-workers for violations of the state's labor laws.

**Status:** Chapter 529, Statutes of 2018

**AB-3247 (Committee on Judiciary) - Arbitration: agreements: enforcement.**

This bill provides that a court is not required to order parties to arbitrate a controversy if it determines that grounds exist for "rescission" of the agreement, rather than "revocation" of the agreement.

**Status:** Chapter 106, Statutes of 2018

## **ATTORNEYS AND THE PRACTICE OF LAW**

### **SB-36 (Jackson) - Attorneys: annual membership fee.**

This bill authorized the State Bar of California (State Bar) to collect annual membership dues for 2018, and reformed the State Bar through the separation of the Sections of the State Bar and enactment of numerous governmental reforms of the State Bar.

**Status:** Chapter 422, Statutes of 2017

### **SB-316 (Wieckowski) - Attorneys: pro bono legal services.**

This bill would have required attorneys to annually report to the State Bar their pro bono legal aid service hours and contributions to legal aid, and established an aspirational benchmark of 50 pro bono service hours for every attorney in the state.

**Status:** Held in the Assembly Appropriations Committee

### **SB-690 (Jackson) - State Bar: disclosures.**

This bill allows the State Bar of California (State Bar) to disclose information it is currently prohibited from disclosing and that law schools need in order to comply with regulatory and accreditation requirements. This bill remedies unintended consequences that resulted from subjecting records of the State Bar to the California Public Records Act. This bill provides that any information received from an educational or testing entity that is collected by the State Bar for the purpose of conducting the Law School Bar Exam Performance Study shall be confidential and shall not be disclosed pursuant to any state law, except that aggregate, summary, or statistical data that does not identify any person and does not provide substantial risk of identification of any person may be disclosed, as specified.

**Status:** Chapter 433, Statutes of 2017

### **SB-766 (Monning) - International commercial arbitration: representation.**

This bill authorizes out-of-state attorneys and attorneys from foreign jurisdictions that meet certain conditions to provide legal services in an international commercial arbitration or related conciliation, mediation, or alternative dispute resolution proceeding, as specified. A qualified attorney rendering legal services pursuant to these provisions is subject to the jurisdiction of the courts and disciplinary authority of California with respect to the California Rules of Professional Conduct and the laws governing the conduct of attorneys to the same extent as a member of the State Bar of California. The State Bar of California is required to submit a report to the Supreme Court annually that specifies the number and nature of any complaints that it has received during the prior calendar year against attorneys who provide legal services pursuant to these provisions and any actions it has taken in response to those complaints.

**Status:** Chapter 134, Statutes of 2018

**AB-360 (Muratsuchi) - The State Bar: pro bono legal assistance: veterans.**

This bill requires the State Bar to administer a program to coordinate pro bono civil legal assistance to veterans and their families who otherwise cannot afford legal services.

**Status:** Chapter 401, Statutes of 2017

**AB-3047 (Daly) - Court fees: waiver: Indian Child Welfare Act.**

This bill provides that the pro hac vice fees that otherwise would be required to be paid to the court shall be waived when the applicant is an attorney representing a tribe in a child welfare matter under the federal Indian Child Welfare Act.

**Status:** Chapter 399, Statutes of 2018

**AB-3068 (Daly) - County government: contract legal counsel: auditor-controller.**

This bill requires county boards of supervisors to obtain independent legal counsel to assist a county auditor-controller if a county counsel or district attorney would have a conflict of interest in representing the auditor-controller.

**Status:** Chapter 307, Statutes of 2018

**AB-3076 (Reyes) - Indian child welfare: legal services.**

This bill would have required the State Bar to administer grants to qualified legal services projects and qualified support centers for the purpose of providing legal services to Native American tribes in child welfare matters under the federal Indian Child Welfare Act (ICWA). The bill would have established that grants shall be provided only to qualified legal services projects and qualified support centers that have experience handling child welfare matters under the federal ICWA or providing legal services to Native American tribes. The provisions of this bill would have only become operative if an appropriation of one million dollars (\$1,000,000) or more were made to the State Bar in the annual State Budget Act expressly identified for these purposes.

**Status:** Held in the Senate Appropriations Committee

**AB-3249 (Committee on Judiciary) - State Bar Act: attorneys: discipline: annual membership fee.**

This bill authorizes the State Bar to collect annual membership fees of \$390 for 2019 and enacts other reforms, including a strengthening of the attorney discipline system.

**Status:** Chapter 659, Statutes of 2018

**AB-3250 (Committee on Judiciary) - Civil law: civil rights.**

This bill makes a series of minor, technical, and uncontroversial fixes to the California legal codes in order to update antiquated language, delete obsolete cross-references, increase consistency, and eliminate sources of confusion. Specifically, this bill: (1) addresses confusion over legal training requirements for legal document assistants and unlawful detainer assistants; (2) inserts textual markers to help distinguish between

California's civil rights statutes; (3) updates antiquated language used in reference to the deaf or hard-of-hearing; (4) fixes inconsistencies in code sections relating to California's new non-binary gender laws and clarifies the procedures through which parents and legal guardians may petition the court for a name and gender change on behalf of a minor; and (5) updates obsolete cross-references.

**Status:** Chapter 776, Statutes of 2018

## **BUSINESS ENTITIES**

### **SB-838 (Hertzberg) - Corporate records: articles of incorporation: blockchain technology or distributed electronic networks.**

This bill authorizes corporations to include a provision in their articles of incorporation authorizing the use of blockchain technology to record and track the issuance and transfer of stock certificates.

**Status:** Chapter 889, Statutes of 2018

### **SB-904 (Wieckowski) - Alarm companies: business conditions: limited liability companies.**

This bill extends the Bureau of Security and Investigative Service's (BSIS) authorization to issue an alarm company operator license to a limited liability company until January 1, 2024. This bill also requires the BSIS to share information with the appropriate policy committees of the Legislature related to claims made against limited liability insurance policies.

**Status:** Chapter 406, Statutes of 2018

### **SB-920 (Cannella) - Engineering, land surveying, and architecture: limited liability partnerships.**

This bill extends the authorization for persons licensed to engage in the practice of engineering, land surveying, or architecture to form limited liability partnerships until January 1, 2026.

**Status:** Chapter 150, Statutes of 2018

### **SB-1196 (Jackson) - Personal identifying information: unlawful use: business entity filings.**

This bill authorizes a person whose personal identifying information has been used unlawfully in a business entity filing, as defined, and has initiated a law enforcement investigation, to petition a court for an order directing the alleged perpetrator of the act and the person using the personal identifying information in the filing to appear and show cause as to why the information should not be labeled to show the information is impersonated and should not be associated with the business entity. This bill provides the relevant court process and requires a court that finds the petition meritorious, to

order that the name and personal identifying information in the business entity filing be redacted or labeled to show the data is impersonated and to order the removal of the personal identifying information from publicly accessible electronic indexes and databases.

**Status:** Chapter 696, Statutes of 2018

**AB-813 (Holden) - Multistate regional transmission system organization: membership.**

This bill would have established a pathway for the California Independent System Operator to transform its governance structure to operate as a multistate regional transmission system organization should certain requirements be met. It would have required approval from the state before any California transmission owner, retail seller, or local publicly owned utility joins a multistate regional transmission system organization.

**Status:** Held in the Senate Rules Committee

**AB-1535 (Maienschein) - Corporations: dissolutions: separate shareholder agreements.**

This bill clarifies that, with respect to the rules governing the dissolution of a corporation, a corporation's articles of incorporation may include a reference to a separate, written agreement between two or more shareholders pertaining to the purchase of shares.

**Status:** Chapter 721, Statutes of 2017

**AB-2503 (Irwin) - Corporations: limited liability companies: dissolution: cancellation: abatement of taxes.**

This bill establishes two administrative processes for dissolving a domestic corporation or limited liability company when its powers, rights, and privileges have been suspended by the Franchise Tax Board, or when it has ceased operations in California.

**Status:** Chapter 679, Statutes of 2018

**AB-2557 (Maienschein) - Corporations: directors.**

This bill clarifies that any or all of a portion of the directors of a nonprofit public benefit corporation, nonprofit mutual benefit corporation, nonprofit religious corporation, or cooperative corporation may serve as ex officio directors, as specified, and corrects a cross reference in the Nonprofit Public Benefit Corporation Law.

**Status:** Chapter 322, Statutes of 2018

## **CHILD ABUSE, ELDER AND DEPENDENT ADULT ABUSE**

### **SB-1053 (Beall) - Presentation of claims: local public entities: childhood sexual abuse.**

This bill provides that the procedures authorized to be prescribed by Section 935 of the Government Code relating to claims for money or damages against local public entities do not apply to claims of childhood sexual abuse made as described in Section 905(m) of the Government Code. The bill states that it is declaratory of existing law.

**Status:** Chapter 153, Statutes of 2018

### **SB-1143 (Vidak) - Housing restrictions: sex offenders.**

This bill would have required registered sex offenders who abused children to disclose their status as such when seeking to purchase or rent residential housing located within 1/4 mile of a school, park, or child care facility. The bill also would have authorized the prospective seller or landlord to refuse to sell or rent to the offender on the basis of their status as an offender or their failure to disclose that status.

**Status:** Failed passage in the Senate Public Safety Committee

### **SB-1320 (Stern) - Elder or dependent adult abuse: victim confidentiality.**

This bill enables victims of elder or dependent adult abuse, as defined, to participate in the Secretary of State's Safe at Home address confidentiality program.

**Status:** Chapter 517, Statutes of 2018

### **AB-611 (Dababneh) - Mandated reporters of suspected financial abuse of an elder or dependent adult: powers of attorney.**

This bill authorizes a mandated reporter of suspected elder or dependent adult financial abuse to refuse to honor a power of attorney, as defined, if that mandated reporter makes a report that the elder or dependent adult may be subject to financial abuse, as specified.

**Status:** Chapter 408, Statutes of 2017

### **AB-859 (Eggman) - Elders and dependent adults: abuse or neglect.**

This bill would have applied a preponderance of the evidence standard to any claim brought against a residential care facility for the elderly or a skilled nursing facility, except when operated by an acute care hospital as specified, for remedies sought pursuant to the Elder Abuse and Dependent Adult Civil Protection Act, upon circumstances in which spoliation of evidence has been committed by the defendant, as specified. In his veto message, Governor Brown stated that he does not believe changing the standard of proof is warranted at this time because under existing law judges have numerous sanctions at their disposal. The Governor believes these sanctions offer judges a number of options for recourse when intentional destruction or

concealment of evidence is found.

**Status:** Vetoed by the Governor

**AB-1934 (Jones-Sawyer) - Dependent persons: definition.**

This bill clarifies that the terms “dependent person” and “dependent adult” include a person who lives independently.

**Status:** Chapter 70, Statutes of 2018

**AB-2105 (Maienschein) - Punitive damages: minors.**

This bill allows for a recovery of up to three times the amount of an award in a civil action brought by, or on behalf of, or for the benefit of, a person who is a minor or nonminor dependent and is a victim of commercial sexual exploitation, “whenever a trier of fact is authorized by a statute to impose either a fine, or a civil penalty or other penalty, or any other remedy the purpose or effect of which is to punish or deter,” if that trier of fact finds any specified factors exist. It further authorizes a court to award a civil penalty of \$10,000 to \$50,000 where the trier of fact is not authorized by statute to impose a civil penalty.

**Status:** Chapter 166, Statutes of 2018

**AB-2128 (Kiley) - School employees: dismissal or suspension: hearings: evidence.**

This bill allows testimony and evidence to be admitted in proceedings regarding the dismissal or suspension of a permanent school employee that involves allegations of behavior or communication of a sexual nature with a pupil or allegations of sexual harassment if the hearing is based on similar conduct, regardless of whether it is over four years old where such allegations have been substantiated through an investigation or proceeding, or for which the employee was subject to discipline or other form of penalty. It also allows testimony or evidence regarding allegations of lewd or lascivious acts with a pupil or contacting a known minor with intent to commit certain sexual misconduct to be admitted in any such proceeding regardless of when the alleged conduct took place.

**Status:** Chapter 816, Statutes of 2018

**AB-2294 (Oberholte) - Child custody proceedings: finding of sexual abuse.**

This bill would have required a court holding a child custody proceeding to request an investigation by a child welfare services agency if the court determines that it cannot protect the child from child abuse. In his veto message, Governor Brown stated that “[t]here is not an identified problem with existing law. Currently, the family court can request an investigation by the local child welfare agency when there are allegations of child abuse. This bill could potentially have the unintended consequence of delaying appropriate referrals of child abuse if a court believes it must first make the findings

described in the bill prior to requesting an investigation."

**Status:** Vetoed by the Governor

**AB-2792 (Calderon) - Termination of the parent and child relationship: severe sexual abuse.**

This bill clarifies that a prior finding of severe sexual abuse in the context of a juvenile dependency proceeding constitutes evidence of neglect or cruel treatment for the purposes of a separate proceeding to terminate parental rights.

**Status:** Chapter 83, Statutes of 2018

**AB-3120 (Gonzalez Fletcher) - Damages: childhood sexual assault: statute of limitations.**

This bill would have extended the time for commencement of actions for childhood sexual assault to 40 years of age or 5 years from discovery of the injury; provided enhanced damages for a cover up, as defined, of the assault; and provided a three-year window in which expired claims would be revived. In his veto message, Governor Brown extolled the virtues of statutes of limitations and expressed his hesitance to undermining Californians' reliance on them. He also indicated that the bill inequitably exempted state defendants from its provisions.

**Status:** Vetoed by the Governor

## **CIVIL AND PERSONAL RIGHTS AND DISCRIMINATION LAW**

**SB-21 (Hill) - Law enforcement agencies: surveillance: policies.**

This bill would have required certain public agencies that use or gain information from surveillance technologies, as defined, to develop a Surveillance Use Policy detailing the technology and how it will be used by the agency. The policy would have had to be submitted to and approved by the public agency's governing body, as specified. A new Surveillance Use Policy would have to be developed and approved before a public agency could request funds for, acquire, use, or gain information from a new surveillance technology.

**Status:** Held in the Assembly Appropriations Committee

**SB-31 (Lara) - California Religious Freedom Act: state agencies: disclosure of religious affiliation information.**

This bill, to be known as the California Religious Freedom Act, directs California state and local governments to refrain from initiating, participating in, or assisting with any program to create a religious list, registry, or database, or using information about people's national origin or ethnicity to achieve the same basic purpose.

**Status:** Chapter 826, Statutes of 2017

**SB-169 (Jackson) - Education: sex equity.**

This bill would have added sexual violence to the definition of sexual harassment in the Education Code. Furthermore, this bill would have directed all California K-12 and post-secondary educational institutions receiving financial assistance from the state to implement the standards for sexual harassment prevention issued by the U.S. Department of Education Office of Civil Rights in its Dear Colleague Letter of April 4, 2011. Specifically, the institutions would have been required to, among other specified things: designate one employee as a sex equity coordinator; adopt and publish grievance procedures providing for prompt and equitable resolution of sexual harassment complaints; and take immediate action, when it finds that sexual harassment has created a hostile environment, to eliminate the hostile environment, prevent its recurrence, and address its effects on the complainant and the campus community. When an appropriate state enforcement agency finds that an educational institution has not taken prompt and effective steps to respond to sexual harassment, then, after giving the educational institution an opportunity to comply voluntarily, the enforcement agency would have had the discretion to initiate proceedings to withdraw state financial assistance. In his veto message, Governor Brown invoked “strong” recently enacted laws intended to deal with the problem of sexual assault at educational institutions. Governor Brown indicated his belief that additional time and study of the impact of those laws is needed to determine whether additional legislation is needed and, if so, what its content should be. He indicated his intent to convene “a group of knowledgeable persons” for that purpose.

**Status:** Vetoed by the Governor

**SB-179 (Atkins) - Gender identity: female, male, or nonbinary.**

This bill provides for a third gender option on the state driver’s license, identification card, and birth certificate. This bill also restructures the process for individuals to change their name to conform with their gender identity and creates a new procedure for an individual to secure a court-ordered change of gender. Most of the bill’s provisions become effective on September 1, 2018. This bill provides that if an objection is timely filed on a court order to recognize a change in gender, the court may set a hearing if the objection shows good cause, but shall grant the petition for gender change at the hearing if it determines it is not made for any fraudulent purpose, and provides that if a petition is filed seeking to conform the petitioner’s name to the petitioner’s gender identity and no objection is timely filed, the court shall grant the petition without a hearing.

**Status:** Chapter 853, Statutes of 2017

### **SB-219 (Wiener) - Lesbian, Gay, Bisexual, and Transgender Long-Term Care Facility Resident's Bill of Rights.**

This bill enacts the Lesbian, Gay, Bisexual and Transgender Long-Term Care Facility Residents' Bill of Rights and makes it unlawful for any long-term care facility, as defined, to take specified actions on the basis of a person's actual or perceived sexual orientation, gender identity, gender expression, or human immunodeficiency virus status.

**Status:** Chapter 483, Statutes of 2017

### **SB-224 (Jackson) - Personal rights: sexual harassment.**

This bill adds investor, elected official, lobbyist, director, and producer to the list of examples of relationships that are covered by Civil Code Section 51.9's imposition of civil liability for sexual harassment in business, service, or professional contexts. Because the current list of examples is not exclusive, this aspect of the bill is declaratory of existing law. Nonetheless, it serves to highlight that investors, elected officials, lobbyists, directors, and producers can be subject to liability if they engage in sexual harassment. Additionally, the bill (1) extends potential liability to those who hold themselves out as being able to help the plaintiff establish a business, service, or professional relationship with the defendant or a third party; (2) authorizes the Department of Fair Employment and Housing to receive, investigate, conciliate, mediate, and prosecute complaints alleging a violation related to Civil Code Section 51.9; and (3) adds Civil Code Section 51.9 to the list of statutes in the Fair Employment and Housing Act (FEHA) that create rights such that, if a person were to deny or to aid, incite, or conspire in the denial of those rights, it would constitute an unlawful practice under FEHA.

**Status:** Chapter 951, Statutes of 2018

### **SB-225 (Stern) - Human trafficking: notice.**

This bill requires the notice, provided for in Civil Code Section 52.6, to include language indicating that victims, or those who witness trafficking, can text a special hotline to access help and services, and requires the Department of Justice to update the model notice accordingly.

**Status:** Chapter 565, Statutes of 2017

### **SB-270 (Atkins) - Human trafficking recognition and reporting: training: hotels and motels.**

This bill would have required hotels and motels that provide lodging services to train employees who are likely to interact or come into contact with victims of human trafficking. The employees would have been trained on recognizing the signs of human trafficking and how to report those signs to the appropriate law enforcement agency. An approved training program would have been developed by the Department of Justice

and posted online. Hotels and motels would have been able to use privately developed programs with Department of Justice approval.

**Status:** Held in the Senate Appropriations Committee

**SB-295 (Monning) - Farm labor contractors.**

This bill makes several additions to the law that governs obtaining and renewing a farm labor contractor license. The intent behind these changes is to increase compliance with sexual harassment prevention training requirements. Specifically, this requires: (1) that sexual harassment prevention training for each agricultural employee be given in the language understood by that employee; (2) that, as part of their license renewal application, farm labor contractors provide the California Labor Commissioner with a complete list of all materials or resources used to provide sexual harassment prevention training to their employees in the prior year; (3) that, as part of their license renewal application, farm labor contractors also include the total number of agricultural employees trained in sexual harassment prevention in the prior year; and (4) that the Labor Commissioner shall add up the number of sexual harassment prevention trainees annually and post the total on its Web site. This bill also authorizes the Labor Commissioner to assess a civil penalty of \$100 for each violation of certain sexual harassment prevention training requirements.

**Status:** Chapter 424, Statutes of 2017

**SB-310 (Atkins) - Name and gender change: prisons and county jails.**

This bill permits inmates and parolees under the jurisdiction of the California Department of Corrections and Rehabilitation (CDCR) to petition the courts for a change of name and official gender identification without the need for prior authorization. Those under the jurisdiction of CDCR must notify the department of the petition; those in county jails must notify the corresponding sheriff's department, giving those entities the opportunity to present objections to the proposed change in court. This bill also requires state prisons and county jails to use the new name, once approved by the court, in all subsequent documentation.

**Status:** Chapter 856, Statutes of 2017

**SB-393 (Lara) - Arrests: sealing.**

This bill provides a mechanism for a person to petition a court to seal records of arrests that did not result in a conviction, as defined, with certain exceptions.

**Status:** Chapter 680, Statutes of 2017

**SB-419 (Portantino) - Legislature: Legislative Sexual Harassment Retaliation Prevention Act.**

This bill prohibits the California State Senate and Assembly from discharging, expelling, or otherwise discriminating against a legislative advocate or legislative employee because that person has opposed any practices that are forbidden by California Fair

Employment and Housing Act (FEHA) or are actionable under Section 51 or 51.9 of the Civil Code. It prohibits the California State Senate and Assembly from discharging, expelling, or otherwise discriminating against a legislative advocate or legislative employee because that person filed a harassment complaint, testified regarding harassment or assisted in any proceeding related to a harassment complaint made under FEHA or Section 51 or 51.9 of the Civil Code. The bill further requires the California Senate and Assembly to keep a record of each discriminatory harassment complaint for at least 12 years after the complaint is made. In addition, the bill amends the Legislative Whistleblower Protection Act as follows: (1) a "protected disclosure" under that Act includes a complaint made by a legislative employee against a third party whose behavior affects a Member or legislative employee who is engaged in a work-related activity; (2) a violation of the bill's anti-retaliation protections is subject to a maximum fine of \$10,000; and (3) the bill's anti-retaliation protections do not apply to an act taken by a vote of the house or to the deliberation of legislative matters within its jurisdiction.

**Status:** Chapter 952, Statutes of 2018

**SB-491 (Bradford) - Civil rights: discrimination: enforcement.**

This bill would have instructed the California Department of Fair Employment and Housing (DFEH) to establish an advisory group to explore the possibility of authorizing local governments to enforce the state's anti-discrimination laws by surveying existing local practices, studying the feasibility of such a change, and reporting back to the Legislature with an implementation plan and draft legislation. In his veto message, Governor Brown expressed concern that the bill is drafted too broadly: "it is not clear that the advisory group would focus solely on employment protections governed by FEHA." The veto message nonetheless directs DFEH to "create an advisory group to explore allowing the provisions of FEHA to be enforced by local authorities and prepare a report to my office and the Legislature with findings and recommendations by December 31, 2018."

**Status:** Vetoed by the Governor

**SB-576 (Wiener) - Jury commissioners: juror data collections and maintenance.**

This bill would have required jury commissioners to collect and maintain demographic data from all prospective jurors who appear for jury service, including each juror's race, gender, ethnicity, national origin, and ZIP code of residence. The demographic data would have been collected to determine if the pool of prospective jurors who appear for jury service pursuant to a jury summons accurately represents a cross section of the population of the area served by the court. The data would have been collected on a form developed by the jury commissioner. Such a form would not have collected any personal identifying information. The data would have been collected upon a juror's

arrival to jury duty, along with other information currently collected by the court. All data collected would have remained anonymous and been aggregated by the jury commissioner. The jury commissioner would have been required to biannually produce a report presenting the aggregated data, which would have been made available to the public and maintained by each court.

**Status:** Held in the Senate Appropriations Committee

**SB-597 (Leyva) - Human trafficking: victim confidentiality.**

This bill makes the address confidentiality program administered by the Secretary of State, known as the Safe at Home program, available to victims of human trafficking, and makes additional conforming changes. This bill also expands the program to include household members of victims of domestic violence, sexual assault, stalking, and human trafficking, as specified.

**Status:** Chapter 570, Statutes of 2017

**SB-820 (Leyva) - Settlement agreements: confidentiality.**

This bill prohibits a provision within a settlement agreement that prevents the disclosure of factual information related to specified claims or complaints, including claims for sexual assault, sexual harassment, and sexual discrimination. This prohibition extends to orders of the court. Plaintiffs in such actions retain the right to request provisions in settlement agreements that shield their identity.

**Status:** Chapter 953, Statutes of 2018

**SB-926 (Skinner) - CalWORKs and CalFresh: work requirements.**

This bill would have provided CalWORKs and CalFresh recipients with additional protections against reductions in their benefits when they quit or refuse employment on account of, among other specified reasons: harassment, lack of compliance with sick leave laws, wage theft, failure to grant family leave, or because the nature of the job makes it impossible for the recipient to comply with other program requirements. The bill would also have required county human services agencies to provide legal information to public benefits recipients who raise concerns about workplace violations. In his veto message the Governor stated that the bill "is unnecessary because existing law provides county welfare departments with broad authority to grant good cause exemptions from work requirements to ensure recipients are not unjustly penalized."

**Status:** Vetoed by the Governor

**SB-937 (Wiener) - Lactation accommodation.**

This bill would have mandated that all employers provide a space with certain technical specifications for employees with a desire to express breast milk in private. In his veto message, the Governor stated that he "signed AB 1976 which furthers the state's ongoing efforts to support working mothers and their families." Therefore, according to

the Governor, “this bill is not necessary.”

**Status:** Vetoed by the Governor

**SB-970 (Atkins) - Employment: human trafficking awareness.**

This bill amends the Fair Employment and Housing Act to require hotel and motel employers to provide at least 20 minutes of training and education regarding human trafficking awareness to their employees who are likely to interact or come into contact with victims of human trafficking, as defined. The bill establishes required timelines for such trainings starting January 1, 2020. If an employer violates these requirements, the Department of Fair Employment and Housing is authorized to issue an order requiring compliance.

**Status:** Chapter 842, Statutes of 2018

**SB-990 (Wiener) - Inmates.**

This bill would have enacted a series of new rules regarding the treatment of inmates in state prisons and county jails. While not exclusive to this population, the rules have the primary function of providing additional safeguards for the rights of transgender and gender non-conforming inmates. Specifically, the bill would have: (1) required equal access to programs and opportunities to work for inmates housed away from the general population for protective, rather than disciplinary reasons; and (2) required facility staff to utilize the gender identity, gender pronoun (“he,” “she,” or “they”), and honorific title (“Mr.,” “Miss,” “Ms.,” or “Mrs.,”) specified by the inmate.

**Status:** Held in the Assembly Appropriations Committee

**SB-1038 (Leyva) - California Fair Employment and Housing Act: violations: personal liability.**

This bill would have made individual employees personally liable if they retaliate against others for complaining about, reporting, testifying about, cooperating with an investigation about, or otherwise opposing workplace discrimination and harassment. Existing California Supreme Court precedent extends liability for such retaliation only to employers, labor organizations, and employment agencies, but not to an individual employee who retaliates unless, possibly, the person retaliating also committed the harassment in question.

**Status:** Died on the Assembly Floor

**SB-1045 (Wiener) - Conservatorship: chronic homelessness: mental illness and substance use disorders.**

This bill allows, until January 1, 2024, San Diego, San Francisco, and Los Angeles Counties to place in a conservatorship, as specified, a person who is chronically homeless and incapable of caring for his or her own health and well-being due to

serious mental illness and substance use disorder.

**Status:** Chapter 845, Statutes of 2018

**SB-1150 (Jackson) - Gender discrimination.**

This bill would have directed all California state agencies, beginning in 2020, to conduct biannual evaluations, in consultation with the Commission on the Status of Women and Girls, to identify and make recommendations for the correction of any discrimination against women in the department's policies and programs. Such evaluations are consistent with the principles of the international Convention on the Elimination of All Forms of Discrimination Against Women.

**Status:** Held in the Senate Appropriations Committee

**SB-1186 (Hill) - Law enforcement agencies: surveillance: policies.**

This bill would have required law enforcement agencies, as defined, that use or gain information from surveillance technologies, as defined, to develop a Surveillance Use Policy detailing the technology and how it will be used by the agency. A subset of those law enforcement agencies would have had to submit their policies to their governing body for approval. A new Surveillance Use Policy would have had to be developed before a law enforcement agency could request funds for, acquire, use, or gain information from a new surveillance technology. This bill would have provided a cause of action for violations of these provisions; however, the remedies would have been limited to injunctive relief and attorneys' fees and costs. This bill is substantially similar to SB 21 (Hill, 2017), which passed through this Committee in 2017 but ultimately failed passage.

**Status:** Held in the Assembly Appropriations Committee

**SB-1284 (Jackson) - Employers: annual report: pay data.**

This bill would have required large employers incorporated in California to report pay and job title information broken down by gender, race, and ethnicity, to the Department of Industrial Relations on an annual basis.

**Status:** Held in the Assembly Appropriations Committee

**SB-1300 (Jackson) - Unlawful employment practices: discrimination and harassment.**

This bill makes a series of changes to the Fair Employment and Housing Act designed to strengthen that statute's deterrent effect against discrimination, harassment, and retaliation. Specifically, the bill: (1) provides guidance to the courts on application of the legal standard for unlawful harassment; (2) establishes that employers may be held liable for unlawful harassment that their employees endure, based on any protected characteristic, at the hands of third-party non-employees, if the employer knows of the harassment, has the requisite control over the situation, and fails to correct it; (3) restricts the use of contractual provisions that require workers to waive their civil rights

as a condition of employment or continued employment; (4) prevents the preemptive use of contractual non-disparagement clauses, at the time of hire or as a condition of continued employment, to deny employees the right to disclose information about unlawful acts in the workplace, including sexual harassment; (5) expands the scope and content of workplace sexual harassment prevention training; and (6) clarifies that people seeking to enforce their civil rights in good faith, including the right to be free from sexual harassment, should not be deterred by the concern that they may be forced to pay attorneys' fees.

**Status:** Chapter 955, Statutes of 2018

**SB-1343 (Mitchell) - Employers: sexual harassment training: requirements.**

This bill reduces the sexual harassment training requirement threshold from employers with 50 or more employees to employers with five or more employees, includes non-supervisory employees in the training, and requires that the Department of Fair Employment and Housing develop an online training course and make it available on the Department's Web site.

**Status:** Chapter 956, Statutes of 2018

**SB-1500 (Committee on Veterans Affairs) - Prohibited discrimination against service members.**

This bill updates a series of existing laws which prohibit discrimination against military personnel in employment and public accommodations.

**Status:** Chapter 117, Statutes of 2018

**SCR-78 (Jackson) - The Convention on the Elimination of All Forms of Discrimination Against Women.**

This resolution makes a series of findings regarding ongoing disparities and discrimination against women in the State of California in contravention of the international Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This resolution further urges state government and the private sector to adhere to the principles of CEDAW, to analyze their policies, programs, employment practices, budget allocations, and service provision in light of those principles, and to remedy any identified shortcomings.

**Status:** Chapter 16, Statutes of 2018

**SR-9 (Jackson) - Planned Parenthood**

This resolution makes findings regarding the services and impact of Planned Parenthood, a national non-profit organization providing reproductive health care services.

**Status:** Adopted by the Senate

### **SR-12 (Atkins) - Women's Reproductive Health**

This resolution, on the occasion of the 44th anniversary of *Roe v. Wade* (1973) 410 U.S. 113, makes a series of California Senate findings regarding the positive impact of that decision on the reproductive, economic, and social life of women and the nation as a whole.

**Status:** Adopted by the Senate

### **SR-72 (Leyva) - The 45th Anniversary of the Roe V. Wade decision.**

This resolution commemorates the 45th Anniversary of the U.S. Supreme Court's decision in the case *Roe v. Wade* (1973) 410 U.S. 113, which established a woman's constitutional right to choose for herself whether or not to carry her pregnancy to term. This resolution makes a series of California Senate findings regarding the positive impact of that decision on the reproductive, economic, and social life of women and the nation as a whole. This resolution urges the U.S. President and Congress to express support for a woman's constitutional right to control her own reproductive decisions as well as access to comprehensive reproductive health care services, including those of Planned Parenthood.

**Status:** Adopted by the Senate

### **AB-21 (Kalra) - Public postsecondary education: Access to Higher Education for Every Student.**

This bill requires the California State University, California Community Colleges and each Cal Grant eligible independent institution of higher education, and requests the University of California, to establish various policies and actions to be implemented by postsecondary institutions in California that safeguard against immigration enforcement activities on campuses.

**Status:** Chapter 488, Statutes of 2017

### **AB-23 (Ridley-Thomas) - Educational programs: single gender schools and instructional programs.**

This bill permits public schools in school districts with an average daily attendance of 400,000 or more to maintain existing gender segregated schools and classes, subject to specified conditions. Establishment of the gender segregated schools or programs is dependent on the adoption of policies addressing compliance with federal prohibitions on gender-based discrimination and is subject to a biannual evaluation requirement. This bill prohibits the establishment of new gender segregated schools and classes. This bill sunsets on January 1, 2025.

**Status:** Chapter 654, Statutes of 2017

**AB-46 (Cooper) - Employers: wage discrimination.**

This bill confirms that the Equal Pay Act extends to public sector employment.

**Status:** Chapter 776, Statutes of 2017

**AB-260 (Santiago) - Human trafficking.**

This bill includes hotels, motels, and bed and breakfast inns, not including personal residences, on the list of establishments that must post notices containing resources for potential victims of human trafficking and slavery.

**Status:** Chapter 547, Statutes of 2017

**AB-353 (Voepel) - Employment policy: voluntary veterans' preference.**

This bill would have established the Voluntary Veterans' Preference Employment Policy Act to allow private employers to give veteran preference in employment decisions. AB 1383 (Jones, 2016), a bill nearly identical to this one, also was voted down by the Senate Judiciary Committee because of concerns regarding the impact the creation of a program that would give preference to a population that is 92 percent male would have on women and LGBT persons.

**Status:** Failed passage in the Senate Judiciary Committee

**AB-375 (Chau) - Privacy: personal information: businesses.**

This bill creates the California Consumer Privacy Act of 2018. It provides consumers the right to access their personal information that is collected by a business, the right to delete it, the right to know what personal information is collected, the right to know whether and what personal information is being sold or disclosed, the right to stop a business from selling their information, and the right to equal service and price. Each right contains certain exceptions. This bill provides a modified, private right of action for data breaches and allows for enforcement by the Attorney General for other violations with a right to cure for businesses in violation, as specified.

**Status:** Chapter 55, Statutes of 2018

**AB-686 (Santiago) - Housing discrimination: affirmatively further fair housing.**

This bill obligates California public agencies to administer their programs and activities relating to housing and community development in such a way as to affirmatively further fair housing.

**Status:** Chapter 958, Statutes of 2018

**AB-699 (O'Donnell) - Educational equity: immigration status.**

This bill emphasizes that discrimination based on immigration status is prohibited within California's K-12 public schools and requires schools to take additional affirmative steps

to eliminate such discrimination. In addition, this bill directs the Attorney General to publish, and schools to adopt, policies for limiting assistance with immigration enforcement at public schools to the minimum consistent with federal and state law.

**Status:** Chapter 493, Statutes of 2017

**AB-998 (Grayson) - Multidisciplinary teams: human trafficking and domestic violence.**

This bill provides for the creation of both domestic violence and human trafficking multidisciplinary personnel teams (MDT) that could collaborate to respond to and support survivors of domestic violence and human trafficking. The bill authorizes the MDT members to share confidential information with one another with specified protections in place, including the requirement to obtain an individual's informed, written, reasonably time-limited consent to the disclosure of their confidential information.

**Status:** Chapter 802, Statutes of 2018

**AB-1148 (Steinorth) - Commercial property: disclosures: disability access.**

This bill defines "commercial property" for purposes of disability access inspection disclosures, with the effect of limiting the disability access inspection disclosure requirements to properties that are being offered for sale or lease to persons operating, or intending to operate, a public accommodation or a facility to which the general public is invited. This bill takes effect immediately as an urgency statute.

**Status:** Chapter 87, Statutes of 2017

**AB-1248 (Gloria) - Pupils: right to wear religious, ceremonial, or cultural adornments at school graduation ceremonies.**

This bill codifies the right of California public high school students to accessorize their cap and gown with religious, ceremonial, or cultural adornments, such as eagle feathers or kente cloth, at graduation ceremonies, provided that such adornments do not cause substantial disruption or otherwise interfere with the ceremony.

**Status:** Chapter 804, Statutes of 2018

**AB-1379 (Thurmond) - Certified access specialist program: funding.**

This bill makes changes to the funding behind the Certified Access Specialist Program (CAsp), a program that trains and certifies specialists in assessing whether physical structures such as schools, parks, and shopping malls, comply with the applicable disability access laws. Specifically, this bill (1) extends the fee on business licenses and permits that funds the CAsp program; (2) temporarily increases those fees; and (3) reconfigures the formula by which the resulting revenue is distributed; all in order to increase the number of CAsp certified local building inspectors in California.

**Status:** Chapter 667, Statutes of 2017

**AB-1556 (Mark Stone) - Employment discrimination: unlawful employment practices.**

This bill replaces, with gender neutral language, all existing references to “female,” “he,” “she,” and other gender-specific terms in the California Fair Employment and Housing Act and the Moore-Brown-Roberti Family Rights Act, thereby achieving more inclusive statutes and clarifying that all Californians are protected against discrimination, including pregnancy discrimination, regardless of their gender identity.

**Status:** Chapter 799, Statutes of 2017

**AB-1615 (Eduardo Garcia) - Gender discrimination: civil actions.**

This bill instructs the Department of Consumer Affairs to develop and distribute informational materials describing the rights and obligations of California businesses relating to charging different prices for services based on the gender of the customer being served. In addition, this bill requires anyone bringing a legal claim against a business for gender discriminatory pricing to provide, at the outset of the lawsuit, informational materials regarding the business' rights and responsibilities under these laws.

**Status:** Chapter 156, Statutes of 2017

**AB-1619 (Berman) - Sexual assault: statutes of limitation on civil actions.**

This bill extends the statute of limitation for any civil action for recovery of damages suffered as a result of sexual assault, where the assault occurred on or after the plaintiff's 18th birthday, as specified.

**Status:** Chapter 939, Statutes of 2018

**AB-1694 (Committee on Judiciary) - Civil rights.**

This bill would have clarified existing law and avoided legal confusion by explicitly identifying the Ralph and Tom Bane Civil Rights Acts in the Civil Code, thus distinguishing them from their Civil Code neighbor, the Unruh Civil Rights Act. It would also have made conforming changes to cross references in the Insurance Code. The bill was subsequently gutted and amended to address topics outside this Committee's jurisdiction.

**Status:** Chapter 10, Statutes of 2018

**AB-1867 (Reyes) - Employment discrimination: sexual harassment: records.**

This bill would have required large employers to maintain records of all sexual harassment complaints filed through the employer's internal complaint process for a period of at least five years after the last day of employment of the complainant or any alleged harasser named in the complaint, whichever is later. In his veto message, the Governor pointed out that the bill could lead to the retention of records "for decades"

and that it would require records to be kept "regardless of the result of the investigative process." The Governor expressed his belief that "current law already requires personnel records --including records of complaints-- be maintained for suitable periods of time."

**Status:** Vetoed by the Governor

**AB-1870 (Reyes) - Employment discrimination: unlawful employment practices.**

This bill would have extended the deadline for filing a complaint about a violation of the Fair Employment and Housing Act from one year from the date of the violation to three years. In his veto message, the Governor stated that victims of workplace harassment "should have every opportunity to have their complaints investigated." He expressed the belief, however, that the one year deadline "not only encourages prompt resolution while memories and evidence are fresh, but also ensures that unwelcome behavior is promptly reported and halted."

**Status:** Vetoed by the Governor

**AB-1971 (Santiago) - Mental health services: involuntary detention: gravely disabled.**

This bill would have expanded the definition of "gravely disabled" in existing law, as implemented in the County of Los Angeles, to include a person's inability to provide for his or her basic personal needs for medical treatment, as specified. This bill would have required specified reporting. The provisions of this bill would have sunset on January 1, 2024.

**Status:** Died on the Senate Floor

**AB-2034 (Kalra) - Human trafficking: notice.**

This bill requires a business or other establishment that operates intercity passenger rail or light rail stations, or bus stations, to train specified employees in recognizing the signs of human trafficking and how to report those signs; and requires the Department of Justice to develop guidelines with which such trainings must be consistent.

**Status:** Chapter 812, Statutes of 2018

**AB-2176 (Jones-Sawyer) - Firearms.**

This bill makes various changes to the deadly weapons statutes of the Penal Code based on recommendations of the California Law Revision Commission. Most of the changes made by this bill are technical and clarifying amendments. The bill also requires additional information to be collected by law enforcement in certain situations involving the seizure of weapons. It also extends joint and several liability to a parent, guardian, or other person who accompanies a minor when purchasing tear gas or a tear

gas weapon.

**Status:** Chapter 185, Statutes of 2018

**AB-2185 (Chiu) - Civil actions: pleadings: party names.**

This bill authorizes a court to appoint a guardian ad litem under a pseudonym upon making specified findings. Any person applying for such an appointment is required to file, at the same time, an ex parte request for leave to appear under a pseudonym. The ex parte request must allege facts and circumstances establishing the guardian ad litem's overriding interest in preserving their anonymity. The court shall retain discretion to reconsider its decision.

**Status:** Chapter 817, Statutes of 2018

**AB-2358 (Carrillo) - Apprenticeships: discrimination: prohibition.**

This bill broadly bans discrimination in all aspects of the operation of a building and construction trades apprenticeship program. Additionally, it requires apprenticeship programs to undertake a series of steps to affirm and implement a commitment to equal opportunity in the operation of those programs.

**Status:** Chapter 675, Statutes of 2018

**AB-2713 (Rodriguez) - Public employment: sexual harassment tracking.**

This bill would have enacted a series of reporting requirements designed to track the prevalence of sexual harassment in the state workforce. In broad strokes, the bill would have: (1) required the equal employment opportunity officer at each state agency to report to the Department of Human Resources on the number of sexual harassment complaints at the agency and how they were resolved, including the amounts of any monetary settlements; (2) required the Department of Human Resources to compile this data and post the cumulative totals on its Web site; (3) directed the Department of Fair Employment and Housing to compile and post on its Web site statistics regarding the number of sexual harassment claims it receives from state employees annually; and (4) required supervisors and equal employment opportunity officers to provide victims of sexual harassment with information about the options for filing a formal complaint and the availability of union representation, when applicable. In his veto message, the Governor expressed his confidence that "current management practices are taking the necessary steps to assure a suitable work environment."

**Status:** Vetoed by the Governor

**AB-2943 (Low) - Unlawful business practices: sexual orientation change efforts.**

This bill would have made it unlawful for any individual to advertise, offer for sale, or sell services constituting sexual orientation change efforts with an individual in a transaction intended to result or that results in the sale or lease of goods or services to any consumer. This bill would have applied the same definition of "sexual orientation

change efforts” as used in existing law.

**Status:** Died on the Assembly Floor

**AB-3002 (Grayson) - Disability access requirements: information.**

This bill promotes disability access at commercial businesses and places of public accommodation by requiring local government agencies to provide building permit and business license applicants with an advisory about federal and state disability access laws, encouragement to obtain an inspection from a Certified Access Specialist (CAsp), information about how to contact a CAsp, and notice regarding the availability of state and federal programs to assist small businesses with disability access expenditures.

**Status:** Chapter 680, Statutes of 2018

**AB-3081 (Gonzalez Fletcher) - Employment: sexual harassment.**

This bill would have: (1) prohibited an employer from discharging or in any manner discriminating or retaliating against an employee because of the employee’s status as a victim of sexual harassment; (2) created a rebuttable presumption of unlawful retaliation, for the 30 days after an employer learns that an employee has been the victim of domestic violence, sexual assault, sexual harassment or stalking, if an employer takes an adverse employment action against an employee; (3) imposed joint civil and legal liability between a client employer and a labor contractor for harassment, as defined, for all workers supplied by that labor contractor; and (4) prohibited the client employer and the labor contractor from taking any adverse action against any worker for providing notification of violations or for filing a claim or civil action.

In his veto message, the Governor stated that: "[m]ost of the provisions in this bill are contained in current law and are therefore unnecessary. To the extent there are new provisions, they are confusing."

**Status:** Vetoed by the Governor

**AB-3250 (Committee on Judiciary) - Civil law: civil rights.**

This bill makes a series of minor, technical, and uncontroversial fixes to the California legal codes in order to update antiquated language, delete obsolete cross-references, increase consistency, and eliminate sources of confusion. Specifically, this bill: (1) addresses confusion over legal training requirements for legal document assistants and unlawful detainer assistants; (2) inserts textual markers to help distinguish between California’s civil rights statutes; (3) updates antiquated language used in reference to the deaf or hard of hearing; (4) fixes inconsistencies in code sections relating to California’s new non-binary gender laws and clarifies the procedures through which parents and legal guardians may petition the court for a name and gender change on behalf of a minor; and (5) updates obsolete cross-references.

**Status:** Chapter 776, Statutes of 2018

### **AJR-14 (Ting) - 135th anniversary of the Chinese Exclusion Act.**

This resolution marks the 135th anniversary of the signing of the Chinese Exclusion Act, describes the racial hostility that gave rise to it, draws parallels to the immigration policies of the present federal administration, and calls upon that administration to revoke the three key Executive Orders which implement that policy, parts of which were blocked by federal court orders.

**Status:** Chapter 120, Statutes of 2017

### **AJR-36 (Ting) - 136th anniversary of the Chinese Exclusion Act.**

This resolution marks the 136th anniversary of the signing of the Chinese Exclusion Act, describes the racial hostility that gave rise to it, draws parallels to the immigration policies of the Trump administration, and calls upon the Trump administration to revoke key Executive Orders and a Presidential Proclamation meant to implement those policies. These policies, the Orders, and the Proclamation have been the subject of numerous legal challenges that have temporarily or partially blocked their implementation.

**Status:** Chapter 134, Statutes of 2018

## **CIVIL PROCEDURE AND EVIDENCE**

### **SB-217 (Wieckowski) - Evidence: admissibility.**

This bill provides that the admissibility of financial disclosures mandated by Family Code Sections 2104 and 2105 in relevant family law cases is not limited by the mediation confidentiality provisions of the Evidence Code even if prepared for the purpose of, in the course of, or pursuant to, a mediation or a mediation consultation.

**Status:** Chapter 60, Statutes of 2017

### **SB-543 (Morrell) - Civil actions: service of documents.**

This bill expands the option of personal service in the civil litigation context, including for the service of applications for determination of good faith settlements, discovery, and the exchange of expert witness information.

**Status:** Chapter 64, Statutes of 2017

### **SB-632 (Monning) - Civil discovery: depositions.**

This bill, as it read at the time of consideration before this Committee, would have limited the deposition of a deponent in asbestos litigation to seven hours of total testimony when a physician attests that the deponent is either over 70 years of age and the deponent's health is such that a deposition of more than seven hours will prejudice the deponent's well-being, or that, without regard to age of the deponent, the deponent suffers from an illness or condition that raises substantial medical doubt of the survival of the deponent beyond six months. An additional seven hours of deposition testimony

would have been authorized if it was found that it does not endanger the health of the deponent. Subsequent amendments would have limited these protections to deponents suffering from mesothelioma, raising substantial medical doubt of the survival of the deponent beyond six months. A court would have been able to grant an additional seven hours of deposition testimony for no more than 14 hours of total testimony if it found that an extension was in the interest of fairness, and determined that the health of the deponent did not appear to be endangered by the grant of additional time.

**Status:** Died on the Assembly Floor

**SB-642 (Wieckowski) - Civil actions: renewal of judgments.**

This bill would have specified that a judgment debtor applying for an order of the court vacating a renewal of a judgment must serve notice of the motion personally or by first-class mail within three days of the application for the order. This bill would have also made a stylistic change.

**Status:** Died on the Assembly Floor

**SB-658 (Wiener) - Jury selection.**

This bill removes some discretion from trial judges in conducting voir dire in civil cases. This bill also restructures the provisions governing such voir dire and provides certain factors that a court must consider in exercising its discretion.

The bill provides that the court must consider and discuss the form and subject matter of voir dire questions with counsel, requires the court to provide the specified juror lists to counsel at the earliest practical time, and makes other technical amendments.

**Status:** Chapter 337, Statutes of 2017

**SB-755 (Beall) - Civil discovery: mental examination.**

This bill limits a mental examination of a child, in any civil action where there is credible evidence that the child has been sexually abused, to psychological testing of no more than three hours, including any breaks. This bill only allows the examination to extend beyond three hours if the court decides to grant an extension for good cause.

Additionally, this bill requires the examiner to have expertise in child abuse and trauma.

**Status:** Chapter 133, Statutes of 2017

**SB-820 (Leyva) - Settlement agreements: confidentiality.**

This bill prohibits a provision within a settlement agreement that prevents the disclosure of factual information related to specified claims or complaints, including claims for sexual assault, sexual harassment, and sexual discrimination. This prohibition extends to orders of the court. Plaintiffs in such actions retain the right to request provisions in settlement agreements that shield their identity.

**Status:** Chapter 953, Statutes of 2018

**SB-948 (Allen) - California Environmental Quality Act community plans.**

This bill would have authorized the Governor to certify updates to a community plan and the accompanying ordinances meeting specified requirements as being eligible for the California Environmental Quality Act streamlining benefits provided by the Jobs and Economic Improvement Through Environmental Leadership Act of 2011.

**Status:** Held in the Senate Judiciary Committee

**SB-954 (Wieckowski) - Mediation: confidentiality: disclosure.**

This bill requires an attorney representing a client participating in a mediation or a mediation consultation to provide the client with a written disclosure containing the mediation confidentiality restrictions provided in the Evidence Code. The attorney is required to obtain a printed acknowledgment signed by the client stating that the client has read and understands the confidentiality restrictions. The bill prescribes the format and details of the disclosure, and provides a safe-harbor disclosure.

**Status:** Chapter 350, Statutes of 2018

**SB-1012 (Hertzberg) - Jurisdiction: limited civil case.**

This bill, as it passed out of this Committee, would have raised the jurisdictional threshold for limited civil cases in California courts from \$25,000 to \$50,000. The bill was subsequently gutted and amended.

**Status:** Chapter 786, Statutes of 2018

**SB-1167 (Anderson) - Eminent domain: final offer of compensation.**

This bill would have provided that if a plaintiff in an eminent domain action makes an offer on the property at issue that is lower than 85 percent of the compensation ultimately awarded to the defendant property owner in the proceeding, the court has no discretion and must award the defendant their litigation expenses. If the court was to find that the offer was at least 85 percent and less than 100 percent of the compensation awarded, it would have been authorized to award the defendant their litigation expenses.

**Status:** Failed passage in the Senate Judiciary Committee

**SB-1196 (Jackson) - Personal identifying information: unlawful use: business entity filings.**

This bill authorizes a person whose personal identifying information has been used unlawfully in a business entity filing, as defined, and has initiated a law enforcement investigation, to petition a court for an order directing the alleged perpetrator of the act and the person using the personal identifying information in the filing to appear and show cause as to why the information should not be labeled to show the information is impersonated and should not be associated with the business entity. This bill provides the relevant court process and requires a court that finds the petition meritorious, to

order that the name and personal identifying information in the business entity filing be redacted or labeled to show the data is impersonated and to order the removal of the personal identifying information from publicly accessible electronic indexes and databases.

**Status:** Chapter 696, Statutes of 2018

**SB-1276 (Moorlach) - Civil proceedings: expert testimony.**

This bill would have provided that in a proceeding under the Family Code, evidence of a statement used to support the opinion of a witness testifying as an expert is not inadmissible as hearsay if the court determines that the statement is reliable. In determining the reliability of a statement, a court would have been required to consider (1) whether the witness routinely relies upon similar statements in the witness's professional capacity outside of the court; and (2) the expertise of the witness, including the witness's experience, in evaluating the trustworthiness of the sources of information relied upon in forming the witness's opinion. This would have abrogated the holding in *People v. Sanchez* (2016) 63 Cal.4th 665, as it applies to family law proceedings.

**Status:** Held in the Senate Judiciary Committee

**SB-1340 (Glazer) - California Environmental Quality Act: housing projects.**

This bill would have required the Judicial Council to adopt a rule of court to establish procedures requiring courts to fully adjudicate California Environmental Quality Act actions and proceedings in connection with any housing projects within 270 days of certifying the record of proceedings, to the extent feasible. This bill would also have prohibited courts from staying or enjoining challenged projects with two narrow exceptions.

**Status:** Failed passage in the Senate Committee Judiciary

**SB-1453 (McGuire) - Statutes of limitations.**

This bill provides that an action under Section 4601.1 of the Public Resources Code for specified violations of the Z'berg-Nejedly Forest Practice Act of 1973 involving the conversion of timberland to nonforestry-related agricultural uses, including unlawful cultivation of cannabis must be commenced within three years. These causes of action are not deemed to have accrued until discovery by CAL FIRE.

**Status:** Chapter 796, Statutes of 2018

**AB-383 (Chau) - Civil actions: discovery status conference.**

This bill gives courts discretion to hold informal discovery conferences upon request of a party or on their own motion to discuss disputed discovery issues. This bill provides the procedures and timelines for such conferences. The outcome of such a discovery conference does not preclude the filing of any discovery motion or prejudice the disposition of such a motion.

**Status:** Chapter 189, Statutes of 2017

**AB-644 (Berman) - Civil procedure: pleadings.**

This bill requires a party that intends to file a motion to strike or a motion for judgment on the pleadings to first meet and confer with the party who filed the relevant pleading in person or by phone, according to specified timelines and procedures. This bill allows courts to order conferences of the parties after successful motions to strike or motions for judgment on the pleadings, if amended pleadings or subsequent motions in response to those pleadings are filed. This bill places certain limitations on amended pleadings or subsequent motions. This bill includes a sunset date of January 1, 2021.

**Status:** Chapter 273, Statutes of 2017

**AB-828 (Oberholte) - Civil actions: fee recovery.**

This bill provides that electronic presentations of exhibits, including costs of rental equipment and electronic formatting, may be allowed as allowable costs if they were reasonably helpful to aid the trier of fact.

**Status:** Chapter 583, Statutes of 2017

**AB-905 (Maienschein) - Money judgments of other jurisdictions.**

This bill implements changes to the Tribal Court Civil Money Judgment Act and the Uniform Foreign Country Money Judgment Act recommended in a recent California Law Revision Commission Report mandated by the Legislature, including changes to ensure the foreign court has personal jurisdiction over the case under its own laws. This bill also makes other changes to the discretionary grounds for nonrecognition of a foreign country or tribal court's judgment.

**Status:** Chapter 168, Statutes of 2017

**AB-976 (Berman) - Electronic filing and service.**

This bill expands the use of permissive and mandatory electronic filing and service in civil courts as well as in criminal, probate, and juvenile courts. It provides clear rules governing the processes, the timing, and the safeguards that must be in place. It provides that unrepresented parties are exempt from mandatory electronic filing and service. This bill requires that any court mandating electronic filing or service must provide access to more than one electronic filing service provider.

**Status:** Chapter 319, Statutes of 2017

**AB-984 (Calderon) - Courts: frivolous actions or tactics.**

This bill permits a court to order a party, the party's attorney, or both, to pay the reasonable expenses, including attorney's fees, incurred by another party as a result of actions or tactics, made in bad faith. If the alleged action or tactic is the making or opposing of a written motion or the filing and service of a complaint, cross-complaint, answer, or other responsive pleading that can be withdrawn or appropriately corrected, the offending party is afforded a 21-day safe harbor within which it can withdraw or appropriately correct the challenged action or tactic. This bill makes clear that the

relevant statute, Section 128.5 of the Code of Civil Procedure, applies a subjective standard and only applies to cases filed after January 1, 2015. This bill clearly establishes all other standards, conditions, and procedures by which sanctions under Section 128.5 must be imposed.

**Status:** Chapter 169, Statutes of 2017

**AB-998 (Grayson) - Multidisciplinary teams: human trafficking and domestic violence.**

This bill provides for the creation of both domestic violence and human trafficking multidisciplinary personnel teams (MDT) that could collaborate to respond to and support survivors of domestic violence and human trafficking. The bill authorizes the MDT members to share confidential information with one another with specified protections in place, including the requirement to obtain an individual's informed, written, reasonably time-limited consent to the disclosure of their confidential information.

**Status:** Chapter 802, Statutes of 2018

**AB-1093 (Chen) - Service of process.**

This bill provides guidelines for effecting service on a person when the only address reasonably known is a private mailbox obtained through a commercial mail receiving agency (CMRA). Specifically, it provides that service of process may be effected on the first delivery attempt by leaving a copy of the summons and complaint with the CMRA in the manner described in subdivision (d) of Section 17538.5 of the Business and Professions Code.

**Status:** Chapter 129, Statutes of 2017

**AB-1116 (Grayson) - Peer Support and Crisis Referral Services Act.**

This bill would have established the Peer Support and Crisis Referral Services Pilot Program. It would have provided that communications between emergency service personnel and a peer support team member, or a crisis hotline or crisis referral service, are confidential and shall not be disclosed in a civil, administrative, or arbitration proceeding, except as specified. This bill would have also immunized a peer support team member from liability arising from the provision of peer support services. A peer support team member would have needed to complete a peer support training course to be eligible for the protections of this bill. The course would have included topics on peer support and stress management, including a specified list of issue areas such as precrisis education, confidentiality obligations, and grief support. Governor Brown vetoed the bill, arguing that the confidentiality provisions are too broad and fail "to strike the right balance between fostering collegial trust and concealing information necessary to ensure safe and healthy workplaces." He urged a non-legislative approach to

accomplishing the stated goals of increasing participation in peer support programs.

**Status:** Vetoed by the Governor

**AB-1526 (Kalra) - Debt collection.**

This bill requires debt collectors to provide certain notices to consumers when attempting to collect on time-barred debts. It also provides that the limitations period on commencing actions to collect on certain debts is an outright bar on initiating such proceedings, rather than allowing the expiration of the statute of limitations to serve simply as an affirmative defense.

**Status:** Chapter 247, Statutes of 2018

**AB-1583 (Chau) - Proposition 65: enforcement: certificate of merit: factual basis.**

This bill modifies disclaimers related to the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65), requires the California Attorney General to serve a letter related to alleged violations of the act, as specified, and clarifies discovery provisions related to the certificate of merit. Specifically, if the Attorney General, after reviewing alleged violations of the Act, finds there is no merit to them, the bill requires the Attorney General to serve a letter to the noticing party and the alleged violator stating that the Attorney General believes there is no merit to the action. This bill also amends the required disclaimer to make clear that agencies besides the federal Food and Drug Administration may certify a product and that a certification by an agency does not necessarily mean that the product is exempt from Proposition 65 requirements. This bill also provides that the basis for a certificate of merit is discoverable only to the extent that the information is relevant to the subject matter of the action and not subject to an applicable privilege.

**Status:** Chapter 510, Statutes of 2017

**AB-1693 (Committee on Judiciary) - Civil actions: intervention.**

This bill amends the provisions of the Code of Civil Procedure governing interventions to recognize an “answer in intervention” in addition to the existing “complaint in intervention” and makes other clarifying and non-substantive changes to modernize that statute.

**Status:** Chapter 131, Statutes of 2017

**AB-1896 (Cervantes) - Sexual assault counselor-victim privilege.**

This bill makes clear that the existing sexual assault counselor-victim privilege extends to counselors operating on the campus of a public or private institution of higher education.

**Status:** Chapter 123, Statutes of 2018

**AB-1980 (Quirk) - Statute of limitations: hazardous materials.**

This bill extends the statute of limitations for violations of the Aboveground Petroleum Storage Act from one year to five years from the date of discovery of the relevant violation.

**Status:** Chapter 141, Statutes of 2018

**AB-2128 (Kiley) - School employees: dismissal or suspension: hearings: evidence.**

This bill allows testimony and evidence to be admitted in proceedings regarding the dismissal or suspension of a permanent school employee that involves allegations of behavior or communication of a sexual nature with a pupil or allegations of sexual harassment if the hearing is based on similar conduct regardless of whether it is over four years old where such allegations have been substantiated through an investigation or proceeding, or for which the employee was subject to discipline or other form of penalty. It also allows testimony or evidence regarding allegations of lewd or lascivious acts with a pupil or contacting a known minor with intent to commit certain sexual misconduct to be admitted in any such proceeding regardless of when the alleged conduct took place.

**Status:** Chapter 816, Statutes of 2018

**AB-2185 (Chiu) - Civil actions: pleadings: party names.**

This bill authorizes a court to appoint a guardian ad litem under a pseudonym upon making specified findings. Any person applying for such an appointment is required to file, at the same time, an ex parte request for leave to appear under a pseudonym. The ex parte request must allege facts and circumstances establishing the guardian ad litem's overriding interest in preserving their anonymity. The court shall retain discretion to reconsider its decision.

**Status:** Chapter 817, Statutes of 2018

**AB-2230 (Berman) - Civil actions.**

This bill provides that in lieu of a separate statement in connection with a motion to compel further responses to discovery requests, the court may allow the moving party to submit a concise outline of the discovery request and each response in dispute.

**Status:** Chapter 317, Statutes of 2018

**AB-2234 (Jones-Sawyer) - School districts: employees: dismissal or suspension administrative proceedings: testimony of minor witnesses: pupil contact information.**

This bill enacts discretionary protocols for the participation of minors as witnesses in administrative school employee discipline hearings when the allegations involve egregious misconduct. Specifically, the bill allows an administrative law judge to grant a

request for a minor witness to testify via closed-circuit television or videotaped deposition, subject to certain specified conditions, and requires an administrative law judge to allow or appoint a person to accompany and support the minor witness throughout the hearing.

**Status:** Chapter 996, Statutes of 2018

**AB-2286 (Chen) - Civil actions: service of notice or other paper.**

This bill provides that if service on a party is being made pursuant to Section 1011 of the Code of Civil Procedure, attempts of service upon the party may be made between the hours of 8 a.m. and 8 p.m. This extends the window in existing law by two hours.

**Status:** Chapter 212, Statutes of 2018

**AB-2296 (Waldron) - Licensed professional clinical counselors: licensed clinical social workers.**

This bill extends to licensed clinical social workers and licensed professional clinical counselors existing provisions applicable to malpractice suits against a physician, surgeon, or marriage and family therapist, that require a demand for settlement or an offer to compromise in a malpractice claim to be accompanied by an authorization to disclose medical information, as specified. The bill also extends the statutory psychotherapist-patient evidentiary privilege to licensed professional clinical counselors.

**Status:** Chapter 389, Statutes of 2018

**AB-2376 (Mark Stone) - Civil actions: provisional remedies: injunctions.**

This bill clarifies that taxpayer standing for purposes of Section 526a of the Code of Civil Procedure can be based on the assessment or payment of specified taxes, including an income tax, a sales and use tax initially paid by a consumer, a property tax, a property tax paid by a tenant to a landlord, or a business license tax.

**Status:** Chapter 319, Statutes of 2018

**AB-2803 (Limón) - Public nuisance: residential lead-based paint.**

This bill would have provided that residential lead-based paint that affects the health of a considerable number of persons interferes with a public right. It would have further provided that a party may be subject to liability for public nuisance if it promoted lead-based paint for a particular use with actual or constructive knowledge that such use would cause health hazards sufficiently serious to render that use unreasonable. This bill would have also allowed a plaintiff in an abatement action involving residential lead-based paint to establish causation without presenting evidence that a particular party caused a particular lead-based paint to be applied in a particular residence. Rather, causation could have been inferred from evidence that does not itself constitute direct evidence of reliance on an individual basis.

**Status:** Held in the Senate Appropriations Committee

**AB-3019 (Reyes) - Deposition notices.**

This bill requires a notice of oral deposition to be written in at least 12-point type.

**Status:** Chapter 268, Statutes of 2018

**AB-3120 (Gonzalez Fletcher) - Damages: childhood sexual assault: statute of limitations.**

This bill would have extended the time for commencement of actions for childhood sexual assault to 40 years of age or five years from discovery of the injury; provided enhanced damages for a cover up, as defined, of the assault; and provided a three-year window in which expired claims would be revived. In his veto message, Governor Brown extolled the virtues of statutes of limitations and expressed his hesitance to undermining Californians' reliance on them. He also indicated that the bill inequitably exempted state defendants from its provisions.

**Status:** Vetoed by the Governor

**AB-3121 (Kalra) - Evidentiary privileges: union agent-represented worker privilege.**

This bill would have established an evidentiary privilege from disclosure for communications between a union agent and a represented employee or represented former employee. That privilege could have been used to refuse to disclose, in any court or to any administrative board or agency, or in any arbitration or other proceeding, excluding criminal proceedings, any confidential communication between the employee or former employee and the union agent made while the union agent was acting in his or her representative capacity.

**Status:** Died on the Senate Floor

**AB-3247 (Committee on Judiciary) - Arbitration: agreements: enforcement.**

This bill provides that a court is not required to order parties to arbitrate a controversy if it determines that grounds exist for "rescission" of the agreement, rather than "revocation" of the agreement.

**Status:** Chapter 106, Statutes of 2018

**COMMON INTEREST DEVELOPMENTS (DAVIS-STIRLING ACT)**

**SB-407 (Wieckowski) - Common interest developments: noncommercial solicitation.**

This bill clarifies the rights of homeowners and residents in common-interest developments (CIDs) to engage in politically expressive activities within the CID. Specifically, this bill makes it unlawful for a CID's governing documents or operating rules to prohibit homeowners or residents from: assembling peacefully; inviting public officials, candidates for public office, and representatives of homeowner organizations

to meet with homeowners and residents as well as their invitees and guests; using common areas for political meetings; canvassing and petitioning other CID members and residents; and distributing information, without prior permission, about matters of general public political concern and matters relating specifically to life in the CID.

**Status:** Chapter 236, Statutes of 2017

**SB-451 (Stone) - Common interest developments.**

This bill would have made an association governing a common interest development immune from lawsuits alleging that the association's governing documents do not contain a provision authorizing the association to stop harassment of a member by another member.

**Status:** Held in the Senate Judiciary Committee

**SB-1016 (Allen) - Common interest developments: EV-dedicated TOU meters.**

This bill sets forth procedural and substantive rules for the installation, within common interest developments, of Time of Use (TOU) electricity meters for use with an electric vehicle charging station. The bill also prevents homeowner associations from placing other, unreasonable restrictions on such installations.

**Status:** Chapter 376, Statutes of 2018

**SB-1128 (Roth) - Common interest developments: governance.**

This bill would have: (1) authorized homeowner associations (HOAs) to seat board members by acclamation if the number of nominees does not exceed the number of vacancies on the board; (2) authorized an HOA in a common interest development (CID) to provide documents to members by electronic means if the recipient has consented by email; and (3) reduced the notice requirement of a proposed rule change by the HOA board from 30 days to 28 days. The bill's provisions regarding document delivery and the notice period for a proposed rule change were inserted separately into SB 261 (Roth, Ch. 836, Stats. 2018), which subsequently passed and was approved by the Governor.

**Status:** Vetoed by the Governor

**SB-1173 (Vidak) - Common interest developments: annual notices.**

This bill requires a time share association, for properties found within a mixed use development in a homeowners' association, to provide a list of time-share owners to the homeowners association at least annually, and specifies that providing this list shall satisfy specified annual notice requirements found within common interest development law.

**Status:** Chapter 91, Statutes of 2018

### **SB-1265 (Wieckowski) - Common interest developments: elections.**

This bill would have enacted a series of reforms to the laws governing common interest development association elections. Specifically, this bill would have: (1) codified court decisions likening the function of common interest development associations to that of local government; (2) prohibited homeowner associations from disqualifying members from running for the board of directors; (3) prohibited homeowner associations from disenfranchising members; (4) required access to observe the ballot tabulation; (5) required notice of specified election rules and procedures; (6) prohibited anyone currently employed or under contract to the homeowners association to serve as elections inspector; (7) allowed for inspection and copying of election-related documents; (8) allowed a court to nullify the result of an election if a procedural violation is found, unless the association can show by clear and convincing evidence that the violation was unintentional and did not affect the results of the election; and (9) prohibited homeowner associations from suing homeowners who have requested internal dispute resolution, until after the association participates in that process. In his veto message, the Governor pointed out that common interest developments vary tremendously by purpose and size and that this bill would apply the same rules to all of them. With that in mind, he concluded that “[i]f changes to an election process are needed, they should be resolved by the members of that specific community.”

**Status:** Vetoed by the Governor

### **AB-534 (Gallagher) - Common interest developments: mechanics liens.**

This bill makes three modifications to the law so as to clarify and facilitate the operation of mechanic’s liens in the context of work performed on the common areas of common interest developments (CIDs). Specifically, this bill: (1) imputes to all owners a CID association’s authorization to perform work on a common area; (2) allows the claimant on a mechanic’s lien to notify the association instead of every individual owner; and (3) clarifies that an individual property owner within a CID can remove a mechanic’s lien that applies to multiple units within a CID by obtaining and recording a lien release bond for that owner’s pro rata share of the overall claim.

**Status:** Chapter 44, Statutes of 2017

### **AB-634 (Eggman) - Real property: solar energy systems.**

This bill prohibits homeowner's associations from requiring approval of the membership of the common interest development when an owner wishes to install a solar energy system on the roof of the building in which that owner resides. This bill also requires the owner to: (1) notify each owner of a unit in the building on which the installation is located of the application to install a solar energy system; and (2) maintain a homeowner liability coverage policy at all times. The homeowner's associations may impose other specified conditions on the owner.

**Status:** Chapter 818, Statutes of 2017

**AB-690 (Quirk-Silva) - Common interest developments: managers: conflicts of interest.**

This bill imposes disclosure requirements on common-interest development (CID) property managers with the aim of increasing transparency around: (1) the fees charged for the provision of legal documents relating to the purchase and sale of property within the CID; and (2) the process by which the property manager purchases services for the CID.

**Status:** Chapter 127, Statutes of 2017

**AB-1412 (Choi) - Common interest developments: notices: volunteer officers: liability.**

This bill makes two minor adjustments to the laws governing common interest developments (CIDs). First, it directs homeowners' associations to continue to use the last provided address for each member of the association, rather than reverting to the address of the member's separate property each year. Second, the bill extends to the residential, volunteer directors of a mixed-use CID the same limitations on liability that residential, volunteer directors of an exclusively residential CID enjoy.

**Status:** Chapter 278, Statutes of 2017

**AB-2912 (Irwin) - Association finances.**

This bill enacts a series of measures designed to protect members of a homeowner association against misuse of association funds. Specifically, the bill: (1) requires board members to review association financial documents monthly; (2) prohibits electronic transfer of funds from associations' financial accounts; and (3) requires associations to maintain fidelity bonds to cover the amount of association reserves plus three months' worth of assessments.

**Status:** Chapter 396, Statutes of 2018

## **CONSTITUTIONAL RIGHTS**

**SB-149 (McGuire) - Presidential primary elections: ballot access.**

This bill would have enacted the Presidential Tax Transparency and Accountability Act requiring candidates for U.S. President, as a precondition for appearing on a California primary election ballot, to file copies of their income tax returns for the five most recent taxable years with the California Secretary of State's Office (SOS). After redacting the returns for privacy purposes, the SOS would have then made the returns available to the public through its Web site. In his veto message, the Governor explained that a qualified candidate's ability to appear on the ballot is fundamental to our democratic system, and, for that reason, he hesitated "to start down a road that well might lead to

an ever escalating set of differing state requirements for presidential candidates."

**Status:** Vetoed by the Governor

**SB-163 (Bradford) - Elections: residence: domicile.**

This bill would clarify and emphasize the Legislature's intent that, in determining the domicile of a Member of the California Legislature or a Representative in the Congress of the United States, a court should apply the conclusive presumption that his or her domicile is the residence address at which the person is registered to vote, rather than engaging in a review of other evidence.

**Status:** Held in the Senate Judiciary Committee

**SB-472 (Nielsen) - Public postsecondary education: Campus Free Expression Act.**

This bill, which would have been known as the Campus Free Expression Act, would have declared that the outdoor areas of the Universities of California, the California State Universities, and California Community Colleges are traditional public forums for the purposes of First Amendment law. In those outdoor areas, California's public postsecondary institutions would have only been able to make and enforce reasonable restrictions related to the time, place, and manner of speech, and any such restriction would have had to be narrowly tailored to serve a significant institutional interest. In addition, such restrictions would have had to be content neutral and viewpoint neutral. Finally, any restrictions on campus speech would have had to allow for ample alternative means of expression and for the ability of campus community members to spontaneously and contemporaneously distribute literature and assemble. To help enforce compliance with its mandate, this bill would have created a corresponding civil right of action with a one year statute of limitations. The Attorney General and the person whose right to engage in free expression on campus was infringed by a violation of this bill's provisions would have been able to file a lawsuit seeking injunctive relief, compensatory damages, court costs, reasonable attorney's fees and liquidated damages of at least \$500, plus \$50 for each day the violation continues. The total damages available to a plaintiff or multiple plaintiffs, excluding court costs and attorney's fees, would have been \$5,000.

**Status:** Held in the Senate Appropriations Committee

**SB-677 (Moorlach) - California Community Colleges: prohibited acts: electronic listening or recording devices.**

This bill would have allowed any person to use an electronic listening or recording device in California community college classrooms without the consent of the instructor if the person had a reasonable belief that the person was recording activities in the classroom that violate state or federal law or regulation, or applicable local agency policy. It would have also prohibited any person acting on behalf of a higher education

institution to prevent a student from, or to retaliate against a student for, various actions, including disclosing information to a government or law enforcement agency, or other authority, or to the media, or to social media, if the student has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation, or applicable local agency policy.

**Status:** Failed passage in the Senate Judiciary Committee

**SB-819 (Hill) - Electrical and gas corporations: rates.**

This bill would have prohibited an electrical corporation from recovering a fine or penalty through a rate approved by the California Public Utilities Commission (CPUC). This bill would have prohibited an electrical corporation or gas corporation from recovering through a rate approved by the CPUC costs or expenses resulting from damages caused by the utility's electric facilities or gas facilities, if the CPUC determined that the electrical corporation did not reasonably construct, maintain, manage, control, or operate the facility and the utility's, or their agent's, unreasonable act or omission increased the risk of the plant causing those damages. This bill would have clarified that the CPUC is authorized to apportion costs between ratepayers and shareholders. This bill was vetoed by Governor Brown. In his veto message, the Governor stated his belief that this bill partially overlaps with SB 901 (Dodd, Ch. 626, Stats. 2018) and is otherwise inconsistent with it.

**Status:** Vetoed by the Governor

**SB-1001 (Hertzberg) - Bots: disclosure.**

This bill prohibits a person from using a bot to communicate or interact with another person in California online with intent to mislead the other person about its artificial identity for the purpose of knowingly deceiving the person about the content of the communication in order to incentivize a purchase or sale of goods or services in a commercial transaction or to influence a vote in an election. No liability attaches to a person using a bot where that person clearly and conspicuously discloses that the bot is a bot. The requirements of this bill become operative on July 1, 2019.

**Status:** Chapter 892, Statutes of 2018

**SB-1344 (Moorlach) - Education expenses: Education Savings Account Act of 2020.**

This bill would have established the Education Savings Account Act of 2020 and restricted the University of California and California State University from admitting nonresident students, as specified.

**Status:** Failed passage in the Senate Education Committee

**SB-1381 (Nielsen) - Public postsecondary education: Campus Free Expression Act.**

This bill, which would have been known as the Campus Free Expression Act, would have declared that the outdoor areas of the Universities of California, the California State Universities, and California Community Colleges, are traditional public forums for the purposes of First Amendment law. This means that, as to those outdoor areas, California's public postsecondary institutions could only have made and enforced reasonable, content and viewpoint neutral restrictions related to the time, place, and manner of speech. Any such restrictions would have had to have been narrowly tailored to serve a significant institutional interest and they would have to have allowed for ample alternative means of expression, including the ability of campus community members to spontaneously and contemporaneously distribute literature and assemble. The bill would also have created a limited private right of action to enforce its terms.

**Status:** Held in the Senate Appropriations Committee

**SB-1394 (Newman) - Petitions: compensation for signatures.**

This bill would have made it unlawful for a person to pay or to receive money or any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition. It would have made a violation of this provision a misdemeanor and subject persons who pay based on the number of signatures obtained to civil penalties of at least \$25,000. Actions to recover such penalties could have been brought by the Attorney General or by private, "qui tam" plaintiffs.

**Status:** Held in the Assembly Elections and Redistricting Committee

**SB-1424 (Pan) - Internet: social media: false information.**

This bill would have directed the Attorney General, upon the provision of the necessary private funding, to establish an advisory group to study the problem of the spread of false information through Internet-based social media platforms and to draft a model strategic plan for such platforms to mitigate the spread of false information through their platforms. In his veto message, the Governor asserted that: "[a]s evidenced by the numerous studies by academic and policy groups on the spread of false information, the creation of a statutory advisory group to examine this issue is not necessary."

**Status:** Vetoed by the Governor

**SCR-79 (Pan) - California Freethought Day.**

This measure proclaims October 15, 2017, as the 16th annual celebration of California Freethought Day in Sacramento, California, congratulates past and current volunteers and planning committees of California Freethought Day, supports the goals of California Freethought Day, invites all Californians to join in the celebration of free thought, science, and the separation of religion and government, and urges other public officials

to become more educated about the secular community.

**Status:** Died on the Assembly Floor

### **SCR-128 (Nguyen) - American Flag.**

This resolution recognizes Flag Day and makes a series of legislative findings about the presence of the American flag at moments of great significance in U.S. history. This resolution then calls upon state and local governments to prohibit banning the American flag from public property.

**Status:** Chapter 125, Statutes of 2018

### **SR-9 (Jackson) - Planned Parenthood**

This resolution makes findings regarding the services and impact of Planned Parenthood, a national non-profit organization providing reproductive health care services.

**Status:** Adopted by the Senate

### **SR-12 (Atkins) - Women's Reproductive Health**

This resolution, on the occasion of the 44th anniversary of *Roe v. Wade* (1973) 410 U.S. 113, makes a series of California Senate findings regarding the positive impact of that decision on the reproductive, economic, and social life of women and the nation as a whole.

**Status:** Adopted by the Senate

### **SR-23 (Wiener) - President Trump's Connections with Russia**

This resolution makes findings regarding: (1) evidence of Russian interference in the U.S. Presidential election of 2016 intended to aid Donald Trump; (2) evidence of connections between Russia and the 2016 presidential campaign of Donald Trump; (3) misrepresentations by Trump campaign and administration officials regarding their meetings with Russian officials; (4) steps taken by President Obama's administration to preserve evidence of Russian interference in the election; (5) human rights and international law violations committed by Russia and Russian President, Vladimir Putin; (6) President Trump's refusal to criticize Mr. Putin; (7) President Trump's refusal to make his tax returns public; and (8) calls from elected officials, including several prominent Republicans, for an independent investigation to look into Russian interference in the election. This resolution also: (1) calls upon the U.S. Congress to conduct a full, independent, and public investigation of any and all connections between the Trump campaign, administration, and Trump businesses and the Russian government, government-owned enterprises and related business interests; (2) states that a bipartisan, independent commission as well as a special prosecutor appointed by that commission, are needed to investigate the matter; (3) states that President Trump must release his tax returns; and (4) directs the Secretary of the Senate to transmit

copies of this resolution to the author.

**Status:** Adopted by the Senate

**SR-72 (Leyva) - The 45th Anniversary of the Roe V. Wade decision.**

This resolution commemorates the 45th Anniversary of the U.S. Supreme Court's decision in the case Roe v. Wade (1973) 410 U.S. 113, which established a woman's constitutional right to choose for herself whether or not to carry her pregnancy to term. This resolution makes a series of California Senate findings regarding the positive impact of that decision on the reproductive, economic, and social life of women and the nation as a whole. This resolution urges the U.S. President and Congress to express support for a woman's constitutional right to control her own reproductive decisions as well as access to comprehensive reproductive health care services, including those of Planned Parenthood.

**Status:** Adopted by the Senate

**AB-233 (Gloria) - Pupils: right to wear religious, ceremonial, or cultural adornments at school graduation ceremonies.**

This bill would have specified that a pupil has the right to wear religious, ceremonial, or cultural adornments at school graduation ceremonies, subject to the limitation that the provision bill could not have been construed to restrict the authority of a school to prohibit an item that is likely to cause a substantial disruption of, or interference with, the ceremony or to expand or diminish certain pupil rights relating to dress codes and freedom of speech. In his veto message, Governor Brown indicated his belief that existing law sufficiently protects students' right to free expression. Where disputes arise, the Governor wrote, he believes that principals and democratically elected school boards are in the best position to make appropriate decisions.

**Status:** Vetoed by the Governor

**AB-569 (Gonzalez Fletcher) - Discrimination: reproductive health.**

This bill would have prohibited an employer, or any person acting on behalf of an employer, from taking any adverse action against an employee or their dependent or family member for their reproductive health decisions, including, but not limited to, the timing thereof, or the use of any drug, device, or medical service. This bill would have specified that an employer who takes any adverse employment action against an employee in violation of these provisions is liable to the aggrieved employee who can recover a penalty and any other appropriate relief to remedy the violation. In his veto message, Governor Brown expressed his belief that the retaliation covered by this bill is already prohibited by the Fair Employment and Housing Act, with the exception of religious institutions.

**Status:** Vetoed by the Governor

**AB-1104 (Chau) - The California Political Cyberfraud Abatement Act.**

This bill expands the California Political Cyberfraud Abatement Act to cover Web sites purporting to support or oppose candidates for public office. The California Political Cyberfraud Abatement Act makes it unlawful for anyone, with intent to mislead, deceive, or defraud, to deny a person access to a political Web site, deny a person the opportunity to register a domain name for a political Web site, or to impersonate a political Web site in a way that would cause a reasonable person, after reading the Internet Web site, to believe the site actually represents the views of the proponent or opponent of a ballot measure or of a candidate for public office.

**Status:** Chapter 715, Statutes of 2017

**AB-1248 (Gloria) - Pupils: right to wear religious, ceremonial, or cultural adornments at school graduation ceremonies.**

This bill codifies the right of California public high school students to accessorize their cap and gown with religious, ceremonial, or cultural adornments, such as eagle feathers or kente cloth, at graduation ceremonies, provided that such adornments do not cause substantial disruption or otherwise interfere with the ceremony.

**Status:** Chapter 804, Statutes of 2018

**AB-2123 (Cervantes) - District-based elections.**

This bill permits a prospective plaintiff in a California Voting Rights Act case, and the political subdivision that would be subject to the lawsuit, to agree on up to a 90 day extension of the time for the political subdivision to transition from an at-large to a district-based elections system, where the political subdivision has passed a resolution indicating its intent to make such a transition.

**Status:** Chapter 277, Statutes of 2018

**ACR-21 (Kiley) - Public postsecondary education: free speech policy.**

This concurrent resolution encourages all private and public universities in California to adopt free speech statements similar to those issued by the University of Chicago and the University of California at Irvine, both of which urge university communities to embrace a robust exchange of ideas, even when such ideas may be abhorrent or deeply discomfoting to many listeners.

**Status:** Chapter 103, Statutes of 2017

**CONSUMER PROTECTION**

**SB-19 (Hill) - Public Utilities Commission: duties and responsibilities: governance.**

This bill provides a suite of reforms of the operations of the California Public Utilities Commission (CPUC), including: transfer, by July 1, 2018, of four transportation-related

functions from the CPUC to other agencies or jurisdictions; clarification and, in some cases, codification of the responsibilities and oversight of various positions; clarification CPUC notification requirements for contracting of outside legal services; and others.

**Status:** Chapter 421, Statutes of 2017

**SB-33 (Dodd) - Arbitration agreements.**

This bill adds an additional determination to the list of exclusions from compelled arbitration. This bill provides arbitration is not compelled when the court determines that a petitioner is a state or federally chartered depository institution that seeks to apply a written agreement to arbitrate, contained in a contract consented to by a consumer, to a purported contractual relationship with that consumer created fraudulently by the petitioner without the consumer's consent and by unlawfully using the consumer's personal identifying information.

**Status:** Chapter 480, Statutes of 2017

**SB-182 (Bradford) - Transportation network company: participating drivers: single business license.**

This bill prohibits local jurisdictions from requiring a transportation network company driver to obtain more than one business license, regardless of the number of jurisdictions in which they operate. It requires a driver to obtain a business license in the local jurisdiction in which the driver is domiciled. However, if that jurisdiction of domicile does not require a business license, no other jurisdiction is able to require the driver to obtain a business license. The jurisdiction of domicile is also prohibited from requiring a driver to obtain a business license unless the driver has operated in that local jurisdiction for more than 30 days in the preceding fiscal year. This bill provides that personally identifiable information submitted to a local jurisdiction pursuant to this bill shall not be disclosed on a publicly accessible Internet Web site.

**Status:** Chapter 769, Statutes of 2017

**SB-313 (Hertzberg) - Advertising: automatic renewal and continuous service offers.**

This bill fortifies consumer protections surrounding "automatic service renewal" or "continuous service" offers. Under existing law, businesses making such offers are required to follow certain procedures, including presenting the terms of such offers clearly and conspicuously; receiving a consumer's affirmative consent to the agreement, and providing contact information and an easy-to-use mechanism for cancellation. This bill inserts additional consumer protections regarding price, terms, and cancellation.

**Status:** Chapter 356, Statutes of 2017

**SB-327 (Jackson) - Information privacy: connected devices.**

This bill requires manufacturers of connected devices to equip those devices with reasonable security features appropriate to the nature and function of the device and the information it may collect, contain, or transmit, and that are designed to protect the device and any information contained therein from unauthorized access, destruction, use, modification, or disclosure. This bill provides that if a connected device is equipped with a means for authentication outside a local area network, it shall be deemed a reasonable security feature if either the preprogrammed password is unique to each device manufactured or the device contains a security feature that requires a user to generate a new means of authentication before access is granted to the device for the first time. The duties and obligations imposed by this bill are cumulative with any other duties or obligations imposed under other law, and shall not be construed to relieve any party from any duties or obligations imposed under other law. This bill becomes operative on January 1, 2020.

**Status:** Chapter 886, Statutes of 2018

**SB-460 (De León) - Communications: broadband Internet access service.**

This bill would have required an Internet service provider (ISP) that bids to contract with a state agency for broadband Internet access service to certify it complies with enumerated net neutrality rules. Namely, the ISP would have had to certify in writing that it was in full compliance with Title 15 (commencing with Section 3100) of Part 4 of Division 3 of the Civil Code and that the broadband Internet access service provided to the state agency by the ISP is rendered consistent with the requirements of those provisions.

**Status:** Failed passage on the Assembly Floor

**SB-484 (Roth) - Deposition reporting services: unlawful business practices.**

This bill would have made it unlawful for a person who is employed by or who independently contracts with an entity that arranges for deposition officers to give or receive any gift, incentive, reward, or anything of value as inducement or compensation in connection with the provision of services by a deposition officer. Although these practices are already prohibited under California regulatory law for covered persons and entities, this bill would have empowered the Attorney General, a district attorney, or a city attorney to enforce this professional standard of conduct against all specified persons engaging in this conduct.

**Status:** Held in the Assembly Judiciary Committee

**SB-579 (Galgiani) - Collectibles: sale of autographed collectibles.**

When passed out of this committee, this bill would have amended the Autographed Memorabilia Act to exclude certain enumerated items from the purview of the Act and removed the requirement to provide the name of the third party from whom a dealer has

bought or obtained a collectible, unless litigation ensues. It would have made clear that it does not apply to sales taking place wholly outside of the state. The bill was subsequently amended significantly to make various other changes to the Autographed Memorabilia Act, including changes to the definitions of "autographed collectible" and "dealer," replacing the previously required certificate of authenticity with an express warranty, and restructuring the penalty provisions. AB 228 (Gloria, Ch. 696, Stats. 2017) made many similar changes to the Act and was chaptered into law.

**Status:** Held in the Assembly Rules Committee

**SB-648 (Mendoza) - Health and care facilities: private referral agencies.**

Existing law regulates the licensing of referral agencies that refer seniors and their families to skilled nursing homes or intermediate care facilities. This bill would have extended those requirements to residential care facilities for the elderly, adult residential facilities, and residential care facilities for persons with chronic life-threatening illness. Specifically, this bill would have defined "referral agency," required disclosure from the facilities to potential residents of these referral agreements, and prohibited the sharing of personal information by referral agencies unless provided conditions were met. This bill would have required that the facilities maintain signed acknowledgement of disclosures and that referral agencies maintain records of client consent to sharing of personal information, as specified. This bill would also have required referral agencies to maintain liability insurance of at least \$1,000,000 per referred person and \$3,000,000 in the total annual aggregate for negligent acts or omissions. Additionally, this bill would have added an owner, operator, or employee of a private referral agency to the existing list of mandated reporters of elder or domestic adult abuse. This bill would have required the California Department of Social Services (CDSS) to submit a report to the Legislature regarding the effectiveness of existing statutory remedies related to private referral agencies by January 1, 2023. This bill would have also required CDSS to keep track of any consumer complaints arising from consumer interactions with a private referral agency and allowed CDSS to levy civil penalties against these agencies pursuant to Section 1569.49 of the Health & Safety Code.

**Status:** Held in the Senate Appropriations Committee

**SB-713 (Anderson) - Tanner Consumer Protection Act.**

This bill would have further expanded California's "Lemon Law" into the commercial sector by including vehicles over 10,000 pounds that are used exclusively for business purposes and that have not exceeded 100,000 miles on the odometer.

**Status:** Held in the Senate Judiciary Committee

**SB-721 (Hill) - Contractors: decks and balconies: inspection.**

This bill institutes inspection and repair requirements to ensure specified buildings are properly maintaining and repairing their "exterior elevated elements," as defined,

including balconies and decks. The bill establishes reporting requirements if repairs are needed, specific timelines for carrying out necessary repairs, and civil penalties for certain violations of its provisions.

**Status:** Chapter 445, Statutes of 2018

**SB-806 (Glazer) - Charter schools: operation: for-profit entities.**

This bill would have limited the public's access to the records of charter schools, weakened the public's right to open meetings of charter schools, and weakened the application of the Political Reform Act of 1974 as applied to charter schools. This bill would have exempted charter schools that are run by nonprofit public benefit corporations, from the conflict of interest provisions of Government Code Section 1090 and instead applied the conflict of interest provisions that are applicable to nonprofit corporations.

**Status:** Failed passage in the Senate Judiciary Committee

**SB-819 (Hill) - Electrical and gas corporations: rates.**

This bill would have prohibited an electrical corporation from recovering a fine or penalty through a rate approved by the California Public Utilities Commission (CPUC). This bill would have prohibited an electrical corporation or gas corporation from recovering through a rate approved by the CPUC costs or expenses resulting from damages caused by the utility's electric facilities or gas facilities, if the CPUC determined that the electrical corporation did not reasonably construct, maintain, manage, control, or operate the facility and that the utility's, or their agent's, unreasonable act or omission increased the risk of the plant causing those damages. This bill would have clarified that the CPUC is authorized to apportion costs between ratepayers and shareholders. This bill was vetoed by Governor Brown. In his veto message, the Governor stated his belief that this bill partially overlaps with SB 901 (Dodd, Ch. 626, Stats. 2018) and is otherwise inconsistent with it.

**Status:** Vetoed by the Governor

**SB-822 (Wiener) - Communications: broadband Internet access service.**

This bill establishes net neutrality requirements by prohibiting internet service providers (ISPs) from taking certain actions that interfere with consumers' ability to lawfully access internet content, including intentionally blocking content, speeding up or slowing down traffic, engaging in paid-prioritization, requiring consideration from edge providers for access to an ISP's end users, and selectively zero-rating certain content. Although the bill as it left this Committee provided for enforcement through the Consumer Legal Remedies Act, violations of these provisions are subject to enforcement through traditional mechanisms, such as California's Unfair Competition Law.

**Status:** Chapter 976, Statutes of 2018

**SB-823 (Hill) - Consumer credit reports: security freezes.**

When before this Committee, this bill would have provided consumers a more expedient and accessible process for placing a security freeze on their credit report through consumer credit reporting agencies by, in part, prohibiting fees for placing, temporarily lifting, replacing, or removing such freezes; requiring prominent links be provided by the agencies for quick, electronic control over these actions; shortening the time line for these actions; and requiring agencies to ensure these actions are also taken with other agencies when the consumer so elects. Due to legislation passed at the federal level, this bill was subsequently gutted and amended.

**Status:** Chapter 781, Statutes of 2018

**SB-969 (Dodd) - Automatic garage door openers: backup batteries.**

This bill prohibits any person, corporation, or entity from manufacturing for sale in this state, selling, offering for sale at retail or wholesale, or installing in this state a residential automatic garage door opener that does not have a battery backup function that is designed to operate when activated because of an electrical outage. The battery backup function must ensure that the automatic garage door opener is operational without interruption during an electrical outage. Violations of this bill's provisions are subject to civil penalties of \$1,000 for each opener in violation.

**Status:** Chapter 621, Statutes of 2018

**SB-981 (Dodd) - Home solicitation contract or offer: water treatment devices: rescission.**

This bill removes the restriction on the delivery and installation of water treatment devices during the required three-day right to rescission period. However, the seller is responsible for all costs in removing the installed water treatment device or any other materials and shall remove that device or any other materials within 20 days of a subsequent rescission. If the seller's services result in the alteration of property of the buyer, this bill requires the seller to restore the property to substantially as good condition as it was at the time the services were rendered. Any water treatment device or other materials that are the subject of a contract offer described therein are required to be delivered and installed in accordance with existing law, including the federal Truth in Lending Act (15 U.S.C. Sec. 1601 et seq.), as applicable.

**Status:** Chapter 932, Statutes of 2018

**SB-998 (Dodd) - Discontinuation of residential water service: urban and community water systems.**

This bill specifies under what circumstances a water service provider with more than 200 service connections can discontinue service due to nonpayment by a residential customer. Specifically, these new protections require urban and community water systems to: (1) create and make publicly available a water shutoff policy in multiple

languages; (2) offer, upon request, a variety of repayment options to customers who are on the verge of having their water shut off due to nonpayment; (3) limit the reconnection fees; (4) provide written or telephonic notice, as specified, to customers who are on the verge of having their water shut off; and (5) refrain from shutting off the water to a delinquent customer with a documented, life-threatening medical condition provided that the customer agrees to pay off the outstanding balance over time.

**Status:** Chapter 891, Statutes of 2018

**SB-1001 (Hertzberg) - Bots: disclosure.**

This bill prohibits a person from using a bot to communicate or interact with another person in California online with intent to mislead the other person about its artificial identity for the purpose of knowingly deceiving the person about the content of the communication in order to incentivize a purchase or sale of goods or services in a commercial transaction or to influence a vote in an election. No liability attaches to a person using a bot where that person clearly and conspicuously discloses that the bot is a bot. The requirements of this bill become operative on July 1, 2019.

**Status:** Chapter 892, Statutes of 2018

**SB-1075 (Wieckowski) - Civil actions: enforcement of judgments.**

Existing law authorizes a judgment debtor to claim property that has been levied upon as exempt by filing a claim of exemption with the levying officer that is then served on the judgment creditor. Existing law requires a judgment creditor who opposes a claim of exemption to file with the court a notice of opposition to the claim within 10 days after service of the notice of exemption. Existing law provides that if a judgment creditor has failed to timely oppose a claim of exemption, or if that property has been determined by a court to be exempt, and the judgment creditor then levies upon or seeks to apply the property toward satisfaction of the money judgment, the creditor is not entitled to recover the subsequent costs of collection unless the property is applied to satisfaction of the judgment. This bill would have instead prohibited the judgment creditor from recovering any costs of collection under these circumstances.

**Status:** Held in the Senate Judiciary Committee

**SB-1121 (Dodd) - California Consumer Privacy Act of 2018.**

This bill amends the recently enacted California Consumer Privacy Act of 2018, AB 375 (Chau, Ch. 55, Stats. 2018). It makes various technical and clarifying amendments. It also makes a series of amendments to the provisions governing medical information and other information collected by covered entities, as defined, exempting application to certain information. This bill also removes the requirement that a consumer bringing an action pursuant to the Act must first notify the Attorney General. It also removes the attendant duties placed upon the Attorney General. It also removes the delayed

operative date of the preemption provision of the Act.

**Status:** Chapter 735, Statutes of 2018

**AB-218 (Bonta) - Local agencies: airports: customer facility charges.**

This bill removes the provision that provides that authorization to impose customer facility charges (CFC) becomes inoperative when the bonds used for financing are paid. This bill also removes a provision granting Oakland International Airport the ability to impose a CFC without any form of indebtedness or after such a form is paid. On January 1, 2023, the relevant statutes will revert back to current law. This bill also provides that a per-contract CFC, or "traditional CFC," shall not exceed \$10 and that an airport shall not require a rental company to collect more than one CFC for a single rental. These latter changes are permanent.

**Status:** Chapter 311, Statutes of 2017

**AB-228 (Gloria) - Collectibles: sale of autographed memorabilia.**

This bill amends the Autographed Memorabilia Act. The bill revises and recasts the definitions of "dealer" and "autographed collectible"; revises the information required to be given to the purchaser of an autographed collectible; changes the definition of a dealer; modifies posting requirements; creates a new three-day cancellation, as specified; adds an urgency clause; makes findings and declarations related to an exemption to the definition of a dealer; revises the current penalties; and, makes other technical and substantive changes related to autographed memorabilia.

**Status:** Chapter 696, Statutes of 2017

**AB-237 (Gonzalez Fletcher) - Pilot Program for Increased Access to Responsible Small Dollar Loans.**

This bill raises the maximum loan amount for loans provided through the Pilot Program for Increased Access to Responsible Small Dollar Loans from \$2,500 to \$7,500. The higher principal loans are subject to stricter income requirements. This bill also requires lenders to reduce interest rates for subsequent loans to the same borrower, as specified. Lenders must perform reasonable background checks on any finders associated with a borrower's participation in the program and can be assessed fees to offset the costs of overseeing the finders' activities.

**Status:** Chapter 1016, Statutes of 2018

**AB-243 (Cooper) - California Beef Commission.**

This bill would have established the California Beef Commission. It would have provided the Commission with broad authority, including authorization to negotiate directly with governmental agencies and to educate those effectuating policy likely to impact California cattle producers or beef and beef products.

**Status:** Held in the Senate Judiciary Committee

**AB-314 (Mullin) - Dating service contracts: online services.**

This bill amends the provisions of law applying to online dating services contracts. This bill amends or exempts such online dating service providers from various existing requirements, including provisions in existing law that limit the financing options and duration of dating services contracts if the initial term of the online dating services contract is one year or less and subsequent renewal terms are one year or less.

**Status:** Chapter 578, Statutes of 2017

**AB-375 (Chau) - Privacy: personal information: businesses.**

This bill creates the California Consumer Privacy Act of 2018. It provides consumers the right to access their personal information that is collected by a business, the right to delete it, the right to know what personal information is collected, the right to know whether and what personal information is being sold or disclosed, the right to stop a business from selling their information, and the right to equal service and price. Each right contains certain exceptions. This bill provides a modified, private right of action for data breaches and allows for enforcement by the Attorney General for other violations with a right to cure for businesses in violation, as specified.

**Status:** Chapter 55, Statutes of 2018

**AB-492 (Grayson) - Advertising and solicitations: government documents.**

This bill provides that, notwithstanding any other law, a nongovernmental entity may solicit a fee for providing a copy of a public record only if that solicitation contains certain disclosures, including clear language indicating the entity is not a governmental agency and information regarding how to obtain such records directly from a governmental entity. This bill also provides a public right of action for any violations of its terms. This bill only applies to direct solicitation of an individually identified person, residence, or business location.

**Status:** Chapter 293, Statutes of 2017

**AB-814 (Bloom) - Consumer protection: enforcement powers: investigatory subpoena.**

This bill would have granted city attorneys of cities having a population in excess of 750,000, or city attorneys of a city and county, the power to conduct investigations, including the ability to issue pre-litigation subpoenas, when they reasonably believe there has been a violation of California's Unfair Competition Law under Business and Professions Code Section 17200 et seq. Any investigation carried out pursuant to these powers would have been required to be conducted in accordance with the procedures set forth in Government Code Section 11180 et seq., including all applicable principles relating to immunity from self-incrimination.

**Status:** Failed passage on the Senate Floor

**AB-944 (Limón) - California Spiny Lobster Commission.**

This bill provides for the establishment of the California Spiny Lobster Commission as necessary for the efficient creation and management of a research program to develop improved harvesting and processing practices, an integrated approach to fishery management, and more efficient resource assessment, monitoring, and protection tools.

**Status:** Chapter 503, Statutes of 2017

**AB-1102 (Rodriguez) - Health facilities: whistleblower protections.**

This bill increases penalties on persons who willfully violate the patient and health worker whistleblower protection law.

**Status:** Chapter 275, Statutes of 2017

**AB-1108 (Daly) - Self-service storage facilities.**

This bill updates two aspects of the California laws that regulate the self-storage industry to better fit the Internet age. First, this bill allows self-storage businesses to provide legal notices to customers by email, with the consent of the customer and subject to specified conditions. Second, this bill clarifies that self-storage companies may use Internet auction sites when conducting public sale of storage unit contents.

**Status:** Chapter 227, Statutes of 2017

**AB-1139 (Reyes) - Real property: transfer fees: notices.**

This bill requires anyone seeking payment of a property transfer fee to record notice that the existence of the fee may make it more difficult for the property owner or a prospective buyer to obtain financing unless the transfer fee provides a “direct benefit,” as defined, to the property in question.

**Status:** Chapter 148, Statutes of 2017

**AB-1185 (O'Donnell) - Rental passenger vehicles.**

This bill would have allowed rental car companies to use, access, or obtain information relating to a renter’s use of a rental vehicle obtained using electronic surveillance technology when the vehicle has not been returned following three calendar days after the contracted return date or the end of any extension. The bill would also have permitted a rental company to use an electronic sign to comply with various signage requirements imposed under existing law.

**Status:** Held in the Senate Judiciary Committee

**AB-1286 (Friedman) - Airports: alternative customer facility charges.**

This bill extends the date by which an airport must initiate the process for obtaining the authority to require or increase an alternative customer facility charge for authorized purposes from January 1, 2018, to January 1, 2025.

**Status:** Chapter 325, Statutes of 2017

**AB-1289 (Arambula) - Real property disclosure requirements.**

This bill, which is paired with AB 2884 (Irwin, 2018) through contingent enactment, updates terminology, consolidates definitions, clarifies vague provisions, and makes a series of minor modifications to the laws relating to real estate brokers and real property transactions. This bill also makes explicit that its terms must not be construed to alter any agency relationships, fiduciary duties, disclosure requirements, or supervision obligations associated with real estate brokers and real property transactions.

**Status:** Chapter 907, Statutes of 2018

**AB-1491 (Caballero) - Sales of dogs and cats: contracts and advertising.**

This bill declares, as void against public policy, a contract for the purchase of a dog or cat that is made contingent on the making of payments over a period of time, or other types of lease-to-own agreements that do not immediately transfer ownership of the animal to the purchaser. A consumer taking possession of a dog or cat transferred under such contracts shall be deemed the owner of the dog or cat and shall also be entitled to the return of all amounts the consumer paid under the contract.

**Status:** Chapter 761, Statutes of 2017

**AB-1526 (Kalra) - Debt collection.**

This bill requires debt collectors to provide certain notices to consumers when attempting to collect on time-barred debts. It also provides that the limitations period on commencing actions to collect on certain debts is an outright bar on initiating such proceedings, rather than allowing the expiration of the statute of limitations to serve simply as an affirmative defense.

**Status:** Chapter 247, Statutes of 2018

**AB-1691 (Committee on Judiciary) - Consumer credit reports: consumer credit reporting agencies.**

This bill would have cleaned up Civil Code Section 1785.13, relating to credit reporting, by eliminating a provision declared unconstitutional over 20 years ago and by correcting an outdated cross-reference to another code section.

**Status:** Died on the Senate Floor

**AB-1742 (Quirk) - Consumer credit reporting agencies: security freeze requests.**

This bill would have permitted a consumer to request a security freeze and thereafter manage the freeze electronically. It would have also established certain timelines within which consumer credit reporting agencies are required to carry out consumer requests.

**Status:** Held in the Senate Judiciary Committee

**AB-1859 (Chau) - Customer records.**

This bill places requirements on consumer credit reporting agencies, and affiliated third parties, that know, or reasonably should know, that one of their computer systems is subject to a security vulnerability that poses a significant risk to the security of computerized data containing personal information. It also requires such entities to begin the process of implementation of software updates, if available, in a timely manner, and to identify and respond to security vulnerabilities in order to mitigate the attendant risks, as specified.

**Status:** Chapter 532, Statutes of 2018

**AB-1906 (Irwin) - Business regulations: information privacy: connected devices: security features.**

This bill requires manufacturers, beginning January 1, 2020, to equip connected devices with a reasonable security feature or features appropriate to the nature and function of the device and the information the device may collect, contain, or transmit, that are designed to protect the device from unauthorized access, destruction, use, modification, or disclosure.

**Status:** Chapter 860, Statutes of 2018

**AB-2107 (Reyes) - New Motor Vehicle Board.**

This bill would have modified the statutory scheme governing the relationship between motor vehicle dealers and manufacturers, including the role and jurisdiction of the New Motor Vehicle Board. In his veto message, Governor Brown indicated his belief that the current framework for determining the rates at which manufacturers are required to reimburse dealers for warranty and recall repairs is sufficient and therefore there is no need "to adopt the rather complicated formula authorized in this bill--with perhaps unintended consequences."

**Status:** Vetoed by the Governor

**AB-2167 (Chau) - Information privacy: digital health feedback systems.**

This bill would have amended California's Confidentiality of Medical Information Act to include within the definition of "medical information" any information in possession of, or derived from, a digital health feedback system. This bill would have required manufacturers or operators that sell devices or applications that may be used as part of these digital health feedback systems to equip them with reasonable security features, as specified.

**Status:** Failed passage on the Senate Floor

**AB-2227 (Friedman) - Motorcycles: hang tags.**

This bill updates the requirements for the pricing label that is required to be placed on any new, assembled motorcycle. Manufacturers are now required to place the

manufacturer's suggested retail price (MSRP) and the vehicle identification number of the motorcycle. The dealer is required to place a supplemental price label meeting certain requirements and including specified information on each motorcycle if the dealer's price exceeds the MSRP.

**Status:** Chapter 187, Statutes of 2018

**AB-2483 (Voepel) - Indemnification of public officers and employees: antitrust awards.**

This bill would have removed a public entity's discretion and required it to pay any judgment or settlement for treble damage antitrust awards against a member of a regulatory board within the Department of Consumer Affairs for an act or omission occurring within the scope of the member's official capacity as a member of that regulatory board. Such treble awards would have been statutorily determined not to be punitive damages.

**Status:** Held in the Senate Judiciary Committee

**AB-2546 (Chau) - Commercial email advertisements.**

This bill would have expanded California's anti-spam law to, among other things, prohibit any person or entity from initiating, in addition to advertising in, a commercial email advertisement sent from California or to a California email address under specified circumstances. The bill also would have permitted additional entities to bring action under the anti-spam law, specified that a court may issue injunctions for violating this law, and amended the requirements for the court to reduce liquidated damages.

**Status:** Died on the Assembly Floor

**AB-2620 (Ting) - Rental passenger vehicle transactions.**

This bill allows rental car companies to use, access, or obtain information relating to a renter's use of a rental vehicle obtained using electronic surveillance technology when the vehicle has not been returned following 72 hours after the contracted return date or the end of any extension. It requires the company to provide various forms of notice to the customer. This bill also authorizes a company to send renters communications electronically, as specified.

**Status:** Chapter 344, Statutes of 2018

**AB-2678 (Irwin) - Privacy: personal information: breach: notification.**

This bill would have provided that a person or business that is required to provide a security breach notification pursuant to California's Data Breach Notification Law must include therein a notice instructing the affected person that information related to security freezes and fraud alerts is available from the major credit reporting agencies and include the mailing address and Internet Web site address of the major credit reporting agencies, as specified.

**Status:** Died on the Senate Floor

**AB-2825 (Jones-Sawyer) - Debt collection: practices.**

This bill would have generally applied the protections of the Rosenthal Fair Debt Collections Practices Act and the Fair Debt Buying Practices Act to the collection of certain government debts and debts arising from the towing, impounding, and storing of vehicles.

**Status:** Held in the Senate Appropriations Committee

**AB-2873 (Low) - Personal vehicle sharing: recalled vehicles.**

This bill prohibits a personal vehicle sharing program from facilitating or otherwise arranging for transportation with a vehicle that is subject to a manufacturer's recall, as specified and within certain prescribed timelines. The bill makes clear that its changes should not affect any pending litigation and should not affect the determination of whether or not a company is a rental car company.

**Status:** Chapter 591, Statutes of 2018

**AB-2935 (Chau) - Health information privacy: digital commercial health monitoring.**

This bill would have prohibited an operator of a commercial health monitoring program (CHMP) from intentionally sharing, selling, or disclosing individually identifiable health monitoring information in its possession or derived from a CHMP without first obtaining the consumer's consent.

**Status:** Held in the Senate Judiciary Committee

**AB-2943 (Low) - Unlawful business practices: sexual orientation change efforts.**

This bill would have made it unlawful for any individual to advertise, offer for sale, or sell services constituting sexual orientation change efforts with an individual in a transaction intended to result or that results in the sale or lease of goods or services to any consumer. This bill would have applied the same definition of "sexual orientation change efforts" as used in existing law.

**Status:** Died on the Assembly Floor

**AB-3112 (Grayson) - Controlled substances: butane.**

This bill makes it unlawful for a manufacturer, wholesaler, reseller, or retailer to sell non-odorized butane to a customer, except as specified, and authorizes a civil penalty to be assessed for the violations specified.

**Status:** Chapter 595, Statutes of 2018

**AB-3217 (Berman) - Legal services: advertising.**

This bill would have added to the list of acts prohibited by the Consumer Legal Remedies Act the act of advertising legal services to persons who may allege an injury from either a prescription drug or a medical device that is designed and intended to be

implanted in the body, that is currently approved by the United States Food and Drug Administration, where the advertisement contains a material misrepresentation of fact or law, or omits a fact necessary to make the communication as a whole not materially misleading. This bill would have provided that an advertisement may be considered materially misleading if it materially understates the benefits of a drug or device, or materially overstates the risk associated with the drug or device.

**Status:** Held in the Senate Judiciary Committee

## **CONTRACTORS**

### **SB-486 (Monning) - Contractors' State License Law: letter of admonishment.**

This bill authorizes the Contractors State License Board and its Registrar of Contractors (Registrar) to issue a written and detailed letter of admonishment to an applicant, licensee, or registrant, instead of issuing a citation, when an investigation gives the Registrar probable cause to believe that a licensee, registrant, or applicant has committed acts or omissions that are grounds for denial, suspension, or revocation of a license or registration. This bill also provides for an office conference to contest the letter of admonishment and specifies circumstances under which the letter of admonishment may be issued, as well as requires that the letter of admonishment be disclosed to the public for a period of one year from the date of service.

**Status:** Chapter 308, Statutes of 2017

### **SB-559 (Morrell) - Private Investigator Act: license: limited liability company.**

This bill authorizes a licensed private investigator to continue to organize as a limited liability company (LLC) until January 1, 2021; requires the licensee to report claims against its liability insurance or, if they will become a LLC, to the Bureau of Security and Investigative Services; recasts and revises hourly credits a candidate for licensure may receive with a specified educational degree; prohibits the total amount of time credited to an applicant for these degrees from exceeding 2,000 hours of experience in investigation work; revises and recasts the definition of a "qualified manager"; and makes other technical, updating, conforming and clarifying changes.

**Status:** Chapter 569, Statutes of 2017

### **SB-686 (Wilk) - Public contracts: claim resolution.**

Existing law prescribes various requirements regarding the formation, content, and enforcement of state and local public contracts. Existing law established, for contracts entered into on or after January 1, 2017, a claim resolution process applicable to any claim by a contractor in connection with a public works project against a public entity. If

a claimant disputes the public entity's response or the public entity fails to respond, existing law requires a public entity to schedule a meet-and-confer conference for the settlement of the dispute. This bill instead would have required the public entity to conduct the meet-and-confer conference within that same period.

**Status:** Held in the Senate Judiciary Committee

**SB-1077 (Wilk) - Construction contracts: wrap-up insurance and indemnification.**

This bill would have expanded the mandatory disclosures that must be made to contractors or subcontractors regarding owner-controlled or contractor-controlled wrap-up insurance for a public or private work of improvement that is considered a public works project, or other project that is not residential, in order to better align the law regarding wrap-up insurance policies between residential and non-residential projects.

**Status:** Died on the Assembly Floor

**SB-1326 (Hueso) - Construction contracts: indemnity.**

This bill would have, for construction contracts between owners of commercial property and general contractors, substantially expanded existing restrictions on the owners' ability to seek indemnity from general contractors.

**Status:** Held in the Senate Judiciary Committee

**AB-1278 (Low) - Contractor licensing: judgment debtor prohibition.**

This bill specifies that if a judgment is entered against a licensee, then a qualifying person or personnel of record is automatically prohibited from serving as a qualifying individual or other personnel of record, unless the judgment is satisfied.

**Status:** Chapter 506, Statutes of 2017

**AB-1701 (Thurmond) - Labor-related liabilities: original contractor.**

This bill makes general contractors liable for the wages, fringe benefits, or contributions of all workers on a private construction project, in the event that the subcontractor directly employing the workers fails to pay them.

**Status:** Chapter 804, Statutes of 2017

**AB-2317 (Eggman) - Whistleblower protection: county patients' rights advocates.**

This bill would have extended whistleblower protections to individuals and entities that have contracts with state or local government to oversee compliance with patients' rights in county mental health treatment facilities. In his veto message, the Governor stated that while he is "supportive of the larger policy goal of this bill, to protect the work of patient rights advocates," this bill "is not the appropriate framework." The Governor explained that the "bill would expand the Labor Commissioner's jurisdiction beyond the typical employer-employee relationship into larger contract disputes between

independent contractors and local governments." The Governor made clear that he does "not believe such a broad change in law is warranted when there is limited evidence of a problem."

**Status:** Vetoed by the Governor

**AB-2353 (Frazier) - Construction defects: actions.**

This bill would have required inspectors conducting pre-litigation inspections on residential property with alleged defects to be licensed by the Contractors State License Board, unless the inspection requires the use of a specialized subject-matter expert.

**Status:** Died on the Senate Floor

**AB-3126 (Brough) - Contractors' State License Law: cash deposit in lieu of a bond.**

This bill repeals the current authority for the Contractors State License Board to accept a deposit in lieu of a bond, beginning January 1, 2019, unless the deposit is cash or a cashier's check, as specified, and requires all other existing alternatives for a deposit in lieu of a bond to be replaced with a surety bond, cash, or a cashier's check deposit, by January 1, 2020.

**Status:** Chapter 925, Statutes of 2018

**AB-3231 (Gray) - Employment: public works: apprenticeship.**

This bill makes two separate modifications to California law governing the construction trades. First, this bill empowers a Joint Labor-Management Committee (JLMC) to seek a court order requiring a public works contractor or subcontractor to provide certified payroll records to the JLMC. Second, this bill requires the California Apprenticeship Council and Chief of the Division of Apprenticeship Standards to include, in its annual report to the Legislature, any apprenticeship standards that were proposed or adopted in the previous year.

**Status:** Chapter 682, Statutes of 2018

## **CONTRACTS**

**SB-33 (Dodd) - Arbitration agreements.**

This bill adds an additional determination to the list of exclusions from compelled arbitration. This bill provides that arbitration is not compelled when the court determines that a petitioner is a state or federally chartered depository institution that seeks to apply a written agreement to arbitrate, contained in a contract consented to by a consumer, to a purported contractual relationship with that consumer created fraudulently by the petitioner without the consumer's consent and by unlawfully using the consumer's personal identifying information.

**Status:** Chapter 480, Statutes of 2017

**SB-460 (De León) - Communications: broadband Internet access service.**

This bill would have required an Internet service provider (ISP) that bids to contract with a state agency for broadband Internet access service to certify that it complies with enumerated net neutrality rules. Namely, the ISP would have had to certify in writing that it was in full compliance with Title 15 (commencing with Section 3100) of Part 4 of Division 3 of the Civil Code and that the broadband Internet access service provided to the state agency by the ISP is rendered consistent with the requirements of those provisions.

**Status:** Failed passage on the Assembly Floor

**SB-496 (De León) - Indemnity: design professionals.**

This bill provides that a design professional, as defined, shall only have the duty to defend an indemnitee for claims against the indemnitee that arise out of, pertain to, or relate to, the negligence, recklessness, or willful misconduct of the design professional, as specified. This bill states that all provisions, clauses, covenants, and agreements contained in, collateral to, or affecting any contract for design professional services that purport to require a design professional to indemnify or defend claims against an indemnitee, except as specified above shall be unenforceable. This bill specifies that a design professional's cost to defend an indemnitee shall not exceed the design professional's proportionate percentage of fault, but that in the event one or more defendants is unable to pay its share of defense costs, the design professional shall meet and confer with the other parties regarding unpaid defense costs, as specified. This bill specifies that the above provisions shall not pertain to contracts where a project-specific general liability policy insures all project participants or to written design-build joint venture agreements. This bill specifies that as used therein, "indemnitee" does not include any agency of the State of California.

**Status:** Chapter 8, Statutes of 2017

**SB-981 (Dodd) - Home solicitation contract or offer: water treatment devices: rescission.**

This bill removes the restriction on the delivery and installation of water treatment devices during the required three-day right-to-rescission period. However, the seller is responsible for all costs in removing the installed water treatment device or any other materials and shall remove that device or any other materials within 20 days of a subsequent rescission. If the seller's services result in the alteration of property of the buyer, this bill requires the seller to restore the property to substantially as good condition as it was at the time the services were rendered. Any water treatment device or other materials that are the subject of a contract offer described therein are required to be delivered and installed in accordance with existing law, including the federal Truth in Lending Act (15 U.S.C. Sec. 1601 et seq.), as applicable.

**Status:** Chapter 932, Statutes of 2018

**SB-1431 (Morrell) - Obligations: release.**

This bill clarifies that the terms “creditor” and “debtor,” as used in Sections 1541 and 1542 of the Civil Code, are interchangeable with the terms “releasing party” and “released party,” respectively. These sections govern releases from legal obligations.

**Status:** Chapter 157, Statutes of 2018

**AB-618 (Low) - Local Agency Public Construction Act: job order contracting: school districts: community college districts.**

This bill authorizes California community college districts that have entered in Project Labor Agreements to utilize “Job Order Contracting,” a simplified contracting system for public entities in which contractors competitively bid an adjustment factor to be applied to a catalog of routine construction, maintenance, and repair projects with pre-set unit prices based on generally accepted industry standards. This bill sunsets on January 1, 2022.

**Status:** Chapter 296, Statutes of 2017

**AB-1159 (Chiu) - Marijuana: legal services.**

This bill provides that attorney-client privilege applies to legal services rendered in compliance with state and local laws on medicinal cannabis or adult-use cannabis, and confidential communications provided for the purpose of rendering those services are confidential communications between client and lawyer, provided the lawyer also advises the client of conflicts with respect to federal law. This bill makes a number of legislative findings and declarations, while also providing that medicinal cannabis or commercial marijuana activity conducted in compliance with California law and any applicable local standards, requirements, and regulations shall be deemed to be: a lawful object of a contract; not contrary to, an express provision of law, any policy of express law, or good morals; and not against public policy.

**Status:** Chapter 530, Statutes of 2017

**AB-1491 (Caballero) - Sales of dogs and cats: contracts and advertising.**

This bill declares, as void against public policy, a contract for the purchase of a dog or cat which is made contingent on the making of payments over a period of time, or other types of lease-to-own agreements that do not immediately transfer ownership of the animal to the purchaser. A consumer taking possession of a dog or cat transferred under such contracts shall be deemed the owner of the dog or cat and shall also be entitled to the return of all amounts the consumer paid under the contract.

**Status:** Chapter 761, Statutes of 2017

**AB-1565 (Thurmond) - Labor-related liabilities: direct contractor.**

This bill requires a general contractor to specify, in the terms of its contract with a subcontractor on a private construction worksite, which documents the general

contractor may require the subcontractor to produce in order to avoid a withholding of payment from the subcontractor for failure to turn over adequate information about payroll and lower-tier subcontractors. The bill also allows subcontractors to include similar specifications in their contracts with lower-tier subcontractors.

**Status:** Chapter 528, Statutes of 2018

**AB-3080 (Gonzalez Fletcher) - Employment discrimination: enforcement.**

This bill would have addressed two legal tactics, commonly used in relation to employment contracts, that can and have been exploited to silence victims and witnesses of workplace sexual harassment: the inclusion of non-disparagement clauses and forcing workers to sign mandatory arbitration agreements. As to the first tactic, this bill would have limited abuse of non-disparagement agreements by making it unlawful for employers to prohibit workers from disclosing an instance of sexual harassment, opposing an unlawful practice, or participating in any investigation relating to harassment or discrimination. As to the second tactic, since current federal case law strongly favors enforcement of mandatory arbitration agreements, even when used to keep allegations of sexual harassment from becoming public, California cannot outlaw or discriminate against such agreements. Instead, this bill would simply have ensured that California workers who sign agreements to waive their rights to any particular forum or procedure for dispute resolution do so freely and that those who elect not to sign such agreements are not subjected to retaliation as a result. In his veto message, the Governor asserted that "[t]his bill is based on a theory that the Act only governs the enforcement and not the initial formation of arbitration agreements and therefore California is free to prevent mandatory arbitration agreements from being formed at the outset." Citing passages from the United States Supreme Court's ruling in *Kindred Nursing Centers Ltd. Partnership v. Clark* (2017) 137 S. Ct. 1421, 1428, the Governor concluded that: "this bill plainly violates federal law."

**Status:** Vetoed by the Governor

**COURTS, COURT FACILITIES, COURT EMPLOYMENT, COURT INTERPRETERS, AND COURT REPORTERS**

**SB-38 (Roth) - Courts: judgeships.**

This bill would have increased the number of justices from seven to eight in the division of the Court of Appeal for the 4th Appellate District located in the San Bernardino/Riverside area.

**Status:** Held in the Assembly Appropriations Committee

**SB-39 (Roth) - Suspension and allocation of judgeships.**

This bill would have authorized the reallocation of four vacant judgeships from superior courts with more authorized judgeships than their assessed needs to superior courts with fewer authorized judgeships than their assessed needs.

**Status:** Held in the Senate Appropriations Committee

**SB-349 (Lara) - Courthouses: Privilege from civil arrest.**

This bill, as first considered by the Senate Judiciary Committee, would have required chronic dialysis clinics to meet minimum staffing ratios at all times for nurses, technicians, social workers, and registered dietitians, commencing January 1, 2020, as specified. It would have required the Department of Public Health (DPH), no later than January 1, 2020, to issue regulations specifying an appropriate amount of transition time between patients, and would have required a chronic dialysis clinic, if DPH has not issued regulations by January 1, 2020, to ensure that the minimum transition time is at least 45 minutes. The bill would have provided that DPH may grant a waiver to a chronic dialysis clinic in a rural county, as defined, if the waiver does not jeopardize the health, safety, and well-being of affected patients. This bill would also require DPH to inspect chronic dialysis clinics annually and would authorize DPH to assess administrative penalties for violations of the staffing ratios. Subsequently, this bill was gutted and amended to address different subject matter. This bill, when considered by the Senate Judiciary Committee for a second time, would have codified key components of the common law privilege against civil arrest, under which a person may not be subjected to civil arrest in relation to one legal matter while attending a judicial proceeding for another. To facilitate enforcement of the privilege, this bill would also have codified judicial authority to enforce the common law privilege against civil arrest, in keeping with the inherent power of judicial officers to prevent activities that would otherwise undermine the administration of justice. This bill would also have enabled enforcement of the privilege by the Attorney General as well. In his veto message, the Governor expressed his support for the "underlying intent of this measure," but indicated concern about "unintended consequences." Pointing out that SB 54 (De Leon, Ch. 495, Stats. 2017) tasks the Attorney General with publishing model policies limiting assistance with immigration enforcement to the fullest extent possible at courthouses, the Governor stated his belief that "the prudent path is to allow for that guidance to be released before enacting new laws in this area."

**Status:** Vetoed by the Governor

**SB-403 (Cannella) - Sale of county courthouses.**

This bill authorizes the Judicial Council to sell the Chico, Corning, Clovis, Firebaugh, Reedley, Avenal, and Corcoran superior courthouses if the sale meets certain requirements existing law sets for disposal of court facilities. This bill requires that the Judicial Council consult with and first offer the right to purchase the property to the

county in which the property is located. The Judicial Council is required to deposit the net proceeds from the sale of these courthouses into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund. This bill additionally makes legislative findings in support of its provisions and takes effect immediately as an urgency statute.

**Status:** Chapter 358, Statutes of 2017

**SB-467 (Wilk) - Civil actions: appearance by electronic means.**

This bill would have permitted a party, upon providing proper notice, to appear by electronic means in a court that provides for remote access to a conference, hearing, or proceeding, in the following types of civil cases: probate, guardianship, conservatorship, and family law proceedings.

**Status:** Held in the Assembly Judiciary Committee

**SB-484 (Roth) - Deposition reporting services: unlawful business practices.**

This bill would have made it unlawful for a person who is employed by, or who independently contracts with an entity that arranges for deposition officers to, give or receive any gift, incentive, reward, or anything of value as inducement or compensation in connection with the provision of services by a deposition officer. Although these practices are already prohibited under California regulatory law for covered persons and entities, this bill would have empowered the Attorney General, a district attorney, or a city attorney to enforce this professional standard of conduct against all specified persons engaging in this conduct.

**Status:** Held in the Assembly Judiciary Committee

**SB-576 (Wiener) - Jury commissioners: juror data collections and maintenance.**

This bill would have required jury commissioners to collect and maintain demographic data from all prospective jurors who appear for jury service, including each juror's race, gender, ethnicity, national origin, and ZIP code of residence. The demographic data would have been collected to determine if the pool of prospective jurors who appear for jury service pursuant to a jury summons accurately represents a cross section of the population of the area served by the court. The data would have been collected on a form developed by the jury commissioner. Such a form would not have collected any personal identifying information. The data would have been collected upon a juror's arrival to jury duty, along with other information currently collected by the court. All data collected would have remained anonymous and been aggregated by the jury commissioner. The jury commissioner would have been required to biannually produce a report presenting the aggregated data, which would have been made available to the public and maintained by each court.

**Status:** Held in the Senate Appropriations Committee

**SB-785 (Wiener) - Evidence: immigration status.**

This bill prohibits the disclosure of evidence relating to immigration status in open court or in public court records, until after a confidential, in camera hearing and judicial ruling that the evidence is relevant and not inadmissible.

**Status:** Chapter 12, Statutes of 2018

**SB-1012 (Hertzberg) - Jurisdiction: limited civil case.**

As it passed out of this Committee, this bill would have raised the jurisdictional threshold for limited civil cases in California courts from \$25,000 to \$50,000. It was subsequently gutted and amended.

**Status:** Chapter 786, Statutes of 2018

**SB-1155 (Hueso) - Court interpreters: small claims proceedings.**

This bill revises statutes regarding the provision of language interpreters in small claims court with the goal of expanding language access to limited-English proficient parties in small claims court.

**Status:** Chapter 852, Statutes of 2018

**SB-1208 (Committee on Judiciary) - Courts, judicial emergencies.**

This is a bill carried by the Committee in response to series of recent fires that threatened orderly operation of courthouses in the state. This bill modernizes the existing statutory authorization for courts to respond to certain emergency conditions. This bill also expands the circumstances under which the authorization would apply and provides additional flexibility to the Chairperson of the Judicial Council to extend timelines and transfer cases.

**Status:** Chapter 201, Statutes of 2018

**AB-83 (Santiago) - Collective bargaining: Judicial Council.**

This bill establishes the Judicial Council Employer-Employee Relations Act which provides collective bargaining rights to Judicial Council employees.

**Status:** Chapter 835, Statutes of 2017

**AB-414 (Medina) - Suspension and allocation of vacant judgeships.**

This bill would have required that up to four vacant judgeships be allocated from superior courts with more authorized judgeships than their assessed judicial need to superior courts with fewer authorized judgeships than their assessed judicial need. This bill would also have required that the allocation of vacant judgeships be in accordance with a methodology approved by the Judicial Council, as specified. The changes this bill would have made were included in the 2017-2018 budget.

**Status:** Held in the Senate Judiciary Committee

**AB-452 (Bloom) - Courts.**

This bill changes references to Clerk of the Supreme Court to Clerk/Executive Officer of the Supreme Court, and changes references to Clerk/Administrator of the Court of Appeal to Clerk/Executive Officer of the Court of Appeal. This bill also provides that state law references to the Administrative Office of the Courts means the Judicial Council.

**Status:** Chapter 36, Statutes of 2017

**AB-740 (Reyes) - Oaths and affirmations.**

This bill reorganizes the existing statutory provisions regarding the certification of former judges and justices to administer oaths and affirmations. This bill removes the requirement that all applications include a medical certification, but authorizes the Commission on Judicial Performance to require one under certain circumstances. This bill also removes the five-year cap on certifications, making certifications valid indefinitely, except as specified.

**Status:** Chapter 82, Statutes of 2017

**AB-1443 (Levine) - Court records.**

This bill updates existing laws governing the retention and destruction of court records. This bill provides guidelines for the retention of gun violence restraining orders and eliminates the requirement that courts provide a listing of all destroyed records to Judicial Council.

**Status:** Chapter 172, Statutes of 2017

**AB-1450 (Oberholte) - Court reporters: electronic transcripts.**

This bill requires official reporters or official reporters pro tempore to deliver transcripts in electronic form in compliance with California Rules of Court. This bill provides a five-year grace period for courts and reporters to modernize their equipment and overall technical abilities. This bill prohibits an official reporter or official reporter pro tempore from being required to use a specific vendor, technology, or software to comply with these provisions, unless the official reporter or official reporter pro tempore agrees otherwise. However, absent such an agreement, an official reporter or official reporter pro tempore may select the vendor, technology, and software to comply with this bill's provisions and the attendant California Rules of Court. The bill also provides that in adopting transcript format requirements for the relevant rules of court, consideration shall be given on a technology-neutral basis to the availability of relevant vendors of transcript products, technologies, and software.

**Status:** Chapter 532, Statutes of 2017

**AB-1692 (Committee on Judiciary) - Judiciary omnibus.**

This bill makes various changes to the Family Code, including allowing courts to convert certain vacant subordinate judicial officer positions to judgeships; and allowing courts, at parents' request, to provide optional, pre-hearing child custody mediation.

**Status:** Chapter 330, Statutes of 2017

**AB-2309 (Bloom) - Sale of the West Los Angeles Courthouse.**

This bill authorizes the Judicial Council to sell the West Los Angeles Courthouse and the Mental Health Courthouse in Los Angeles County; requires that the Judicial Council consult with, and first offer the right to purchase the properties at fair market value, to the county of Los Angeles; and requires the Judicial Council to deposit the net proceeds from the sales of the courthouses into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund. This bill additionally makes legislative findings in support of its provisions and takes effect immediately as an urgency statute.

**Status:** Chapter 536, Statutes of 2018

**AB-2354 (Rubio) - Family law: court reporters.**

This bill, with regard to proceedings relating to child custody or under the Domestic Violence Act, would have required the court to provide a court reporter at every hearing at which testimony is received.

**Status:** Held in the Senate Appropriations Committee

**AB-2531 (Gallagher) - Access to judicial and nonjudicial proceedings: individuals who are deaf or hard of hearing: operators of computer-aided transcription systems.**

This bill would have required the Court Reporters Board of California to identify a certification process and adopt standards for operators of computer-aided transcription systems. In his veto message, Governor Brown stated "I understand the importance of ensuring the deaf and hard of hearing have equal access to our judicial system. The burdens imposed on the Board by this bill, without authority for proper enforcement or funding, would make it difficult to achieve the author's stated goal. Also, I don't believe there has been sufficient evidence provided to warrant a new certification process for these operators."

**Status:** Vetoed by the Governor

**AB-2664 (Holden) - Court reporters: official reporter pro tempore.**

This bill clarifies that if an official court reporter is not available, a party may arrange for, at the party's expense, the presence of a shorthand certified reporter to serve as an official pro tempore reporter.

**Status:** Chapter 497, Statutes of 2018

**AB-2757 (Reyes) - Court reporters.**

This bill would have, over the next four years, incrementally increased the fees that court reporters may charge for transcripts, and copies thereof, as specified.

**Status:** Held in the Senate Appropriations Committee

**AB-2868 (Santiago) - County of Los Angeles: limited-term law clerk.**

This bill would have provided that in the Superior Court for the County of Los Angeles, a limited-term law clerk, whether hired through an agency or not, shall not be employed in the trial court for a period exceeding 180 calendar days. This bill would also have provided that if that limited-term law clerk is employed for more than 180 calendar days, he or she is a trial court employee.

**Status:** Held in the Senate Judiciary Committee

**EMPLOYMENT AND LABOR**

**SB-63 (Jackson) - Unlawful employment practice: parental leave.**

This bill makes it an unlawful employment practice for an employer, of 20 or more employees, to refuse to allow an eligible employee to take up to 12 weeks of job protected parental leave to bond with a new child within one year of the child's birth, adoption, or foster care placement. This bill also prohibits an employer from refusing to maintain and pay for the employee's continued group health coverage during the duration of the leave.

**Status:** Chapter 686, Statutes of 2017

**SB-76 (Nielsen) - Excluded employees: arbitration.**

When before this Committee, this bill would have given managerial, confidential, supervisory, and other excluded state employees the option, after exhausting normal grievance procedures, of requesting binding arbitration as a method for resolving disputes with their State employers. Under the bill's provisions, the party that loses the arbitration would pay the costs of the arbitration, though it is the employee organization – not the individual employee – that would pay. This bill was subsequently gutted and amended.

**Status:** Held in the Assembly Transportation Committee

**SB-306 (Hertzberg) - Retaliation actions: complaints: administrative review.**

This bill grants the Labor Commissioner authority to seek an immediate and temporary injunction when workers face retaliation for reporting violations of the law. The bill also gives the Labor Commissioner authority to issue citations and penalties directly to enforce retaliation claims, rather than exclusively through the courts. Finally, the bill

authorizes an employee who is bringing a civil action for a retaliation claim to seek injunctive relief from the court.

**Status:** Chapter 460, Statutes of 2017

**SB-524 (Vidak) - Employment: violations: good faith defense.**

This bill would have provided immunity from all liability, except for restitution of unpaid wages, for employers who are able to prove that they acted in good faith reliance upon an applicable opinion letter or enforcement policy published on the Division of Labor Standards Enforcement's Web site.

**Status:** Failed passage in the Senate Labor and Industrial Relations Committee

**SB-548 (Atkins) - State and local public employee labor relations: complaints.**

This bill would have codified the circumstances in which the Public Employee Relations Board may grant expedited processing to particular cases pending before it and would have set forth the timeline and procedure for such expedited processing.

**Status:** Died on the Assembly Floor

**SB-550 (Pan) - Public school employment: meeting and negotiating: legal actions: attorney's fees.**

This bill requires that, if an employer rejects an employee organization's offer to settle a dispute, the employer must pay the employee organization's reasonable attorney fees and expenses unless the employer obtains a judgment or award more favorable to it than the settlement offer was. The fee shifting provision does not apply to unfair practice or arbitration proceedings.

**Status:** Chapter 812, Statutes of 2017

**SB-926 (Skinner) - CalWORKs and CalFresh: work requirements.**

This bill would have provided CalWORKs and CalFresh recipients with additional protections against reductions in their benefits when they quit or refuse employment on account of, among other specified reasons: harassment, lack of compliance with sick leave laws, wage theft, failure to grant family leave, or because the nature of the job makes it impossible for the recipient to comply with other program requirements. The bill would also have required county human services agencies to provide legal information to public benefits recipients who raise concerns about workplace violations. In his veto message, the Governor stated that the bill "is unnecessary because existing law provides county welfare departments with broad authority to grant good cause exemptions from work requirements to ensure recipients are not unjustly penalized."

**Status:** Vetoed by the Governor

**SB-937 (Wiener) - Lactation accommodation.**

This bill would have mandated that all employers provide a space with certain technical specifications for employees with a desire to express breast milk in private. In his veto message, the Governor stated that he "signed AB 1976 which furthers the state's ongoing efforts to support working mothers and their families." Therefore, according to the Governor, "this bill is not necessary."

**Status:** Vetoed by the Governor

**SB-1038 (Leyva) - California Fair Employment and Housing Act: violations: personal liability.**

This bill would have made individual employees personally liable if they retaliate against others for complaining about, reporting, testifying about, cooperating with an investigation about, or otherwise opposing workplace discrimination and harassment. Existing California Supreme Court precedent extends liability for such retaliation only to employers, labor organizations, and employment agencies, but not to an individual employee who retaliates unless, possibly, the person retaliating also committed the harassment in question.

**Status:** Died on the Assembly Floor

**SB-1284 (Jackson) - Employers: annual report: pay data.**

This bill would have required large employers incorporated in California to report pay and job title information broken down by gender, race, and ethnicity, to the Department of Industrial Relations on an annual basis.

**Status:** Held in the Assembly Appropriations Committee

**SB-1300 (Jackson) - Unlawful employment practices: discrimination and harassment.**

This bill makes a series of changes to the Fair Employment and Housing Act designed to strengthen that statute's deterrent effect against discrimination, harassment and retaliation. Specifically, the bill: (1) provides guidance to the courts on application of the legal standard for unlawful harassment; (2) establishes that employers may be held liable for unlawful harassment that their employees endure, based on any protected characteristic, at the hands of third-party non-employees, if the employer knows of the harassment, has the requisite control over the situation, and fails to correct it; (3) restricts the use of contractual provisions that require workers to waive their civil rights as a condition of employment or continued employment; (4) prevents the preemptive use of contractual non-disparagement clauses, at the time of hire or as a condition of continued employment, to deny employees the right to disclose information about unlawful acts in the workplace, including sexual harassment; (5) expands the scope and content of workplace sexual harassment prevention training; and (6) clarifies that people seeking to enforce their civil rights in good faith, including the right to be free from

sexual harassment, should not be deterred by the concern that they may be forced to pay attorneys' fees.

**Status:** Chapter 955, Statutes of 2018

**SB-1343 (Mitchell) - Employers: sexual harassment training: requirements.**

This bill reduces the sexual harassment training requirement threshold from employers with 50 or more employees to employers with five or more employees, includes non-supervisory employees in the training, and requires that the Department of Fair Employment and Housing develop an online training course and make it available on the Department's Web site.

**Status:** Chapter 956, Statutes of 2018

**SB-1402 (Lara) - Labor contracting: customer liability.**

In response to widespread labor violations in the port drayage industry, this bill requires the Division of Labor Standards Enforcement to post a list on its Internet Web site of the names of port drayage motor carriers with any unsatisfied final court judgments or other outstanding debts resulting from labor violations. This bill requires a customer that, as part of its business, obtains services with a port drayage motor carrier on that list, be jointly and severally liable with the motor carrier for future unpaid wages, unreimbursed expenses, damages and penalties, including applicable interest, found due to any and all commercial drivers provided, directed, or used by the motor carrier to perform port drayage services for the customer, or that are found due as civil penalties to the state, as specified.

**Status:** Chapter 702, Statutes of 2018

**AB-31 (Rodriguez) - Whistleblowers: California State Auditor.**

This bill instructs the State Auditor's Office (SAO) to create a system for the submission of allegations of improper government activities against the SAO. It provides that such allegations will be routed to an independent investigator appointed by the Employment and Administrative Mandate Section of the Department of Justice and the independent investigator will then conduct an investigation into the allegation and, if warranted, issue a report and recommend corrective action.

**Status:** Chapter 605, Statutes of 2017

**AB-403 (Melendez) - Legislature: Legislative Employee Whistleblower Protection Act.**

This bill enacts the Legislative Employee Whistleblower Protection Act to protect legislative employees (including volunteers, interns, fellows, and applicants) against interference with, or retaliation for, making protected disclosures. This bill imposes criminal and civil liability on members of the Legislature and legislative employees who interfere with or retaliate against a legislative employee's exercise of the right to make a

protected disclosure.

**Status:** Chapter 2, Statutes of 2018

**AB-450 (Chiu) - Employment regulation: immigration worksite enforcement actions.**

This bill enacts a set of restrictions on California employers to ensure that the assistance they give to federal immigration enforcement activity in the workplace goes no further than what is required by law. The bill requires employers to deny federal immigration agents access to non-public parts of a worksite in the absence of a judicial warrant and requires notice to workers of any work authorization documentation audits by federal immigration agents.

**Status:** Chapter 492, Statutes of 2017

**AB-569 (Gonzalez Fletcher) - Discrimination: reproductive health.**

This bill would have prohibited an employer, or any person acting on behalf of an employer, from taking any adverse action against an employee or their dependent or family member for their reproductive health decisions, including, but not limited to, the timing thereof, or the use of any drug, device, or medical service. This bill would have specified that an employer who takes any adverse employment action against an employee in violation of these provisions is liable to the aggrieved employee, who can recover a penalty and any other appropriate relief to remedy the violation. In his veto message, Governor Brown expressed his belief that the retaliation covered by this bill is already prohibited by the Fair Employment and Housing Act, with the exception of religious institutions.

**Status:** Vetoed by the Governor

**AB-618 (Low) - Local Agency Public Construction Act: job order contracting: school districts: community college districts.**

This bill authorizes California community college districts that have entered in Project Labor Agreements to utilize "Job Order Contracting," a simplified contracting system for public entities in which contractors competitively bid an adjustment factor to be applied to a catalog of routine construction, maintenance, and repair projects with pre-set unit prices based on generally accepted industry standards. This bill sunsets on January 1, 2022.

**Status:** Chapter 296, Statutes of 2017

**AB-1008 (McCarty) - Employment discrimination: prior criminal history.**

This bill prohibits an employer, with certain exceptions, from inquiring about or considering a job applicant's conviction history prior to a conditional offer of employment, and sets requirements regarding the consideration of conviction histories

in employment decisions.

**Status:** Chapter 789, Statutes of 2017

**AB-1017 (Santiago) - Collective bargaining agreements: arbitration: litigation.**

This bill would have extended to the public sector attorney fee shifting provisions that already exist for such disputes in the private sector. Specifically, courts would have had to award attorney's fees to the prevailing party in any motion to compel arbitration, in any motion to compel compliance with the arbitrator or grievance panel's decision, or in any appeal of the arbitrator's decision, unless the losing party raised substantial issues involving complex or significant matters.

**Status:** Died on the Senate Floor

**AB-1565 (Thurmond) - Labor-related liabilities: direct contractor.**

This bill requires a general contractor to specify, in the terms of its contract with a subcontractor on a private construction worksite, what documents the general contractor may require the subcontractor to produce in order to avoid a withholding of payment from the subcontractor for failure to turn over adequate information about payroll and lower-tier subcontractors. The bill also allows subcontractors to include similar specifications in their contracts with lower-tier subcontractors.

**Status:** Chapter 528, Statutes of 2018

**AB-1654 (Rubio) - Labor Code Private Attorneys General Act of 2004: construction industry.**

This bill exempts a construction industry employer from California Private Attorneys General Act (PAGA) lawsuits for work performed under a collective bargaining agreement, so long as that agreement contains certain specified terms, including a process for arbitrating grievances and the availability of all the remedies that are otherwise available under PAGA. PAGA provides a mechanism for employees to sue their employers on behalf of themselves and similarly situated co-workers for violations of the state's labor laws.

**Status:** Chapter 529, Statutes of 2018

**AB-1701 (Thurmond) - Labor-related liabilities: original contractor.**

This bill makes general contractors liable for the wages, fringe benefits, or contributions of all workers on a private construction project, in the event that the subcontractor directly employing the workers fails to pay them.

**Status:** Chapter 804, Statutes of 2017

**AB-1710 (Committee on Veterans Affairs) - Prohibited discrimination against service members.**

This bill conforms state law to the federal Uniformed Services Employment and Reemployment Rights Act by protecting service members from hostile work environments in their civilian jobs.

**Status:** Chapter 591, Statutes of 2017

**AB-1761 (Muratsuchi) - Employee safety: hotel workers.**

This bill would have required the operators of hotels and other transient lodging establishments to implement a series of policies designed to protect their workers from becoming victims of a crime, sexual assault, or sexual harassment, as well as to provide workers with the time-off and reasonable accommodations they may need if they do become victims. Most notably, the bill would have required such employers to provide their employees with a "panic button" -- a device designed to summon immediate on-site assistance in the event of an emergency.

**Status:** Held in the Senate Appropriations Committee

**AB-1867 (Reyes) - Employment discrimination: sexual harassment: records.**

This bill would have required large employers to maintain records of all sexual harassment complaints filed through the employer's internal complaint process for a period of at least five years after the last day of employment of the complainant or any alleged harasser named in the complaint, whichever is later. In his veto message, the Governor pointed out that the bill could lead to the retention of records "for decades" and that it would require records to be kept "regardless of the result of the investigative process." The Governor expressed his belief that "current law already requires personnel records --including records of complaints-- be maintained for suitable periods of time."

**Status:** Vetoed by the Governor

**AB-1870 (Reyes) - Employment discrimination: unlawful employment practices.**

This bill would have extended the deadline for filing a complaint about a violation of the Fair Employment and Housing Act from one year from the date of the violation to three years. In his veto message, the Governor stated that victims of workplace harassment "should have every opportunity to have their complaints investigated." He expressed the belief, however, that the one year deadline "not only encourages prompt resolution while memories and evidence are fresh, but also ensures that unwelcome behavior is promptly reported and halted."

**Status:** Vetoed by the Governor

**AB-2234 (Jones-Sawyer) - School districts: employees: dismissal or suspension administrative proceedings: testimony of minor witnesses: pupil contact information.**

This bill enacts discretionary protocols for the participation of minors as witnesses in administrative school employee discipline hearings when the allegations involve egregious misconduct. Specifically, the bill allows an administrative law judge to grant a request for a minor witness to testify via closed-circuit television or videotaped deposition, subject to certain specified conditions, and requires an administrative law judge to allow or appoint a person to accompany and support the minor witness throughout the hearing.

**Status:** Chapter 996, Statutes of 2018

**AB-2358 (Carrillo) - Apprenticeships: discrimination: prohibition.**

This bill broadly bans discrimination in all aspects of the operation of a building and construction trades apprenticeship program. Additionally, it requires apprenticeship programs to undertake a series of steps to affirm and implement a commitment to equal opportunity in the operation of those programs.

**Status:** Chapter 675, Statutes of 2018

**AB-2496 (Gonzalez Fletcher) - Janitorial employees: employment status: burden of proof.**

This bill would have created a rebuttable presumption that a person performing janitorial work is an employee, not an independent contractor. Employees enjoy some workplace rights and benefits that independent contractors do not. In his veto message, the Governor emphasized the importance of "protecting the most vulnerable workers" and "providing clarity regarding worker classification." However, pointing to the California Supreme Court's recent decision establishing a new test to determine whether a worker is properly classified as an employee or an independent contractor, *Dynamex Operations West, Inc. v. Superior Court* (2018) 4 Cal.5th 903, the Governor indicated that any statutory changes to such tests would be "premature."

**Status:** Vetoed by the Governor

**AB-2713 (Rodriguez) - Public employment: sexual harassment tracking.**

This bill would have enacted a series of reporting requirements designed to track the prevalence of sexual harassment in the state workforce. In broad strokes, the bill would have: (1) required the equal employment opportunity officer at each state agency to report to the Department of Human Resources on the number of sexual harassment complaints at the agency and how they were resolved, including the amounts of any monetary settlements; (2) required the Department of Human Resources to compile this data and post the cumulative totals on its Web site; (3) directed the Department of Fair Employment and Housing to compile and post on its Web site statistics regarding the

number of sexual harassment claims it receives from state employees annually; and (4) required supervisors and equal employment opportunity officers to provide victims of sexual harassment with information about the options for filing a formal complaint and the availability of union representation, when applicable. In his veto message, the Governor expressed his confidence that "current management practices are taking the necessary steps to assure a suitable work environment."

**Status:** Vetoed by the Governor

**AB-2732 (Gonzalez Fletcher) - Employment: unfair immigration-related practices.**

This bill would have made it unlawful and criminally punishable for an employer to confiscate the passport or other immigration-related documents of an employee. It would also have required employers to post a notice to this effect in the workplace. Finally, the bill would have required employers to provide employees with a bill of rights, in multiple languages, setting forth labor laws and protections against human trafficking. In his veto message, the Governor agreed that labor trafficking "is a problem in our state" and indicated that the bill's prohibition on withholding immigration documents from workers "is very appropriate." However, he asserted that the provision requiring employers to furnish every employee with a bill of rights "goes too far."

**Status:** Vetoed by the Governor

**AB-2770 (Irwin) - Privileged communications: communications by former employer: sexual harassment.**

This bill codifies California defamation case law as it relates to allegations of workplace sexual harassment, making it explicit in statute that: (1) employees who report sexual harassment to their employer are not liable for any resulting injury to the alleged harasser's reputation, so long as the communication is made based on credible evidence and without malice; (2) communications between employers and anyone with an interest in a sexual harassment complaint, such as victims and witnesses, are not liable for any resulting damage to the alleged harasser's reputation, as long as the communication is made without malice; and (3) former employers are not liable for any resulting injury to a former employee's reputation if, in response to inquiries from prospective employers, the former employers indicate that they would not rehire the former employee based on a determination that the former employee engaged in sexual harassment, so long as the statement is made without malice.

**Status:** Chapter 82, Statutes of 2018

**AB-2886 (Daly) - Public Employee Relations Board: Orange County Transportation Authority: San Joaquin Regional Transit District.**

This bill would have transferred jurisdiction over unfair labor practice charges for the Orange County Transportation Authority and the San Joaquin Regional Transit District

from the judicial system to the Public Employee Relations Board (PERB). Consistent with law applicable to other entities under PERB jurisdiction, the bill would also have authorized parties to a labor dispute to, in effect, appeal a PERB decision or order to the courts through a petition for a writ of extraordinary relief filed within 30 days of the PERB decision. In his veto message, the Governor stated that "[t]he Board's jurisdiction should not be expanded again until the Board's ability to handle its previously expanded caseload is established."

**Status:** Vetoed by the Governor

**AB-3018 (Low) - State contracts: skilled and trained workforce.**

This bill promotes greater compliance with agreements to use skilled and trained labor on public works projects. When such an agreement exists, existing law requires the contractor on the project to submit monthly reports demonstrating compliance. This bill sets forth a series of consequences that would ensue if the contractor's report does not show that the contractor complied with the agreement to use skilled and trained labor.

**Status:** Chapter 882, Statutes of 2018

**AB-3080 (Gonzalez Fletcher) - Employment discrimination: enforcement.**

This bill would have addressed two legal tactics, commonly used in relation to employment contracts, that can and have been exploited to silence victims and witnesses of workplace sexual harassment: the inclusion of non-disparagement clauses and forcing workers to sign mandatory arbitration agreements. As to the first tactic, this bill would have limited abuse of non-disparagement agreements by making it unlawful for employers to prohibit workers from disclosing an instance of sexual harassment, opposing an unlawful practice, or participating in any investigation relating to harassment or discrimination. As to the second tactic, since current federal case law strongly favors enforcement of mandatory arbitration agreements, even when used to keep allegations of sexual harassment from becoming public, California cannot outlaw or discriminate against such agreements. Instead, this bill would simply have ensured that California workers who sign agreements to waive their rights to any particular forum or procedure for dispute resolution do so freely and that those who elect not to sign such agreements are not subjected to retaliation as a result. In his veto message, the Governor asserted that "[t]his bill is based on a theory that the Act only governs the enforcement and not the initial formation of arbitration agreements and therefore California is free to prevent mandatory arbitration agreements from being formed at the outset." Citing passages from the United States Supreme Court's ruling in *Kindred Nursing Centers Ltd. Partnership v. Clark* (2017) 137 S. Ct. 1421, 1428, the Governor concluded that: "this bill plainly violates federal law."

**Status:** Vetoed by the Governor

**AB-3081 (Gonzalez Fletcher) - Employment: sexual harassment.**

This bill would have: (1) prohibited an employer from discharging or in any manner discriminating or retaliating against an employee because of the employee's status as a victim of sexual harassment; (2) created a rebuttable presumption of unlawful retaliation, for the 30 days after an employer learns that an employee has been the victim of domestic violence, sexual assault, sexual harassment or stalking, if an employer takes an adverse employment action against an employee; (3) imposed joint civil and legal liability between a client employer and a labor contractor for harassment, as defined, for all workers supplied by that labor contractor; and (4) prohibited the client employer and the labor contractor from taking any adverse action against any worker for providing notification of violations or for filing a claim or civil action. In his veto message, the Governor stated that: "[m]ost of the provisions in this bill are contained in current law and are therefore unnecessary. To the extent there are new provisions, they are confusing."

**Status:** Vetoed by the Governor

**AB-3109 (Mark Stone) - Contracts: waiver of right of petition or free speech.**

This bill, prospectively, renders unenforceable any provision in a contract or settlement agreement that prevents a person from testifying, in a judicial, administrative, or legislative proceeding, in response to a court order, subpoena, or official request, about alleged criminal conduct or sexual harassment.

**Status:** Chapter 949, Statutes of 2018

**AB-3121 (Kalra) - Evidentiary privileges: union agent-represented worker privilege.**

This bill would have established an evidentiary privilege from disclosure for communications between a union agent and a represented employee or represented former employee. That privilege could have been used to refuse to disclose, in any court or to any administrative board or agency, or in any arbitration or other proceeding, excluding criminal proceedings, any confidential communication between the employee or former employee and the union agent made while the union agent was acting in his or her representative capacity.

**Status:** Died on the Senate Floor

**AB-3231 (Gray) - Employment: public works: apprenticeship.**

This bill makes two separate modifications to California law governing the construction trades. First, this bill empowers a Joint Labor-Management Committee (JLMC) to seek a court order requiring a public works contractor or subcontractor to provide certified payroll records to the JLMC. Second, this bill requires the California Apprenticeship Council and Chief of the Division of Apprenticeship Standards to include, in its annual

report to the Legislature, any apprenticeship standards that were proposed or adopted in the previous year.

**Status:** Chapter 682, Statutes of 2018

## **ENVIRONMENTAL AND TOXIC SUBSTANCES**

### **SB-49 (De León) - California Environmental, Public Health, and Workers Defense Act of 2017.**

This bill would have established the federal environmental, public health, and labor standards applicable as of January 19, 2017, as baselines below which the corresponding California standards could not fall. This bill would have expressly authorized private citizens to petition the courts to make state and local government agencies comply with its terms. This bill would have also created a state private right of action whereby private citizens could enforce the state standards, in the event that new federal standards fall below the baseline, or if the federal private right of action to enforce the federal standards is repealed. Finally, this bill would have required state agencies to report periodically to the Legislature on compliance.

**Status:** Held in the Assembly Rules Committee

### **SB-50 (Allen) - Federal public lands: conveyances.**

This bill establishes a policy of the state to discourage conveyances of federal public lands in California and voids any conveyance of federal public lands in California, unless the State Lands Commission was provided a right of first refusal or the right to transfer the property to another entity, with specified exceptions.

**Status:** Chapter 535, Statutes of 2017

### **SB-51 (Jackson) - Professional licensees: environmental sciences and climate change: whistleblower and data protection.**

This bill would have prohibited a licensing entity, other than the State Bar of California, from taking disciplinary action, including suspension, loss of credential, registration, or other professional privilege against a public employee for reporting improper governmental activity or disclosing information about scientific or technical research to the public by publishing the information in a scientific or public forum or sharing it with the media, among other means of sharing information. This bill would also have required the Secretary for Environmental Protection to ensure that all scientific information and other data otherwise in the public domain is protected against censorship or destruction by the federal government. In his veto message, Governor Brown stated that it is difficult to imagine a scenario in which the bill's whistleblower protections would be necessary. As part of the same message, Governor Brown directed the Secretary of the California Environmental Protection Agency to "collaborate

with universities and non-profits to compile and preserve all important and relevant scientific federal research and data."

**Status:** Vetoed by the Governor

**SB-948 (Allen) - California Environmental Quality Act community plans.**

This bill would have authorized the Governor to certify updates to a community plan and accompanying ordinances meeting specified requirements as eligible for the California Environmental Quality Act streamlining benefits provided by the Jobs and Economic Improvement Through Environmental Leadership Act of 2011.

**Status:** Held in the Senate Judiciary Committee

**SB-1340 (Glazer) - California Environmental Quality Act: housing projects.**

This bill would have required the Judicial Council to adopt a rule of court to establish procedures requiring courts to fully adjudicate California Environmental Quality Act actions and proceedings in connection with any housing projects within 270 days of certifying the record of proceedings, to the extent feasible. This bill would also have prohibited courts from staying or enjoining challenged projects with two narrow exceptions.

**Status:** Failed passage in the Senate Judiciary Committee

**AB-313 (Gray) - Water.**

This bill would have created a new Water Rights Division within the Office of Administrative Hearings and assigned to it the task of recommending a decision to the State Water Resources Control Board (Board) whenever the alleged violator challenges a Board charge that a water use violation has been committed. In his veto message, Governor Brown acknowledged the bill's goal of increasing fairness and transparency in the water rights enforcement process, but indicated his belief that the bill would not accomplish that aim. The Governor directed the Secretary of the Environmental Protection Agency to explore a potential role for administrative law judges in the water rights adjudication process.

**Status:** Vetoed by the Governor

**AB-619 (Dahle) - Sierra Lakes County Water District.**

This bill permits the Sierra Lakes County Water District to adopt an ordinance regarding the use, monitoring, and installation of petroleum heating oil storage tanks, as defined, both above and below ground.

**Status:** Chapter 109, Statutes of 2017

**AB-734 (Bonta) - California Environmental Quality Act: Oakland Sports and Mixed-Use Project.**

This bill establishes special procedures for California Environmental Quality Act review, additional conditions for certification, and expedited (270 day) judicial review for a proposed baseball park and mixed-use development in the City of Oakland.

**Status:** Chapter 959, Statutes of 2018

**AB-813 (Holden) - Multistate regional transmission system organization: membership.**

This bill would have established a pathway for the California Independent System Operator to transform its governance structure to operate as a multistate regional transmission system organization should certain requirements be met. It would have required approval from the state before any California transmission owner, retail seller, or local publicly owned utility joins a multistate regional transmission system organization.

**Status:** Held in the Senate Rules Committee

**AB-987 (Kamlager-Dove) - California Environmental Quality Act: sports and entertainment project.**

This bill establishes special procedures for California Environmental Quality Act review, additional conditions for certification, and expedited (270 day) judicial review for a proposed basketball arena and related development in the City of Inglewood.

**Status:** Chapter 961, Statutes of 2018

**AB-1438 (Committee on Environmental Safety and Toxic Materials) - State Water Resources Control Board: environmental laboratories: public water systems: certificates and permits: procedures.**

This bill updates the Environmental Laboratory Accreditation Act under which the State Water Board evaluates and certifies environmental testing laboratories by: (1) correcting outdated references to other government programs and agencies; (2) harmonizing the process for challenging environmental laboratory permitting and enforcement actions with other State Water Resources Control Board programs; and (3) adding a process for judicial review of administrative actions.

**Status:** Chapter 327, Statutes of 2017

**AB-1583 (Chau) - Proposition 65: enforcement: certificate of merit: factual basis.**

This bill modifies disclaimers related to the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65), requires the California Attorney General to serve a letter related to alleged violations of the act, as specified, and clarifies discovery provisions related to the certificate of merit. Specifically, if the Attorney General, after reviewing

alleged violations of the Act, finds there is no merit to them, the bill requires the Attorney General to serve a letter to the noticing party and the alleged violator stating the Attorney General believes there is no merit to the action. This bill also amends the required disclaimer to make clear that agencies besides the federal Food and Drug Administration may certify a product and that a certification by an agency does not necessarily mean that the product is exempt from Proposition 65 requirements. This bill also provides that the basis for a certificate of merit is discoverable only to the extent that the information is relevant to the subject matter of the action and not subject to an applicable privilege.

**Status:** Chapter 510, Statutes of 2017

**AB-1980 (Quirk) - Statute of limitations: hazardous materials.**

This bill extends the statute of limitations for violations of the Aboveground Petroleum Storage Act from one year to five years from the date of discovery of the relevant violation.

**Status:** Chapter 141, Statutes of 2018

**AB-2267 (Wood) - California Environmental Quality Act: Sonoma County Renewal Enterprise District.**

This bill would have established, until January 1, 2024, expedited administrative and judicial review for actions or proceedings brought pursuant to the California Environmental Quality Act regarding the adoption or approval of amendments to the Downtown Station Area Specific Plan for the City of Santa Rosa, as well as the adoption or amendment of the specified planning document for incorporated or unincorporated areas of Sonoma County in the "RED Area," as defined.

**Status:** Died on the Senate Floor

**AB-2564 (Rodriguez) - Civil penalties: glider vehicles.**

This bill subjects an operator of a glider vehicle that violates pollution emissions standards to a minimum civil penalty of \$25,000 per violation.

**Status:** Chapter 372, Statutes of 2018

**AB-2636 (Eduardo Garcia) - Attorney General: Environmental Justice Fund.**

This bill would have created a fund that, upon appropriation, would be used for the Attorney General's enforcement of environmental laws to protect and promote fairness in communities that endure a disproportionate share of pollution.

**Status:** Held in Senate Environmental Quality Committee

**AB-3138 (Muratsuchi) - Hazardous materials: management: civil liability.**

The goal of the California Accidental Release Prevention program (CalARP) is to reduce the risks of accidents involving regulated hazardous substances. This bill

increases the penalties for violations of CalARP.

**Status:** Chapter 308, Statutes of 2018

## **FAMILY LAW**

### **SB-170 (Leyva) - Child custody: preferences of the child.**

This bill would have required the court to permit a child who is 10 years of age or older to address the court regarding custody or visitation, unless the court determined that doing so is not in the child's best interest.

**Status:** Held in Senate Judiciary Committee

### **SB-217 (Wieckowski) - Evidence: admissibility.**

This bill provides that the admissibility of financial disclosures mandated by Family Code Sections 2104 and 2105 in relevant family law cases is not limited by the mediation confidentiality provisions of the Evidence Code even if prepared for the purpose of, in the course of, or pursuant to, a mediation or a mediation consultation.

**Status:** Chapter 60, Statutes of 2017

### **SB-273 (Hill) - Marriage: minors.**

This bill creates additional requirements and court oversight before a minor can marry or establish a domestic partnership.

**Status:** Chapter 660, Statutes of 2018

### **SB-469 (Skinner) - Child support guidelines: low-income adjustments.**

This bill removed a 2018 sunset date and replaced it with a January 1, 2021, sunset date, for a version of existing law that is currently operative relating to statewide uniform guidelines for calculating court-ordered child support for the purposes of low-income adjustment.

**Status:** Chapter 730, Statutes of 2017

### **SB-1129 (Monning) - Spousal support award: conviction for act of domestic violence.**

This bill prohibits awards of spousal support, attorney fees, and community property interest in retirement benefits to individuals convicted of felony domestic violence against their spouses, and creates a presumption against an award of similar benefits to those spouses convicted of misdemeanor domestic violence.

**Status:** Chapter 850, Statutes of 2018

### **SB-1276 (Moorlach) - Civil proceedings: expert testimony.**

This bill would have provided that in a proceeding under the Family Code, evidence of a statement used to support the opinion of a witness testifying as an expert is not

inadmissible as hearsay if the court determines that the statement is reliable. In determining the reliability of a statement, a court would have been required to consider (1) whether the witness routinely relies upon similar statements in the witness's professional capacity outside of the court; and (2) the expertise of the witness, including the witness's experience, in evaluating the trustworthiness of the sources of information relied upon in forming the witness's opinion. This would have abrogated the holding in *People v. Sanchez* (2016) 63 Cal.4th 665, as it applies to family law proceedings.

**Status:** Held in the Senate Judiciary Committee

**SB-1511 (Committee on Judiciary) - Family law omnibus bill.**

This bill would have made noncontroversial changes to family law. The provisions of this bill were inserted into AB 3248 (Committee on Judiciary), which was signed into law.

**Status:** Died on the Senate Floor

**AB-369 (Waldron) - Appeals: child custody orders or judgments.**

This bill adds a final order or judgment in a bifurcated proceeding regarding child custody or visitation rights to the list of judicial actions that may be appealed.

**Status:** Chapter 41, Statutes of 2017

**AB-712 (Bloom) - Civil actions: change of venue.**

This bill enables a court transferring jurisdiction of a family law action to retain jurisdiction to make orders designed to prevent immediate danger or irreparable harm to a party or to the children involved in the matter, or to prevent the immediate loss or damage to property subject to disposition in the matter, if transfer to another court's jurisdiction has not yet been perfected.

**Status:** Chapter 316, Statutes of 2017

**AB-724 (Choi) - Foreign adoption: domestication.**

This bill would have established a new re-adoption process for foreign-born adopted children and would have required parents to complete this process to have their children recognized by the state. In his veto message, Governor Brown stated that "[t]his measure is well-intentioned but goes too far because it requires a private adoption agency to proceed with the re-adoption process if the parents do not. I believe that parents who adopt foreign-born children can and will make their own decisions with respect to their child."

**Status:** Vetoed by the Governor

**AB-929 (Rubio) - Spousal support factors: domestic violence.**

This bill expands the list of examples of evidence of a spouse's history of domestic violence that a court must consider when ordering spousal support.

**Status:** Chapter 938, Statutes of 2018

**AB-1396 (Burke) - Surrogacy.**

This bill deletes a reference to the parental rights of the surrogate and her spouse or partner and instead requires the court to issue the judgment or order regarding parentage forthwith, unless specified conditions are met. This bill also corrects a mistaken cross-reference to existing law.

**Status:** Chapter 326, Statutes of 2017

**AB-1692 (Committee on Judiciary) - Judiciary omnibus.**

This bill makes various changes to the Family Code, including allowing courts to convert certain vacant subordinate judicial officer positions to judgeships and allowing courts, at the parents' request, to provide optional, pre-hearing child custody mediation.

**Status:** Chapter 330, Statutes of 2017

**AB-2044 (Mark Stone) - Domestic violence: family court.**

This bill updates child custody and visitation statutes in an effort to further protect children from parents who have perpetrated domestic violence or child abuse and further ensure that the health, safety, and welfare of children are paramount in the determination of what custody or visitation orders are in the best interest of children.

**Status:** Chapter 941, Statutes of 2018

**AB-2274 (Quirk) - Division of community property: pet animals.**

This bill provides statutory guidance on the rights of parties in a proceeding for marital dissolution or legal separation, to petition a court for sole or joint ownership of a community property pet.

**Status:** Chapter 820, Statutes of 2018

**AB-2298 (Chau) - Parent-child relationship: assisted reproduction agreement for gestational carriers.**

This bill would have provided that assisted reproduction agreements for gestational carriers must also include a disclosure that any child conceived through sexual intercourse by the gestational carrier is the child of the gestational carrier, in order for the assisted reproduction agreement to be sufficient to require a court to enter a judgment establishing a parent-child relationship. This bill would have clarified that the gestational carrier surrogate and her spouse or partner do not have a parent-child relationship with the child or children who are born from the transferred embryo or embryos if an agreement for gestational carriers that complies with specified provisions is lodged with the superior court, as specified. In his veto message, the Governor explained that this bill is an example of his "oft-repeated maxim that not every problem deserves a law." The Governor further explained that the "fact-specific situation at issue is quite unique, and while certainly difficult for the parties involved, has already

been dealt with appropriately."

**Status:** Vetoed by the Governor

**AB-2354 (Rubio) - Family law: court reporters.**

This bill, with regard to proceedings relating to child custody or under the Domestic Violence Act, would have required the court to provide a court reporter at every hearing at which testimony is received.

**Status:** Held in the Senate Appropriations Committee

**AB-2373 (Acosta) - Dissolution of marriage and legal separation: disclosure of assets and liabilities.**

Existing law requires each party to a proceeding for a dissolution of marriage or legal separation to serve on the other party a preliminary declaration of disclosure of assets, as specified, and a final declaration of disclosure, as specified. A party who has complied with these disclosure requirements may waive his or her right to receive these disclosures from a party who has not complied, upon court approval, as specified. This bill would have removed the need for court approval and instead authorized the complying party to waive the right to receive these disclosures by filing and serving a declaration, executed under penalty of perjury, waiving receipt of the noncomplying party's disclosures. This bill would have also required the declaration to include specific representations, including, among others, that the complying party is advised and informed that he or she is entitled to full financial disclosure from the other party and waives that right knowingly, intelligently, and voluntarily.

**Status:** Held in the Senate Judiciary Committee

**AB-2684 (Bloom) - Parent and child relationship.**

This bill updates the Uniform Parentage Act to: ensure equal treatment of same-sex couples; update provisions regarding genetic testing for parentage; and establish a process for children conceived from donated sperm or egg donors to receive medical information of the donor, and, if the donor agrees, identifying information.

**Status:** Chapter 876, Statutes of 2018

**AB-2694 (Rubio) - Domestic violence: ex parte orders.**

This bill clarifies that a temporary restraining order to prevent domestic violence may be ordered without notice to the restrained party. For a permanent restraining order, this bill allows a court to provide for alternatives to personal service when, after diligent efforts, a petitioner is unable to personally serve the respondent, as long as there is reason to believe that the restrained party is evading service.

**Status:** Chapter 219, Statutes of 2018

**AB-2780 (Bloom) - Family law: support orders.**

This bill provides that a vocational training counselor allowed to conduct the vocational examinations in spousal support proceedings is not required to have a master's degree in the behavioral sciences, but could instead meet the educational requirement with another postgraduate degree that the court finds provides sufficient training to perform a vocational evaluation. This bill also provides that in determining the annual net disposable income that a parent has for purposes of the child support guideline calculation, a court, in its discretion, may consider the earning capacity of a parent in lieu of the parent's income, consistent with the best interests of the children, taking into consideration the overall welfare and developmental needs of the children, and the time that parent spends with the children.

**Status:** Chapter 178, Statutes of 2018

**AB-2802 (Friedman) - Insurance payments: interception.**

This bill establishes the Insurance Intercept Payment Program and requires insurers to cooperate with Department of Child Support Services to identify insurance claimants who are also obligors who owe past due child support, as specified.

**Status:** Chapter 439, Statutes of 2018

**GOVERNMENT AGENCIES: PUBLIC RECORDS ACT AND BROWN ACT**

**SB-182 (Bradford) - Transportation network company: participating drivers: single business license.**

This bill prohibits local jurisdictions from requiring a transportation network company driver to obtain more than one business license, regardless of the number of jurisdictions in which they operate. It requires a driver to obtain a business license in the local jurisdiction in which the driver is domiciled. However, if that jurisdiction of domicile does not require a business license, no other jurisdiction is able to require the driver to obtain a business license. The jurisdiction of domicile is also prohibited from requiring a driver to obtain a business license unless the driver has operated in that local jurisdiction for more than 30 days in the preceding fiscal year. This bill provides that personally identifiable information submitted to a local jurisdiction pursuant to this bill shall not be disclosed on a publicly accessible Internet Web site.

**Status:** Chapter 769, Statutes of 2017

**SB-529 (Nguyen) - Inspection of public records.**

This bill would have required elections officials to make all nomination documents and all petitions to submit signatures in lieu of filing fees available promptly to anyone

requesting to inspect them and without requiring that the records be requested pursuant to the California Public Records Act.

**Status:** Held in the Elections and Constitutional Amendments Committee

**SB-657 (Bates) - California Public Records Act: reverse public records actions.**

This bill would have provided a series of requirements for a "reverse public records action," which would have been defined as a petition for declaratory or injunctive relief filed by a third party that requests a court to enjoin a decision by a public agency to disclose a public record in response to a request by a requestor. Specifically, the original requestor would have been required to be named as a real party of interest, be served with relevant pleadings, and given the opportunity to be heard. The bill would have provided for awards of court costs and reasonable attorney fees to the requestor if the court orders disclosure of the relevant record.

**Status:** Held in the Senate Judiciary Committee

**SB-806 (Glazer) - Charter schools: operation: for-profit entities.**

This bill would have limited the public's access to the records of charter schools, weakened the public's right to open meetings of charter schools, and weakened the application of the Political Reform Act of 1974 as applied to charter schools. This bill would have exempted charter schools that are run by nonprofit public benefit corporations, from the conflict of interest provisions of Government Code Section 1090 and instead applied the conflict of interest provisions that are applicable to non-profit corporations.

**Status:** Failed in the Senate Judiciary Committee

**SB-949 (Allen) - Conflicts of interest: public officers and employees: charter schools.**

This bill would have clarified that the conflict of interest provisions of Government Code Section 1090, et seq. apply to charter schools and would have created new exceptions to the application of these conflict of interest laws to charter schools, traditional public schools, and all public entities covered by Government Code Section 1090, et. seq.

**Status:** Held in the Senate Judiciary Committee

**SB-1216 (Glazer) - Charter schools.**

This bill would have codified that charter schools are subject to the California Public Records Act, with exceptions. This bill would have also codified that charter schools are subject to the open meeting laws, with exceptions. As drafted, this bill would have limited the public's access to the records of charter schools and weakened the public's right to open meetings of charter schools.

**Status:** Failed passage in the Senate Judiciary Committee

**SB-1244 (Wieckowski) - Public records: disclosure.**

This bill replaces the term “plaintiff” with the term “requester” in Government Code Section 6259(d) to clarify that the court shall award court costs and reasonable attorney’s fees to the requester should the requester prevail in litigation filed pursuant to this section and to clarify that the court shall award court costs and reasonable attorney fees to the public agency if the court finds that the requester’s case is clearly frivolous.

**Status:** Chapter 463, Statutes of 2018

**AB-276 (Medina) - Charter schools.**

This bill would have subjected charter schools and entities managing charter schools to a variety of the same open meeting, conflict-of-interest, and disclosure laws as traditional school districts.

**Status:** Died on the Senate Floor

**AB-459 (Chau) - Public records: video or audio recordings: crime.**

This bill provides that public agencies are not required to disclose video or audio created during the commission or investigation of the crimes of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident depicted in the recording. This bill requires the agency to justify withholding such a video or audio recording by demonstrating that the public interest served by not disclosing the recording clearly outweighs the public interest served by disclosure of the recording. This bill provides factors for the agency to consider in making such a determination. This bill requires public agencies to permit a victim of a crime depicted in such videos to inspect the recording and obtain a copy.

**Status:** Chapter 291, Statutes of 2017

**AB-492 (Grayson) - Advertising and solicitations: government documents.**

This bill provides that, notwithstanding any other law, a nongovernmental entity may solicit a fee for providing a copy of a public record only if that solicitation contains certain disclosures, including clear language indicating the entity is not a governmental agency and information regarding how to obtain such records directly from a governmental entity. This bill also provides a public right of action for any violations of its terms. This bill only applies to direct solicitation of an individually identified person, residence, or business location.

**Status:** Chapter 293, Statutes of 2017

**AB-748 (Ting) - Peace officers: video and audio recordings: disclosure.**

This bill allows for the public disclosure of a video or audio recording depicting a “critical incident,” which is defined as involving a peace officer’s use of force, violation of law, or violation of agency policy, except as specified.

**Status:** Chapter 960, Statutes of 2018

**AB-1022 (Irwin) - Information technology: Technology Recovery Plans: inventory.**

This bill requires state agencies, as part of their Technology Recovery Plan (TRP), to provide the California Department of Technology (CDT) with an inventory of all critical infrastructure controls and associated assets in their possession. This bill also authorizes, at the request of CDT, any local entity that receives state funds for the purposes of storing, sharing, or transmitting data, or in support of an information technology project with a state entity, to submit a TRP, as specified. CDT is authorized to provide suggestions with regards to TRPs.

**Status:** Chapter 790, Statutes of 2017

**AB-1455 (Bocanegra) - The California Public Records Act: exemptions.**

This bill codifies an exemption to the California Public Records Act for documents relating to collective bargaining between a local public agency and its employees that is identical to the exemption that applies to state agencies and their employees.

**Status:** Chapter 560, Statutes of 2017

**AB-1479 (Bonta) - Public records: custodian of records: civil penalties.**

This bill would have required public agencies to designate a person or office to act as the agency's custodian of records who would be responsible for responding to any request made pursuant to the California Public Records Act and any inquiry from the public about a decision by the agency to deny a request for records. This bill would have provided that the designation of a custodian of records does not impose a duty upon a requester to direct the request to a designated custodian, nor does it prevent a person or office that is not the designated custodian from disclosing information, as specified. In his veto message, Governor Brown wrote "I am not convinced this bill would have any measurable impact on the speed or accuracy in responding to Public Record Act requests. While I am open to future discussions about strengthening public record disclosures for all branches of California government, this bill has the potential to further confuse an already complex process."

**Status:** Vetoed by the Governor

**AB-2790 (Irwin) - Veterans: Internal Audits for Veterans Affairs.**

This bill would have created an office of Internal Audits for Veterans Affairs within the California Department of Veterans Affairs to conduct programmatic and financial reviews, as well as investigate allegations of employee misconduct. The Governor explained that he vetoed the bill because it would result in significant ongoing costs to the General Fund. According to the Governor, additional spending to support new programs, including the creation of an internal audits unit within the Department, must be considered through the annual budget process.

**Status:** Vetoed by the Governor

**AB-2970 (Cooper) - Public employees: new employee orientations.**

This bill would have provided that the date, time, and place of a specified public employee orientation shall not be disclosed in advance of the orientation to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation.

**Status:** Held in the Senate Judiciary Committee

**HEALTH CARE ISSUES**

**SB-241 (Monning) - Medical records: access.**

This bill harmonizes California law with existing federal regulations relating to access to protected health information, specifically the form and format of health records and the fees that may be charged by health care providers and health plans to individuals for those records.

**Status:** Chapter 513, Statutes of 2017

**SB-349 (Lara) - Courthouses: Privilege from civil arrest.**

This bill, as first considered by the Senate Judiciary Committee, would have required chronic dialysis clinics to meet minimum staffing ratios at all times for nurses, technicians, social workers, and registered dietitians, commencing January 1, 2020, as specified. It would have required the Department of Public Health (DPH), no later than January 1, 2020, to issue regulations specifying an appropriate amount of transition time between patients, and would have required a chronic dialysis clinic, if DPH has not issued regulations by January 1, 2020, to ensure that the minimum transition time is at least 45 minutes. The bill would have provided that DPH may grant a waiver to a chronic dialysis clinic in a rural county, as defined, if the waiver does not jeopardize the health, safety, and well-being of affected patients. This bill would also require DPH to inspect chronic dialysis clinics annually and would authorize DPH to assess administrative penalties for violations of the staffing ratios. Subsequently, this bill was gutted and amended to address different subject matter. This bill, when considered by the Senate Judiciary Committee for a second time, would have codified key components of the common law privilege against civil arrest, under which a person may not be subjected to civil arrest in relation to one legal matter while attending a judicial proceeding for another. To facilitate enforcement of the privilege, this bill would also have codified judicial authority to enforce the common law privilege against civil arrest, in keeping with the inherent power of judicial officers to prevent activities that would otherwise undermine the administration of justice. This bill would also have enabled enforcement of the privilege by the Attorney General as well. In his veto message, the Governor expressed his support for the “underlying intent of this measure,” but indicated concern about “unintended consequences.” Pointing out that SB 54 (De Leon, Ch. 495,

Stats. 2017) tasks the Attorney General with publishing model policies limiting assistance with immigration enforcement to the fullest extent possible at courthouses, the Governor stated his belief that: “the prudent path is to allow for that guidance to be released before enacting new laws in this area.”

**Status:** Vetoed by the Governor

### **SB-387 (Jackson) - The False Claims Act.**

This bill re-aligns the civil penalty provisions of California’s False Claims Act with those of the Federal False Claims Act. This re-alignment will allow California to continue collecting a 10 percent federal incentive bonus for Medicaid-related false claim recoveries. This bill further provides for automatic adjustments to the penalty range in accordance with federal law by indexing California’s penalties to the Federal Civil Penalties Inflation Adjustment Act of 1990.

**Status:** Chapter 121, Statutes of 2017

### **SB-481 (Pan) - Long-term health facilities: informed consent.**

Originally, this bill would have required a physician, a skilled nursing facility, or an intermediate care facility, to promptly notify the resident, orally and in writing, that it has been determined that the resident lacks capacity, and other information, as specified. This bill would have required this notification to be provided before implementing a medical intervention that requires informed consent for a resident who lacks capacity to make health care decisions and for whom there is no person with legal authority able and willing to make those decisions. This bill was subsequently gutted and amended to address a different subject.

**Status:** Chapter 506, Statutes of 2018

### **SB-575 (Leyva) - Patient access to health records.**

This bill expands a provision of law that entitles a patient to a copy, at no charge, of the relevant portion of the patient’s records that are needed to support an appeal regarding eligibility for certain public benefit programs, by including initial applications in addition to appeals, and by expanding the list of public benefit programs to include In-Home Supportive Services, the California Work Opportunity and Responsibility to Kids program, CalFresh, and certain veterans related benefits.

**Status:** Chapter 626, Statutes of 2017

### **SB-687 (Skinner) - Health facilities: emergency centers: Attorney General.**

This bill would have required a non-profit corporation that operates a health facility that includes a licensed emergency center to obtain the consent of the Attorney General prior to a planned elimination or reduction in the level of emergency medical services provided. In his veto message, the Governor explained that a “hospital’s decision to reduce or eliminate emergency services poses real challenges for a community.” The Governor noted that this “is why current law requires public notice prior to a hospital

taking such an action.” The Governor further explained that removing “a hospital’s authority to determine emergency service needs, however, will not solve the underlying financial issues that typically force these decisions.” Moreover, according to the Governor, an “Attorney General decision to prohibit a reduction or elimination of these services may hasten the reduction of other services or closure of the entire hospital.”

**Status:** Vetoed by the Governor

**SB-1238 (Roth) - Patient records: maintenance and storage.**

This bill would have required certain health care providers to provide a statement to a patient regarding (1) their right to inspect and copy their medical records and (2) the intended retention period for the records. This bill would have required a health care provider to provide a patient with his or her original medical records that the provider plans to destroy if the patient makes a request for the records to the provider before the date of the proposed destruction of the records. Additionally, this bill would have authorized the issuance of citations and the assessment of administrative penalties for violations of these provisions.

**Status:** Held in the Assembly Appropriations Committee

**SCR-110 (Wiener) - Sex characteristics.**

This resolution calls upon stakeholders in the health professions to foster the well-being of children born with variations of sex characteristics by deferring medical or surgical intervention until the child is able to participate in decisionmaking, as specified.

**Status:** Chapter 225, Statutes of 2018

**SR-9 (Jackson) - Planned Parenthood.**

This resolution makes findings regarding the services and impact of Planned Parenthood, a national non-profit organization providing reproductive health care services.

**Status:** Adopted by the Senate

**SR-12 (Atkins) - Women’s Reproductive Health.**

This resolution, on the occasion of the 44th anniversary of *Roe v. Wade* (1973) 410 U.S. 113, makes a series of California Senate findings regarding the positive impact of that decision on the reproductive, economic, and social life of women and the nation as a whole.

**Status:** Adopted by the Senate

**SR-72 (Leyva) - The 45th Anniversary of the Roe v. Wade decision.**

This resolution commemorates the 45th Anniversary of the U.S. Supreme Court’s decision in the case *Roe v. Wade* (1973) 410 U.S. 113, which established a woman’s constitutional right to choose for herself whether or not to carry her pregnancy to term. This resolution makes a series of California Senate findings regarding the positive

impact of that decision on the reproductive, economic, and social life of women and the nation as a whole. This resolution urges the U.S. President and Congress to express support for a woman's constitutional right to control her own reproductive decisions as well as access to comprehensive reproductive health care services, including those of Planned Parenthood.

**Status:** Adopted by the Senate

**AB-569 (Gonzalez Fletcher) - Discrimination: reproductive health.**

This bill would have prohibited an employer, or any person acting on behalf of an employer, from taking any adverse action against an employee or their dependent or family member for their reproductive health decisions, including, but not limited to, the timing thereof, or the use of any drug, device, or medical service. This bill would have specified that an employer who takes any adverse employment action against an employee in violation of these provisions is liable to the aggrieved employee who can recover a penalty and any other appropriate relief to remedy the violation. In his veto message, Governor Brown expressed his belief that the retaliation covered by this bill is already prohibited by the Fair Employment and Housing Act, with the exception of religious institutions.

**Status:** Vetoed by the Governor

**AB-651 (Muratsuchi) - Nonprofit health facilities: sale of assets: Attorney General approval.**

This bill revises provisions of law requiring nonprofit corporations that operate a health facility to obtain the consent of the Attorney General (AG) prior to entering into any agreement to sell or otherwise transfer control of the facility to another entity, by giving the AG an additional 30 days to review the transaction, requiring the notice of the public comment hearings to be provided in different languages, requiring the AG to consider the impact on cultural interests of the affected community, and requiring the review of health facility transactions regardless of whether or not the nonprofit corporation has a suspended license.

**Status:** Chapter 782, Statutes of 2017

**AB-1119 (Limón) - Developmental and mental health services: information and records: confidentiality.**

This bill authorizes, during the provision of emergency services and care, the communication of patient information and records between specified health care professionals and others to effectively treat patients with developmental disabilities and mental health disorders.

**Status:** Chapter 323, Statutes of 2017

**AB-2317 (Eggman) - Whistleblower protection: county patients' rights advocates.**

This bill would have extended whistleblower protections to individuals and entities that have contracts with state or local government to oversee compliance with patients' rights in county mental health treatment facilities. In his veto message, the Governor stated that while he is "supportive of the larger policy goal of this bill, to protect the work of patient rights advocates," this bill "is not the appropriate framework." The Governor explained that the "bill would expand the Labor Commissioner's jurisdiction beyond the typical employer-employee relationship into larger contract disputes between independent contractors and local governments." The Governor made clear that he does "not believe such a broad change in law is warranted when there is limited evidence of a problem."

**Status:** Vetoed by the Governor

**AB-3211 (Kalra) - Advance health care directives.**

This bill revises and recasts the statutory provisions governing the content of the Advance Health Care Directive form with regard to organ donation.

**Status:** Chapter 287, Statutes of 2018

**HOUSING LAW, LANDLORD/TENANT, AND MOBILEHOMES**

**SB-147 (Dodd) - Mobilehome parks: residency.**

This bill clarifies the law governing guests, companions, and live-in caregivers in the mobilehome context and modifies those laws to conform with disability accommodation law. Specifically, the bill clarifies that a homeowner living alone may share occupancy with one companion and management shall not impose a fee for that person; allows park management to refuse to allow a homeowner to share the homeowner's mobilehome with a companion if park residency is subject to age restrictions and the proposed companion is unable or unwilling to provide documentation that the proposed companion meets those age restrictions; and places limits on the documentation that a mobilehome park can demand from a resident to support a request for live-in care or supervision.

**Status:** Chapter 767, Statutes of 2017

**SB-167 (Skinner) - Housing Accountability Act.**

This bill amends the Housing Accountability Act by subjecting the justifications used by a local agency to disapprove a housing development project to the possibility of heightened judicial scrutiny and imposing additional financial consequences on local agencies found to have disapproved a housing project without adequate justification under the law. The Housing Accountability Act is designed to facilitate housing

development, and the development of affordable housing projects in particular, by limiting the grounds upon which a local agency can refuse to approve such projects or render them infeasible through the imposition of burdensome conditions. It is sometimes referred to as the “Anti-NIMBY(Not In My Backyard) Act.”

**Status:** Chapter 368, Statutes of 2017

**SB-470 (Stone) - The Mobilehome Residency Law: tenancy: termination.**

This bill would have created an additional legal basis and an accelerated timeline for mobilehome parks to terminate a mobilehome owner’s tenancy and thereby evict that owner from the park.

**Status:** Failed passage in the Senate Judiciary Committee

**SB-542 (Leyva) - Manufactured Housing Act of 1980: notice of transfer and release of liability.**

This bill provides that the owner of a new or used manufactured home or mobilehome who sells or transfers ownership of the home shall not be subject to civil or criminal liability for vehicle license fees or local property taxes after: (1) the delivery of possession of the home to the purchaser or transferee; and (2) the submission of a specified notice to the Department of Housing and Community Development.

**Status:** Chapter 832, Statutes of 2017

**SB-722 (Moorlach) - Mobilehomes: principal residences: rent control.**

This bill would have altered the evidentiary requirements and procedures that determine whether or not state law exempts a mobilehome from any otherwise applicable local rent control ordinance. Among other changes, the bill would have lifted local limits on a mobilehome park’s power to set the rent on all mobilehomes for which the owner does not claim a homeowner’s property tax exemption, subject only to 90 days’ notice and an opportunity to respond. The bill’s provisions would have applied prospectively to all mobilehome leases entered into, on or after, January 1, 2019.

**Status:** Failed passage in the Senate Judiciary Committee

**SB-1427 (Hill) - Discrimination: veteran or military status.**

This bill would have underscored that housing discrimination on account of “military or veteran status” is unlawful in California by explicitly incorporating “military or veteran status” as a protected category under the Fair Employment and Housing Act (FEHA). In addition, by defining a Veterans Affairs Supportive Housing (VASH) voucher as a “source of income” for purposes of FEHA, this bill would have prohibited landlords from refusing to rent to a prospective tenant solely because the applicant proposes to pay part or all of the rent using a VASH voucher. In his veto message, the Governor argued that although we should support our veterans and military personnel, “this bill goes too far.” Specifically, he objected that the bill “forces landlords and property owners to take

part in what has always been a voluntary federal program with numerous requirements.”

**Status:** Vetoed by the Governor

**AB-291 (Chiu) - Housing: immigration.**

This bill provides a set of legal protections for tenants against unscrupulous landlords who might otherwise try to use immigration status as a way of intimidating tenants who have exercised, or who are about to exercise, their housing rights.

**Status:** Chapter 489, Statutes of 2017

**AB-294 (Gipson) - Mobilehome parks: disclosure.**

This bill adds a deadline to the existing requirement that the management of a mobilehome park must disclose the name, business address, and business telephone number of the park owner upon request from a mobilehome owner. Specifically, this bill mandates park management to provide the required information within 10 business days of receiving a written request for it.

**Status:** Chapter 31, Statutes of 2017

**AB-299 (Calderon) - Hiring of real property: immigration or citizenship status.**

This bill forbids all public entities, including state agencies and California State Universities, from using policies, ordinances, or administrative actions to compel landlords to inquire about or disclose the immigration status of current or prospective tenants. Prior to this bill, such restrictions applied only to local government entities.

**Status:** Chapter 490, Statutes of 2017

**AB-646 (Kalra) - Rental property: disclosures: flood hazard areas: areas of potential flooding.**

This bill requires all leases or rental agreements to contain a notice that the property is located in a special flood hazard area or an area of potential flooding, if the landlord has actual knowledge, as defined, that the rental property is so located. In addition, this bill requires all leases and rental agreements to inform tenants about the availability of hazard information from the Department of Emergency Services and to advise tenants to consider obtaining flood and renters' insurance, since the landlord's insurance will not cover the tenant's personal property in the event it is lost at the result of a natural hazard.

**Status:** Chapter 502, Statutes of 2017

**AB-678 (Bocanegra) - Housing Accountability Act.**

This bill amends the Housing Accountability Act by subjecting the justifications used by a local agency to disapprove a housing development project to the possibility of heightened judicial scrutiny and imposing additional financial consequences on local agencies found to have disapproved a housing project without adequate justification

under the law. The Housing Accountability Act is designed to facilitate housing development, and the development of affordable housing projects in particular, by limiting the grounds upon which a local agency can refuse to approve such projects or render them infeasible through the imposition of burdensome conditions. It is sometimes referred to as the “Anti-NIMBY(Not In My Backyard) Act.”

**Status:** Chapter 373, Statutes of 2017

**AB-686 (Santiago) - Housing discrimination: affirmatively further fair housing.**

This bill obligates California public agencies to administer their programs and activities relating to housing and community development in such a way as to affirmatively further fair housing.

**Status:** Chapter 958, Statutes of 2018

**AB-932 (Ting) - Shelter crisis: homeless shelters and permanent supportive housing.**

This bill allows the Cities of Berkeley, Emeryville, Los Angeles, Oakland, San Diego, the County of Santa Clara, and the City and County of San Francisco to suspend state laws relating to the location, condition, and construction of homeless shelters upon declaration of a shelter crisis by the city and subject to the adoption of local ordinances ensuring reasonable health and safety protections.

**Status:** Chapter 786, Statutes of 2017

**AB-1269 (Mark Stone) - Mobilehome Residents and Senior Protection Act.**

This bill would have established a five-year pilot program under the auspices of the Department of Fair Employment and Housing (DFEH) for the administrative investigation and enforcement of complaints alleging violations of the Mobilehome Residency Law (MRL). It would have provided that the program: (1) be funded through a dedicated annual fee of \$10 per mobilehome statewide; (2) begin collecting the fee January 1, 2018; and (3) start receiving and investigating complaints no later than July 1, 2020. It also would have provided that the pilot program ends on January 1, 2023. In his veto message, the Governor indicated his belief that: “increased education and enforcement are needed to protect mobilehome owners and residents.” However, he concluded that: “this bill would significantly expand the operations and duties of the Department of Fair Employment and Housing without an adequate fee structure that supports the additional workload.”

**Status:** Vetoed by the Governor

**AB-1796 (Muratsuchi) - Rental property: electric vehicle charging stations.**

This bill extends, to landlords of rent-controlled units, the existing general rule that they must approve tenant requests to install electric vehicle charging stations so long as the

installation meets certain preconditions, including that the tenant will pay for all costs associated with the installation, maintenance, and use of the charging station.

**Status:** Chapter 163, Statutes of 2018

**AB-2071 (Bloom) - Government immunity: accessory dwelling units: improvements: permits.**

This bill would have modified what is deemed “owner-occupied” for purposes of permitting the creation of an accessory dwelling unit (ADU). Specifically, this bill would have included as “owner-occupied” situations in which the occupant of the primary residence or the associated ADU is a disabled individual for whom the overall property is owned in trust.

**Status:** Died on the Senate Floor

**AB-2073 (Chiu) - Public nuisance: abatement: lead-based paint.**

This bill would have provided that any property owner, or agent thereof, who participates in a program to abate lead-based paint created as a result of a judgment or settlement in any public nuisance or similar litigation shall be immune from liability in any lawsuit seeking to recover inspection, abatement, or any other costs associated with that abatement program and the activities conducted pursuant to that abatement program.

**Status:** Died on the Senate Floor

**AB-2173 (Santiago) - Commercial real property: termination of tenancy: disposition of personal property.**

This bill increases the threshold amount that triggers a commercial landlord’s duty to auction off personal property left behind when a commercial tenant vacates. In addition, this bill makes findings and declarations highlighting the difference between commercial and residential tenancies and justifying, on that basis, setting a higher threshold amount for the disposal of abandoned personal property in the commercial context.

**Status:** Chapter 74, Statutes of 2018

**AB-2219 (Ting) - Landlord-tenant: 3rd-party payments.**

This bill requires residential landlords to accept rent payments from third parties, provided that the third party acknowledges that the payment does not confirm nor create a tenancy.

**Status:** Chapter 233, Statutes of 2018

**AB-2343 (Chiu) - Real property: possession: unlawful detainer.**

This bill extends, narrowly, two deadlines associated with the eviction process. First, this bill specifies that, when given a three-day notice to pay rent, perform other covenants of the lease, or get out, tenants have three court days to comply, rather than

just three calendar days. Second, this bill establishes that a tenant has five court days to file an answer to an eviction lawsuit, rather than just five calendar days.

**Status:** Chapter 260, Statutes of 2018

**AB-2413 (Chiu) - Tenancy: law enforcement and emergency assistance.**

This bill enacts a set of provisions primarily designed to: (1) make it easier for tenants to obtain the documentation necessary to secure limited protection against eviction when they, or members of their household, have been victims of domestic violence, sexual assault, stalking, human trafficking, elder abuse, or dependent abuse; and (2) ensure that landlords do not evict or otherwise penalize tenants solely because law enforcement or other emergency services have been summoned to the property to come to the aid of those tenants as victims of domestic violence, abuse, crime, or other emergencies.

**Status:** Chapter 190, Statutes of 2018

**AB-2803 (Limón) - Public nuisance: residential lead-based paint.**

This bill would have provided that residential lead-based paint that affects the health of a considerable number of persons interferes with a public right. It would have further provided that a party may be subject to liability for public nuisance if it promoted lead-based paint for a particular use with actual or constructive knowledge that such use would cause health hazards sufficiently serious to render that use unreasonable. This bill would have also allowed a plaintiff in an abatement action involving residential lead-based paint to establish causation without presenting evidence that a particular party caused a particular lead-based paint to be applied in a particular residence. Rather, causation could have been inferred from evidence that does not itself constitute direct evidence of reliance on an individual basis.

**Status:** Held in the Senate Appropriations Committee

**AB-2847 (Rubio) - Commercial real property: tenancy: abandonment.**

This bill shortens the amount of time that commercial landlords must wait before posting a notice of belief of abandonment when the tenant has stopped paying rent and can no longer be found at the property.

**Status:** Chapter 104, Statutes of 2018

**AB-2930 (Santiago) - Unlawful detainer: nuisance: unlawful weapons and ammunition.**

This bill renews the California Unlawful Detainer Pilot Program for an additional five years and modifies the associated data requirements so as to enable better evaluation of whether they are achieving their stated purpose. Specifically, this bill extends the pilot program allowing city attorneys or city prosecutors in four cities – Los Angeles, Long Beach, Oakland, and Sacramento – to institute eviction proceedings against a tenant on behalf of a private landlord who is unable or unwilling to do so, when the tenant has

committed a nuisance involving unlawful weapons, ammunition, drugs, or controlled substances.

**Status:** Chapter 880, Statutes of 2018

**AB-3066 (Mark Stone) - Mobilehome Residency Law Protection Act.**

This bill establishes a five-year pilot program under the auspices of the Department of Housing and Community Development for the administrative review and referral of complaints alleging violations of the Mobilehome Residency Law. This bill specifies that the program would be funded by a dedicated fee of \$10 on every permitted mobilehome lot statewide.

**Status:** Chapter 774, Statutes of 2018

## **IMMIGRANT RIGHTS**

**SB-6 (Hueso) - Immigrants: removal proceedings: legal services.**

This bill would have appropriated \$12 million to the California Department of Social Services (DSS) to establish the Due Process for All Act to provide legal services to individuals facing deportation. This bill would have authorized DSS to contract with qualified nonprofit legal services organizations and nonprofit agencies to implement the act. This bill also would have established the California Universal Representation Trust Fund to accept donations for expanding the number of individuals who may be provided legal services under the act. A similar program was funded in the 2017-18 state budget. This bill was subsequently gutted and amended to address a different subject.

**Status:** Chapter 455, Statutes of 2017

**SB-29 (Lara) - Law enforcement: immigration.**

This bill establishes, after January 1, 2018, contracting restrictions and new notice and public hearing requirements, as specified, upon local governments and local law enforcement agencies with respect to contracts, building permits, and other official actions involving the federal government, federal agencies, or private corporations seeking to house or detain noncitizens for purposes of civil immigration custody.

**Status:** Chapter 494, Statutes of 2017

**SB-174 (Lara) - Citizens of the state.**

This bill would have allowed all California residents to serve on appointed government boards and commissions, regardless of immigration status. The bill would have, additionally, eliminated unconstitutional components of the existing statutory definition for California state citizenship. In his veto message, the Governor indicated his belief that "existing law --which requires citizenship for these forms of public service--is the better path." (Note: for the reasons set forth in the Senate Judiciary Committee's analysis of SB 174 at Comment 3, the Governor's statement that existing law requires

citizenship for board and commission appointments may not be entirely accurate. The text of the existing statute does require citizenship, but, with exceptions detailed in the Committee analysis, that citizenship requirement may well be unconstitutionally overbroad and therefore inapplicable to a number of board and commission appointments.)

**Status:** Vetoed by the Governor

**SB-691 (Lara) - Educational equity: immigration status.**

This bill would have provided that it is the policy of the State of California to afford all persons, regardless of immigration status, equal rights and opportunities in the postsecondary educational institutions of the state. After this bill passed out of the Senate Judiciary Committee, its content was inserted into SB 183 (Lara) and amended to clarify that nothing in the bill changes a student's eligibility for state financial aid. SB 183 (Lara) then passed and was approved by the Governor.

**Status:** Died on the Senate Floor

**SB-785 (Wiener) - Evidence: immigration status.**

This bill prohibits the disclosure of evidence relating to immigration status in open court or in public court records, until after a confidential, in-camera hearing and judicial ruling that the evidence is relevant and not inadmissible.

**Status:** Chapter 12, Statutes of 2018

**SJR-1 (Vidak) - Immigration.**

This resolution would have urged the Congress and the President of the United States to work together to create a comprehensive and workable approach to reform the nation's immigration system, according to specified principles. In 2015, the same resolution was passed by the Legislature as SJR 2 (Vidak, Resolution Chapter 23, Statutes of 2015). The author brought the same resolution to urge the U.S. President and Congress to work together to create a comprehensive and workable approach to reform the nation's immigration system, according to specified principles, and relying on findings that are out of date due to the election of Donald Trump as President and his actions regarding immigrants.

**Status:** Held in the Senate Judiciary Committee

**SJR-9 (Vidak) - Federal Encourage New Legalized Immigrants to Start Training Act.**

This Senate Joint Resolution would have made Legislative findings favorable to, and express the Legislature's support for, pending federal legislation that would provide a mechanism for certain undocumented immigrants to obtain lawful permanent residence in the United States through honorable service in the U.S. Armed Forces.

**Status:** Held in the Senate Judiciary Committee

### **SJR-16 (Wilk) - Federal Temporary Protected Status: El Salvador.**

This resolution makes a series of findings about the strong community ties and positive contributions made by immigrants authorized to live and work in the United States through the humanitarian “Temporary Protected Status” (TPS) program. In light of these ties and contributions, this resolution condemns the federal decision to end TPS designation for El Salvador, Nicaragua, Haiti, and Sudan. It urges the U.S. President and Congress to extend the program for nationals of El Salvador, Honduras, Haiti, Sudan, and Nicaragua, and to establish permanent legal status for TPS holders from those countries.

**Status:** Chapter 113, Statutes of 2018

### **SJR-17 (Hueso) - Temporary Protected Status: El Salvador.**

This resolution would have made a series of findings and declarations about the community ties and positive contributions made by Salvadoran and other immigrants authorized to live and work in the United States through the humanitarian “Temporary Protected Status” (TPS) program. It would have condemned the federal government’s decision to end the TPS designations for El Salvador, Haiti, Sudan, and Nicaragua and urged it not to terminate TPS for Hondurans. The resolution would have pointed out ongoing problems in those countries and the fact that, if the U.S. President and Congress do not take action, thousands of California families with mixed immigration statuses will have to choose between moving to those countries to face an uncertain future, living apart, or risking detention and deportation. With this in mind, the resolution would have urged the U.S. President and Congress to reinstate the TPS designations for these countries and to create permanent legal status for the corresponding TPS holders.

**Status:** Died on the Senate Floor

### **AB-21 (Kalra) - Public postsecondary education: Access to Higher Education for Every Student.**

This bill requires the California State University, California Community Colleges and each Cal Grant eligible independent institution of higher education, and requests the University of California, to establish various policies and actions to be implemented by postsecondary institutions in California that safeguard against immigration enforcement activities on campuses.

**Status:** Chapter 488, Statutes of 2017

### **AB-291 (Chiu) - Housing: immigration.**

This bill provides a set of legal protections for tenants against unscrupulous landlords who might otherwise try to use immigration status as a way of intimidating tenants who have exercised, or who are about to exercise, their housing rights.

**Status:** Chapter 489, Statutes of 2017

**AB-299 (Calderon) - Hiring of real property: immigration or citizenship status.**

This bill forbids all public entities, including state agencies and California State Universities, from using policies, ordinances, or administrative actions to compel landlords to inquire about or disclose the immigration status of current or prospective tenants. Prior to this bill, such restrictions applied only to local government entities.

**Status:** Chapter 490, Statutes of 2017

**AB-343 (McCarty) - Public postsecondary education: holders of certain special immigrant visas.**

This bill exempts Special Immigrant Visa holders and refugees who have settled in California from paying nonresident tuition at a California Community College.

**Status:** Chapter 491, Statutes of 2017

**AB-386 (Gonzalez Fletcher) - Legal services for deported veterans.**

When before this Committee, this bill would have required the California Department of Social Services (CDSS), subject to annual funding, to provide legal services to deported veterans through a contract, as specified. This bill would have authorized CDSS to include postconviction relief services to deported veterans in the contract. This bill would also have established the Veteran Reentry Assistance Fund, a continuously appropriated fund, to accept donations from private foundations and other philanthropic entities to expand the number of individuals who may be provided legal services, as specified. The provisions that triggered this Committee's jurisdiction were subsequently amended out of this bill.

**Status:** Held in the Senate Appropriations Committee

**AB-450 (Chiu) - Employment regulation: immigration worksite enforcement actions.**

This bill enacts a set of restrictions on California employers to ensure that the assistance they give to federal immigration enforcement activity in the workplace goes no further than what is required by law. The bill requires employers to deny federal immigration agents access to non-public parts of a worksite in the absence of a judicial warrant and requires notice to workers of any work authorization documentation audits by federal immigration agents.

**Status:** Chapter 492, Statutes of 2017

**AB-638 (Caballero) - Immigration consultants.**

This bill would have repealed California's immigration consultant law and done away with the immigration consultant industry as of January 1, 2020. Specifically, this bill would have made it unlawful for a person, for compensation, other than a person authorized to practice law in this state, or a person authorized to represent others under

federal law in an immigration matter, or a paralegal acting under the active supervision of an attorney, to engage in the business or act in the capacity of an immigration consultant in this state, as specified.

**Status:** Failed passage on the Senate Floor

**AB-699 (O'Donnell) - Educational equity: immigration status.**

This bill emphasizes that discrimination based on immigration status is prohibited within California's K-12 public schools and requires schools to take additional affirmative steps to eliminate such discrimination. In addition, this bill directs the Attorney General to publish, and schools to adopt, policies for limiting assistance with immigration enforcement at public schools to the minimum consistent with federal and state law.

**Status:** Chapter 493, Statutes of 2017

**AB-1690 (Committee on Judiciary) - Personal rights: compensatory relief.**

This bill clarifies and codifies that the protections against inquiry into immigration status that now apply to civil actions to enforce the state's labor, employment, civil rights and employee housing laws, also extends to disputes regarding consumer protection and to all housing laws.

**Status:** Chapter 160, Statutes of 2017

**AB-1862 (Santiago) - Immigration services: grants.**

When heard in this Committee, this bill would have appropriated \$10,000,000 to the Department of Social Services in the 2018–19 fiscal year for immigration legal services funding for work on behalf of clients who are current or former recipients of federal Temporary Protected Status. The provisions of this bill were subsequently amended out and replaced with unrelated provisions that were outside the jurisdiction of this Committee.

**Status:** Held in the Senate Rules Committee

**AB-2090 (Gonzalez Fletcher) - Guardianships: special immigrant juvenile status.**

This bill clarifies, in an effort to ensure that all eligible youth in California are able, when appropriate, to obtain state court findings so that they can apply for Special Immigrant Juvenile Status immigration relief, that, for the limited purpose of obtaining the necessary state court findings, a probate court may appoint a parent as guardian.

**Status:** Chapter 209, Statutes of 2018

**AB-2184 (Chiu) - Business licenses.**

This bill obligates any city or county which requires business license applicants to provide a social security number to also accept a California driver's license or identification number, an individual taxpayer identification number, or a municipal

identification number in lieu of the social security number.

**Status:** Chapter 388, Statutes of 2018

**AB-2642 (Levine) - Guardianship: special immigrant juveniles.**

This bill provides, in an effort to ensure that unaccompanied minors are able to apply for Special Immigrant Juvenile Status immigration relief, that a nonprofit charitable corporation not incorporated in this state may be appointed as the guardian of a minor if specified requirements are met, which include that (1) the nonprofit charitable corporation is licensed by this state to provide care for minors; (2) the nonprofit charitable corporation is contracted by the federal Department of Health and Human Services, Office of Refugee Resettlement to provide care and custody of the minor; and (3) the petition for guardianship is filed in connection with a petition to make the necessary findings regarding special immigrant juvenile status pursuant to subdivision (b) of Section 155 of the Code of Civil Procedure.

**Status:** Chapter 103, Statutes of 2018

**AJR-10 (Santiago) - Access to Counsel Act.**

This resolution urges the U.S. Congress to support S. 349, the Access to Counsel Act, to ensure that those persons held or detained while attempting to enter the United States, whether at a border crossing or a port of entry, would be guaranteed access to legal counsel.

**Status:** Chapter 143, Statutes of 2017

**AJR-14 (Ting) - 135th anniversary of the Chinese Exclusion Act.**

This resolution marks the 135th anniversary of the signing of the Chinese Exclusion Act, describes the racial hostility that gave rise to it, draws parallels to the immigration policies of the present federal administration, and calls upon that administration to revoke the three key Executive Orders which implement that policy, parts of which were blocked by federal court orders.

**Status:** Chapter 120, Statutes of 2017

**AJR-16 (Low) - Anti-LGBT Actions in the Chechen Republic.**

This measure, among other things, urges the President and Congress of the United States to condemn the government-sanctioned persecution, torture, and murder of gay men in the Chechen Republic, and urges the President and Congress to encourage the granting of asylum and refugee status for individuals fleeing persecution, including individuals fleeing persecution due to their actual or perceived sexual orientation or gender identity, as specified.

**Status:** Chapter 163, Statutes of 2017

### **AJR-36 (Ting) - 136th anniversary of the Chinese Exclusion Act.**

This resolution marks the 136th anniversary of the signing of the Chinese Exclusion Act, describes the racial hostility that gave rise to it, draws parallels to the immigration policies of the Trump administration, and calls upon the Trump administration to revoke key Executive Orders and a Presidential Proclamation meant to implement those policies. These policies, the Orders, and the Proclamation have been the subject of numerous legal challenges that have temporarily or partially blocked their implementation.

**Status:** Chapter 134, Statutes of 2018

## **INTELLECTUAL PROPERTY**

### **AB-2192 (Mark Stone) - State-funded research: grant requirements.**

This bill expands an open-access requirement for state-funded research that currently only applies to the California Department of Public Health to include other specified state agencies, and removes a sunset date.

**Status:** Chapter 296, Statutes of 2018

## **MINORS, JUVENILE COURTS, AND DEPENDENCY PROCEEDINGS**

### **SB-213 (Mitchell) - Placement of children: criminal records check.**

This bill streamlines the background check process for prospective foster and adoptive parents by establishing a list of non-exemptible crimes, a list of crimes for which an exemption may be granted and a list of crimes for which exemptions must be granted, absent a reasonable belief that the person is not of good character at present.

**Status:** Chapter 733, Statutes of 2017

### **SB-245 (Leyva) - Foster youth: sexual health education.**

This bill would have required that: (1) the Department of Social Services develop a curriculum relating to sexual and reproductive health care for foster youth and nonminor dependents, (2) the information in that curriculum be included among the training requirements for certain individuals, and (3) a foster youth's case plan be updated to reflect whether the individual has received information relating to sexual and reproductive health care access.

**Status:** Held in the Assembly Human Services Committee

### **SB-438 (Roth) - Juveniles: legal guardianship: successor guardian.**

This bill authorizes the assessment of a legal guardian for a foster child to also include the naming of a prospective successor guardian if one is identified. This bill, in the event of the incapacity or death of an appointed guardian, authorizes the named successor

guardian to be assessed and appointed pursuant to the existing procedures that govern the appointment of a legal guardian.

**Status:** Chapter 307, Statutes of 2017

**SB-462 (Atkins) - Juveniles: case files: access.**

This bill provides access to information in a juvenile delinquency case file, including a sealed case file, as required by state or federal law or by a grant requirement or for research, provided no personally identifying information is released.

**Status:** Chapter 462, Statutes of 2017

**SB-925 (Beall) - Foster care.**

This bill requires the inclusion of the child or youth's Court-Appointed Special Advocate, if one has been appointed, on the child and family team.

**Status:** Chapter 151, Statutes of 2018

**SB-1216 (Glazer) - Charter schools.**

This bill would have codified that charter schools are subject to the California Public Records Act, with exceptions. This bill would have also codified that charter schools are subject to the open meeting laws, with exceptions. As drafted, this bill would have limited the public's access to the records of charter schools and weakened the public's right to open meetings of charter schools.

**Status:** Failed passage in the Senate Judiciary Committee

**SB-1274 (McGuire) - Developmental services: data exchange.**

This bill requires the California Department of Social Services to provide information to the State Department of Developmental Services (DDS) about DDS consumers' participation in California Work Opportunity and Responsibility for Kids and CalFresh in order to monitor and evaluate the effectiveness of the state's Employment First Policy.

**Status:** Chapter 466, Statutes of 2018

**AB-404 (Mark Stone) - Foster care.**

This bill cleans up elements of AB 403 (Stone, Chapter 773, Statutes of 2015) which implements the Continuum of Care Reform (CCR) effort to reduce the reliance on long-term congregate foster care placements; establishes Intensive Services Foster Care for children with high needs, creates an option to license respite caregivers, and defines outcome requirements for Foster Family Agencies; makes various changes to the Resource Family Approval process, including the means to transfer a resource family approval, remove a resource family from inactive status and makes changes to the appeal process for a denied application; and makes other substantive and technical changes.

**Status:** Chapter 732, Statutes of 2017

**AB-597 (Mark Stone) - Child abuse and neglect: information: computerized database system.**

This bill authorizes the Counties of Santa Clara, Santa Cruz, and San Mateo (Counties) to jointly establish a computerized database to be used by those counties, provider agencies and local education agencies to share specified identifying information about families at risk for child abuse or neglect. This bill requires any personally identifiable data shared for research purposes to remain confidential, requires participating counties to develop a confidentiality protocol, and requires the database be decommissioned if the statewide child welfare information system is able to share identifying information about families at risk for child abuse or neglect.

**Status:** Chapter 581, Statutes of 2017

**AB-604 (Gipson) - Nonminor dependents: extended foster care benefits.**

This bill requires the court to assume transition jurisdiction over a minor or nonminor whose adjudication was vacated because he or she was a victim of human trafficking when the crime was committed, as specified. This bill also grants a nonminor who was adopted but is no longer receiving support from his or her parents the right to petition a court for entry into extended foster care, even if the adoptive parents are still receiving aid for the nonminor.

**Status:** Chapter 707, Statutes of 2017

**AB-953 (Baker) - Protective orders: personal information of minors.**

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

**Status:** Chapter 384, Statutes of 2017

**AB-1006 (Maienschein) - Foster youth.**

This bill requires a social worker or probation officer to provide the prospective adoptive family of a dependent child or ward of the court with information about the importance of working with mental health providers that have specialized adoption clinical training, as specified. This bill defines "specialized permanency services," as those designed for and with a child to address the child's history of trauma, separation and loss, as specified. This bill requires the case plan for a child who has been in care for three years or more to describe the specialized permanency services provided, or why such services were not provided.

**Status:** Chapter 714, Statutes of 2017

**AB-1332 (Bloom) - Juveniles: dependents: removal.**

This bill enables the removal of a child from the physical custody of a parent with whom the child did not reside, by providing the juvenile court with statutory authority to find clear and convincing evidence that there would be a substantial danger to the physical health, safety, protection, or physical or emotional well-being of the child if placed with that parent.

**Status:** Chapter 665, Statutes of 2017

**AB-1371 (Mark Stone) - Juveniles: ward, dependent, and nonminor dependent parents.**

This bill affirms and expands the rights of minors, nonminor dependents and wards of the court who are parents to consult with legal counsel prior to their children being removed from their custody.

**Status:** Chapter 666, Statutes of 2017

**AB-1401 (Maienschein) - Juveniles: protective custody warrant.**

This bill authorizes a court to issue a protective custody warrant without first filing a petition in the juvenile dependency court under specified conditions, including that there is a risk to the child's safety and no reasonable means to protect the child without removal. This bill requires any child taken into protective custody to immediately be delivered to a social worker who shall investigate the facts and circumstances of the case and attempt to maintain the child with the child's family through the provision of services.

**Status:** Chapter 262, Statutes of 2017

**AB-1446 (Cooley) - Dependent children: periodic review hearing.**

This bill would have required a periodic court review of any case in which a foster child is residing for more than five consecutive calendar days in emergency shelter care, a temporary shelter care facility, or a transitional shelter care facility, or, due to the lack of placement, is inappropriately residing in a place that is not a licensed or approved shelter, home, or facility. This bill would have required the periodic reviews to be held at least every three days and to include review of efforts made by the social worker to identify and locate adult relatives of the child or nonminor dependent.

**Status:** Died on the Senate Floor

**AB-1617 (Bloom) - Juvenile case files: inspection.**

This bill enables certain parties in appellate proceedings challenging a juvenile court order to access the confidential juvenile case files that the juvenile court previously authorized them to access.

**Status:** Chapter 992, Statutes of 2018

**AB-1930 (Mark Stone) - Foster care.**

This bill adopts changes to further facilitate implementation of Continuum of Care Reform recommendations to better serve children and youth in California's child welfare services system.

**Status:** Chapter 910, Statutes of 2018

**AB-2083 (Cooley) - Foster youth: trauma-informed system of care.**

This bill requires each county to develop a memorandum of understanding (MOU) to describe the roles and responsibilities of certain entities that serve youth in foster care who have experienced severe trauma, and instructs the Secretary of the California Health and Human Services Agency, and the Superintendent of Public Instruction to implement and review aspects of the MOUs.

**Status:** Chapter 815, Statutes of 2018

**AB-2119 (Gloria) - Foster care: gender affirming health care and behavioral health services.**

This bill provides that the rights of minors and nonminors in foster care includes the right to be involved in the development of the case plan with consideration of the youth's gender identity, and the right to health care and mental health care that includes covered gender affirming health care and gender affirming mental health care, as defined. This bill also requires the California Department of Social Services to develop and issue guidance describing best practices to identify, coordinate, and support foster youth seeking access to gender affirming care by January 1, 2020.

**Status:** Chapter 385, Statutes of 2018

**AB-2201 (Mayes) - Court fees: name changes: exemption.**

This bill creates a fee waiver for petitions for change of name filed on behalf of certain minors who are at risk of stalking or domestic violence, or who have been victims of sexual assault or human trafficking.

**Status:** Chapter 818, Statutes of 2018

**AB-2337 (Gipson) - Nonminor dependents.**

This bill expands eligibility for extended foster care benefits to nonminors who have not yet reached 21 years of age and who would have received extended foster care benefits at age eighteen but for receiving Supplemental Security Income benefits or other similar federal aid in lieu of foster care payments.

**Status:** Chapter 539, Statutes of 2018

**AB-3176 (Waldron) - Indian children.**

This bill updates the Indian Child Welfare Act provisions in the Welfare and Institutions Code in order to comply with recent Federal Bureau of Indian Affairs regulations.

**Status:** Chapter 833, Statutes of 2018

**AB-3189 (Cooper) - Consent by minors to treatment for intimate partner violence.**

This bill allows minors to consent to medical care for injuries caused by intimate partner violence and imposes a number of requirements on the health practitioners who provide care to them.

**Status:** Chapter 1003, Statutes of 2018

**ACR-117 (Thurmond) - Supervised visitation providers: training.**

This measure makes findings and declarations related to supervised visitation. This measure resolves that in order to protect and support children in supervised visitation, the Legislature recognizes the need for statewide conformity in the training of supervised visitation providers, enabling them to foster safe visitation environments for children and their noncustodial parents.

**Status:** Chapter 115, Statutes of 2018

**MISCELLANEOUS**

**SB-204 (Dodd) - Domestic violence: protective orders.**

This bill enacts the Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act, which authorizes the enforcement of a valid Canadian domestic violence protection order in a tribunal of this state under certain conditions. This bill prescribes the criteria for a determination of the validity of a protection order under these provisions, as specified, and authorizes the registration of such a protection order in the Domestic Violence Restraining Order System. This bill requires a law enforcement officer of this state to enforce a protection order under these provisions upon determining that there is probable cause to believe that a valid protection order exists and has been violated.

**Status:** Chapter 98, Statutes of 2017

**SB-235 (Allen) - Elections: ballot designation requirements.**

This bill enacts new requirements for judicial candidate ballot designations. Specifically, this bill permits a candidate for judicial office to only use one of the following ballot designations, as specified: (1) words designating the city, county, district, state, or federal office held by the candidate at the time of filing the nomination papers; (2) the word "incumbent" if the candidate is a candidate for the same office that the candidate holds at the time of filing the nomination papers; or (3) no more than three words designating the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents.

**Status:** Chapter 512, Statutes of 2017

**SB-292 (Bates) - Counties: contract legal counsel: auditor-controller.**

This bill would have required a county board of supervisors to obtain independent legal counsel to assist the county auditor-controller with duties for which the county counsel or district attorney would have a conflict of interest in representing the auditor-controller.

**Status:** Held in the Assembly Appropriations Committee

**SB-331 (Jackson) - Evidentiary privileges: domestic violence counselor-victim privilege.**

This bill includes within the definition of “domestic violence victim service organization” a public or private institution of higher education. This change enables domestic violence counselors working for colleges and universities to be entitled to the domestic violence counselor-victim privilege.

**Status:** Chapter 178, Statutes of 2017

**SB-485 (Nielsen) - Veterans' homes.**

This bill would have required the California Department of Veterans Affairs to (1) adopt statewide policies and procedures, by regulation, for operation of the state veterans home system; (2) implement a statewide electronic health records system; and (3) correct and update outdated terminology and references within the portion of the Military and Veterans Code that governs state veterans' homes.

**Status:** Held in the Assembly Appropriations Committee

**SB-573 (Lara) - Student financial aid: service learning programs.**

This bill would have authorized the University of California Regents, the California State University Trustees, and the California Community Colleges Board of Governors to develop and implement a student service program. The bill also would have imposed limitations on the collection, retention, and disclosure of information about applicants and participants in the program.

**Status:** Died on the Assembly Floor

**SB-984 (Skinner) - State boards and commissions: representation: women.**

This bill would have required the composition of each appointed state board and commission to have a specified minimum number of women board members or commissioners, based on the total number of board members or commissioners on that board. This bill also would have required the Office of the Governor to collect and release aggregated demographic data provided by state board and commission applicants, nominees, and appointees.

**Status:** Held in the Assembly Appropriations Committee

**SB-1127 (Hill) - Pupil health: administration of medicinal cannabis: schoolsites.**

This bill, known as Jojo's Act, would have authorized the governing board of a school district, a county board of education, or the governing body of a charter school maintaining kindergarten or any of grades 1 to 12, inclusive, to adopt a policy that would allow a parent or guardian of a pupil to possess and administer non-smokeable and non-vapeable medicinal cannabis to the authorized pupil at a schoolsite.

**Status:** Vetoed by the Governor

**SB-1235 (Glazer) - Commercial financing: disclosures.**

This bill requires providers of commercial financing to provide specified disclosures about the cost of that financing to the recipients of the financing.

**Status:** Chapter 1011, Statutes of 2018

**SB-1289 (Committee on Judiciary) - Maintenance of the codes.**

This bill makes numerous technical changes in the California codes that have been recommended by the Office of Legislative Counsel. The proposed changes do not make any substantive change in the law.

**Status:** Chapter 92, Statutes of 2018

**SB-1325 (Moorlach) - Peaceful and Natural Dignity Act: the right of self-quarantine.**

This bill would have enacted the Peaceful and Natural Dignity Act and required an individual or group, during an emergency, to be entitled to exercise the right of self-quarantine alone or together by electing to remain within the self-quarantine area for the self-quarantine period, as specified. This bill would have also prohibited a person from obstructing or interfering with the exercise of the right of self-quarantine as set forth in this bill, notwithstanding any other law.

**Status:** Failed passage in the Senate Health Committee

**SB-1336 (Morrell) - Public health: End of Life Option Act.**

This bill would have amended the End of Life Option Act to mandate that a required report further include the areas of practice of each physician who wrote a prescription for an aid-in-dying drug, the motivating reason or reasons behind a patient's decision to request the aid-in-dying drug, as specified, and the number of patients who received a mental health specialist assessment prior to receiving the aid-in-dying drug.

**Status:** Failed passage in the Senate Health Committee

**SCR-91 (Roth) - California Law Revision Commission: studies.**

This measure grants approval to the California Law Revision Commission to continue its study of designated topics that the Legislature previously authorized or directed the Commission to study. The measure also authorizes and requests the Commission to

study and report on topics relating to hazardous waste control and hazardous substances.

**Status:** Chapter 158, Statutes of 2018

### **SJR-10 (Anderson) - Falun Gong.**

This Senate Joint Resolution would have expressed the Legislature's support for Falun Gong practitioners and would have condemned any government-sanctioned persecution of Falun Gong practitioners. Additionally, this measure would have urged the President and the Congress of the United States to condemn any government-sanctioned persecution of Falun Gong practitioners.

**Status:** Held in the Senate Rules Committee

### **SR-23 (Wiener) - President Trump's Connections with Russia**

This resolution makes findings regarding: (1) evidence of Russian interference in the U.S. Presidential election of 2016 intended to aid Donald Trump; (2) evidence of connections between Russia and the 2016 presidential campaign of Donald Trump; (3) misrepresentations by Trump campaign and administration officials regarding their meetings with Russian officials; (4) steps taken by President Obama's administration to preserve evidence of Russian interference in the election; (5) human rights and international law violations committed by Russia and Russian President Vladimir Putin; (6) President Trump's refusal to criticize Mr. Putin; (7) President Trump's refusal to make his tax returns public; and (8) calls from elected officials, including several prominent Republicans, for an independent investigation to look into Russian interference in the election. This resolution also: (1) calls upon the U.S. Congress to conduct a full, independent, and public investigation of any and all connections between the Trump campaign, administration, and Trump businesses and the Russian government, government-owned enterprises and related business interests; (2) states that a bipartisan, independent commission as well as a special prosecutor appointed by that commission, are needed to investigate the matter; (3) states that President Trump must release his tax returns; and (4) directs the Secretary of the Senate to transmit copies of this resolution to the author.

**Status:** Adopted by the Senate

### **AB-210 (Santiago) - Homeless multidisciplinary personnel team.**

This bill allows counties to develop a homeless adult and family multidisciplinary team in order to facilitate identification and assessment of homeless individuals, and link homeless individuals to housing and supportive services, and to allow service providers to share confidential information to ensure continuity of care.

**Status:** Chapter 544, Statutes of 2017

**AB-334 (Cooper) - Sexual assault.**

This bill would have extended the statute of limitation for any civil action for recovery of damages suffered as a result of sexual assault, where the assault occurred on or after the plaintiff's 18th birthday, as specified. This bill would also have made a number of changes to existing law regarding sexual assault forensic medical examinations (SAFMEs), including the reimbursement rate for SAFMEs of survivors who do not aid or otherwise participate with law enforcement.

**Status:** Held in the Senate Public Safety Committee

**AB-430 (Irwin) - Marriage: solemnization.**

This bill authorizes, to the extent not prohibited by law and provided that the compensation is reasonable, specified officials, including retired judges and retired commissioners, to accept compensation for solemnizing a marriage. This bill contains an urgency clause and took effect immediately.

**Status:** Chapter 42, Statutes of 2017

**AB-688 (Calderon) - Enforcement of money judgments: exemptions.**

This bill exempts those moneys in, contributions to, and distributions from, an Achieving a Better Life Experience Act account from enforcement of money judgments.

**Status:** Chapter 529, Statutes of 2017

**AB-772 (Daly) - Unclaimed property: publication of notice.**

This bill authorizes the California State Controller to cause notice, regarding disposition of unclaimed property, to be published in a manner the Controller determines to be reasonable, rather than require notice to be published in a newspaper of general circulation. This bill prohibits the Controller from using: money appropriated for the Controller's audit programs; more than the amount appropriated by the Legislature for publishing notice; a photograph; or an elected official's name while causing notice to be published.

**Status:** Chapter 200, Statutes of 2017

**AB-1034 (Chau) - Government interruption of communications.**

This bill takes the existing sections of the Public Utility Code that govern the ability of a government entity to interrupt communication services – under certain emergency circumstances – and modifies and places them in the Penal Code, as recommended by the California Law Revision Commission. The few substantive changes include: providing for a post-interruption judicial review in cases in which the government entity terminates service without prior warning; clarifying references; clarifying the procedure for applying for the court order; and, adding additional exceptions for interruptions.

**Status:** Chapter 322, Statutes of 2017

**AB-1163 (Irwin) - Minors: power of attorney to care for a minor child.**

This bill would have enacted the Power of Attorney to Care for a Minor Child Act to authorize a parent to execute a power of attorney to provide for the care of the parent's minor child, as specified. The bill would have relieved a person who acts in good faith reliance on the authorized powers set forth in a power of attorney, as specified, from criminal or civil liability or professional discipline for that reliance, as specified. The bill also would have required the grant of authority in a power of attorney to care for a minor child to supersede the authority of a caregiver pursuant to a caregiver's authorization affidavit.

**Status:** Held in the Senate Judiciary Committee

**AB-1597 (Nazarian) - Public employee retirement systems: prohibited investments: Turkey.**

This bill would have prohibited the California Public Employees' Retirement System and the California State Teachers' Retirement System from investing in Turkey, as specified, upon passage of a federal law that imposes sanctions on Turkey for failing to acknowledge the Armenian Genocide. This bill, which would have only gone into effect if the Federal Government imposes sanctions on Turkey, would have required our pension funds to sell all bonds or investment vehicles issued by the Turkish government. The Governor vetoed the bill and wrote that "the horror of the Armenian Genocide is something no Californian should ever forget." The Governor further wrote that "our school curriculum requires the study of the Armenian Genocide and this year" he "proclaimed April 24, 2018, as 'Day of Remembrance of the Armenian Genocide'." Additionally, the Governor noted that "the state extended the statutory deadline for genocide victims or their heirs to seek legal redress." Finally, the Governor noted that while "this subject is profoundly important, the bill as written is mostly symbolic" and that he was "reluctant to force yet another disinvestment measure on our already stressed pension systems."

**Status:** Vetoed by the Governor

**AB-1682 (Burke) - State government: Department of Justice: Children's Justice Fund.**

Existing law establishes the Attorney General as the head of the Department of Justice. Since 2015, the Department of Justice has included a Bureau of Children's Justice. The bureau investigates and enforces the legal rights of children, including the enforcement of civil rights laws and state criminal laws relating to child abuse and human trafficking. This bill would have created in the State Treasury the Children's Justice Fund for the deposit of penalty moneys that are recovered pursuant to any action or settlement of a claim brought by the Bureau of Children's Justice. Subject to appropriation by the Legislature, the bill would have required those moneys to be expended by the Bureau of

Children's Justice for specified purposes.

**Status:** Held in the Senate Appropriations Committee

**AB-1912 (Rodriguez) - Public employees' retirement: joint powers agreements: liability.**

This bill prohibits member agencies of Joint Powers Authority (JPA) from disclaiming the retirement liability of a JPA, and requires the apportionment of retirement liability among JPA member agencies if the JPA's agreement with the Board of Administration of the California Public Employees' Retirement System is terminated, or the JPA dissolves or ceases operations as applied to other California public retirement systems or associations, among other provisions.

**Status:** Chapter 909, Statutes of 2018

**AB-2350 (Obernolte) - Unclaimed property.**

This bill enacts provisions designed to facilitate the way that the State Controller handles two unique types of unclaimed property. First, this bill enables the State Controller to pay refunds and claims out of the account holding money left abandoned in legal trust accounts without the need for a specific Legislative appropriation for that purpose. Second, this bill provides statutory authority for an existing account that the State Controller currently uses to manage unclaimed funds that the State Controller has reason to believe may be owed, in whole or in part, to state or local government agencies.

**Status:** Chapter 390, Statutes of 2018

**AB-2747 (Holden) - Student Athlete Bill of Rights.**

This bill would have added to the Student Athlete Bill of Rights a requirement that an institution of higher education provide notice to student athletes of their rights, and would have established certain protections from retaliation against student athletes.

**Status:** Held in the Senate Appropriations Committee

**AB-3010 (Limón) - Financial transactions: finance lenders and deferred deposit transactions.**

This bill would have imposed a limit of one deferred deposit transaction at a time per borrower, across all deferred deposit transaction law licensees, enforced by a database. The bill also would have established a new, alternative set of rules for installment loans made under the California Financing Law in amounts of up to \$2,500, as specified.

**Status:** Held in the Senate Banking and Financial Institutions Committee

**AB-3212 (Irwin) - Service member protections.**

This bill expands the classes of federal military and state militia members who receive specified civil liability protections; extends duration of existing protections following military service as specified; adds a category of debt to existing protections that cap

interest rates for members called to active duty, as specified; and expands existing provisions allowing members who have been called to active duty to seek release from lease obligations, among other changes.

**Status:** Chapter 555, Statutes of 2018

### **ACR-215 (Kiley) - 23 Asilomar AI Principles.**

This resolution expresses the Legislature's support for a set of principles for the governance of artificial intelligence known as the 23 Asilomar AI Principles.

**Status:** Chapter 206, Statutes of 2018

## **MORTGAGES**

### **SB-479 (Morrell) - Real property: trustee of deed of trust.**

This bill raises, from \$425 to \$475, the maximum amount that a trustee may demand and receive for trustee's or attorney's fees arising out of a foreclosure sale. This bill also recasts the existing provisions that set forth the formula for calculating maximum fees associated with a trustee's sale, thus making them easier to read and understand.

**Status:** Chapter 217, Statutes of 2017

### **SB-739 (Galgiani) - Reverse mortgages: lender notice requirements.**

This bill would have required a reverse mortgage loan lender to notify the borrower and nonborrowing spouse, at the inception of the mortgage, of the nonborrowing spouse's option to remain in the residence following the death of the borrowing spouse under specified conditions. The bill would have prohibited a lender from initiating a foreclosure on a principle residence after the death of the borrowing spouse unless these notice requirements had been met.

**Status:** Held in the Senate Banking and Financial Institutions Committee

### **SB-818 (Beall) - Mortgages and deeds of trust: foreclosure.**

This bill permanently re-enacts certain provisions of the Homeowner's Bill of Rights (SB 900, Leno, Ch. 87, Stats. 2012), revises the circumstances under which servicers must give borrowers a single point of contact, and adds language providing that the amendment, addition, or repeal of any section or part of a section does not release, extinguish, or change any liability under the bill.

**Status:** Chapter 404, Statutes of 2018

### **SB-1139 (Morrell) - Real property liens: equity lines of credit: suspend and close.**

This bill makes permanent a 2014 law setting forth a procedure through which a home equity line of credit may be suspended and closed in anticipation of a real estate transaction involving the property that is the collateral for the loan. The procedure

serves to avoid the possibility of an unpaid balance on the home equity line of credit when the property is transferred. Absent passage of this bill, the existing law would have sunset on July 1, 2019.

**Status:** Chapter 90, Statutes of 2018

**SB-1183 (Morrell) - Mortgages: deeds of trust: successors in interest.**

This bill exempts reverse mortgages from the requirements set forth in the Survivors Bill of Rights, which creates a series of procedural protections in the foreclosure process for successors in interest.

**Status:** Chapter 136, Statutes of 2018

**SB-1201 (Jackson) - Contracts: consumer protection: residential mortgage lending.**

Existing law requires financial organizations that negotiate a loan secured by real property in Spanish, Chinese, Tagalog, Vietnamese, or Korean, to provide documentation of the terms of the loan in that language prior to executing the loan agreement. This bill extends the same rule to negotiations over subsequent modification of such loans while allowing several translated forms associated with federal truth-in-lending laws to be used for purposes of compliance. Separately, existing law allows for revocation of a supervised financial institution's operating license if it fails to file certain paperwork. The institution may request a hearing on the matter, but existing law does not provide any deadline for how quickly that hearing must take place. This bill sets that deadline at 90 days.

**Status:** Chapter 356, Statutes of 2018

## **NOTARIES**

**AB-2368 (Calderon) - California Online Notary Act of 2018.**

This bill would have enacted the California Online Notary Act of 2018 to authorize online notarization of documents. The bill would have required the Secretary of State to adopt rules to implement the bill's requirements.

**Status:** Held in the Senate Judiciary Committee

## **PRIVACY**

**SB-21 (Hill) - Law enforcement agencies: surveillance: policies.**

This bill would have required certain public agencies that use or gain information from surveillance technologies, as defined, to develop a Surveillance Use Policy detailing the technology and how it will be used by the agency. The policy would have had to be submitted to and approved by the public agency's governing body, as specified. A new

Surveillance Use Policy would have to be developed and approved before a public agency could request funds for, acquire, use, or gain information from a new surveillance technology.

**Status:** Held in the Assembly Appropriations Committee

**SB-157 (Wieckowski) - Invasion of privacy: distribution of sexually explicit materials: protection of plaintiff's identity.**

This bill strengthens the confidentiality provisions applicable to civil actions brought pursuant to Civil Code Section 1708.85. This bill addresses some vulnerabilities in existing protections relating to those civil actions and expands the existing definition of the "identifying characteristics" that are to be redacted or excluded from court documents. It also further circumscribes access to court files in such cases.

**Status:** Chapter 233, Statutes of 2017

**SB-184 (Morrell) - Social security number truncation program.**

This bill allows county recorders to truncate social security numbers in documents recorded prior to 1980.

**Status:** Chapter 621, Statutes of 2017

**SB-244 (Lara) - Privacy: agencies: personal information.**

This bill makes it clear, in relation to local government identification card programs, driver's license applications, and specified aspects of public health programs, that personal information collected, recorded, or used for the purpose of administering the program is exempt from California's Public Records Act, may only be used for the purpose of furthering the program, and cannot be disclosed absent the consent of the individual to whom the information relates, except when otherwise required by law or court order, or in response to exigent circumstances. In addition, this bill specifies that it constitutes unlawful discrimination to provide notification to a law enforcement agency that an individual holds a driver's license that is issued to persons who are unable to submit satisfactory proof that they are in the United States lawfully when such notification is not required by law, or would not have been provided if the person held a standard driver's license. Finally, this bill prohibits a driver's license issued to a person who is unable to submit satisfactory proof that they are in the United States lawfully from being used as evidence of an individual's citizenship or immigration status for any purpose.

**Status:** Chapter 885, Statutes of 2018

**SB-327 (Jackson) - Information privacy: connected devices.**

This bill requires manufacturers of connected devices to equip those devices with reasonable security features appropriate to the nature and function of the device and the information it may collect, contain, or transmit, and that are designed to protect the device and any information contained therein from unauthorized access, destruction,

use, modification, or disclosure. This bill provides that if a connected device is equipped with a means for authentication outside a local area network, it shall be deemed a reasonable security feature if either the preprogrammed password is unique to each device manufactured or the device contains a security feature that requires a user to generate a new means of authentication before access is granted to the device for the first time. The duties and obligations imposed by this bill are cumulative with any other duties or obligations imposed under other law, and shall not be construed to relieve any party from any duties or obligations imposed under other law. This bill becomes operative on January 1, 2020.

**Status:** Chapter 886, Statutes of 2018

**SB-350 (Galgiani) - Incarcerated persons: health records.**

This bill would have required the disclosure of medical, dental, and mental health information, by electronic transmission when possible, between a county correctional facility, a county medical facility, a state correctional facility, a state hospital, or a state-assigned mental health provider when an inmate is transferred from or between state and county facilities, as specified.

**Status:** Held in the Senate Appropriations Committee

**SB-466 (Bates) - Rental passenger vehicle transactions: electronic surveillance technology: AMBER alert.**

This bill allows a rental company to use and obtain information from electronic surveillance technology regarding one of its rental vehicles when that vehicle is the subject of an AMBER Alert. If the rental company so uses the technology, it is required to notify law enforcement that one of its vehicles is the subject of an AMBER Alert.

**Status:** Chapter 163, Statutes of 2017

**SB-576 (Wiener) - Jury commissioners: juror data collections and maintenance.**

This bill would have required jury commissioners to collect and maintain demographic data from all prospective jurors who appear for jury service, including each juror's race, gender, ethnicity, national origin, and ZIP code of residence. The demographic data would have been collected to determine if the pool of prospective jurors who appear for jury service pursuant to a jury summons accurately represents a cross section of the population of the area served by the court. The data would have been collected on a form developed by the jury commissioner. Such a form would not have collected any personal identifying information. The data would have been collected upon a juror's arrival to jury duty, along with other information currently collected by the court. All data collected would have remained anonymous and been aggregated by the jury commissioner. The jury commissioner would have been required to biannually produce

a report presenting the aggregated data, which would have been made available to the public and maintained by each court.

**Status:** Held in the Senate Appropriations Committee

**SB-597 (Leyva) - Human trafficking: victim confidentiality.**

This bill makes the address confidentiality program administered by the Secretary of State, known as the Safe at Home program, available to victims of human trafficking, and makes additional conforming changes. This bill also expands the program to include household members of victims of domestic violence, sexual assault, stalking, and human trafficking, as specified.

**Status:** Chapter 570, Statutes of 2017

**SB-734 (Fuller) - Voters: online voter registration.**

This bill would have required the Secretary of State to capture and maintain the Internet Protocol (“IP”) address from which each online voter registration is submitted. The IP addresses captured would have been kept confidential and could not be disclosed to anyone.

**Status:** Held in the Senate Judiciary Committee

**SB-1121 (Dodd) - California Consumer Privacy Act of 2018.**

This bill amends the recently enacted California Consumer Privacy Act of 2018, AB 375 (Chau, Ch. 55, Stats. 2018). It makes various technical and clarifying amendments. It also makes a series of amendments to the provisions governing medical information and other information collected by covered entities, as defined, exempting application to certain information. This bill also removes the requirement that a consumer bringing an action pursuant to the Act must first notify the Attorney General. It also removes the attendant duties placed upon the Attorney General. It also removes the delayed operative date of the preemption provision of the Act.

**Status:** Chapter 735, Statutes of 2018

**SB-1186 (Hill) - Law enforcement agencies: surveillance: policies.**

This bill would have required law enforcement agencies, as defined, that use or gain information from surveillance technologies, as defined, to develop a Surveillance Use Policy detailing the technology and how it will be used by the agency. A subset of those law enforcement agencies would have had to submit their policies to their governing body for approval. A new Surveillance Use Policy would have had to be developed before a law enforcement agency could request funds for, acquire, use, or gain information from a new surveillance technology. This bill would have provided a cause of action for violations of these provisions; however, the remedies would have been limited to injunctive relief and attorneys’ fees and costs. This bill is substantially similar to SB 21 (Hill, 2017), which passed through this Committee in 2017 but, ultimately, also

failed passage.

**Status:** Held in the Assembly Appropriations Committee

**SB-1194 (Lara) - Privacy: lodging, common carriers, and places of public accommodation.**

This bill protects the privacy of Californians by prohibiting places of lodging, bus companies, movie theaters, sports arenas, and performance venues from handing over the name or identifying information of guests, passengers, or audience members, except to California peace officers or in response to a court-issued subpoena, warrant, or order.

**Status:** Chapter 853, Statutes of 2018

**SB-1196 (Jackson) - Personal identifying information: unlawful use: business entity filings.**

This bill authorizes a person whose personal identifying information has been used unlawfully in a business entity filing, as defined, and has initiated a law enforcement investigation, to petition a court for an order directing the alleged perpetrator of the act and the person using the personal identifying information in the filing to appear and show cause as to why the information should not be labeled to show the information is impersonated and should not be associated with the business entity. This bill provides the relevant court process and requires a court that finds the petition meritorious, to order that the name and personal identifying information in the business entity filing be redacted or labeled to show the data is impersonated and to order the removal of the personal identifying information from publicly accessible electronic indexes and databases.

**Status:** Chapter 696, Statutes of 2018

**AB-40 (Santiago) - CURES database: health information technology system.**

This bill authorizes an approved health care practitioner, pharmacist and any person acting on behalf of a practitioner or pharmacist to access information contained in the Controlled Substance Utilization Review and Evaluation System (CURES) through a Health IT System if the entity that operates the Health IT System meets certain requirements. An entity that operates a Health IT System must enter into a Memorandum of Understanding (MOU) with the Department of Justice that addresses technical specifications of the Health IT System, which are universal for all systems, to ensure the security of CURES data. The bill prohibits the MOU from governing, impacting or restricting the use of CURES data or imposing any additional burdens on compliance with the federal Health Insurance Portability and Accountability Act of 1996.

**Status:** Chapter 607, Statutes of 2017

**AB-76 (Chau) - Adult-use marijuana: marketing.**

Current law, the Privacy Rights for California Minors in the Digital World (PRCMDW), prohibits operators of Internet Web sites, online services, online applications, and mobile applications (Operators) that are directed to minors, from marketing certain products or services, such as tobacco and alcohol, to minors. The PRCMDW also prohibits Operators of the same services that are not directed towards minors, from marketing such products or services to a minor, if the Operator has actual knowledge that a minor is using the Web site or online service. This bill would have added any marijuana, marijuana product, marijuana business, or any instrument or paraphernalia that is designed for the smoking or ingestion of marijuana or marijuana products to the list of products or services subject to the PRCMDW and change the prohibitory age to 21 with regard to the marijuana advertisements.

**Status:** Held in the Senate Appropriations Committee

**AB-331 (Eggman) - County recorders: veterans: recorded documents.**

This bill requires county recorders to establish nonpublic indexes in which they shall record and maintain military discharge documents filed by veterans and other authorized persons, and also allows veterans and other authorized persons, who have discharge documents recorded on or after January 1, 1980, to request such documents be moved to a nonpublic index.

**Status:** Chapter 399, Statutes of 2017

**AB-375 (Chau) - Privacy: personal information: businesses.**

This bill creates the California Consumer Privacy Act of 2018. It provides consumers the right to access their personal information that is collected by a business, the right to delete it, the right to know what personal information is collected, the right to know whether and what personal information is being sold or disclosed, the right to stop a business from selling their information, and the right to equal service and price. Each right contains certain exceptions. This bill provides a modified, private right of action for data breaches and allows for enforcement by the Attorney General for other violations with a right to cure for businesses in violation, as specified.

**Status:** Chapter 55, Statutes of 2018

**AB-852 (Caballero) - Vehicles: child safety.**

This bill would have authorized a school district to install and operate an automated school bus video enforcement system, as defined, for specified purposes.

**Status:** Held in the Senate Transportation and Housing Committee

**AB-998 (Grayson) - Multidisciplinary teams: human trafficking and domestic violence.**

This bill provides for the creation of both domestic violence and human trafficking multidisciplinary personnel teams (MDT) that could collaborate to respond to and support survivors of domestic violence and human trafficking. The bill authorizes the MDT members to share confidential information with one another with specified protections in place, including the requirement to obtain an individual's informed, written, reasonably time-limited consent to the disclosure of their confidential information.

**Status:** Chapter 802, Statutes of 2018

**AB-1185 (O'Donnell) - Rental passenger vehicles.**

This bill would have allowed rental car companies to use, access, or obtain information relating to a renter's use of a rental vehicle obtained using electronic surveillance technology when the vehicle has not been returned following three calendar days after the contracted return date or the end of any extension. The bill would also have permitted a rental company to use an electronic sign to comply with various signage requirements imposed under existing law.

**Status:** Held in the Senate Judiciary Committee

**AB-1859 (Chau) - Customer records.**

This bill places requirements on consumer credit reporting agencies, and affiliated third parties, that know, or reasonably should know, that one of their computer systems is subject to a security vulnerability that poses a significant risk to the security of computerized data containing personal information. It also requires such entities to begin the process of implementation of software updates, if available, in a timely manner, and to identify and respond to security vulnerabilities in order to mitigate the attendant risks, as specified.

**Status:** Chapter 532, Statutes of 2018

**AB-1896 (Cervantes) - Sexual assault counselor-victim privilege.**

This bill makes clear that the existing sexual assault counselor-victim privilege extends to counselors operating on the campus of a public or private institution of higher education.

**Status:** Chapter 123, Statutes of 2018

**AB-1906 (Irwin) - Business regulations: information privacy: connected devices: security features.**

This bill requires manufacturers, beginning January 1, 2020, to equip connected devices with a reasonable security feature or features appropriate to the nature and function of the device and the information the device may collect, contain, or transmit that are

designed to protect the device from unauthorized access, destruction, use, modification, or disclosure.

**Status:** Chapter 860, Statutes of 2018

**AB-1957 (Berman) - Social Services Modernization, Efficiency, and Due Process Protection Act of 2018.**

This bill establishes the Social Services Modernization, Efficiency, and Due Process Protection Act of 2018 authorizing counties to utilize electronic communications in administering specified public benefits programs, subject to protocols intended to ensure data security and protect privacy rights.

**Status:** Chapter 384, Statutes of 2018

**AB-2167 (Chau) - Information privacy: digital health feedback systems.**

This bill would have amended California's Confidentiality of Medical Information Act to include within the definition of "medical information" any information in possession of, or derived from, a digital health feedback system. This bill would have required manufacturers or operators that sell devices or applications that may be used as part of these digital health feedback systems to equip them with reasonable security features, as specified.

**Status:** Failed passage on the Senate Floor

**AB-2182 (Levine) - Privacy: Department of Justice: online platforms: personal data privacy.**

This bill would have directed the California Department of Justice to establish an Internet Web portal where consumers could find links to the personal data privacy policies of online platforms.

**Status:** Held in the Senate Rules Committee

**AB-2184 (Chiu) - Business licenses.**

This bill obligates any city or county which requires business license applicants to provide a social security number to also accept a California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number in lieu of the social security number.

**Status:** Chapter 388, Statutes of 2018

**AB-2185 (Chiu) - Civil actions: pleadings: party names.**

This bill authorizes a court to appoint a guardian ad litem under a pseudonym upon making specified findings. Any person applying for such an appointment is required to file, at the same time, an ex parte request for leave to appear under a pseudonym. The ex parte request must allege facts and circumstances establishing the guardian ad litem's overriding interest in preserving their anonymity. The court shall retain discretion

to reconsider its decision.

**Status:** Chapter 817, Statutes of 2018

**AB-2402 (Low) - Cannabis: personal information.**

This bill establishes privacy protections to prevent the unauthorized disclosure of a cannabis consumer's personal information by a cannabis licensee and prohibits a cannabis licensee from discriminating against a consumer because the consumer has not provided consent to authorize the licensee to disclose the consumer's nonpublic personal information to a third party not directly related to the cannabis transaction.

**Status:** Chapter 583, Statutes of 2018

**AB-2511 (Chau) - The Parent's Internet Accountability and Child Protection Act.**

This bill requires that a person or business that conducts business in California, and that seeks to sell specified products or services in or into California that are illegal under state law to sell to a minor, shall, notwithstanding any general term or condition, take reasonable steps, as defined, to ensure that the purchaser is of legal age at the time of purchase or delivery, including, but not limited to, verifying the age of the purchaser. This bill prohibits a person or business required to comply with these provisions from retaining, using, or disclosing any information it receives from a purchaser or recipient in an effort to verify age pursuant to this bill for any purpose other than as required to comply with, or as needed to demonstrate compliance with the provisions of this bill, California law, or a state or federal court order.

**Status:** Chapter 872, Statutes of 2018

**AB-2620 (Ting) - Rental passenger vehicle transactions.**

This bill allows rental car companies to use, access, or obtain information relating to a renter's use of a rental vehicle obtained using electronic surveillance technology when the vehicle has not been returned following 72 hours after the contracted return date or the end of any extension. It requires the company to provide various forms of notice to the customer. This bill also authorizes a company to send renters communications electronically, as specified.

**Status:** Chapter 344, Statutes of 2018

**AB-2678 (Irwin) - Privacy: personal information: breach: notification.**

This bill would have provided that a person or business that is required to provide a security breach notification pursuant to California's Data Breach Notification Law must include therein a notice instructing the affected person that information related to security freezes and fraud alerts is available from the major credit reporting agencies and include the mailing address and Internet Web site address of the major credit reporting agencies, as specified.

**Status:** Died on the Senate Floor

**AB-2769 (Cooper) - Privacy: driver’s license information.**

This bill authorizes businesses to scan driver’s licenses and identification cards for the same purposes and under the same limitations that current law allows for the swiping of such documents.

**Status:** Chapter 548, Statutes of 2018

**AB-3067 (Chau) - Internet: marketing: minors: cannabis.**

This bill adds any cannabis, cannabis product, cannabis business, or any instrument or paraphernalia that is designed for the smoking or ingestion of cannabis or cannabis products to the list of products or services subject to the Privacy Rights for California Minors in the Digital World.

**Status:** Chapter 347, Statutes of 2018

**PROBATE, TRUSTS AND ESTATES, CONSERVATORSHIPS AND GUARDIANSHIPS**

**SB-153 (Anderson) - Estates and trusts: donative transfers.**

This bill rewords the existing presumption of fraud or undue influence for donative transfers to specified persons who are in a position with the transferor that would allow them to exercise improper sway over the donative transfer. This bill clarifies that the presumption of fraud and undue influence applies when the fiduciary transcribed the document. Additionally, this bill replaces the term “gift” with the term “donative transfer” for the purposes of these provisions, existing law uses the terms interchangeably, and states that “it is the intent of the Legislature that these provisions also supplement the common law of fraud.”

**Status:** Chapter 56, Statutes of 2017

**SB-333 (Anderson) - Trusts: modification or termination.**

This bill revises and recasts provisions relating to the modification or termination of an irrevocable trust to delete the provision prohibiting a court from terminating an irrevocable trust that is subject to a valid restraint on the transfer of a beneficiary’s interest, and instead authorize the court to terminate a trust with this restraint if the court finds good cause to do so. This bill specifies that a court is authorized to limit the class of beneficiaries whose consent is necessary to modify or terminate a trust when the class is described as “heirs” or “next of kin.” This bill also authorizes the trust to be modified or terminated by the written consent of the settlor and all beneficiaries without court approval of the modification or termination. This bill also makes clarifying changes.

**Status:** Chapter 61, Statutes of 2017

**SB-413 (Morrell) - Dementia: major neurocognitive disorder.**

This bill replaces references to the term “dementia” with the term “major neurocognitive disorders” in existing law with regard to licensure and operation of residential care facilities for the elderly and conservatorships. This bill also makes technical, nonsubstantive changes to these provisions.

**Status:** Chapter 122, Statutes of 2017

**SB-438 (Roth) - Juveniles: legal guardianship: successor guardian.**

This bill authorizes the assessment of a legal guardian for a foster child to also include the naming of a prospective successor guardian if one is identified. This bill, in the event of the incapacity or death of an appointed guardian, authorizes the named successor guardian to be assessed and appointed pursuant to the existing procedures that govern the appointment of a legal guardian.

**Status:** Chapter 307, Statutes of 2017

**SB-909 (Hertzberg) - Uniform Trust Decanting Act.**

This bill enacts the Uniform Trust Decanting Act, under which a fiduciary of an irrevocable trust may distribute the property of a trust into another trust, without first obtaining the consent of the beneficiaries or approval of the court, subject to certain exceptions.

**Status:** Chapter 407, Statutes of 2018

**SB-1011 (Roth) - Proceeding to establish limited conservatorship: person with developmental disabilities.**

This bill would have, with regard to a petition to establish a limited conservatorship, authorized the submission of the most recent individual program plan of the proposed conservatee to be submitted as supporting materials with that petition.

**Status:** Held in the Senate Judiciary Committee

**SB-1436 (Portantino) - Natural parent and child relationship: establishment.**

This bill (1) clarifies that, for purposes of establishing parentage for determining intestate succession where it was impossible for a parent to hold a child out as that parent’s own, evidence of parentage may include genetic DNA evidence acquired during the parent's lifetime, and (2) makes gender neutral the determination of parentage for purposes of intestate succession.

**Status:** Chapter 116, Statutes of 2018

**AB-307 (Maienschein) - Allocation of principal or income.**

This bill provides revised directions for how a trustee is required to allocate money to beneficiaries of an estate or trust as either principal or income. It further provides that the directions include, among others, how a trustee is to determine that a distribution is

a return of capital that is allocated as principal.

**Status:** Chapter 577, Statutes of 2017

**AB-308 (Maienschein) - Procedures for litigation.**

This bill expands the notice provided to interested individuals in probate actions, specifically requiring the notice to include a description of the subject property and a description of the relief sought. Additionally, this bill clarifies the application of the Code of Civil Procedure's discovery rules to the Probate Code, by adding to the Probate Code when a petitioner may commence discovery. This bill does not expand whom discovery may be obtained from or allow discovery to commence any earlier.

**Status:** Chapter 32, Statutes of 2017

**AB-309 (Maienschein) - Testamentary additions to trusts.**

This bill provides that a written instrument executed within 60 days after the execution of the testator's will may be used to devise the testator's property as long as the trust is identified in the testator's will and its terms are set forth in the written instrument.

**Status:** Chapter 33, Statutes of 2017

**AB-1290 (Oberholte) - Lawyer-client privilege: holder of the privilege.**

This bill specifies, for purposes of the lawyer-client privilege, that if a guardian or conservator has an actual or apparent conflict of interest with the client, then the guardian or conservator does not hold the privilege.

**Status:** Chapter 475, Statutes of 2018

**AB-1739 (Chau) - Nonprobate transfers: revocable transfer on death deeds.**

This bill clarifies that the "Common Questions" language in the statutory form for a revocable transfer on death deed need not be recorded along with the deed portion of the form.

**Status:** Chapter 65, Statutes of 2018

**AB-1960 (Oberholte) - Estates and trusts: kindred: definition.**

This bill clarifies that "transferee," for purposes of California's anti-lapse statute, excludes the transferor's spouse.

**Status:** Chapter 71, Statutes of 2018

**AB-2113 (Oberholte) - Estates and trusts: guardianships.**

This bill provides that guardianship of a ward's estate terminates upon the death of the ward, except when the law provides that the guardian has certain powers and responsibilities, including conserving the estate and paying unpaid expenses.

**Status:** Chapter 73, Statutes of 2018

**AB-2236 (Maienschein) - Conservatorships.**

This bill clarifies that although a conservatorship terminates upon death of a conservatee, the conservator continues to have certain powers and responsibilities, including conserving the estate and paying unpaid expenses.

**Status:** Chapter 126, Statutes of 2018

**AB-2426 (Maienschein) - Trustee: power to terminate trust.**

This bill increases the value of a trust that a trustee may terminate without court approval from \$40,000 to \$50,000.

**Status:** Chapter 78, Statutes of 2018

**REAL PROPERTY**

**SB-1139 (Morrell) - Real property liens: equity lines of credit: suspend and close.**

This bill makes permanent a 2014 law setting forth a procedure through which a home equity line of credit may be suspended and closed in anticipation of a real estate transaction involving the property that is the collateral for the loan. The procedure serves to avoid the possibility of an unpaid balance on the home equity line of credit when the property is transferred. Absent passage of this bill, the existing law would have sunset on July 1, 2019.

**Status:** Chapter 90, Statutes of 2018

**SB-1167 (Anderson) - Eminent domain: final offer of compensation.**

This bill would have provided that if a plaintiff in an eminent domain action makes an offer on the property at issue that is lower than 85 percent of the compensation ultimately awarded to the defendant property owner in the proceeding, the court must award the defendant their litigation expenses. If the court was to find that the offer was at least 85 percent but less than 100 percent of the compensation awarded, it would have been authorized to award the defendant their litigation expenses.

**Status:** Failed passage in the Senate Judiciary Committee

**SB-1174 (Stone) - Commercial real estate: disclosures.**

This bill would have expanded the definition of substantial misrepresentation under the Real Estate Law and authorized the provision of certified commercial real property disclosures, as specified.

**Status:** Failed passage in the Senate Banking and Financial Institutions

**AB-794 (Gallagher) - County officers: recorder: record correction.**

This bill enacts procedures allowing officials in a county recorder's office to correct

errors in the index of recorded documents.

**Status:** Chapter 349, Statutes of 2017

**AB-1139 (Reyes) - Real property: transfer fees: notices.**

This bill requires anyone seeking payment of a property transfer fee to record notice that the existence of the fee may make it more difficult for the property owner or a prospective buyer to obtain financing unless the transfer fee provides a “direct benefit,” as defined, to the property in question.

**Status:** Chapter 148, Statutes of 2017

**AB-1289 (Arambula) - Real property disclosure requirements.**

This bill, which is paired with AB 2884 (Irwin, Chapter 285, Stats. 2018) through contingent enactment, updates terminology, consolidates definitions, clarifies vague provisions, and makes a series of minor modifications to the laws relating to real estate brokers and real property transactions. This bill also makes explicit that its terms must not be construed to alter any agency relationships, fiduciary duties, disclosure requirements, or supervision obligations associated with real estate brokers and real property transactions.

**Status:** Chapter 907, Statutes of 2018

**AB-2071 (Bloom) - Government immunity: accessory dwelling units: improvements: permits.**

This bill would have modified what is deemed “owner-occupied” for purposes of permitting the creation of an accessory dwelling unit (ADU). Specifically, this bill would have included as “owner-occupied” situations in which the occupant of the primary residence or the associated ADU is a disabled individual for whom the overall property is owned in trust.

**Status:** Died on the Senate Floor

**AB-3041 (Cunningham) - Real estate transfer fees: prohibition.**

This bill prohibits developers from creating new property covenants, conditions, or restrictions that force subsequent owners to pay specially designated fees every time the property is transferred, unless the fee provides a “direct benefit” to the property, as defined in federal law.

**Status:** Chapter 306, Statutes of 2018

## **TORT LIABILITY**

**SB-387 (Jackson) - The False Claims Act.**

This bill re-aligns the civil penalty provisions of California’s False Claims Act with those of the Federal False Claims Act. This re-alignment will allow California to continue

collecting a 10 percent federal incentive bonus for Medicaid-related, false claim recoveries. This bill further provides for automatic adjustments to the penalty range in accordance with federal law by indexing California's penalties to the Federal Civil Penalties Inflation Adjustment Act of 1990.

**Status:** Chapter 121, Statutes of 2017

**SB-496 (De León) - Indemnity: design professionals.**

This bill provides that a design professional, as defined, shall only have the duty to defend an indemnitee for claims against the indemnitee that arise out of, pertain to, or relate to, the negligence, recklessness, or willful misconduct of the design professional, as specified. This bill states that all provisions, clauses, covenants, and agreements contained in, collateral to, or affecting any contract for design professional services that purport to require a design professional to indemnify or defend claims against an indemnitee except as specified above shall be unenforceable. This bill specifies that a design professional's cost to defend an indemnitee shall not exceed the design professional's proportionate percentage of fault, but that in the event one or more defendants is unable to pay its share of defense costs, the design professional shall meet and confer with the other parties regarding unpaid defense costs, as specified. This bill specifies that the above provisions shall not pertain to contracts where a project-specific general liability policy insures all project participants or to written design-build joint venture agreements. This bill specifies that as used therein "indemnitee" does not include any agency of the State of California.

**Status:** Chapter 8, Statutes of 2017

**SB-718 (Anderson) - Terrorism: civil action.**

This bill would have subjected property used for committing or aiding an act of terrorism, as defined, to civil forfeiture and would have created a new cause of action through which the victim of an act of terrorism could recover damages from anyone who aided or committed an act of terrorism. Under this bill, an "act of terrorism" would have included, among others things, killing a human being, arson, felony vandalism, robbery, rape, torture, looting, and threatening others with bodily harm, if, in committing the act, the offender has the intent to intimidate or coerce the civilian population, influence the policy of a unit of government by intimidation or coercion, or affect the conduct of a unit of government by intimidation or coercion.

**Status:** Failed passage in the Senate Judiciary Committee

**SB-721 (Hill) - Contractors: decks and balconies: inspection.**

This bill institutes inspection and repair requirements to ensure specified buildings are properly maintaining and repairing their "exterior elevated elements," as defined, including balconies and decks. The bill establishes reporting requirements if repairs are

needed, specific timelines for carrying out necessary repairs, and civil penalties for certain violations of its provisions.

**Status:** Chapter 445, Statutes of 2018

**SB-819 (Hill) - Electrical and gas corporations: rates.**

This bill would have prohibited an electrical corporation from recovering a fine or penalty through a rate approved by the California Public Utilities Commission (CPUC). This bill would have prohibited an electrical corporation or gas corporation from recovering through a rate approved by the CPUC costs or expenses resulting from damages caused by the utility's electric facilities or gas facilities, if the CPUC determined that the electrical corporation did not reasonably construct, maintain, manage, control, or operate the facility and the utility's, or their agent's, unreasonable act or omission increased the risk of the plant causing those damages. This bill would have clarified that the CPUC is authorized to apportion costs between ratepayers and shareholders. This bill was vetoed by Governor Brown. In his veto message, the Governor stated his belief that this bill partially overlaps with SB 901 (Dodd, Ch. 626, Stats. 2018) and is otherwise inconsistent with it.

**Status:** Vetoed by the Governor

**SB-822 (Wiener) - Communications: broadband Internet access service.**

This bill establishes net neutrality requirements by prohibiting Internet service providers (ISPs) from taking certain actions that interfere with consumers' ability to lawfully access Internet content, including intentionally blocking content, speeding up or slowing down traffic, engaging in paid-prioritization, requiring consideration from edge providers for access to an ISP's end users, and selectively zero-rating certain content. Although the bill as it left this Committee provided for enforcement through the Consumer Legal Remedies Act, violations of these provisions are subject to enforcement through traditional mechanisms, such as California's Unfair Competition Law.

**Status:** Chapter 976, Statutes of 2018

**SB-881 (Wieckowski) - Flood control: County of Santa Clara: South San Francisco Bay Shoreline Project.**

This bill adds the South San Francisco Bay Shoreline Project of the Santa Clara Valley Water District to the list of flood control projects authorized to receive state flood control subventions reimbursements. It makes clear that the state assumes no liability for damages that may result from the project through the authorization and appropriation of subvention funds and requires the District to indemnify the state, except for liability for damages resulting from activities the State Coastal Conservancy undertakes or manages, in whole or in part, for the project.

**Status:** Chapter 685, Statutes of 2018

**SB-944 (Hertzberg) - Community Paramedicine Act of 2018.**

This bill would have enacted the Community Paramedicine Act of 2018. This bill would have authorized local EMS agencies to develop a community paramedicine program that is consistent with regulations that would be developed by the Emergency Medical Services Authority, in consultation with the Community Paramedicine Medical Oversight Committee, which would have been formed by this bill.

**Status:** Held in the Assembly Appropriations Committee

**SB-969 (Dodd) - Automatic garage door openers: backup batteries.**

This bill prohibits any person, corporation, or entity from manufacturing for sale in this state, selling, offering for sale at retail or wholesale, or installing in this state a residential automatic garage door opener that does not have a battery backup function that is designed to operate when activated because of an electrical outage. The battery backup function must operate in a manner so that the automatic garage door opener is operational without interruption during an electrical outage. Violations of this bill's provisions are subject to civil penalties of \$1000 for each opener in violation.

**Status:** Chapter 621, Statutes of 2018

**SB-1053 (Beall) - Presentation of claims: local public entities: childhood sexual abuse.**

This bill provides that the procedures authorized to be prescribed by Section 935 of the Government Code relating to claims for money or damages against local public entities do not apply to claims of childhood sexual abuse made as described in Section 905(m) of the Government Code. The bill states that it is declaratory of existing law.

**Status:** Chapter 153, Statutes of 2018

**SB-1305 (Glazer) - Emergency medical services providers: dogs and cats: immunity.**

This bill permits an emergency responder to provide basic first aid, as specified, to a dog or a cat, without being in violation of the Veterinary Medicine Practice Act. Based on who is providing the relevant care, the bill also makes clear when civil liability could attach for injuries caused.

**Status:** Chapter 900, Statutes of 2018

**SB-1394 (Newman) - Petitions: compensation for signatures.**

This bill would have made it unlawful for a person to pay or to receive money or any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition. It would have made a violation of this provision a misdemeanor and subject persons who pay based on the number of signatures obtained to civil penalties of at least \$25,000. Actions to recover such penalties could

have been brought by the Attorney General or by private, "qui tam" plaintiffs.

**Status:** Held in the Assembly Elections and Redistricting Committee

**SB-1402 (Lara) - Labor contracting: customer liability.**

In response to widespread labor violations in the port drayage industry, this bill requires the Division of Labor Standards Enforcement to post a list on its Internet Web site of the names of port drayage motor carriers with any unsatisfied final court judgments or other outstanding debts resulting from labor violations. This bill requires a customer that, as part of its business, obtains services with a port drayage motor carrier on that list, be jointly and severally liable with the motor carrier for future unpaid wages, unreimbursed expenses, damages and penalties, including applicable interest, found due to any and all commercial drivers provided, directed, or used by the motor carrier to perform port drayage services for the customer, or that are found due as civil penalties to the state, as specified.

**Status:** Chapter 702, Statutes of 2018

**SB-1431 (Morrell) - Obligations: release.**

This bill clarifies that the terms "creditor" and "debtor," as used in Sections 1541 and 1542 of the Civil Code, are interchangeable with the terms "releasing party" and "released party," respectively. These sections govern releases from legal obligations.

**Status:** Chapter 157, Statutes of 2018

**AB-1116 (Grayson) - Peer Support and Crisis Referral Services Act.**

This bill would have established the Peer Support and Crisis Referral Services Pilot Program. It would have provided that communications between emergency service personnel and a peer support team member, or a crisis hotline or crisis referral service, are confidential and shall not be disclosed in a civil, administrative, or arbitration proceeding, except as specified. This bill would have also immunized a peer support team member from liability arising from the provision of peer support services. A peer support team member would have needed to complete a peer support training course to be eligible for the protections of this bill. The course would have included topics on peer support and stress management, including a specified list of issue areas such as precrisis education, confidentiality obligations, and grief support. Governor Brown vetoed the bill, arguing that the confidentiality provisions are too broad and fail "to strike the right balance between fostering collegial trust and concealing information necessary to ensure safe and healthy workplaces." He urged a non-legislative approach to accomplishing the stated goals of increasing participation in peer support programs.

**Status:** Vetoed by the Governor

**AB-1219 (Eggman) - Food donations.**

This bill enacts the California Good Samaritan Food Donation Act, which strengthens immunity protections for the donation of food, extends this immunity protection to other

entities that donate food, rather than just food facilities, and requires local food facility enforcement officers to promote the recovery of food fit for human consumption during their routine inspections with handouts describing the immunity provisions association with the donation of food. This bill permits “food facilities” to donate food directly to end recipients.

**Status:** Chapter 619, Statutes of 2017

**AB-1480 (Quirk) - Pest control: violations and penalties: civil penalty.**

This bill authorizes the Director of the Department of Pesticide Regulation to levy a civil penalty against a person who commits fraudulent activity related to the pesticide applicator licensing process.

**Status:** Chapter 152, Statutes of 2017

**AB-1495 (Maienschein) - Civil liability: sexual abuse: children.**

This bill would have created a cause of action for child victims of sexual exploitation that provides for civil penalties of anywhere from \$10,000 and \$50,000 per unlawful act; damages, including medical and counseling expenses; injunctive relief; restitution and disgorgement; and reasonable attorneys’ fees and costs. It would also have provided for temporary restraining orders to be issued where appropriate.

**Status:** Held in the Senate Appropriations Committee

**AB-1766 (Maienschein) - Swimming pools: public safety.**

This bill provides that every public swimming pool that is required to provide lifeguard services and that charges a direct fee shall provide on its premises an automated external defibrillator (AED) that must be readily available during pool operations. It makes clear that existing law providing conditional liability protections to those acquiring or using these AEDs applies. This bill also requires the Department of Education to issue best practices guidelines related to pool safety at K-12 schools.

**Status:** Chapter 270, Statutes of 2018

**AB-2009 (Maienschein) - Interscholastic athletic programs: school districts: written emergency action plans: automated external defibrillator.**

This bill requires a school district or charter school that elects to offer an interscholastic athletic program to establish a written emergency action plan in the event of a cardiac arrest and other related medical emergencies. Such schools are required to acquire and make available an automated external defibrillator (AED) and are encouraged to ensure that an AED is available to provide emergency care or treatment within three to five minutes of an emergency. This bill also makes clear that existing law providing conditional liability protections to those acquiring or using these AEDs applies.

**Status:** Chapter 646, Statutes of 2018

**AB-2073 (Chiu) - Public nuisance: abatement: lead-based paint.**

This bill would have provided that any property owner, or agent thereof, who participates in a program to abate lead-based paint created as a result of a judgment or settlement in any public nuisance or similar litigation shall be immune from liability in any lawsuit seeking to recover inspection, abatement, or any other costs associated with that abatement program and the activities conducted pursuant to that abatement program.

**Status:** Died on the Senate Floor

**AB-2105 (Maienschein) - Punitive damages: minors.**

This bill allows for a recovery of up to three times the amount of an award in a civil action brought by, or on behalf of, or for the benefit of, a person who is a minor or nonminor dependent and is a victim of commercial sexual exploitation, “whenever a trier of fact is authorized by a statute to impose either a fine, or a civil penalty or other penalty, or any other remedy the purpose or effect of which is to punish or deter,” if that trier of fact finds any specified factors exist. It further authorizes a court to award a civil penalty of \$10,000 to \$50,000 where the trier of fact is not authorized by statute to impose a civil penalty.

**Status:** Chapter 166, Statutes of 2018

**AB-2176 (Jones-Sawyer) - Firearms.**

This bill makes various changes to the deadly weapons statutes of the Penal Code based on recommendations of the California Law Revision Commission. Most of the changes made by this bill are technical and clarifying amendments. The bill also requires additional information to be collected by law enforcement in certain situations involving the seizure of weapons. It also extends joint and several liability to a parent, guardian, or other person who accompanies a minor when purchasing tear gas or a tear gas weapon.

**Status:** Chapter 185, Statutes of 2018

**AB-2376 (Mark Stone) - Civil actions: provisional remedies: injunctions.**

This bill clarifies that taxpayer standing for purposes of Section 526a of the Code of Civil Procedure can be based on the assessment or payment of specified taxes, including an income tax, a sales and use tax initially paid by a consumer, a property tax, a property tax paid by a tenant to a landlord, or a business license tax.

**Status:** Chapter 319, Statutes of 2018

**AB-2483 (Voepel) - Indemnification of public officers and employees: antitrust awards.**

This bill would have removed a public entity’s discretion and required it to pay any judgment or settlement for treble damage antitrust awards against a member of a

regulatory board within the Department of Consumer Affairs for an act or omission occurring within the scope of the member's official capacity as a member of that regulatory board. Such treble awards would have been statutorily determined not to be punitive damages.

**Status:** Held in the Senate Judiciary Committee

**AB-2770 (Irwin) - Privileged communications: communications by former employer: sexual harassment.**

This bill codifies California defamation case law as it relates to allegations of workplace sexual harassment, making it explicit in statute that: (1) employees who report sexual harassment to their employer are not liable for any resulting injury to the alleged harasser's reputation, so long as the communication is made based on credible evidence and without malice; (2) communications between employers and anyone with an interest in a sexual harassment complaint, such as victims and witnesses, are not liable for any resulting damage to the alleged harasser's reputation, as long as the communication is made without malice; and (3) former employers are not liable for any resulting injury to a former employee's reputation if, in response to inquiries from prospective employers, the former employers indicate that they would not rehire the former employee based on a determination that the former employee engaged in sexual harassment, so long as the statement is made without malice.

**Status:** Chapter 82, Statutes of 2018

**AB-2803 (Limón) - Public nuisance: residential lead-based paint.**

This bill would have provided that residential lead-based paint that affects the health of a considerable number of persons interferes with a public right. It would have further provided that a party may be subject to liability for public nuisance if it promoted lead-based paint for a particular use with actual or constructive knowledge that such use would cause health hazards sufficiently serious to render that use unreasonable. This bill would have also allowed a plaintiff in an abatement action involving residential lead-based paint to establish causation without presenting evidence that a particular party caused a particular lead-based paint to be applied in a particular residence. Rather, causation could have been inferred from evidence that does not itself constitute direct evidence of reliance on an individual basis.

**Status:** Held in the Senate Appropriations Committee

**AB-3120 (Gonzalez Fletcher) - Damages: childhood sexual assault: statute of limitations.**

This bill would have extended the time for commencement of actions for childhood sexual assault to 40 years of age or five years from discovery of the injury; provided enhanced damages for a cover up, as defined, of the assault; and provided a three-year window in which expired claims would be revived. In his veto message, Governor

Brown extolled the virtues of statutes of limitations and expressed his hesitance to undermine Californians' reliance on them. He also asserted that the bill inequitably exempted state defendants from its provisions.

**Status:** Vetoed by the Governor

**AB-3138 (Muratsuchi) - Hazardous materials: management: civil liability.**

The goal of the California Accidental Release Prevention program (CalARP) is to reduce the risks of accidents involving regulated hazardous substances. This bill increases the penalties for violations of CalARP.

**Status:** Chapter 308, Statutes of 2018