

**2009 New Laws Workshop
Tier 2 Bills
Traffic**

**AB 91 (Feuer)
Chapter 217, Statutes of 2009**

Summary Description of New Law

Requires the Department of Motor Vehicles (DMV), subject to availability of non-state funds for the programming costs, to establish a four-county pilot program that requires a person convicted of driving under the influence to install an ignition interlock device on all vehicles he or she owns or operates.

	Existing Law	New Law	Impact on Court
1	<p>Driving under the influence: ignition interlock device.</p> <p>Requires suspension or revocation of a person’s driver’s license upon conviction of driving under the influence. Vehicle Code § 23152</p> <p>Authorizes a person whose license is suspended or revoked upon conviction of driving under the influence to receive a restricted driver’s license if specified requirements are met, including, in some instances, the installation of an ignition interlock device on the person’s vehicle. Vehicle Code § 13352</p>	<p>Driving under the influence: ignition interlock device.</p> <p>NOTE: Due to a technical drafting error, AB 91 was effectively rendered inoperative. The bill will be reintroduced as an urgency measure (AB 1358) and is expected to be enacted in early 2010, and operative July 1, 2010.</p> <p>Requires the Department of Motor Vehicles to establish a five-year pilot program in the Counties of Alameda, Los Angeles, Sacramento and Tulare that would require installation of an ignition interlock device on all vehicles owned or operated by a person convicted of driving under the influence as a condition of being issued a restricted driver’s license,</p>	<p>The courts in the counties of Alameda, Los Angeles, Sacramento and Tulare should consider notifying the defendant, at the time of sentencing or change of plea, that DMV may require them to install an ignition interlock device prior to obtaining a driver’s license.</p>

2009 New Laws Workshop
Tier 2 Bills
Traffic

Existing Law	New Law	Impact on Court
	being reissued a driver's license, or having the privilege to operate a motor vehicle reinstated subsequent to that conviction. Vehicle Code § 23700	

2009 New Laws Workshop
Tier 2 Bills
Criminal

AB 169 (Portantino)
Chapter 417, Statutes of 2009

Summary Description of New Law

Expands the list of persons who may seek to have an arrestee's blood tested for communicable diseases.

	Existing Law	New Law	Impact on Court
1	<p>Communicable disease: involuntary testing.</p> <p>Establishes procedures by which an arrestee's blood may be tested for communicable diseases, either voluntarily or by court order, when a peace officer, firefighter, or emergency medical personnel is exposed to an arrestee's blood or bodily fluids while acting within the scope of his or her duties.</p> <p>Health & Safety Code § 121060</p>	<p>Communicable disease: involuntary testing.</p> <p>Adds custodial officers, custody assistants, and non-sworn uniformed employees of a law enforcement agency to the list of persons who may seek to have an arrestee's blood tested for communicable diseases, either voluntarily or by court order, when exposed to an arrestee's bodily fluids while acting within the scope of his or her duties.</p> <p>Health & Safety Code § 121060</p>	<p>The court must revise clerk's office procedure on blood testing of arrestees for communicable diseases to add custodial officers, custody assistants and non-sworn uniformed employees of a law enforcement agency.</p>

**2009 New Laws Workshop
Tier 2 Bills
Criminal**

**AB 170 (Mendoza)
Chapter 87, Statutes of 2009**

Summary Description of New Law

Provides, until January 1, 2017, that real time transcripts, like rough draft transcripts, cannot be used, cited, distributed, or transcribed as the official certified transcript, or to contradict the official certified transcript.

Existing Law	New Law	Impact on Court
<p>1 Use of Real Time Transcripts. Provides that a transcript of court proceedings certified by an official court reporter is prima facie evidence of the court proceedings. Prohibits a rough draft transcript from being used, cited, or transcribed as the official record of the proceedings, or used or cited to rebut or contradict the official certified transcript. Code of Civil Procedure § 273</p>	<p>Use of Real Time Transcripts. Prohibits real time transcripts from being used, cited, distributed, or transcribed as the official certified transcript, and being used or cited to rebut or contradict the official certified transcript. Sunsets January 1, 2017, reverting to the now-existing law unless the sunset date is removed or extended by subsequent legislation. Code of Civil Procedure § 273</p>	<p>Courts need to advise court staff that a rough draft transcript may not be distributed as the official certified transcript of the proceedings. In addition, judicial officers, counsel and parties should be made aware that the instant visual display of the testimony or proceedings, or both, shall not be cited or used in any way or at any time to rebut or contradict the official certified transcript of the proceedings.</p>

2009 New Laws Workshop

Tier 1 Bills

Criminal

AB 250 (Miller)

Chapter 424, Statutes of 2009

Summary Description of New Law

Modifies the procedure for a criminal defendant's withdrawal of a waiver of time under speedy trial rights.

	Existing Law	New Law	Impact on Court
1	<p>Criminal procedure: withdrawal of waiver of time.</p> <p>Entitles a defendant in a criminal case to a speedy trial. Authorizes a defendant to enter a general time waiver of this right. Does not specify how a withdrawal of the waiver takes place. Specifies time for the court to set a case for trial following a withdrawal of time waiver.</p> <p>Cal. Const., Art. 1, § 13; Penal Code § 1382</p>	<p>Criminal procedure: withdrawal of waiver of time.</p> <p>Requires a defendant's withdrawal of the waiver of his or her speedy trial time limits to take place in open court. Provides, in the absence of a general time waiver or upon the withdrawal of a general time waiver, that the court set a trial date and notify the parties.</p> <p>Penal Code § 1382</p>	<p>Courts must ensure that a time waiver withdrawal is not accepted for filing through the mail or over the counter. Any defendant wishing to withdraw a general time waiver must be placed on the court's calendar.</p> <p>Once a withdrawal has been entered, the court must set a trial date within the statutory time and all parties must be notified.</p>

2009 New Laws Workshop

Tier 3 Bills

Criminal

New Law	Why New Law is Significant to Trial Courts
<p>AB 258 (Ma) Chapter 92, Statutes of 2009</p> <p>Replaces the term “primary aggressor” with “dominant aggressor” in provisions establishing liability for arrest for parties in violation of mutual domestic violence protective orders.</p>	<p>Makes Penal Code section 836 consistent with Penal Code section 13701 by changing “primary aggressor” to “dominant aggressor.” Brings to the court’s attention that when mutual protective orders exist, the dominant aggressor, not the first aggressor, will be arrested.</p>
<p>AB 265 (Cook) Chapter 93, Statutes of 2009</p> <p>Requires an elected state official to forfeit his or her office upon the conviction of a crime that involves falsely claiming having received any military decoration or medal pursuant to the federal Stolen Valor Act of 2005.</p>	<p>This change should be brought to the attention of judges, as elected state officials.</p>
<p>AB 316 (Solorio) Chapter 432, Statutes of 2009</p> <p>Requires, rather than authorizes, a judge, upon written or oral motion of any party in the case, to order that the records in a case be sealed whenever a person is convicted of a charge and the conviction is set aside because a determination was made that the person was factually innocent. Extends from six months to two years the time for filing a claim with the Victim Compensation and Government Claims Board for compensation for a wrongful conviction and imprisonment in state prison.</p>	<p>The requirement to seal the records of a person found to be factually innocent will increase clerical duties involved in the sealing of court files and sending notices to law enforcement agencies.</p>

2009 New Laws Workshop
Tier 3 Bills
Criminal

New Law	Why New Law is Significant to Trial Courts
<p>AB 576 (Torres) Chapter 454, Statutes of 2009</p> <p>Expands the definition of “victim” for purposes of eligibility for restitution by adding any governmental entity that is responsible for repairing, replacing, or restoring public or privately-owned property that has been defaced with graffiti and that has sustained an economic loss.</p>	<p>Court staff may see an increase in restitution orders that will result from adding governmental entities to the list of victims.</p>
<p>AB 688 (Eng) Chapter 465, Statutes of 2009</p> <p>Reconciles a conflict in the Penal Code regarding when an individual charged with misdemeanor domestic violence may be released on his or her own recognizance. Conforms Penal Code section 1270.1 with section 853.6 by clarifying that a peace officer may not release a person on his or her own recognizance when arrested for a misdemeanor violation of a domestic violence protective order.</p>	<p>Brings to the court’s attention that a person arrested for a misdemeanor violation of a domestic violence protective order must be brought before the court.</p>
<p>AB 750 (Bass) Chapter 372, Statutes of 2009</p> <p>Authorizes a superior court, with the concurrence of the prosecuting attorney of the county, to create a deferred entry of judgment program aimed at preventing recidivism for first-time nonviolent felony drug offenders.</p>	<p>Courts will need to be aware of this program if their county elects to participate. A participating court would be required to assume specific responsibilities and duties as prescribed in this measure.</p>

2009 New Laws Workshop
Tier 3 Bills
Criminal

New Law	Why New Law is Significant to Trial Courts
<p>AB 1003 (J. Pérez) Chapter 498, Statutes of 2009</p> <p>Revises grant provisions for grants administered by California Emergency Management Agency for domestic violence programs affecting the gay, lesbian, bisexual, and transgender communities.</p>	<p>Court officials should be made aware that this measure expands the California Emergency Management Agency’s “Equality in Prevention and Services for Domestic Abuse” grant program and creates a competitive bid process. Local grants may be used to fund court advocacy and services to assist domestic violence victims.</p>
<p>AB 1516 (Lieu) Chapter 297, Statutes of 2009</p> <p>Allows the court to order a defendant or juvenile, upon timely request of the prosecution, to submit to an examination by a prosecution-retained mental health expert whenever the defendant or respondent places his or her mental state in issue at any phase of the criminal action or juvenile proceeding through the proposed testimony of any mental health expert. Requires the court to determine that the proposed tests bear some reasonable relation to the mental state placed in issue by the defendant or minor before ordering the defendant to submit to the examination.</p>	<p>Bench officers should be aware that the prosecution is required to submit a list of proposed tests and the court is required, if requested by defense counsel, to make a determination that the tests bear some relation to the mental state placed in issue.</p>
<p>SB 324 (Cedillo) Chapter 581, Statutes of 2009</p> <p>Authorizes the court, upon law enforcement request and consent from the specific registrants, to consider a motion to have forfeited counterfeit goods, excluding recordings or audiovisual works, donated to a nonprofit organization for</p>	<p>When a motion is filed for the court to consider having the forfeited counterfeit goods donated, depending upon a court’s practice, either of the following could occur:</p> <ul style="list-style-type: none">• The motion would be calendared for hearing. At the hearing when the judge makes the order, it would be recorded in the minutes by the courtroom clerk; or

2009 New Laws Workshop

Tier 3 Bills

Criminal

New Law	Why New Law is Significant to Trial Courts
<p>the purpose of distributing the goods to persons living in poverty at no charge to the individuals served by the organization.</p>	<ul style="list-style-type: none">• The motion would be given directly to the judge. The judge would make the order and sign it. <p>In either scenario, the judge's order would be entered into the case management system.</p>
<p>SB 598 (Huff) Chapter 193, Statutes of 2009</p> <p>Requires the Department of Motor Vehicles (DMV) to advise a person convicted of a second or third driving under the influence offense (DUI) that he or she may receive a restricted license if he or she shows verification of installation of a certified ignition interlock device and pays a fee sufficient to include the costs of administration. Requires DMV to suspend for two years the license of a person convicted of a second DUI within 10 years of the first conviction if the person was found to be under the influence of any drug or combination of drug and alcohol. Directs the DMV to advise the person that after 12 months of the license suspension, the person may apply for a restricted license if he or she shows verification of installation of a certified ignition interlock device and pays a fee sufficient to include the costs of administration. Requires DMV to suspend for three years the license of a person convicted of a third DUI within 10 years of the first two convictions if the person was found to be under the influence of any drug or combination of drug and alcohol. Directs the DMV to advise the person that after 12 months of the license suspension, the person may apply</p>	<p>Allows the court to stay current with DMV policies as it relates to convictions of driving under the influence offenses.</p> <p>Authorizes a person convicted of a third DUI to petition the court at any time after sentencing for referral to licensed 18-month driving-under-the-influence program or, if available in the county of the person's residence or employment, a licensed 30-month driving-under-the-influence program pursuant to Section 11836 of the Health & Safety Code. Unless good cause is shown, the court shall order the referral.</p>

2009 New Laws Workshop

Tier 3 Bills

Criminal

New Law

for a restricted license if he or she shows verification of installation of a certified ignition interlock device and pays a fee sufficient to include the costs of administration. Allows the person convicted of a third DUI to petition the court at any time after sentencing for referral to a licensed 18-month DUI program or, if available in the county of residence or employment, a licensed 30-month DUI program pursuant to Section 11836 of the Health and Safety Code. Unless good cause is shown, the court shall order the referral. Becomes operative July 1, 2010.

Why New Law is Significant to Trial Courts

SB 669 (Hollingsworth)

Chapter 61, Statutes of 2009

Provides that, in a trial to determine whether a person committed to the custody of the State Department of Mental Health as a sexually violent predator is still a sexually violent predator, the court shall instruct the jury that failure to participate in or complete the prescribed sex offender treatment may, if proved, be considered evidence that a person's condition has not changed.

Bench officers must be aware that proof that a sexually violent predator has not participated or completed treatment may be used as evidence that the person's condition has not changed. At a trial for conditional release or discharge, the jury must be so instructed.

2009 New Laws Workshop
Tier 2 Bills
Criminal

SB 150 (Wright)
Chapter 171, Statutes of 2009

Summary Description of New Law

Conforms California's sentencing enhancement statutes with the sentencing changes enacted in 2007 in response to *Cunningham v. California* (2007) 549 U.S. 270. Requires the court to impose the enhancement that best serves the interests of justice.

	Existing Law	New Law	Impact on Court
1	<p>Sentencing: selection of term of enhancement.</p> <p>Requires the court to impose the middle term, when an enhancement carries an additional penalty of a lower, middle, or upper term of years, unless there are circumstances in aggravation or mitigation.</p> <p>Penal Code §§ 186.22, 186.33, 12021.5, 12022.2, 12022.4</p>	<p>Sentencing: selection of term of enhancement.</p> <p>Provides that, where a sentence enhancement statute prescribes a lower, middle, or upper term, the choice of term will be within the court's discretion. Requires the court to state its reasons for its sentencing choice on the record. Sunsets January 1, 2011.</p> <p>Penal Code §§ 186.22, 186.33, 12021.5, 12022.2, 12022.4</p>	<p>Judicial officers need to be aware of the change in sentencing practice for specified enhancements. Rules may change to comply with the statute.</p>

2009 New Laws Workshop

Tier 2 Bills

Criminal

SB 174 (Strickland)
Chapter 35, Statutes of 2009

Summary Description of New Law

Makes several technical changes to various code sections, including posting of bail on traffic violations.

	Existing Law	New Law	Impact on Court
1	<p>Infractions: deposit of bail.</p> <p>Provides that a person who has received a written notice to appear may make a deposit of bail and declare his or her intent to plead not guilty.</p> <p>Vehicle Code § 40519</p>	<p>Infractions: deposit of bail.</p> <p>Clarifies that a deposit of bail under this section does not constitute the entry of a plea or a court appearance. Requires the entry of a plea before the court at the time of arraignment.</p> <p>Vehicle Code § 40519</p>	<p>Courts need to update Notices to Appear to include this information and inform court staff and judicial officers of new provisions.</p>

2009 New Laws Workshop
Tier 2 Bills
Criminal

SB 197 (Pavley)
Chapter 567, Statutes of 2009

Summary Description of New Law

Extends the use of conditional examination by the prosecution or the defendant in certain domestic violence cases.

	Existing Law	New Law	Impact on Court
1	<p>Domestic violence proceedings: conditional examination of witnesses.</p> <p>Authorizes conditional examination of a witness by the defendant in all cases, and by the prosecution in cases where the punishment may be other than death, if the defendant is charged with a serious felony and there is evidence that the life of the witness is in jeopardy, and in certain other circumstances.</p> <p>Penal Code §§ 1335, 1337</p>	<p>Domestic violence proceedings: conditional examination of witnesses.</p> <p>Extends the use by the prosecution of conditional examination of a witness to include a domestic violence case where there is evidence that the life of a witness is in jeopardy or that a victim or material witness has been dissuaded from testifying by the defendant or any person acting on behalf of the defendant. Provides that the court may decline to admit conditional examination testimony at trial if the witness's unavailability was caused or procured by the party seeking its admission.</p> <p>Penal Code §§ 1335, 1337, 1345</p>	<p>Judges and courtroom staff will need to be made aware that this additional situation could give rise to conditional examination, in which evidence is presented at trial by media such as video tape, two-way communication, or written verbatim testimony with the defendant able to cross-examine.</p>

2009 New Laws Workshop
Tier 1 Bills
Criminal

SB 318 (Calderon)
Chapter 302, Statutes of 2009

Summary Description of New Law

Authorizes the prosecution to petition to forfeit any property acquired through the crime of dog fighting.

Existing Law	New Law	Impact on Court
<p>1 Dog fighting: forfeiture of assets. Makes it a felony to own or train a dog with the intent that the dog will be engaged in an exhibition of fighting with another dog or, for amusement or gain, cause any dog to fight with or injure another dog. Penal Code § 597.5</p>	<p>Dog fighting: forfeiture of assets. Subjects to forfeiture any tangible or intangible property interest acquired through the commission of any dog fighting crime. Authorizes a prosecuting agency in a criminal dog fighting proceeding to, in conjunction with the criminal proceeding, file a petition for forfeiture of any eligible property. Penal Code § 598.1</p>	<p>Courts need to create procedures for filing of the petition, and create courtroom procedures related to requests for restraining orders, preliminary injunctions, or appointment of receiver to preserve the property. Court procedures are also necessary for conduct of forfeiture trials and making specified findings and orders, including the distribution of proceeds to interested parties. Courts need to ensure that a forfeiture hearing is scheduled for after conviction of dog fighting crimes, which may be heard by the same jury, a new jury or a jury may be waived by all parties. Courts should create minute order entries as appropriate.</p>

2009 New Laws Workshop
Tier 1 Bills
Criminal

SB 431 (Benoit)
Chapter 588, Statutes of 2009

Summary Description of New Law

Clarifies and mandates the procedures courts and probation departments shall follow upon a determination that a person released on probation in one county permanently resides in another county.

Existing Law	New Law	Impact on Court
<p>1 Probation: transfer of jurisdiction. Authorizes, but does not require, that probation supervision be transferred to a court in another county if the probationer permanently resides in that other county.</p> <p>Gives the court in the county where the probationer is found to reside the discretion to either accept full legal jurisdiction of the case or allow its probation department to supervise the case on a courtesy basis.</p> <p>Penal Code § 1203.9</p>	<p>Probation: transfer of jurisdiction. Requires a court, when granting probation to an individual who is found to permanently reside in a county other than the county of conviction, to transfer legal jurisdiction of the case to the county in which that person permanently resides, unless the court determines on the record that the transfer would be inappropriate. Requires the court in the county of the probationer’s residence to accept legal jurisdiction over the case. Eliminates the concept of courtesy supervision.</p> <p>Requires the Judicial Council to adopt rules of court providing factors for the court’s consideration when determining the appropriateness of a transfer and setting forth procedures</p>	<p>Judicial officers need to be informed that the transfers are mandatory unless the court in the county of conviction determines that transfer is inappropriate. If it is inappropriate, the reasons are to be stated on the record.</p> <p>When the court makes the order, the order is to be recorded in the minutes.</p>

2009 New Laws Workshop
Tier 1 Bills
Criminal

Existing Law	New Law	Impact on Court
	for the transfers.	
	Penal Code § 1203.9	

2009 New Laws Workshop
Tier 2 Bills
Criminal

SB 676 (Wolk)
Chapter 606, Statutes of 2009

Summary Description of New Law

Authorizes increases in local fees for processing of various post judgment criminal matters.

	Existing Law	New Law	Impact on Court
1	<p>Registration fee: defendant represented by court appointed counsel.</p> <p>Allows a county board of supervisors to pass a resolution or ordinance to establish a registration fee, not to exceed \$25, to be paid by defendants represented by court-appointed counsel. Penal Code § 987.5</p>	<p>Registration fee: defendant represented by court appointed counsel.</p> <p>Permits the registration fee to be increased to \$50. Penal Code § 987.5</p>	<p>No change to court procedure except to charge the new fee, if increased by county board of supervisors.</p>
2	<p>Restitution: condition of probation.</p> <p>Requires the probation department to forward restitution payments to a victim within specified time periods. Allows for an administrative cost of 10% of the amount ordered to be paid to be charged for collection of payments. Penal Code § 1203.1</p>	<p>Restitution: condition of probation.</p> <p>Includes the court within the requirements to forward restitution payments within specified time limits. Increases the administrative cost to up to 15% of the amount ordered to be paid. Specifies the percentage of collection costs is to be set by county board of supervisors resolution if restitution is collected</p>	<p>If a court collects restitution payments, the amount of the administrative costs to be charged must be determined. Procedures will need to be developed to ensure payments are forwarded to victims timely.</p>

2009 New Laws Workshop

Tier 2 Bills

Criminal

Existing Law	New Law	Impact on Court
	by the county; fee is distributed to county general fund. Specifies the administrative cost is to be set by the court if collected by the court and distributed to the Trial Court Operations Fund. Penal Code § 1203.1	
<p>3 Costs of probation. Makes provisions for a defendant convicted of an offense to pay costs of probation or for preparation of pre-plea or pre-sentence reports. Allows a county board of supervisors to establish a fee not to exceed \$50 to process installment payments for costs of probation. Penal Code § 1203.1b</p>	<p>Costs of probation. Allows the board of supervisors to increase the fee, not to exceed \$75. Penal Code § 1203.1b</p>	<p>Courts should be aware of the correct fee amount to be ordered.</p>

2009 New Laws Workshop

Tier 2 Bills

Criminal

4 **Reimbursement costs: costs for services rendered.**

Allows a court, county, or city to charge a defendant for actual costs of services rendered (not to exceed \$120) when petitioning the court to change a plea or set-aside a verdict and dismiss the case, or to petition the court to seal the record of a misdemeanor committed by a minor.
Penal Code §§ 1203.4, 1203.45

Reimbursement costs: costs for services rendered.

Allows the fee to be increased by the court, county or city, not to exceed \$150.

Penal Code §§ 1203.4, 1203.45

Courts should be aware of new costs determined by board of supervisors or city councils for these situations. Court costs should be re-examined to determine if they need to be increased. Court staff should be made aware of increased fees.

**2009 New Laws Workshop
Tier 1 Bills
Criminal**

**SBX3 18 (Ducheny)
Chapter 28, Statutes of 2009**

**SB 678 (Leno)
Chapter 608, Statutes of 2009**

Summary Description of New Law

SBX3 18 and SB 678 create the California Community Corrections Performance Incentive Act, which provides fiscal incentives for evidence-based probation supervision. SBX3 18 also includes, among other things, the Parole Reentry Accountability Program, which requires creation of a Parolee Reentry Court Program designed to divert parole violators from prison through use of collaborative courts that provide judicial supervision and services for certain parole violators. NOTE: SBX3 18 takes effect on the 91st day following the adjournment of the Third Extraordinary Session (not adjourned as of October 31, 2009).

	Existing Law	New Law	Impact on Court
1	<p>Community corrections performance incentive program. Defines “probation” as the suspension of the imposition or execution of a sentence, and the order of conditional and revocable release in the community under the supervision of a probation officer. Penal Code § 1203(a) Allows the court to impose and require any reasonable conditions of probation serving the interests of justice and the “reformation and rehabilitation” of the probationer.</p>	<p>Community corrections performance incentive program. Creates the California Community Corrections Performance Incentive Act to provide sustainable funding for improved, evidence-based probation supervision practices and capacities to improve public safety outcomes among adult felons who are on probation. Penal Code §§ 1228, 1229, 1230</p>	<p>Every county is authorized, but not required, to operate such programs. For those that do, the community corrections program is to be developed and implemented by probation, and advised by a local community corrections partnership, chaired by the chief probation officer of the county, and including the presiding judge of the superior court, sheriff, chief of police, public defender, district attorney, member of the board of supervisors or chief administrative officer of the county, mental health agency, county</p>

**2009 New Laws Workshop
Tier 1 Bills
Criminal**

Existing Law	New Law	Impact on Court
<p>Provides that the court may modify the terms or revoke probation should the probationer violate any terms or conditions imposed by the court in the matter. Penal Code § 1203.1(j)</p>		<p>substance abuse agency, county social services agency, and other county and justice system partners.</p> <p>Requires the AOC to work with chief probation officers to establish minimum outcome based measures to gauge the success or failure of the program. New rules of court may be developed to implement the program.</p> <p>Program sunsets on January 1, 2015.</p>
<p>2 Community corrections: financial incentives formula.</p> <p>N/A</p>	<p>Community corrections: financial incentives formula.</p> <p>Provides a formula-based system for sharing state savings with probation to improve supervision of felony probationers when those savings are achieved as a result of reduced prison admissions attributable to improved felony probation outcomes. Penal Code § 1231</p>	<p>A baseline failure rate formula is to be calculated by Department of Finance based on reports submitted by the Administrative Office of the Courts and the Department of Corrections and Rehabilitation.</p>
<p>3 Community corrections: tracking and reporting requirements.</p>	<p>Community corrections: tracking and reporting requirements.</p> <p>Requires each participating county to</p>	<p>Courts may be asked to submit data on outcome measures, including:</p>

2009 New Laws Workshop
Tier 1 Bills
Criminal

Existing Law	New Law	Impact on Court
N/A	identify and track specific outcome-based measures, and report to the Administrative Office of the Courts on the effectiveness of the programs paid for by the Incentive Act. Penal Code § 1231	<ol style="list-style-type: none"> 1) Number of felony filings; 2) Number of felony convictions; 3) Number of felony convictions that resulted in state prison sentence; 4) Number of felony convictions placed on probation; 5) Number of adult felony probationers; 6) Number of felony probations revoked and sent to state prison; 7) Number of felony probationers sent to state prison on a new offense, including a probation termination or revocation.
4 Parolee reentry court program. N/A	Parolee reentry court program. Requires the Judicial Council, in collaboration with the California Department of Corrections and Rehabilitation (CDCR), to establish a Parolee Reentry Court Program to direct the treatment and supervision	Creates a new collaborative court program for parolees with mental health and substance abuse issues. Requires courts to develop new procedures for clerk's office and courtroom to handle the new cases. New local forms specific to the program need to be created, and

2009 New Laws Workshop

Tier 1 Bills

Criminal

Existing Law	New Law	Impact on Court
	of eligible parolees who would benefit from community drug treatment or mental health treatment. Penal Code § 3015	courts may be required to develop specific wording for minute order entries.
5 Parolee reentry court program. N/A	Parolee reentry court program. Requires the Judicial Council, in collaboration with CDCR, to design and perform an evaluation of the program to assess its effectiveness in reducing recidivism among parolees and reducing parole revocations, and to report those results no later than three years after establishment of a reentry court under this program. Penal Code § 3015	The participating courts will be required to provide specified data to be used for evaluation of the program.

2009 New Laws Workshop

New Crimes/Expanded Crimes

Bill Number	Code Section	Offense
AB 17 (Swanson)	PEN 186.2, 186.8, 266k, 13837	Human trafficking. Includes abduction or procurement of a person by fraudulent inducement for prostitution within the definition of criminal profiteering activity. Increases the maximum amount of additional fine to \$20,000 for any person convicted of procurement of a child under 16 years of age and authorizes the court to order a defendant convicted of abducting a person under 18 years of age for the purpose of prostitution to pay an additional fine of \$20,000. Requires that 50% of those fines, collected and deposited in the Victim-Witness Assistance Fund, be provided to community-based organizations that serve minor victims of human trafficking. Took effect on October 11, 2009, as an urgency statute.
AB 22 (Torres)	PEN 502	Computer hacking. Increases the punishment for conviction of various computer hacking crimes from a maximum fine of \$10,000 to a maximum fine of \$12,000.
AB 27 (Jeffries)	PEN 451.5	Aggravated arson: punishment. Raises the monetary loss threshold for aggravated arson from \$5.65 million to \$6.5 million, and extends the sunset date until January 1, 2014.
AB 58 (Jeffries)	PEN 336.9	Sports betting pools. Makes it an infraction instead of a misdemeanor, punishable by a fine not to exceed \$250, to participate in a "sports betting pool." Defines a

2009 New Laws Workshop

New Crimes/Expanded Crimes

Bill Number	Code Section	Offense
		sports betting pool as a betting pool that is not operated for financial gain or hire, other than the amount at stake under conditions available to every participant in the pool.
AB 62 (Portantino)	VEH 27602	Vehicles: television broadcast or video signal displays. Exempts from existing prohibitions against driving with a video display in the front seat of a car any video equipment that is designed, operated, and configured in a manner that prevents the driver from viewing the broadcast or signal while operating the vehicle in a safe and reasonable manner.
AB 134 (Blakeslee)	VEH 1803, 12810, 38304.1	Vehicles: off-highway motor vehicles. Prohibits a parent, guardian, or other authorized adult from granting permission to or knowingly allowing a child who is under age 14 to operate an off-highway motor vehicle on which the child cannot reach the controls necessary to safely operate the vehicle. Expands the Vehicle Code violations that the clerk of a court is required to report to the Department of Motor Vehicles to include violations of special regulations with respect to operating a vehicle on public lands, local ordinances prohibiting entry into mountain fire districts, and proper supervision requirements for a child under 14 years of age operating an off-highway vehicle or an all-terrain vehicle. Provides that an off-highway vehicle violation will not result in a point count on a driver's record. Requires the court to impose a fine of \$35 for the first conviction, between \$35 and \$50 for the second conviction, and

2009 New Laws Workshop

New Crimes/Expanded Crimes

Bill Number	Code Section	Offense
		between \$50 and \$75 for the third or subsequent conviction.
AB 144 (Ma)	PEN 1465.6; VEH 4461, 4463, 22511.57, 40200.1, 40203.5, 40203.6, 42001.13	Vehicles: distinguishing placards and special license plates. Expands city and county authority to cite parking violations involving disabled placards to allow them to be cited civilly, rather than as misdemeanors.
AB 166 (Lieu)	H&N 525, 526	Vessels: abandonment: abatement. Increases the minimum fine from \$500 to \$1,000 for a person who abandons a vessel on a public waterway, or on public or private property, without the consent of the owner. Sunsets on January 1, 2014.
AB 242 (Nava)	PEN 597.5	Dog fighting. Increases the penalty for the crime of being a spectator at a dog fight to a misdemeanor punishable by imprisonment in a county jail not to exceed one year (rather than six months) or by a fine not to exceed \$5,000 (rather than \$1,000) or by both imprisonment and fine.
AB 269 (Silva)	ELEC 18562.5	Elections: corruption of voting. Makes it a misdemeanor for a member of the public observing election procedures to willfully engage in conduct to find out a voter's identity or a voter's ballot choices.
AB 305 (Nava)	CCP 338.1; H&S 25515	Hazardous materials: statute of limitations: penalties. Adds the punishment of imprisonment in county jail to the existing

2009 New Laws Workshop

New Crimes/Expanded Crimes

Bill Number	Code Section	Offense
		punishment of a \$50,000 fine for a person found guilty of knowingly failing to report an oil spill or knowingly making a false or misleading report of an oil spill occurring in state waters.
AB 370 (Eng)	B&P 7028, 7028.16	Unlicensed contractors. Modifies the penalty for conducting business as a contractor without a license. Provides that the first conviction is punishable by a fine not to exceed \$5,000 or by imprisonment in county jail for not more than six months, or by both that fine and imprisonment; a second conviction is punishable by a fine of 20 percent of the aggregate payments made to the business operating as a contractor without a license, or \$5,000, whichever is greater; a third or subsequent conviction is punishable by a fine of not less than \$5,000 nor more than the greater amount of \$10,000 or 20 percent of the aggregate payments made to, or at the direction of, the unlicensed contractor, and by imprisonment in county jail for not more than one year or less than 90 days.
AB 388 (Miller)	PEN 538e	Firefighting uniforms. Makes it a misdemeanor, punishable by a fine not to exceed \$1,000, for a vendor of firefighting uniforms to fail to verify that a person purchasing a firefighting uniform is an employee or authorized member of the agency or department identified on the uniform.
AB 412 (Carter)	PEN 11411	Hate crimes: nooses. Makes it a misdemeanor, punishable by imprisonment in county jail not

2009 New Laws Workshop

New Crimes/Expanded Crimes

Bill Number	Code Section	Offense
		to exceed one year, or by a fine not to exceed \$5,000, or both, to hang a noose without authorization on the property of another or on the property of a school, park, or place of employment, knowing it to be a symbol representing a threat to life, for the purpose of terrorizing the owner or occupant, or in reckless disregard of the risk of terrorizing the owner or occupant.
AB 515 (Hagman)	VEH 14602.6	Collateral recovery: tow vehicles. Makes it a misdemeanor, punishable by a fine of \$2,000, for a tow yard to knowingly release a vehicle before the mandatory 30-day impound.
AB 561 (Carter)	PEN 241.5, 243.65	Highway workers: assault and battery. Expands the definition of "highway worker," for purposes of defining the offense of assault or battery upon a highway worker, to include a contractor or employee of a contractor while under contract with the California Department of Transportation, or an employee of a local government, who performs maintenance, repair, or construction of highways, local streets, or road infrastructure.
AB 708 (Huffman)	F&G 12012, 12013, 12154, 12157	Fish and wildlife: poaching. Increases the fine to not less than \$5,000, nor more than \$40,000, or imprisonment in the county jail for not more than one year, or by both that fine and imprisonment, for taking or possessing excess birds, mammals, fish, amphibians, or reptiles. Requires that 50 percent of the revenue from the fine be deposited in the Fish and Game Preservation

2009 New Laws Workshop

New Crimes/Expanded Crimes

Bill Number	Code Section	Offense
		Fund and 50 percent of the revenue be paid to the office of the Attorney General, city attorney, city prosecutor, or district attorney that brought the action.
AB 714 (Feuer)	PEN 12020.1	Composite knuckles. Recasts the misdemeanor provisions relating to “hard knuckles” to replace the term “hard plastic knuckles” with “composite knuckles” and adds possession to the existing prohibitions on commercial manufacture, importation for commercial sale or commercial sale of hard plastic, hard wooden or composite knuckles.
AB 870 (Huber)	PEN 626.10	Crime: school grounds: prohibited weapons. Makes it a misdemeanor to bring or possess a razor blade or box cutter onto school grounds.
AB 962 (de León)	PEN 12060, ET SEQ., 12316, 12317, 12318	Ammunition. Makes it a misdemeanor, commencing February 1, 2011, for certain ammunition vendors to fail to obtain a thumb print and other information from ammunition purchasers. Makes it a misdemeanor for a vendor to fail to maintain records of the sale or transfer of ammunition on the premises for five years from the date of the transaction. Makes it a misdemeanor for a person enjoined from engaging in activity associated with a criminal street gang to have under his or her possession, custody, or control, any ammunition. Makes it a misdemeanor to supply or deliver handgun ammunition to

2009 New Laws Workshop

New Crimes/Expanded Crimes

Bill Number	Code Section	Offense
		specified prohibited persons by persons who know, or by using reasonable care should know, that the recipient is a person prohibited from possessing ammunition or is a minor prohibited from possessing ammunition. Makes it a misdemeanor, commencing February 1, 2011, subject to certain exceptions, to deliver or transfer ownership of handgun ammunition in other than a face-to-face transaction, and without the seller, deliverer or transferor being provided bona fide evidence of identity of the purchaser or other transferee.
AB 1015 (Torlakson)	PEN 381c	Nitrous oxide: prohibit sale to minors. Makes it a misdemeanor for a person to sell or furnish to a person under the age of 18 a canister or device containing nitrous oxide or a chemical compound mixed with nitrous oxide. Requires the court to consider ordering a person convicted of this offense to perform community service as a condition of probation. Requires the court, effective July 1, 2010, to order the suspension of the business license, for a period of up to one year, of a person who knowingly violates this provision after having been previously convicted of the same offense, unless the owner of the business license can demonstrate a good faith attempt to prevent illegal sales or deliveries by the owner's employees.
SB 18 (Oropeza)	PEN 368	Elder or dependent adult abuse. Increases from \$6,000 to \$10,000, the maximum fine for a second or subsequent conviction of elder abuse involving placing an elderly or dependent adult in a harmful position in a manner likely to produce

2009 New Laws Workshop

New Crimes/Expanded Crimes

Bill Number	Code Section	Offense
		great bodily injury or death. Increases the maximum fine for a second or subsequent conviction of elder abuse involving placing an elderly or dependent adult in a harmful position in a manner not likely to produce great bodily injury or death from \$2,000 to \$5,000.
SB 24 (Oropeza)	PEN 487h	Grand theft: cargo. Eliminates the sunset clause on the law that defines cargo theft as a separate, and separately monitored, form of grand theft. Clarifies that the elements of cargo theft are the same as the elements of grand theft.
SB 135 (Oropeza)	PEN 597h	Animal abuse: cattle: tail docking. Makes it a misdemeanor for any person to cut the solid part of the tail of any animal of the bovine species.
SB 150 (Wright)	PEN 186.22, 186.33, 1170.1, 12021.5, 12022.2, 12022.4	Sentencing. Provides that where a court imposes a sentence enhancement with a lower, middle, or upper term, the choice of term will be within the court's discretion. Requires the court to state its reasons for its sentencing choice on the record.
SB 239 (Pavley)	PEN 532f	Mortgage fraud. Creates the offense of mortgage fraud, a violation of which would be a public offense punishable by imprisonment in state prison or in county jail for not more than one year. Provides that mortgage fraud may only be prosecuted when the value of the alleged fraud meets the threshold

2009 New Laws Workshop

New Crimes/Expanded Crimes

Bill Number	Code Section	Offense
		for grand theft.
SB 240 (Wright)	VEH 21809	Vehicles: Department of Transportation vehicles. Eliminates the sunset clause and makes permanent the requirement that a driver approaching an emergency vehicle or tow truck with its lights flashing move to a lane that is not adjacent to the stationary vehicle or, if changing lanes would be unsafe, slow to a reasonable and prudent speed. Expands the requirement to include certain Department of Transportation vehicles.
SB 492 (Maldonado)	PEN 653b	Loitering: criminal street gangs. Provides that a person required to register as a gang member who loiters on school grounds shall be punished as follows: (1) for a first offense by a fine not to exceed \$1,000 or one year in jail; (2) for a second offense by a fine not to exceed \$2,000 or one year in jail, and the court shall consider at least 10 days imprisonment; and (3) for a third offense by a fine not to exceed \$2,000 or one year in jail, and the court shall consider at least 90 days imprisonment.
SB 627 (Calderon)	B&P 21610	Catalytic converters: junk dealers and recyclers. Makes it a misdemeanor, punishable by a fine not to exceed \$1,000 for a first offense and by a fine not to exceed \$2,000 for a second offense, to fail to follow guidelines regarding automobile “core recyclers.”

2009 New Laws Workshop

New Crimes/Expanded Crimes

Bill Number	Code Section	Offense
SB 748 (Leno)	PEN 14029.5	Witness Relocation and Assistance Program. Makes it a misdemeanor to post the home address, the telephone number, or personal identifying information that discloses the location of any witness or witness family member participating in the Witness Relocation and Assistance Program with the intent that another person imminently use that information to commit a crime involving violence or a threat of violence against that witness or witness' family member. Authorizes an action for civil damages for a violation of these provisions.
SBX3 18 (Ducheny)	Various	Corrections. Increases the monetary threshold for numerous theft and property crimes for determining whether they may be punishable as felonies. Examples include writing a bad check in an amount greater than \$450, rather than \$200; and, theft of personal property valued at \$950 rather than \$400.