

New Law Workshop



PRESENTED BY:

CCA Legislation Committee

December 2, 2022



2022 New Law Workshop

Welcome!

Originally formed in 1952, the mission of the California Court Association (CCA) is to provide a forum for education and best practices in the development of court professionals. CCA has numerous committees working to continue the vision that began 70 years ago. One of those committees is the Legislation Committee. The committee is comprised of a court executive officer, assistant court executive officers, directors, managers, supervisors, attorneys, and analysts from Butte, Kern, Los Angeles, Marin, Nevada, Placer, Riverside, Sacramento, San Bernardino, San Mateo, Solano and Sonoma, as well as a representative from the Judicial Council. The Legislation Committee independently identifies legislation that may impact trial courts. The committee then analyzes the bills, looking for implementation issues, fiscal issues, and areas of confusion. Issues and challenges are brought to the Judicial Council's Office of Governmental Affairs.

In 2022 the Legislature resumed their normal productivity level after two consecutive sessions impacted by the COVID-19 pandemic. The legislature introduced 2,353 bills in 2022. Of those, 1,442 were sent to the Governor for his signature (compared with 1,104 bills in 2021), 169 were vetoed and **1,273** were signed into law (compared with 1,038 in 2021).

CCA's New Law Workshop is designed to help court professionals navigate the legislative changes by focusing on those bills that have an impact on trial courts. Over 250 bills are covered in this report. During this year's virtual New Law Workshop, the Legislation Committee members will summarize bills impacting administration, civil, criminal-traffic, family, juvenile, and probate. The workshop goals are to: (1) share the knowledge of the Legislation Committee, (2) promote uniform implementation practices and procedures in the trial courts, (3) resolve issues of mutual concern, and (4) promote cooperation. At the end of the workshop, participants should have a thorough knowledge of the laws impacting their courts.

Jodi Leveque and Robert Oftring
Co-Chairs, CCA Legislation Committee



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NEW LAW WORKSHOP AGENDA

9:00-12:00 **Welcome**
..... Administration Bills
..... Juvenile Bills

12:00-1:00 **Lunch Break**

Breakout into two concurrent sessions:

1:00-4:00 Criminal Bills

OR

1:00-4:00 Civil Bills
..... Family Law Bills
..... Mental Health Bills
..... Probate Bills

The California Court Association’s Legislation Committee thanks you for your participation and attendance at this Virtual New Law Workshop!



Legislation Committee Roster

	TEAM	SPECIALTY AREAS
Co-Chairs		
Jodi Leveque Asst Court Executive Officer ♦ Sonoma Superior Court 600 Administrative Dr. ♦ Santa Rosa, CA 95403 JLeveque@sonomacourt.org	Criminal-Traffic	Criminal, Traffic, DUI
Robert Oftring Media and Legislative Affairs Administrator ♦ Los Angeles Superior Court 111 N. Hill Street ♦ Los Angeles, CA 90012 ROftring@lacourt.org	Administration	Administration
Members		
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Robyn Bullington Supervising Civil Law Facilitator ♦ Sacramento Superior Court 720 9 th Street ♦ Sacramento, CA 95814 bullinr@saccourt.ca.gov	Civil-Small Claims	Civil
Shelley Coffey Courtroom Operations Manager ♦ Kern Superior Court 14145 Truxtun Ave. ♦ Bakersfield, CA 93301 Shelley.Coffey@kern.courts.ca.gov	Juvenile	Juvenile, Criminal, Appeals
Holly Dodge Operations Manager ♦ Placer Superior Court 10820 Justice Center Drive ♦ Roseville, CA 95678 hdodge@placer.courts.ca.gov	Administration	Administration, Family, Juvenile
Dana Dowse Human Resources Manager ♦ Nevada Superior Court 201 Church Street ♦ Nevada City, CA 95959 ddowse@nccourt.net	Administration	Administration
Erin Duncan District Manager ♦ San Bernardino Superior Court 14455 Civic Dr. ♦ Victorville, CA 92392 eduncan@sb-court.org	Criminal-Traffic	Criminal, Traffic, Administration

Legislation Committee Roster

	TEAM	SPECIALTY AREAS
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<p>Sheri Gulino Probate Director ♦ Riverside Superior Court 4050 Main Street ♦ Riverside, CA 92501 sheri.gulino@riverside.courts.ca.gov</p>	Probate	Probate, Administration
<p>Sarah Lind Deputy Court Exec Officer ♦ San Mateo Superior Court 400 County Center ♦ San Mateo, CA 94063 slind@sanmatecourt.org</p>	Criminal-Traffic	Criminal
<p>Sara MacCaughey Assistant Court Executive Officer ♦ Solano Superior Court 600 Union Avenue ♦ Fairfield, CA 94533 SJMacCaughey@solano.courts.ca.gov</p>	Family	Family, Juvenile, Probate
<p>Jamie Newbold Supervising Research Attorney ♦ Marin Superior Court 3501 Civil Center Dr. ♦ San Rafael, CA 94903 Jamie.Newbold@marin.courts.ca.gov</p>	Civil-Small Claims	Civil
<p>Sean Noland Management Analyst ♦ San Mateo Superior Court 400 County Center ♦ San Mateo, CA 94063 snoland@sanmatecourt.org</p>	Criminal-Traffic	Criminal
<p>Suzanne Schleder Manager ♦ Judicial Council of California 2850 Gateway Oaks Dr. ♦ Sacramento, CA 95833 Suzanne.Schleder@jud.ca.gov</p>	Criminal-Traffic	Criminal
<p>Penny Sterris Court Operations Manager ♦ Los Angeles Superior Court 111 North Hill Street ♦ Los Angeles, CA 90012 psterris@lacourt.org</p>	Civil-Small Claims	Civil





Bill List by Subject Area

ADMINISTRATION OF TRIAL COURTS			
Bill#	Title	Chaptered	Page
AB 152	COVID-19 relief: supplemental paid sick leave.	Ch. 736	18
AB 156	State government.	Ch. 569	19
AB 178 & SB 154	Budget Act of 2022.	Ch. 45 & Ch. 43	20
AB 179	Budget Act of 2022.	Ch. 249	21
AB 551	Disability retirement: COVID-19: presumption.	Ch. 741	34
AB 1041	Employment: leave.	Ch. 1041	22
AB 1576	Superior court: lactation rooms.	Ch. 200	22
AB 1655	State holidays: Juneteenth.	Ch. 753	23
AB 1751	Workers' compensation: COVID-19: critical workers.	Ch. 758	23
AB 1801	State holidays: Genocide Remembrance Day.	Ch. 761	34
AB 1854	Unemployment insurance: work sharing plans.	Ch. 112	35
AB 1949	Employees: bereavement leave.	Ch. 767	24
AB 1971	County Employees Retirement Law of 1937.	Ch. 524	25
AB 1981	Jury duty.	Ch. 326	26
AB 2068	Occupational safety and health: postings: spoken languages.	Ch. 485	27
AB 2148	Workers' compensation: disability payments.	Ch. 120	35
AB 2188	Discrimination in employment: use of cannabis.	Ch. 392	27
AB 2268	Charles James Ogletree, Jr. Courthouse.	Ch. 410	35
AB 2443	Judges' Retirement System II: benefits.	Ch. 531	28
AB 2596	Lunar New Year holiday.	Ch. 792	36
AB 2648	Air ambulance services.	Ch. 440	36
AB 2693	COVID-19: exposure.	Ch. 799	28
AB 2961	Civil procedure: electronic filing and service.	Ch. 215	29
SB 34	Public contracts: authorized agent: limitations.	Ch. 297	37
SB 114	Employment: COVID-19: supplemental paid sick leave.	Ch. 4	29
SB 189	State Government.	Ch. 48	38
SB 191	Employment.	Ch. 67	30
SB 233	Civil actions: appearance by telephone.	Ch. 979	31

SB 931	Deterring union membership: violations.	Ch. 297	39
SB 951	Unemployment insurance: contribution rates: disability insurance: paid family leave: weekly benefit amount.	Ch. 951	32
SB 1044	Employers: emergency condition: retaliation.	Ch. 829	33
SB 1162	Employment: Salaries and Wages	Ch. 559	33
SB 1194	Public restrooms: building standards.	Ch. 839	39
SB 1242	Insurance.	Ch. 424	40
SB 1443	Professions and vocations.	Ch. 625	41

CIVIL			
Bill#	Title	Chapter	Page
AB 218*	Change of gender and sex identifier.	Ch. 577, Stats. 21	42
AB 35	Civil damages: medical malpractice.	Ch. 17	43
AB 192	Better for Families Tax Refund.	Ch. 51	43
AB 195	Cannabis.	Ch. 56	62
AB 204	Budget Act of 2022: Health Omnibus.	Ch. 738	64
AB 205	Energy.	Ch. 61	64
AB 252	Floating home marinas: rent caps.	Ch. 633	65
AB 421	Change of gender and sex identifier.	Ch. 40	44
AB 587	Social media companies: terms of service.	Ch. 269	66
AB 847	Electrically conductive balloons.	Ch. 401	79
AB 972	Elections: deceptive audio or visual media.	Ch. 745	66
AB 1287	Price discrimination: gender.	Ch. 555	45
AB 1594	Firearms: civil suits.	Ch. 98	46
AB 1632	Restroom access: medical conditions.	Ch. 893	79
AB 1666	Abortion: civil actions.	Ch. 42	67
AB 1681	Insurance: fraud prevention and detection.	Ch. 861	67
AB 1726	Address confidentiality program.	Ch. 686	67
AB 1730	Penal damages: veterans.	Ch. 78	68
AB 1742	California Cigarette Fire Safety and Firefighter Protection Act: Tobacco Master Settlement Agreement.	Ch. 629	68
AB 1788	Sex trafficking: hotels: actual knowledge or reckless disregard: civil penalty.	Ch. 760	80
AB 1837	Residential real property: foreclosure.	Ch. 642	68
AB 1901	Dog training services: disclosure requirement.	Ch. 276	47

AB 2011	Affordable Housing and High Road Jobs Act of 2022.	Ch. 647	69
AB 2083	Public utilities: rates.	Ch. 689	69
AB 2089	Privacy: mental health digital services: mental health application information.	Ch. 690	70
AB 2091	Disclosure of information: reproductive health and foreign penal civil actions	Ch. 628	81
AB 2170	Residential real property: foreclosure sales.	Ch. 865	70
AB 2179	COVID-19 relief: tenancy.	Ch. 13	48
AB 2183	Agricultural labor relations: elections.	Ch. 673	71
AB 2193	Civil representation: immigration status.	Ch. 486	49
AB 2223	Reproductive health.	Ch. 673	71
AB 2273	The California Age-Appropriate Design Code Act.	Ch. 320	81
AB 2559	Reusable tenant screening reports.	Ch. 288	72
AB 2571	Firearms: advertising to minors.	Ch. 77	49
AB 2584	Recall elections.	Ch. 791	50
AB 2766	Unfair Competition Law: enforcement powers: investigatory subpoena.	Ch. 698	72
AB 2777	Sexual assault: statute of limitations.	Ch. 442	73
AB 2791	Sheriffs: service of process and notices.	Ch. 417	73
AB 2879	Online content: cyberbullying.	Ch. 700	74
AB 2959	Childhood sexual assault: claims.	Ch. 444	74
AB 2960	Judiciary omnibus.	Ch. 420	51
AB 2965	California Environmental Quality Act: administrative and judicial procedures.	Ch. 38	74
SB 53	Unsolicited images.	Ch. 504	52
SB 107	Gender-affirming health care.	Ch. 810	53
SB 118	California Environmental Quality Act: public higher education: campus population.	Ch. 10	54
SB 218	Corporations: ratification or validation of noncompliant corporate actions.	Ch. 217	54
SB 301	Marketplaces: online marketplaces.	Ch. 857	81
SB 349	California Ethical Treatment for Persons with Substance Use Disorder Act.	Ch. 15	82
SB 633	Consumer credit contracts: translations.	Ch. 149	75
SB 688	Civil actions: judgments by confession.	Ch. 851	55
SB 836	Evidence: immigration status.	Ch. 168	75
SB 858	Health care service plans: discipline: civil penalties.	Ch. 985	83
SB 879	Toxicological testing on dogs and cats.	Ch. 551	83
SB 886	California Environmental Quality Act: exemption: public universities: university housing development projects.	Ch. 663	75
SB 922	California Environmental Quality Act: exemptions: transportation-related projects.	Ch. 987	76
SB 956	Enforcement of money judgments: exemptions.	Ch. 25	76

SB 975	Debt: coerced debts.	Ch. 989	55
SB 1017	Leases: termination of tenancy: abuse or violence.	Ch. 558	56
SB 1037	Civil discovery: oral depositions: conduct of deposition.	Ch. 92	56
SB 1040	Insurance: restitution.	Ch. 540	76
SB 1056	Violent posts.	Ch. 881	56
SB 1076	Lead-based paint.	Ch. 507	77
SB 1099	Bankruptcy: debtors.	Ch. 716	77
SB 1155	Liability claims: time-limited demands.	Ch. 719	57
SB 1186	Medicinal Cannabis Patients' Right of Access Act.	Ch. 395	78
SB 1200	Enforcement of judgments: renewal and interest.	Ch. 883	58
SB 1210	Personal rights: obscene materials: attorney's fees.	Ch. 26	78
SB 1311	Veterans: protections.	Ch. 620	58
SB 1327	Firearms: private rights of action.	Ch. 146	59
SB 1338	Community Assistance, Recovery, and Empowerment (CARE) Court Program.	Ch. 319	60
SB 1375	Nursing: nurse practitioners and nurse-midwives: abortion and practice standards.	Ch. 631	78

CRIMINAL PROCEDURE

Bill#	Title	Chapter	Page
AB 1076*	Criminal records: automatic relief.	Ch. 578, Stats. 19	84
AB 277*	Domestic violence: victims: address confidentiality.	Ch. 457, Stats. 21	85
AB 199	Courts.	Ch. 57	87
AB 200	Public safety omnibus.	Ch. 58	88
AB 256	Criminal procedure: discrimination.	Ch. 739	89
AB 311	Firearms: Del Mar Fairgrounds.	Ch. 954	119
AB 351	Reduction of human remains and the disposition of reduced human remains.	Ch. 39	119
AB 485	Hate crimes: reporting.	Ch. 852	120
AB 547	Domestic violence: victim's rights.	Ch. 941	120
AB 557	Hate crimes: vertical prosecution.	Ch. 853	120
AB 960	Compassionate release.	Ch. 744	90
AB 984	Vehicle identification and registration: alternative devices.	Ch. 746	121
AB 1242	Reproductive rights.	Ch. 627	90
AB 1290	Crimes: theft: animals.	Ch. 546	121
AB 1613	Theft: jurisdiction.	Ch. 949	91
AB 1621	Firearms: unserialized firearms.	Ch. 76	91
AB 1636	Physician's and surgeon's certificate: registered sex offenders.	Ch. 453	92
AB 1637	Criminal profiteering: asset forfeiture: unemployment and disability insurance fraud.	Ch. 950	121
AB 1641	Sexually violent predators.	Ch. 104	92
AB 1682	Vessels: public safety activities.	Ch. 203	122
AB 1706	Cannabis crimes: resentencing.	Ch. 993	93
AB 1744	Probation and mandatory supervision: flash incarceration.	Ch. 756	93
AB 1803	Court fees: ability to pay.	Ch. 494	94
AB 1899	Crimes: false personation.	Ch. 954	133
AB 1909	Vehicles: bicycle omnibus bill.	Ch. 343	94
AB 1924	Criminal law: certificate of rehabilitation.	Ch. 766	95
AB 1938	Traffic safety: speed limits.	Ch. 406	122
AB 1974	Correctional Administration: service of process.	Ch. 255	122
AB 2000	Motor vehicle speed contests and exhibitions of speed: off-street parking Administration.	Ch. 436	123
AB 2023	Jails: discharge plans.	Ch. 327	123
AB 2043	Bail bonds.	Ch. 768	123
AB 2083	Public utilities: rates.	Ch. 689	124
AB 2147	Pedestrians.	Ch. 957	96
AB 2156	Firearms: manufacturers.	Ch. 142	133
AB 2167	Crimes: alternatives to incarceration.	Ch. 775	96
AB 2169	Criminal procedure.	Ch. 776	97

CRIMINAL PROCEDURE

Bill#	Title	Chapter	Page
AB 2195	Crimes: nuisance.	Ch. 487	133
AB 2198	Vehicles: driving under the influence.	Ch. 81	124
AB 2223	Reproductive health.	Ch. 629	91
AB 2239	Firearms: prohibited persons.	Ch. 143	99
AB 2282	Hate crimes: nooses, crosses, and swastikas.	Ch. 397	134
AB 2294	Diversion for repeat retail theft crimes.	Ch. 856	99
AB 2356	Theft: aggregation.	Ch. 22	100
AB 2374	Crimes against public health and safety: illegal dumping.	Ch. 784	101
AB 2418	Crimes: Justice Data Accountability and Transparency Act.	Ch. 787	102
AB 2496	Vehicles: exhaust systems.	Ch. 595	103
AB 2551	Firearms.	Ch. 100	124
AB 2552	Firearms: gun shows and events.	Ch. 696	134
AB 2588	Crimes: obstruction of justice.	Ch. 697	125
AB 2657	Incarcerated person's competence.	Ch. 795	104
AB 2746	Driving privilege: suspension.	Ch. 800	105
AB 2773	Stops: notification by peace officers.	Ch. 805	106
AB 2778	Crimes: race-blind charging.	Ch. 806	125
AB 2799	Evidence: admissibility of creative expressions.	Ch. 973	106
AB 2841	Disqualification from voting.	Ch. 807	108
SB 107	Gender-affirming health care.	Ch. 810	126
SB 184	Health.	Ch. 47	108
SB 357	Crimes: loitering for the purpose of engaging in a prostitution offense.	Ch. 86	111
SB 382	Human trafficking: restraining orders.	Ch. 87	111
SB 467	Expert witnesses: writ of habeas corpus.	Ch. 982	112
SB 504	Elections: voter registration.	Ch. 14	112
SB 731	Criminal records: relief.	Ch. 814	113
SB 748	Trespass: private universities.	Ch. 134	135
SB 856	Wild pigs: validations.	Ch. 469	135
SB 903	Prisons: California Rehabilitation Oversight Board.	Ch. 821	127
SB 916	Sexual assault: victim's rights.	Ch. 709	127
SB 929	Community mental health services: data collection.	Ch. 539	113
SB 990	Corrections: county of release.	Ch. 826	128
SB 1008	Corrections: communications.	Ch. 827	129
SB 1034	Sexually violent predators.	Ch. 880	114
SB 1081	Disorderly conduct: peeping, recording, and distribution of intimate images.	Ch. 882	129
SB 1087	Vehicles: catalytic converters.	Ch. 514	135
SB 1096	Online tool: traffic violator school.	Ch. 191	114

CRIMINAL PROCEDURE			
Bill#	Title	Chapter	Page
SB 1106	Criminal resentencing: restitution.	Ch. 734	115
SB 1209	Sentencing: members of military: trauma.	Ch. 721	116
SB 1223	Criminal procedure: mental health diversion.	Ch. 735	116
SB 1228	Criminal procedure: DNA samples.	Ch. 994	130
SB 1260	State summary criminal history information.	Ch. 842	117
SB 1342	Aging multidisciplinary personnel teams.	Ch. 621	130
SB 1384	Firearms: dealer requirements.	Ch. 995	131
SB 1472	Vehicular manslaughter: speeding and reckless driving.	Ch. 626	132
SB 1493	Public safety omnibus.	Ch. 197	118

FAMILY			
Bill#	Title	Chapter	Page
AB 429*	Child support: access to records.	Ch. 52, Stats. 21	136
AB 1243*	Protective orders: elder and dependent adults.	Ch. 273, Stats. 21	136
SB 24*	Domestic violence: protective orders: information pertaining to a child.	Ch. 129, Stats 21	137
AB 207	Human services omnibus.	Ch. 573	146
AB 1686	Child welfare agencies: enforcement.	Ch. 755	147
AB 2193	Civil representation: immigration status.	Ch. 486	138
AB 2369	Domestic Violence Prevention Act: attorney's fees and costs.	Ch. 591	139
AB 2391	Civil actions: vexatious litigants.	Ch. 84	139
AB 2870	Firearms: gun violence restraining orders.	Ch. 974	140
AB 2872	Domestic violence: victims: address confidentiality.	Ch. 975	147
AB 2960	Judiciary omnibus.	Ch. 420	141
SB 107	Gender-affirming health care.	Ch. 810	143
SB 906	School safety: homicide threats.	Ch. 144	148
SB 935	Domestic violence: protective orders.	Ch. 88	144
SB 1055	Child support enforcement: license suspensions.	Ch. 830	148
SB 1182	Family law.	Ch. 385	145
SB 1493	Public safety omnibus.	Ch. 197	148

JUVENILE DEPENDENCY

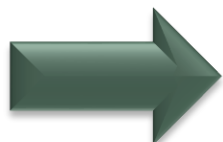
Bill#	Title	Chapter	Page
AB 156	State government.	Ch. 569	150
AB 181	Education finance: education omnibus budget trailer bill.	Ch. 52	157
AB 740	Foster youth: suspension and expulsion.	Ch. 400	157
AB 1051	Medi-Cal: specialty mental health services: foster children.	Ch. 402	157
AB 1735	Foster care: rights.	Ch. 405	150
AB 1797	Immunization registry.	Ch. 582	158
AB 2085	Crimes: mandated reporters.	Ch. 770	158
AB 2159	Reunification services.	Ch. 691	150
AB 2274	Mandated reporters: statute of limitations.	Ch. 587	158
AB 2309	Guardianships.	Ch. 780	151
AB 2317	Children's psychiatric residential treatment facilities.	Ch. 589	151
AB 2466	Foster children.	Ch. 967	159
AB 2495	The parent and child relationship.	Ch. 159	152
AB 2595	Juveniles: dependency: jurisdiction of the juvenile court.	Ch. 260	152
AB 2711	Juvenile records access.	Ch. 870	152
AB 2866	Dependent children.	Ch. 165	153
AB 2960	Judiciary omnibus.	Ch. 420	153
SB 116	Human services.	Ch. 5	155
SB 187	Human services.	Ch. 50	155
SB 384	Juveniles: relative placement: family finding.	Ch. 811	159
SB 528	Juveniles: medication documentation.	Ch. 812	156
SB 1085	Juveniles: dependency: jurisdiction of the juvenile court.	Ch. 832	156
SB 1090	Family Urgent Response System.	Ch. 833	159
SB 1342	Aging multidisciplinary personnel teams	Ch. 621	160

JUVENILE DELINQUENCY			
Bill#	Title	Chapter	Page
AB 160	Public safety trailer bill.	Ch. 771	165
AB 200	Public safety omnibus.	Ch. 58	161
AB 2321	Juveniles: room confinement.	Ch. 781	161
AB 2361	Juveniles: transfer to court of criminal jurisdiction.	Ch. 330	162
AB 2417	Child support enforcement: license suspensions	Ch. 786	162
AB 2629	Juveniles: dismissals.	Ch. 970	163
AB 2644	Custodial interrogation.	Ch. 289	165
AB 2658	Juveniles: electronic monitoring.	Ch. 796	163
SB 532	Pupil instruction: high school coursework and graduation requirements: exemptions and alternatives.	Ch. 918	166
SB 1071	Public social services: administrative hearings: juvenile records access.	Ch. 613	164
SB 1342	Aging multidisciplinary personnel teams.	Ch. 621	166

MENTAL HEALTH			
Bill#	Title	Chapter	Page
AB 2242	Mental health services.	Ch. 867	167
AB 2275	Mental health: involuntary commitment.	Ch. 960	168
SB 1035	Mental health services: assisted outpatient treatment.	Ch. 828	169
SB 1227	Involuntary commitment: intensive treatment.	Ch. 619	170
SB 1338	Community Assistance, Recovery, and Empowerment (CARE) Court Program.	Ch. 319	171

PROBATE			
Bill#	Title	Chapter	Page
AB 1663	Protective proceedings.	Ch. 894	173
AB 1716	Estate disposition.	Ch. 29	174
AB 1745	Trusts: notifications.	Ch. 30	179
AB 1866	Irrevocable trusts: limitations.	Ch. 32	179
AB 2960	Judiciary omnibus.	Ch. 420	174
AB 2245	Partition of real property.	Ch. 82	179
SB 1005	Conservatorship: sale of personal residence.	Ch. 91	180
SB 1024	Replacement of an incapacitated or deceased professional fiduciary.	Ch. 612	176
SB 1054	Public social services: records: confidentiality: multidisciplinary personnel teams.	Ch. 506	180
SB 1279	Guardian ad litem appointment.	Ch. 843	181
SB 1338	Community Assistance, Recovery, and Empowerment (CARE) Court Program.	Ch. 319	176
SB 1394	Conservatorships: gravely disabled persons.	Ch. 996	178
SB 1495	Professions and vocations.	Ch. 511	181

HOW TO USE THIS BOOKLET



BILLS are organized by area of impact, then in alpha-numeric order.

Administration includes general administration, budget, facilities, and human resources.

Civil includes landlord-tenant, small claims, and general civil.

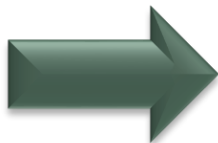
Criminal includes felony, misdemeanor, traffic, trials, bail schedule, and sentencing.

Family includes divorce, nullity, separation, family DV protective orders, and surrogacy.

Juvenile includes delinquency, dependency, truancy, and the social services impacting youth under the jurisdiction of the Juvenile Court.

Probate includes wills and trusts, conservatorship, and guardianship.

Some bills impact multiple areas and thus appear in multiple areas. Within each area, the bills are in alpha-numeric, “bill number order” (Props, AB’s, then SB’s).



BILL SUMMARIES were created to specifically address trial court impact using the chaptered versions of each bill, as compared to previous law, and the floor and/or committee analyses created by the Legislature for each bill.



CAUTION. While the bill summaries are a handy tool that facilitates condensing thousands of pages of new laws into one document, they are not perfect and cannot be cited. Before making any changes to court procedures, processes, forms, case management systems, or rules, court professionals should review the statute directly. You should not cite the New Law Workshop materials. Instead, cite the bill or cite the code that creates the change (e.g. AB #, Chapter# of the Statutes of 2022). Both bills and statutes can be viewed at <http://leginfo.legislature.ca.gov/>.

Administration of Trial Courts	Notes
<p>COVID-19 relief: supplemental paid sick leave. AB 152, Ch. 736</p> <p>Laws: Add and repeal Article 9.1 (commencing with Section 12100.96) of Chapter 1.6 of Part 2 of Division 3 of Title 2 of the Government Code, amend Sections 248.6 and 248.7 of the Labor Code, amend Sections 17158 and 24312 of, and to add and repeal Article 8.1 (commencing with Section 19295.1) of Chapter 5 of Part 10.2 of Division 2 of, the Revenue and Taxation Code.</p> <p>Summary: Operative 9/29/2022. This bill extends the 2022 SPSL through December 31, 2022. AB 152 does not increase the amount of leave employees may take, but it provides employees an additional three months to use any SPSL for which they may be eligible.</p> <p>AB 152 also includes changes related to COVID-19 testing. An employer may require the employee to confirm eligibility for leave benefits for a positive COVID-19 test. Prior law permitted employers to require documentation of a positive test before providing additional leave, including requiring the employee to take a diagnostic test five days after the employee’s first positive test, at no cost to the employee. AB 152 now adds that if that diagnostic test is positive, the employer may require the employee to submit to an additional diagnostic test within no less than 24 hours, at no cost to the employee. Employers are not required to provide additional SPSL to an employee who tests positive and refuses to either submit to required diagnostic tests or provide documentation of the results.</p> <p>Court Impact: <i>Some of this bill's changes were summarized in the Judicial Council's 10/17/2022 Labor and Employment Law Legislative Update and a 9/30/2022 memo sent to judicial officers and court executive officers. HR may need to coordinate with payroll system vendors to maintain paystub requirements created by AB114 if they were set to expire 9/30/2022 and update required notices and policies regarding COVID-19 leave.</i></p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 9/29/2022</p> <p style="text-align: center;">Dana Dowse</p>

Administration of Trial Courts	Notes
<p>State government. AB 156, Ch. 569</p> <p>Laws: Amend §§ 6013.5.5, 8017, 8018, 8020, and 8024 of, add §§ 8017.5 and 8024.8 to, and repeal § 8016.5 of, the Business and Professions Code. Amend §§ 100000.5, 100002, and 100013 of the Financial Code. Add and repeal § 1357 of the Fish and Game Code. Amend §§ 7903, 11852, 11854, 11860, 11862, 11880, 11890, 11892, 11894, 12803.2, 12815, 15849.1, 16344, 65057, and 65059 of, amend the heading of Article 2 (commencing with § 11860) of Chapter 10 of Part 1 of Division 3 of Title 2 of, add §§ 11856, 11865, and 11868 to, add and repeal § 11019.1 of, repeal § 13300.5 of, and repeal, add, and repeal § 11864 of, the Government Code. Add and repeal §§ 50834.5 and 50899.8 of the Health and Safety Code. Amend §§ 2673.1, 2675.5, 2695.1, 2695.2, 3111, 3111.1, 3112, and 3122.3 of, and add and repeal §§ 2695.3 and 2695.4 to, the Labor Code. Amend §§ 4124.5, 4208.1, and 4799.05 of, and add and repeal § 75245 of, the Public Resources Code. Amend § 95.60 of and add § 17141.5 to the Revenue and Taxation Code. Amend §§ 1095 and 14531 of the Unemployment Insurance Code. Add Chapter 16.1 (commencing with § 18997.5) to Part 6 of Division 9 of the Welfare and Institutions Code. Amend Section 106 of Chapter 73 of the Statutes of 2021</p> <p>Summary: Operative 9/27/22. This is a budget trailer bill for the Budget Act of 2022. Related to the Judicial Branch, this bill defines voice writers and voice writing under California law and expands the definition of shorthand reporting to include voice writing. It allows the Court Reporters Board of California to certify voice writers and requires them to treat certificate holders equally regardless of the method of qualification. For "compensation, benefits, classification, job description, duties, or bargaining units," it prohibits public employers from differentiating between certificate holders based on the method of qualification. Lastly, it expands the definition of shorthand or stenographic notes in "any statute, regulation, or rule of court" to include audio dictation files.</p> <p>Court Impact: <i>Related to the Judicial Branch, this bill expands the methods by which court reporting can be accomplished in California by allowing for the certification of voice writers. As no voice writers have yet been certified by the Court Reporters Board of California, it remains to be seen if this will positively impact the current critical labor shortage of court reporters. If courts hire voice writers in the future, it is important to maintain awareness that they must be classified, paid, and treated largely the same as other court reporters. Human resources staff should be made aware of those requirements, and court reporter job descriptions and recruitment postings may need to be updated to incorporate voice writing. This bill is also informational for judicial officers and staff that supervise court reporters.</i></p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 09/27/2022</p> <p style="text-align: center;">Sharif Elmallah</p>

<p>Budget Act of 2022.</p> <p>AB 178, Ch. 45 and SB 154, Ch. 43</p> <p><u>Laws:</u> An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, relating to the state budget, to take effect immediately, budget bill.</p> <p><u>Summary:</u> Operative 6/27/22 (SB 154) & 6/30/22 (AB 178). These bills make up the initial Budget Act of 2022. Highlights for trial courts include an additional \$184.2 million in ongoing funding associated with a 3.8% Consumer Price Index adjustment (\$84.2 million) and fiscal equity funding (\$100 million), a new requirement for the Judicial Council to report trial court operational and budgetary metrics (including time to disposition and case clearance rates by case type, backlogs by case type, hours of operations including public counter hours, staff vacancy rates by classification, fund balance detail for the prior fiscal year, and court funding level information) to the Legislature by February 1 of each year, \$151.5 million in backfill funding to the Trial Court Trust Fund for declining fine and fee revenues, \$110 million in FY 22/23 and \$100 million annually thereafter to backfill civil assessment revenue loss, \$39.5 million in FY 22/23 and \$37.7 million annually thereafter to implement CARE Court, \$40 million over three fiscal years to support court-ordered firearm relinquishment pilot programs, \$39.9 million in FY 22/23 and \$39.1 million annually thereafter for 23 additional judgeships, an additional \$30 million in ongoing funding and \$9 million in reimbursements for dependency counsel funding, \$20.9 million in ongoing funding for health benefit cost increases, \$18 million in ongoing backfill funding due to an increase in the income threshold for automatic filing fee waivers in civil cases, \$10.3 million in ongoing backfill funding due to lost revenue from the repeal of fees in AB 177 (2021), the ability to carry over FY 21/22 unexpended pretrial services funding into FY 22/23, modified language for how the \$30 million in ongoing court reporter funding may be spent, increased Judicial Branch IT modernization funding through at least FY 25/26, new funding to implement a data and information framework to improve data collection from trial and appellate courts, and funding to implement AB 716 (2021) related to remote access to court proceedings, AB 887 (2021) related to domestic violence restraining orders, and SB 538 (2021) related to gun violence restraining orders. Funding was also provided for various facility modification projects, including \$15 million one-time funding to expand lactation facility access in courts, and for various capital construction projects, both previously approved projects and new projects.</p>	<p style="text-align: center;">URGENCY</p> <p>AB 178 Operative 06/30/2022</p> <p>SB 154 Operative 06/27/2022</p> <p style="text-align: center;">Sharif Elmallah</p>
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Administration of Trial Courts	Notes
<p><u>Court Impact:</u> A full list of changes in the initial budget for the Judicial Branch were summarized in the Judicial Council's 6/28/22 budget memo sent to judicial officers and court executive officers. Courts were provided current year budget allocation information by the Judicial Council in July. Outstanding funding allocations yet to be voted on by the Judicial Council include CARE Court funding, lactation facility funding, and firearm relinquishment pilot program funding, the latter of which will be voted on in January 2023. CARE Court funding may not be allocated until closer in time to the mandatory implementation dates in October 2023 for some counties and December 2024 for the rest. Judicial Council staff are currently working with courts to assess lactation facility needs in each court, and it remains to be seen how and when that funding will be allocated. If not already aware, budget staff should be made aware that civil assessment funding going forward is no longer tied to the court's collections and instead based off the allocation methodology approved by the Judicial Council on 7/15/22. Executive leadership should also be made aware.</p>	
<p>Budget Act of 2022. AB 179, Ch. 249</p> <p><u>Laws:</u> An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, relating to the state budget, to take effect immediately, budget bill.</p> <p><u>Summary:</u> Operative 9/6/22. This bill amends the Budget Act of 2022 to reflect changes necessary to implement the budget agreement. In relation to the work of the Judicial Branch, this bill provides an additional \$10 million for the construction of the New Redding Courthouse in Shasta County and reduces CARE Court implementation funding in FY 22/23 by \$33.7 million to reflect a phased implementation approach.</p> <p><u>Court Impact:</u> This bill is informational only. CARE Court funding changed due to the deferred implementation timelines in the final version of that legislation (SB 1338). The funding has not yet been allocated to courts by the Judicial Council and may not be until closer in time to the mandatory implementation dates in October 2023 for some counties and December 2024 for the rest.</p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 09/06/2022</p> <p style="text-align: center;">Sharif Elmallah</p>

Administration of Trial Courts	Notes
<p>Employment: leave. AB 1041, Ch. 748</p> <p><u>Laws:</u> Amend Section 12945.2 of the Government Code and amend Section 245.5 of the Labor Code, relating to employment.</p> <p><u>Summary:</u> This bill expands the California Family Rights Act (CFRA) and the Healthy Workplaces, Healthy Families Act of 2014 to allow employees to take leave to care for a "designated person," defined as anyone related by blood or whose association with the employee is the equivalent of a family relationship. Leave under these two acts was previously limited to care for an employee's child, parent, grandparent, grandchild, sibling, spouse, or domestic partner. An employee may identify the "designated person" at the time the employee requests leave. An employer may limit an employee to one designated person per 12-month period for family care and medical leave.</p> <p><u>Court Impact:</u> <i>Some of this bill's changes were summarized in the Judicial Council's 10/17/2022 Labor and Employment Law Legislative Update sent to judicial officers and court executive officers. Informational for HR and management. This bill could result in the increased utilization of leave under these two acts as the definition of family care and medical leave has expanded to include a "designated person." Courts may need to update materials referencing leave policies.</i></p>	<p style="text-align: center;">Dana Dowse</p>
<p>Superior court: lactation rooms. AB 1576, Ch. 200</p> <p><u>Laws:</u> Add Section 69894 to the Government Code.</p> <p><u>Summary:</u> Operative 7/1/2024. This bill would require the superior court to provide any court user access to a lactation room in any courthouse in which a lactation room is also provided to court employees, as specified. The bill would require the lactation room for court users to be located within the court facility in an area that is accessible to the public or in any location that is reasonably accessible to the public using the court facility. The bill, except as provided, would require the lactation room for court users to meet all of the requirements imposed upon an employer with respect to providing a lactation room for employees.</p> <p><u>Court Impact:</u> <i>The 2022 Budget Act (FY 2022–2023) provided \$15 million one-time General Fund to expand lactation facility access in superior courthouses in anticipation of the Governor signing AB 1576. JCC Facilities Services contacted CEOs on 9/20/2022 to share that Bill Fellers, JCC Project Manager, will be engaging court facility staff and/or JCC facility operations staff assigned to courts to start an implementation process.</i></p>	<p style="text-align: center;">DELAYED IMPLEMENTATION</p> <p style="text-align: center;">Operative 07/01/2024</p> <p style="text-align: center;">Dana Dowse</p>

Administration of Trial Courts	Notes
<p>State holidays: Juneteenth. AB 1655, Ch. 753</p> <p><u>Laws:</u> Amend Sections 37220, 45203, 79020, and 88203 of the Education Code, and amend Sections 6700, 19853, and 19853.1 of the Government Code.</p> <p><u>Summary:</u> Designates June 19 as a state holiday and makes Juneteenth a judicial holiday by operation of Code of Civil Procedure section 135.</p> <p><u>Court Impact:</u> <i>Some of this bill's changes were summarized in the Judicial Council's 10/4/2022 memo on 2023 Judicial Holiday Change: Juneteenth and the 10/17/2022 Labor and Employment Law Legislative Update sent to judicial officers and court executive officers. State courts will be closed to the public on June 19. HR may need to review their memoranda of understanding and policies to determine whether Juneteenth will be a paid holiday for certain employee groups.</i></p>	<p>Dana Dowse</p>
<p>Workers' compensation: COVID-19: critical workers. AB 1751, Ch. 758</p> <p><u>Laws:</u> Amend Sections 3212.86, 3212.87, and 3212.88 of the Labor Code.</p> <p><u>Summary:</u> This bill extends provisions relating to COVID-19 until January 1, 2024. Provisions include defining "injury" for an employee to include illness or death resulting from the 2019 novel coronavirus disease (COVID-19) under specified circumstances; creating a disputable presumption, as specified, that the injury arose out of and in the course of the employment and is compensable, for specified dates of injury; requiring an employee to exhaust their paid sick leave benefits and meet specified certification requirements before receiving any temporary disability benefits; making a claim relating to a COVID-19 illness presumptively compensable, as described above, after 30 days or 45 days, rather than 90 days; and allowing for a presumption of injury for all employees whose fellow employees at their place of employment experience specified levels of positive testing, and whose employer has 5 or more employees.</p> <p><u>Court Impact:</u> <i>Informational for Administration and HR. Previous versions of this bill were covered at the 2020 New Law Workshop (See SB 1159, Ch.85).</i></p>	<p>Dana Dowse</p>

Administration of Trial Courts	Notes
<p>Employees: bereavement leave. AB 1949, Ch. 767</p> <p>Laws: Amend Sections 12945.21 and 19859.3 of, and to add Section 12945.7 to, the Government Code.</p> <p>Summary: Under this law employees are entitled to five days of bereavement leave upon the death of a family member. Leave must be taken within 3 months of the date of the family member's death. The new requirements do not apply to any employee covered by a collective bargaining agreement that provides for bereavement leave equivalent to that required by the new law. If existing bereavement policy does not otherwise specify the leave as paid, the bereavement leave may be unpaid. Employees may use available leave balances, such as paid sick leave, when taking bereavement leave.</p> <p>Court Impact: <i>Some of this bill's changes were summarized in the Judicial Council's 10/17/2022 Labor and Employment Law Legislative Update sent to judicial officers and court executive officers. This bill is informational for HR departments. HR departments may need to update personnel policies and informational materials if their bereavement policies did not previously allow employees to take up to 5 days of bereavement leave.</i></p>	<p style="text-align: center;">Dana Dowse</p>

Administration of Trial Courts	Notes
<p>County Employees Retirement Law of 1937. AB 1971, Ch. 524</p> <p>Laws: Amend Sections 31646, 31725.7, and 31760 of, and to add Sections 31646.2 and 31680.16 to, the Government Code.</p> <p>Summary: This bill makes changes to conform with practices of the California Public Employees' Retirement System and California State Teachers' Retirement System that allow service purchase for all leaves that are covered under the Family and Medical Leave Act (FMLA) to allow a member who returns to active service following an uncompensated leave of absence because of the serious illness of a family member when the absence is eligible for coverage, as specified, to receive service credit for the period of the absence, upon the payment of the member and employer contributions that would have been paid during that period, together with the interest that would have been earned. This bill also authorizes the board to grant members who are subject to a temporary mandatory furlough the same service credit and compensation earnable or pensionable compensation to which the members would have been entitled in the absence of the temporary mandatory furlough.</p> <p>Court Impact: <i>Informational for Courts that participate in county retirement systems that operate under the County Employees Retirement Law of 1937 (CERL). Courts participating in county retirement systems and considering a mandatory furlough may wish to contact retirement system boards regarding the specified factors they will use to grant the provisions related to temporary mandatory furloughs.</i></p>	<p style="text-align: center;">Dana Dowse</p>

Administration of Trial Courts	Notes
<p>Jury duty. AB 1981, Ch. 326 <u>Laws:</u> Amend § 215 of, and add and repeal § 241 of, the Code of Civil Procedure.</p> <p><u>Summary:</u> This bill expands juror mileage reimbursement to include mileage from returning from court, for each day after the first day of service. This bill also provides for jurors and prospective jurors to receive reimbursement of up to \$12/day for public transportation costs unless the court partners with a local transit agency to provide no-cost transportation service or the court determines that "a public transit operator does not provide service that is reasonably available to the court facility" when evaluating specified factors. The Judicial Council is required to conduct a two-year pilot program in six geographically diverse counties, including Alameda County, to "study whether increases in juror compensation and travel reimbursement result in increases in juror diversity and overall participation." The Judicial Council must collect specified information during the pilot and submit a report to the Legislature by September 1, 2026.</p> <p><u>Court Impact:</u> <i>Executive, jury, fiscal, and potentially IT staff should be made aware of the changes related to prospective juror and juror reimbursement. Courts will need to make individual determinations related to providing no-cost public transit and must contact the public transit operator before determining that service is not reasonably available to a court facility. IT or other assigned staff will need to work with the court's jury management system vendor to update configuration for calculating and issuing juror mileage and transit reimbursement. Processes for calculating jury fees in civil cases and informing parties will need to be updated to ensure parties pay for increased costs. Judicial Council reimbursement is provided for reported costs in criminal cases. Information about the pilot program has not been announced by the Judicial Council yet, but Alameda and other pilot courts will need to make additional configuration and process changes in preparation based on the increased compensation provided through the pilot.</i></p>	<p style="text-align: center;">Sharif Elmallah</p>

Administration of Trial Courts	Notes
<p>Occupational safety and health: postings: spoken languages. AB 2068, Ch. 485</p> <p><u>Laws:</u> Amend Sections 6318 and 6431 of the Labor Code.</p> <p><u>Summary:</u> This bill requires employers to post citations, orders, and/or special orders issued by the Division of Occupational Safety and Health in the top seven non-English languages used by limited-English-proficient adults in California, as well as Punjabi if not in the top seven languages. The notices shall explain that the division investigated the workplace, found one or more safety or health violations that resulted in one or more citations/orders, that the employer is required to post the citations/orders at or near the place of violation for three working days or until the condition is corrected if more than three days, that the employer must communicate any hazards at the workplace to employees in a language/manner they can understand, and provide contact information for the division. Violations are subject to a civil penalty.</p> <p><u>Court Impact:</u> <i>Informational for Human Resources.</i></p>	<p>Holly Dodge</p>
<p>Discrimination in employment: use of cannabis. AB 2188, Ch. 392</p> <p><u>Laws:</u> Add Section 12954 to the Government Code.</p> <p><u>Summary:</u> Operative 1/1/24. This bill makes it unlawful for employers to discriminate against a person in hiring, terminating, setting terms or conditions of employment or otherwise penalizing someone for their use of cannabis off the job and away from the workplace and/or for a drug screening result that is positive for nonpsychoactive cannabis metabolites. This does not apply to applicants or employees hired for positions that require federal government background investigations or security clearance.</p> <p><u>Court Impact:</u> <i>May require updates to pre-employment drug screening protocols and/or policies relating to drug use/screening. Notify Human Resources.</i></p>	<p>DELAYED IMPLEMENTATION</p> <p>Operative 01/01/2024</p> <p>Holly Dodge</p>

Administration of Trial Courts	Notes
<p>Judges' Retirement System II: benefits. AB 2443, Ch. 531</p> <p>Laws: Amend, repeal, and add Sections 22814 and 75590 of, and to add and repeal Section 75522.5 of, the Government Code.</p> <p>Summary: Operative 1/1/24. This bill establishes new retirement options for judges, which would allow those at age 60 with 15 years of service or age 65 with 10 years of service to elect an actuarially adjusted allowance or leave funds with the Judges' Retirement System II and receive an adjusted retirement allowance until reaching full retirement age under the existing plan.</p> <p>Court Impact: <i>This may result in earlier retirements for judicial officers, creating vacancies that could take months to fill. Judicial vacancies would have substantial impacts on case processing. Inform court administrators.</i></p>	<p>DELAYED IMPLEMENTATION</p> <p>Operative 01/01/2024</p> <p>Holly Dodge</p>
<p>COVID-19: exposure. AB 2693, Ch. 799</p> <p>Laws: Amend Sections 6325 and 6409.6 of the Labor Code.</p> <p>Summary: This law extends and changes some requirements to January 1, 2024 for notices of a potential exposure to COVID-19. Employers may notify employees of potential exposure by displaying a notice in all places where workplace rules and regulations are customarily posted and, if applicable, must be posted on an employee portal. Employers must post the notice within one business day learning of the potential exposure and keep the notice posted for 15 calendar days. The notice must include, among other information: (1) the dates the covered person was on the worksite premises within the infectious period; (2) the location of the exposures; (3) contact information for employees to learn about COVID-19-related benefits, options for exposed employees, and antiretaliation and antidiscrimination protections for employees; and (4) contact information for employees to receive the employer's cleaning and disinfection plan.</p> <p>As an alternative to posting the notice, employers may continue to provide individual written notices of potential exposure. Employers must keep a log of all dates the required notice was posted at each worksite of the employer. Employers are no longer required to notify local public agencies of a COVID-19 outbreak.</p> <p>Court Impact: <i>Some of this bill's changes were summarized in the Judicial Council's 10/17/2022 Labor and Employment Law Legislative Update sent to judicial officers and court executive officers. This bill is informational for HR and administration. HR departments may need to revise their COVID-19 exposure notifications and documentation processes.</i></p>	<p>Dana Dowse</p>

Administration of Trial Courts	Notes
<p>Civil procedure: electronic filing and service. AB 2961, Ch. 215</p> <p>Laws: Amend Sections 1010.6 and 1013b of the Code of Civil Procedure, amends Section 17400 of the Family Code, amends Section 915.2 of the Government Code, and amends Section 690.5 of the Penal Code.</p> <p>Summary: This bill authorizes a court to mandate electronic service for represented parties who have appeared in the case and allows self-represented parties to consent to electronic service. The bill requires courts/EFSPs/electronic filing managers to waive fees for a party’s attorney if the party has been granted a fee waiver and requires attorneys to accept electronic service of a document that may be served by mail, express mail, overnight delivery, or facsimile transmission. Starting July 1, 2024 courts would be required to electronically serve any documents to those who are subject to mandatory electronic service.</p> <p>Court Impact: <i>This could have a substantial impact for courts that use eService to serve documents as electronic service of documents saves clerk time and reduces reliance on paper. Inform Administrators involved in policymaking for case management and eFiling/eService systems.</i></p>	<p>Holly Dodge</p>
<p>Employment: COVID-19: supplemental paid sick leave. SB 114, Ch. 4</p> <p>Laws: Add Sections 248.6 and 248.7 to the Labor Code.</p> <p>Summary: Operative 2/9/2022. This bill, beginning January 1, 2022, until September 30, 2022, provided for two separate categories of up to 40 hours of paid leave each. The first leave bank provides 40 hours of leave for employees who are unable to work or telework for reasons including: the employee is attending a COVID-19 vaccine or vaccine booster appointment for themselves or a family member, or is experiencing symptoms, or caring for a family member experiencing symptoms, related to a COVID-19 vaccine or vaccine booster. The second leave bank provides employees with up to 40 hours of additional leave if the employee tests positive for COVID-19 or if a family member the employee cares for tests positive for COVID-19. Part-time employees receive the total number of hours the employee is normally scheduled to work over a one-week period. This bill also created employer notice and paystub requirements.</p> <p>Court Impact: <i>Some of this bill's changes were summarized in the Judicial Council's 2/10/2022 memo sent to judicial officers and court executive officers. Since this was an urgency bill passed in February of 2022, courts should have already received information regarding this new type of leave and implemented policies to provide it. The provisions of this bill were extended to December 31, 2022 by AB 152.</i></p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 02/09/2022</p> <p>Dana Dowse</p>

Administration of Trial Courts	Notes
<p>Employment. SB 191, Ch. 67</p> <p>Laws: Amend §§ 19819.6, 20825.12, and 20825.13 of, amend, repeal, and add § 3556 of, and add § 20825.14 to, the Government Code. Amend §§ 151, 2671, 2673.1, 2675.5, 3073.1, 3073.5, 3084.5, and 3093 of, add § 3073.2 to, add Article 5 (commencing with § 3110) to Chapter 4 of Division 3 of, add Article 6 (commencing with § 3120) to Chapter 4 of Division 3 of, and add Chapter 4.4 (commencing with § 107.7) to Division 1 of, the Labor Code. Amend §§ 322, 1030, 1032.5, 1260, 1328, 1330, 1332, 1376, 1379, 1383, 2707.2, 2707.4, 2736, 2739, 3262, 3654.4, 3655, 3656, 3701, 3751, 4655, 4656, 4701, and 4751 of, and add and repeal Article 7 (commencing with § 9920) of Chapter 2 of Part 1 of Division 3 of, the Unemployment Insurance Code.</p> <p>Summary: Operative 6/30/22. This is a budget trailer bill for the Budget Act of 2022. Related to impacts to the Judicial Branch, this bill grants a union representative the right to schedule an in-person meeting with a new employee at the worksite during business hours if an in-person new employee orientation was not conducted within 30 days of the employee's start date. This bill further states specific rights for that meeting and specifies that multiple meetings may be scheduled if a public health order is in place that limits gathering sizes. The aforementioned provisions remain in effect until June 30, 2025, after which time Government Code § 3556 will revert to its most recent former language without these provisions.</p> <p>Court Impact: <i>This bill is informational for human resources staff responsible for notifying and coordinating with unions to allow them to conduct their new member orientations with represented employees. It should not have a significant impact on court operations as a process for new member orientations with represented employees already exists and this only provides additional ways in which that may occur.</i></p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 06/30/2022</p> <p style="text-align: center;">Sharif Elmallah</p>

Administration of Trial Courts	Notes
<p>Civil actions: appearance by telephone. SB 233, Ch. 979</p> <p>Laws: Repeal §§ 367.5 and 367.6 of the Code of Civil Procedure. Repeal §§ 72010 and 72011 of the Government Code.</p> <p>Summary: This bill repeals code sections which authorized and governed telephonic appearances in civil cases, required the Judicial Council to adopt uniform fees for telephonic appearances in civil cases, required the Judicial Council to enter into master agreements for telephonic appearance services, and governed the distribution of portions of the uniform fees for telephonic appearances in civil cases.</p> <p>Court Impact: <i>This bill is the result of the view that the repealed statutes are obsolete following the passage of SB 241 (2021) and the enactment of Code of Civil Procedure § 367.75 on January 1, 2022, which authorizes remote appearances generally in civil cases without distinction for telephonic appearances. By repealing these statutes, remote appearances can be treated the same regardless of medium as governed by Code of Civil Procedure § 367.75. It remains to be seen if the Judicial Council will maintain the current master agreements with CourtScribes and CourtCall and/or adopt changes to the California Rules of Court that will affect the ability to charge fees in the future, such as by repealing or modifying California Rules of Court, rule 3.670 (k) which currently establishes the uniform fee. Courts still charging telephonic appearance fees and/or leveraging a current master agreement may wish to contingency plan for budgetary impacts if those fees go away and contingency plan for providing telephonic appearances through a different mechanism. Executive, fiscal, IT, and affected operations staff should be informed of these changes accordingly. Telephonic appearance information provided to the public may also need to be reviewed and potentially updated to align with these changes.</i></p>	<p style="text-align: center;">Sharif Elmallah</p>

Administration of Trial Courts	Notes
<p>Unemployment insurance: contribution rates: disability insurance: paid family leave: weekly benefit amount. SB 951, Ch. 878</p> <p>Laws: Amend Sections 2655 and 3301 of, and to amend and repeal Section 985 of, the Unemployment Insurance Code.</p> <p>Summary: This bill extends the existing wage replacement rates for SDI and Paid Family Leave previously set to sunset on January 1, 2023 to January 1, 2025. This bill also revises the formula for computing SDI and PFL benefits commencing on or after January 1, 2025 to specify that an individual shall receive weekly benefits as follows: a) \$50, when the amount of wages paid to the individual is less than \$722.50; b) 90% wage replacement, when the amount of wages paid is \$722.50 or more, but 70 % or less than the state average quarterly wage and c) 70% wage replacement, when the amount of wages paid is more than 70% of the state average quarterly wage. This bill specifies that the wage replacement shall not exceed the maximum workers' compensation temporary disability indemnity weekly benefit amount established by the Department of Industrial Relations, per existing law, or 63 percent of the state average weekly wage. This bill imposes a January 1, 2024 sunset date on Unemployment Insurance Code Section 985 which sets the taxable wage ceiling (for purposes of calculating contributions that fund the DI program), making all wages subject to the contribution rate.</p> <p>Court Impact: <i>This bill could result in changes to the worker contribution rate. HR departments should monitor the worker contribution rate and adjust payroll deductions when necessary.</i></p>	<p>Dana Dowse</p>

Administration of Trial Courts	Notes
<p>Employers: emergency condition: retaliation. SB 1044, Ch. 829</p> <p>Laws: Add Chapter 11 (commencing with Section 1139) to Part 3 of Division 2 of the Labor Code.</p> <p>Summary: Prohibits employers from threatening and/or taking adverse action against an employee that refuses to report to or leaves a workplace because they have a reasonable belief the workplace is unsafe or prevent an employee from using a communication device to seek emergency assistance, assessing the situation or communicating with a person to verify their safety. Defines an emergency condition as the existence of either an order to evacuate a workplace, workers home or school of workers child due to a natural disaster or criminal act or conditions of disaster or extreme peril to the safety of persons or property at the workplace caused by natural forces or a criminal act. The bill also defines a "reasonable person" and excludes first responders, disaster service workers, and other essential workers involved in safety/emergency services.</p> <p>Court Impact: <i>Informational for Administration, Human Resources, and managers/supervisors. May involve updates to MOUs and/or personnel policies regarding cell phone use, retaliation, call-in procedures, and/or emergency conditions.</i></p>	<p>Holly Dodge</p>
<p>Employment: Salaries and Wages. SB 1162, Ch. 559</p> <p>Laws: Amend Section 12999 of the Government Code, and to amend Section 432.3 of the Labor Code.</p> <p>Summary: This bill will require all employers with 15 or more employees to provide a pay scale in a job posting and/or provide the pay scale for a position to a person currently employed in that position. The bill requires employees to maintain records of job descriptions and wage rate history for employees during their employment plus three years, and the records would be open to the Labor Commissioner for inspection. An aggrieved worked can file a written complaint with the Labor Commissioner within one year after the date the worker learned of a violation or to bring a civil action for injunctive relief or any other relief a court deems appropriate. If an employer fails to maintain records, there is a rebuttable presumption in favor of an employee's claim.</p> <p>Court Impact: <i>Inform Human Resources and judicial officers overseeing civil cases. May require changing practices relating to record retention for former employees.</i></p>	<p>Holly Dodge</p>

Administration of Trial Courts Informational Bills	Notes
<p>Disability retirement: COVID-19: presumption. AB 551, Ch. 741</p> <p><u>Laws:</u> Amend Section 7523.2 of the Government Code.</p> <p><u>Summary:</u> This bill extends provisions that establish a disability retirement presumption to members of public employment retirement systems who are employed in certain job classifications and test positive for COVID-19 or who are in non-specified job classifications but test positive during an outbreak until January 1, 2024.</p> <p><u>Court Impact:</u> <i>Informational for HR departments.</i></p>	<p style="text-align: center;">Dana Dowse</p>
<p>State holidays: Genocide Remembrance Day. AB 1801, Ch. 761</p> <p><u>Laws:</u> Amends Section 135 of the Code of Civil Procedure, amends Sections 37220.7, 45203, 79020, and 88203 of the Education Code, and amends Sections 6700, 19853, and 19853.1 of the Government Code.</p> <p><u>Summary:</u> This bill adds April 24, known as “Genocide Remembrance Day,” to the list of state holidays. This bill would add “Genocide Remembrance Day” to the list of holidays that are excluded from designation as a judicial holiday.</p> <p><u>Court Impact:</u> <i>Some of this bill's changes were summarized in the Judicial Council's "2023 Judicial Holiday Change: Juneteenth" memo to judicial officers and court executive officers on 10/4/2022. Informational only. Genocide Remembrance Day is excluded as a judicial holiday.</i></p>	<p style="text-align: center;">Dana Dowse</p>

Administration of Trial Courts Informational Bills	Notes
<p>Unemployment insurance: work sharing plans. AB 1854, Ch. 112</p> <p>Laws: Amend Section 1279.7 of the Unemployment Insurance Code.</p> <p>Summary: This bill indefinitely extends provisions to create an alternative process for the submission and approval of employer work sharing plan applications; to require the Director of Employment Development to accept applications and renewals submitted electronically and to create a portal on its internet website for the provision and receipt of these applications. This bill also requires the department to accept electronic signatures on all work sharing plan documents. Finally, the bill requires that work sharing plan applications submitted by eligible employers, upon approval by the director, be deemed approved for one year, except as specified.</p> <p>Court Impact: <i>This bill is informational for CEOs and the heads of human resources departments, who may wish to pursue an application for a work sharing plan under this program during future potential recessionary periods. Program requirements outlined on the EDD's website may limit the feasibility of such a plan or illuminate ineligibility for courts based on their circumstances, however. Further information on the program and all requirements can be found on the EDD's website at https://www.edd.ca.gov/unemployment/Work_Sharing_Program.htm</i></p>	<p style="text-align: center;">Dana Dowse</p>
<p>Workers' compensation: disability payments. AB 2148, Ch. 120</p> <p>Laws: Amend Section 4651 of the Labor Code, relating to workers' compensation.</p> <p>Summary: This bill extends the sunset date on a program that allows employers to deposit disability indemnity payments to employees in a prepaid card account until January 1, 2024.</p> <p>Court Impact: <i>Informational for Human Resources.</i></p>	<p style="text-align: center;">Dana Dowse</p>
<p>Charles James Ogletree, Jr. Courthouse. AB 2268, Ch. 410</p> <p>Laws: N/A</p> <p>Summary: Operative 9/18/22. This bill renames the main courthouse of the Superior Court of California, County of Merced as the Charles James Ogletree, Jr. Courthouse.</p> <p>Court Impact: <i>This bill is informational only for the Merced Superior Court.</i></p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 09/18/2022</p> <p style="text-align: center;">Sharif Elmallah</p>

Administration of Trial Courts Informational Bills	Notes
<p>Lunar New Year holiday. AB 2596, Ch. 792</p> <p>Laws: Amend Section 135 of the Code of Civil Procedure, amend Sections 6700, 19853, and 19853.1 of, and repeal Section 6730 of, the Government Code, relating to state government.</p> <p>Summary: Operative 9/29/2022. This bill would repeal provisions requiring the Governor to annually proclaim the “Lunar New Year,” and would instead recognize the “Lunar New Year” as a state holiday. The bill would authorize state employees, with specified exceptions, to elect to receive 8 hours of holiday credit for the “Lunar New Year” in lieu of receiving 8 hours of personal holiday credit, and to elect to use 8 hours of vacation, annual leave, or compensating time off, consistent with departmental operational needs and collective bargaining agreements, for “Lunar New Year,” as specified. This bill would add “Lunar New Year” to the list of holidays that are excluded from designation as a judicial holiday.</p> <p>Court Impact: <i>Some of this bill's changes were summarized in the Judicial Council's "2023 Judicial Holiday Change: Juneteenth" memo to judicial officers and court executive officers on 10/4/2022. Informational only. Lunar New Year is excluded as a judicial holiday.</i></p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 09/29/2022</p> <p style="text-align: center;">Dana Dowse</p>
<p>Air ambulance services. AB 2648, Ch. 440</p> <p>Laws: Amend Section 76000.10 of the Government Code.</p> <p>Summary: This bill extends the sunset date of the Emergency Medical Air Transportation (EMAT) and Children's Coverage Fund to June 30, 2024, and the program as a whole to July 1, 2025. The bill does not extend the collection of the \$4 penalty historically collected by courts for a violation of the Vehicle Code or local ordinance adopted pursuant to the vehicle Code, other than a parking offense.</p> <p>Court Impact: <i>Informational only.</i></p>	<p style="text-align: center;">Holly Dodge</p>

Administration of Trial Courts Informational Bills	Notes
<p>Public contracts: authorized agent: limitations. SB 34, Ch. 297</p> <p>Laws: Add § 6102 to the Public Contract Code.</p> <p>Summary: This bill declares that a contract is voidable if it was entered into in a manner that involved the committing of a crime relating to bribery of a public official.</p> <p>Court Impact: <i>This bill is informational for court staff responsible for maintaining contracts. The Judicial Branch Contracting Manual (JBCM) translates how contracting requirements for state agencies and departments apply to judicial branch entities (JBEs), which is required by Public Contracting Code § 19206. The JBCM could be updated in the future to incorporate this provision.</i></p>	<p style="text-align: center;">Sharif Elmallah</p>

Administration of Trial Courts Informational Bills	Notes
<p>State Government. SB 189, Ch. 48</p> <p>Laws: Amend §§ 8051 and 19951 of, and add Section 19440.1 to, the Business and Professions Code. Amend §§ 51.7, 52, 54.3, 4225, and 6606 to the Civil Code. Amend § 67380 of the Education Code. Amend §§ 3527, 7903, 8310.7, 8310.8, 9112, 9112.5, 11136, 11343, 11512, 11540, 12804, 12901, 12903, 12907, 12925, 12935, 12940, 12940.3, 12944, 12945, 12965, 13957, 14692, 15670, 15676.2, 18720, 18720.2, 18720.3, 18720.4, 19704, 50085.5, and 65040 of, amend the headings of Part 2.8 (commencing with § 12900) of Division 3 of Title 2 of, and Article 2 (commencing with § 12935) of Chapter 5 of Part 2.8 of Division 3 of Title 2 of, add §§ 8286.5, 8310.6, 11540.5, 12482, and 12816.5 to, add Chapter 1.5 (commencing with § 16343) to Part 2 of Division 4 of Title 2 of, and Article 5.5 (commencing with § 65052) to Chapter 1.5 of Division 1 of Title 7 of, and add and repeal § 11133 of, and add and repeal Article 5.10 (commencing with § 8590.15) of Chapter 7 of Division 1 of Title 2 of, and repeal § 15676.5 of, the Government Code. Amend §§ 1262.6 and 17008.5 of, and add § 131052.5 to, the Health and Safety Code. Amend §§ 107.5, 1156.3, 1424, 1429, 1429.5, 1430, 1684, 1697.5, 1700.50, 1700.52, 3073, and 3073.9 of the Labor Code. Amend §§ 243.4, 422.92, and 679.10 to the Penal Code. Add § 95.60 to the Revenue and Taxation Code. Amend §§ 1095 and 14034 of the Unemployment Insurance Code. Amend § 11216.2 of the Vehicle Code</p> <p>Summary: Operative 6/30/22. This is a budget trailer bill for the Budget Act of 2022. Related to the Judicial Branch, this bill amends Business and Professions Code § 8051 to clarify the fee that can be charged by the Court Reporters Board (CRB) for an out-of-state entity to register to provide shorthand reporting services in California. It also authorizes the CRB to adopt emergency regulations in 2022 and 2023 to implement this section and to disclose public information about shorthand reporting corporations operating in California. The code section remains in effect until January 1, 2024 unless later amended.</p> <p>Court Impact: <i>The amended code section was enacted by the passage of SB 241 (2021), which in relevant part granted the "Court Reporters Board (CRB) a method for permitting out-of-state deposition reporters to register with and be governed by the CRB." This bill is informational for courts and does not have a direct impact.</i></p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 06/30/2022</p> <p style="text-align: center;">Sharif Elmallah</p>

Administration of Trial Courts Informational Bills	Notes
<p>Deterring union membership: violations. SB 931, Ch. 297</p> <p>Laws: Adds Section 6102 to the Public Contract Code.</p> <p>Summary: This bill makes a contract voidable if it was entered into because of an act that would constitute a violation of a state or federal crime relating to bribery of a public official. The bill would specify that these provisions apply to contracts executed on or after January 1, 2023, including contracts negotiated prior to that date.</p> <p>Court Impact: <i>Informational for Administration.</i></p>	<p style="text-align: center;">Dana Dowse</p>
<p>Public restrooms: building standards. SB 1194, Ch. 839</p> <p>Laws: Add and repeal § 118507 of the Health and Safety Code.</p> <p>Summary: This bill requires specified local jurisdictions to adopt an ordinance or resolution when requiring new or renovated public toilet facilities in the jurisdiction to be for use by all genders. In such instances, it requires bathroom signage comply with Title 24 of the California Code of Regulations and specifies other requirements differentiated by single or multiuser bathrooms. These requirements become inoperative when similar standards in Title 24 of the California Code of Regulations take effect.</p> <p>Court Impact: <i>Staff responsible for facilities management should be made aware of these changes as they may necessitate bathroom designation and signage changes in some jurisdictions subject to a local ordinance or resolution. Staff may wish to consult their assigned Judicial Council facilities representative about any changes.</i></p>	<p style="text-align: center;">Sharif Elmallah</p>

Administration of Trial Courts Informational Bills	Notes
<p>Insurance. SB 1242, Ch. 424</p> <p>Laws: Amend Sections 106, 396, 510, 676.2, 676.8, 677.2, 677.4, 678, 678.1, 785, 799.02, 1652, 1725.5, 1749, 1749.3, 1749.31, 1749.32, 1749.33, 1758.9, 1871.2, 1872.4, 10111.2, 10144.55, 10235.45, 11664, and 13902 of, to add Sections 1872.41 and 1872.51 to, and to repeal Section 1879.2 of, the Insurance Code, and amend Section 5401.7 of the Labor Code.</p> <p>Summary: This law establishes notice requirements for cancelling a worker's compensation policy. Notices of cancellation shall not be effective unless it is based on the occurrence of one of the following: the policyholder fails to make any workers' compensation insurance premium payment when due, the policyholder fails to report payroll or to permit the insurer to audit payroll as required by the terms of the policy, the policyholder fails to comply with federal or state safety orders or written recommendations of the insurer's designated loss control representative, there is a material change in ownership or change in business that increases the hazard for frequency or severity of loss, there is a material misrepresentation by the policy holder or there is failure to cooperate with the insurer in the insurer's investigation of a claim. The insurer is required to provide notice of 10 or 30 days, depending on the subdivision, when canceling a policy for one of the above reasons.</p> <p>Court Impact: <i>Informational for HR departments.</i></p>	<p style="text-align: center;">Dana Dowse</p>

Administration of Trial Courts Informational Bills	Notes
<p>Professions and vocations. SB 1443, Ch. 625</p> <p>Laws: Amend §§ 1601.1, 1616.5, 2092, 2456.1, 5000, 5015.6, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 6981, 7000.5, 7011, 7511.5, 7512.3, 7512.14, 7512.15, 7520.3, 7525.1, 7529, 7533.5, 7538, 7538.5, 7539, 7573.5, 7576, 7588.8, 7593.1, 7593.5, 7599.80, 7599.345, 7602, 7653, 7712.5, 7712.9, 7729, 7729.3, 7729.4, 7729.5, 7729.6, 7729.7, 7729.8, 7729.10, 7730, 7730.1, 7730.2, 7730.3, 7730.4, 7730.5, 7730.6, 7730.7, 7730.8, 7730.10, 7730.11, 8000, 8005, 8030.2, 8030.4, 8030.6, 8030.8, 8050, 8051, 8710, 9812.5, 9830.5, 9832.5, 9847.5, 9849, 9851, 9853, 9855.9, 9860, 9862.5, 9863, 9873, and 18602 of, and add Section 7729.11 to, the Business and Professions Code.</p> <p>Summary: Related to the Judicial Branch, this bill extends the Sunset Review Oversight deadline for the Court Reporters Board of California and their administration of the Transcript Reimbursement Fund from January 1, 2024 to January 1, 2025 due to the Department of Consumer Affairs updating their schedule for that process following delays caused by the Covid-19 pandemic.</p> <p>Court Impact: <i>This bill is informational only. The new timeline may result in changes to how the Court Reporters Board of California functions commencing in 2025 as the Senset Review Oversight process is an evaluative mechanism to make changes to such entities as needed.</i></p>	<p style="text-align: center;">Sharif Elmallah</p>

CIVIL	NOTES
Legislation From the 2021 Session with a delayed operative date	
<p>Change of gender and sex identifier. AB 218, Ch. 577, Stats. 2021</p> <p>Laws: Amends Sections 1276 and 1277 of the Code of Civil Procedure, amends Sections 102426 and 102430, adds Sections 103400 and 103725, and repeals and adds Article 7 (commencing with Section 103425) of Chapter 11 of Part 1 of Division 102 of, the Health and Safety Code, relating to vital records.</p> <p>Summary: Effective January 1, 2023, this bill authorizes a person filing a petition for change of name and/or gender to request the court order a new marriage license and certificate; confidential marriage license and certificate; and/or child’s birth certificate be issued to reflect the change.</p> <p>Additionally, this bill authorizes a person, who does not reside in California, to file a petition for change of name and/or gender when seeking to change their name and/or gender on a birth certificate; legal child’s birth certificate; marriage license and certificate; or confidential marriage license and certificate issued within the state of California. Further this bill provides publication rules for petition for change of name filed by a person who does not reside in California and authorizes a court to allow an alternate method of publication or waive the publication requirement after sufficient evidence has been submitted to the court.</p> <p>Court Impact: <i>Inform judicial officers, staff attorneys, self-help centers, and operations staff of changes in the law. Review processing manuals, filing procedures and watch for any updates to the judicial council’s mandatory name change forms.</i></p>	<p>From 2021 New Laws Operative 01/01/2023</p> <p>Robyn Bullington</p>

CIVIL	NOTES
<p align="center">Legislation From the 2022 Session</p> <p>Civil damages: medical malpractice. AB 35, Ch. 17</p> <p>Laws: Amends Section 6146 of the Business and Professions Code, amends Section 3333.2 of the Civil Code, amends Section 667.7 of the Code of Civil Procedure, and adds Chapter 3 (commencing with Section 104340) to Part 2 of Division 103 of the Health and Safety Code.</p> <p>Summary: This bill makes changes to provisions in the Medical Injury Compensation Reform Act (MICRA) by restructuring MICRA's limit on attorney fees and raising MICRA's cap on noneconomic damages. Specifically, this bill:</p> <ul style="list-style-type: none"> - Removes the \$250,000 limit on noneconomic damages. - Increases the minimum amount of the judgement required to request periodic payments to \$250,000. - If an action is tried in a civil court or arbitrated, the attorney may file a motion for a contingency fee in excess of the percentage specified; a motion shall be filed, served on all parties, and decided in the court's discretion based on evidence establishing good cause for the higher contingency fee. - Applies to all cases filed or arbitrations demanded starting January 1, 2023. The dollar amount in effect at the time of judgment, arbitration award, or settlement are to be adjusted for inflation each January by two percent beginning on January 1, 2034. - Adds and revises definitions related to "health care institutions", "unaffiliated", "family", and "benevolent gestures" - States that any benevolent gestures specified shall be confidential and not subject to certain actions such as subpoena, discovery, or admitted into evidence. <p>Court Impact: <i>May require revisions to internal processing manuals and updating forms to reflect the new dollar amounts. Inform judicial officers and operations staff of the modifications related to the definitions.</i></p>	<p align="center">Karen Avila</p>
<p>Better for Families Tax Refund. AB 192, Ch. 51</p> <p>Laws: Adds and repeals Section 12419.3.2 of the Government Code, amends Section 19554.1 of, and adds and repeals Sections 17131.12, 19265.5, and 19554.2 of, the Revenue and Taxation Code, and adds and repeals Chapter 4.9 (commencing with Section 8160) of Division 8 of the Welfare and Institutions Code, relating to economic relief, to take effect immediately.</p> <p>Summary: Section 6 of this bill automatically exempts any Better for Families Tax Refund payment from garnishment.</p> <p>Court Impact: <i>Inform judicial officers, staff attorneys and self-help centers of the update.</i></p>	<p align="center">URGENCY</p> <p align="center">Operative 06/20/2022</p> <p align="center">Robyn Bullington</p>

CIVIL

NOTES

Change of gender and sex identifier.

AB 421, Ch. 40

Laws: Amends Section 103430 of the Health and Safety Code, relating to vital records, and declaring the urgency thereof, to take effect immediately. Urgency Legislation to take effect immediately.

Summary: During the implementation process of AB 218, the Judicial Council became aware of inconsistencies in the statutory language. AB 421 corrects the statutory language to ensure that the Judicial Council can implement AB 218 provisions by January 1, 2023.

Specifically, this bill: 1) Provides that if the petition for the issuance of a new marriage license and certificate or confidential marriage license and certificate is not signed by the living and capable spouse who shares the document that would be changed by granting the petition, notice shall be given to the nonsigning spouse as provided.

2) Provides that if a petition to recognize a change of gender of a minor does not include the signature of all living parents, then upon receipt of the petition, the court must make an order directing the parent or parents who did not sign the petition to show cause why the petition for a court order to recognize a change in the minor’s gender and sex identifier to female, male, or nonbinary should not be granted by filing a written objection, which includes any reasons for the objection, within six weeks of the making of the order, and shall state that if no objection showing good cause to oppose the gender recognition is timely filed, the court shall, without hearing, enter the order that the gender and sex identifier recognition is granted.

3) Provides that if a petition to recognize a change of gender of a minor is filed by specified persons, including court-appointed attorneys, and all parents are deceased or cannot be located, then upon receipt of the petition, the court shall thereupon make an order directing the living grandparents to show cause why the petition for a court order to recognize a change in the minor’s gender and sex identifier to female, male, or nonbinary should not be granted by filing a written objection, which includes any reasons for the objection, within six weeks of the making of the order, and shall state that if no objection showing good cause to oppose the gender recognition is timely filed, the court shall, without hearing, enter the order that the gender and sex identifier recognition is granted.

4) Adjusts the timeline for service of the petition and order to show cause from 30 days to four weeks.

Court Impact: Inform judicial officers, staff attorneys, self-help centers, and operations staff of changes in the law. Review processing manuals, filing procedures and watch for any updates to the judicial council’s mandatory name change forms.

URGENCY

Operative 06/30/2022

Robyn Bullington

CIVIL	NOTES
<p>Price discrimination: gender. AB 1287, Ch. 555</p> <p>Laws: Adds to Section 51.14 to the Civil Code.</p> <p>Summary: This bill prohibits price discrimination based on gender for any two substantially similar goods, if priced differently based on the gender of whom the goods are intended. The bill authorizes the Attorney General to seek an injunction to instruct and prevent continuing violations, and authorizes the court, to impose a civil penalty (up to \$10,000 for the first violation, \$1,000 for each subsequent violation not to exceed a total of \$100,000), and also grant the injunction. The court may impose further penalties for repeat violations under a separate claim for the same goods or for any goods not put forward by the Attorney General.</p> <p>No harm needs to be proven in order for the injunction to be granted. The AG will advise of any violation 5 days prior to seeking an injunction.</p> <p>Court Impact: <i>Inform Judicial Officers and staff attorneys of the change in law and of the court's authority to impose a civil penalty.</i></p>	<p style="text-align: center;">Robyn Bullington</p>

CIVIL	NOTES
<p>Firearms: civil suits. AB 1594, Ch. 98</p> <p>Laws: Adds Title 20 (commencing with Section 3273.50) to Part 4 of Division 3 of the Civil Code.</p> <p>Summary: Effective July 1, 2023, this bill establishes a firearm industry standard of conduct and requires a firearm industry member (“member”) [defined as “person, firm, corporation, company, partnership, society, joint stock company, or any other entity or association engaged in the manufacture, distribution, importation, marketing, wholesale, or retail sale of firearm-related products”] to establish, implement, and enforce “reasonable controls,” as defined, which include precautions that ensure that a member does not sell, distribute, or provide firearm related products [defined as “a firearm, ammunition, a firearm precursor part, a firearm component, and a firearm accessory that” is sold, made, distributed, intended to be distributed, possessed or foreseeably possessed in California] and adhere to specified laws pertaining to unfair methods of competition, unfair or deceptive acts or practices, and false advertising. The bill further prohibits a member from manufacturing, marketing, importing, offering for wholesale or retail sale a firearm-related product that is abnormally dangerous and likely to create an unreasonable risk of harm to public health and safety in California, as specified.</p> <p>This bill also authorizes a person who has suffered harm in California, the Attorney General, or city or county attorneys to pursue a civil action against a firearm industry member for an act or omission in violation of the firearm industry standard of conduct as specified. The bill authorizes a court that determines that a member has engaged in the prohibited conduct to award various relief, including injunctive relief, damages, attorney fees and costs, and any other appropriate relief the court deems necessary to enforce this title and remedy the harm caused by the conduct.</p> <p>Court Impact: <i>Inform judicial officers, staff attorneys, and operations staff of addition of new law. Review civil filing procedures and watch for any updates to Judicial Council forms that may include this new cause of action for violation of the firearm industry standard of conduct.</i></p>	<p style="text-align: center;">DELAYED IMPLEMENTATION</p> <p style="text-align: center;">Operative 07/01/2023</p> <p style="text-align: center;">Jamie Newbold</p>

CIVIL	NOTES
<p>Dog training services: disclosure requirement. AB 1901, Ch. 276</p> <p>Laws: Adds Chapter 12.5 (commencing with Section 122395) to Part 6 of Division 105 of the Health and Safety Code.</p> <p>Summary: At the time of purchase of dog training services, a dog trainer must disclose in writing to a customer any civil judgments related to their training services and criminal animal cruelty convictions against the dog trainer and their employees. The dog trainer and customer must sign a written disclosure. A customer can sue for damages arising from the dog trainer’s failure to give written disclosure.</p> <p>Court Impact: <i>Inform judicial staff, staff attorneys and self-help staff of new cause of action for damages.</i></p>	<p style="text-align: center;">Robyn Bullington</p>

CIVIL	NOTES
<p>COVID-19 relief: tenancy. AB 2179, Ch. 13</p> <p><u>Laws:</u> Amends Sections 1179.03, 1179.05, 1179.10, and 1179.11 of the Code of Civil Procedure to take effect immediately.</p> <p><u>Summary:</u> This bill extended the moratorium on evictions for failure to pay rent (due to COVID-19) until June 30, 2022 (was previously set to expire on March 31, 2022, under AB 832 by Chiu, Chap. 27, Stats. 2021)</p> <ul style="list-style-type: none"> - Extends until June 30, 2022: protections against eviction for nonpayment of rent only if an application for emergency rental assistance to cover the unpaid rent was pending as of March 31, 2022 - Requires notices to include specified text based on the date served (modifications for notices served before April 1, 2022 and other modifications for notices served beginning April 1, 2022 to July 1, 2022) - Requires a plaintiff to file a statement under penalty of perjury that a determination is not pending on an application (one filed prior to April 1, 2022) for government rental assistance to cover any part of the rental debt demanded from the defendants prior to the court issuing a summons under these provisions - Allows on an action filed on or after April 1, 2022, and before July 1, 2022, a judgment to be issued in favor of the plaintiff if the court finds that a determination is not pending on an application (filed prior to April 1, 2022) for government rental assistance to cover any part of the rental debt demanded - Extends certain statewide preemption of local laws through June 30, 2022 - For rent that accrues on or after April 1, 2022, local jurisdictions are allowed to establish additional protections against eviction. (Code Civ. Proc. Sec. 1179.05.) - Prohibits any provision by the specified local authorities permitting a tenant to repay COVID-19 rental debt beyond August 31, 2023 - Contains a severability clause. <p><u>Court Impact:</u> <i>Moderate operational impact. Inform judicial officers and staff attorneys of updates to the law. This bill had a higher impact on court procedures due to the extension on the moratorium on evictions for failure to pay rent prior to June 30, 2022. Courts may have experienced an increase in unlawful detainer filings or requirements on adjudicating alleged violations of the moratorium during that time period.</i></p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative: 03/31/2022</p> <p style="text-align: center;">Karen Avila</p>

CIVIL	NOTES
<p>Civil representation: immigration status. AB 2193, Ch. 486</p> <p><u>Laws:</u> Amend Section 68651 of the Government Code, relating to courts.</p> <p><u>Summary:</u> This bill prohibits programs providing legal services through grants from the Sargent Shriver Civil Counsel Act (Shriver Act) from discriminating on the basis of citizenship or immigration status. Provides that applications for funding for a Shriver Act program include information about how the program proposes to serve people seeking services without respect to their citizenship or immigration status.</p> <p>Directs the Judicial Council to do the following with respect to Shriver Act grants:</p> <p>a) encourage current grantees to explore ways to provide services without regard to citizenship or immigration status; and</p> <p>b) give additional consideration to future programs that propose to newly provide legal services in a region without regard to citizenship or immigration status.</p> <p><u>Court Impact:</u> <i>Courts who receive Shriver funding will need to review any operational impacts to their programs.</i></p>	<p>Family and Civil Impact</p> <p>Sara MacCaughey</p>
<p>Firearms: advertising to minors. AB 2571, Ch. 77</p> <p><u>Laws:</u> Adds Chapter 39 (commencing with Section 22949.80) to Division 8 of the Business and Professions Code to take effect immediately.</p> <p><u>Summary:</u> This bill would prohibit the marketing of firearm-related products in any manner that is designed or intended to attract minors. This includes merchandising, product placement and advertising in a publication created for the purpose of reaching an audience that is predominately composed of minors.</p> <p><u>Court Impact:</u> • <i>Potential increase in workload to adjudicate violations, obtain injunctive relief and seek civil penalties or damages for harm caused by a violation.</i></p> <ul style="list-style-type: none"> • <i>Civil Penalty not to exceed \$25,00 for each violation.</i> • <i>Verify CMS has an appropriate type of action to accept for filing and collection of civil penalty and distribution.</i> 	<p>URGENCY</p> <p>Operative 06/30/2022</p> <p>Penny Sterris</p>

CIVIL	NOTES
<p>Recall elections. AB 2584, Ch. 791</p> <p>Laws: Amends Sections 11020, 11022, 11024, 11041, and 11242, and adds Section 11042.5 to the Elections Code.</p> <p>Summary: This bill:</p> <ul style="list-style-type: none"> Increases the number of proponent signatures required on the notice of intention, determined by the type of office held by the officer sought to be recalled. A recall petition for a member of governing school board requires an estimate of the cost of conducting the special election. Extends the election time up to 180 days to be consolidated with a regularly scheduled election. <p>Court Impact: <i>Potential increase in workload to adjudicate writs or injunctions concerning accuracy of the information in the publicly displayed recall petition.</i></p>	<p>Penny Sterris</p>

<p>Judiciary omnibus. AB 2960, Ch. 420</p> <p>Laws: Amends and repeals Sections 21701, 21703, 21705, and 21712 of the Business and Professions Code, amends Sections 1102.5 and 1798.99.80 of the Civil Code, amends Sections 1282.6, 1516, 1563, and 1733.1 of the Code of Civil Procedure, amends Sections 4204, 6308, 7643, 7643.5, and 17404, and repeals and adds Section 6307 of the Family Code, amends Sections 12931, 12935, 12956.2, 12965, 14985.7, 14985.8, and 17388.2 of the Government Code, amends Section 18123, repeals and adds Section 18122 of the Penal Code, amends Sections 1471, 1821, 1823, 1826, 1828, 1894, 1895, 2250.6, 2253, 2356.5, and 15800 of the Probate Code, and amends Section 224.2 of the Welfare and Institutions Code.</p> <p>Summary: This is the Judiciary Committee's civil law omnibus bill. It is intended to provide legislative efficiencies by clarifying and correcting statutes in a single bill.</p> <p>Major provisions include: SEC. 17 and 18 adds Family Code § 6307 and amends Family Code § 6308 regarding domestic violence temporary restraining. SEC. 30 and 31 adds/amends Penal Code § 18122 and § 18123 regarding gun violence restraining orders. These sections become operative July 1, 2023. A court or court facility that receives petitions for domestic violence restraining orders or gun violence restraining order shall permit those petitions and any filings related to those petitions to be submitted electronically. The court or court facility shall, based on the time of receipt, act on these filings. The request, notice of the court date, copies of the request to serve on the respondent, and the temporary restraining order, if granted, shall be provided to the petitioner electronically, unless the petitioner notes, at the time of electronic filing, that these documents will be picked up from the court or court facility. Information regarding electronic filing and access to the court's self-help center shall be prominently displayed on each court's homepage. Each self-help center shall maintain and make available information related to domestic violence restraining orders pursuant to this section. The Judicial Council may adopt or amend rules and forms to implement this section. SEC. 18. Section 6308 of the Family Code is amended to read: A party, support person as defined in Section 6303, or witness may appear remotely at the hearing on a petition for a domestic violence restraining order. The superior court of each county shall develop local rules and instructions for remote appearances. SEC. 19 amends Family Code § 7643 concerning public hearings and records. A hearing or trial held under this part may be held in closed court without admittance of any person other than those necessary to the action or proceedings.</p> <p>Clarifies that an Indian child's tribe may participate in a juvenile court proceeding by telephone or other remote appearance option without any fees imposed.</p>	<p>Civil, Family Law, Juvenile and Probate Impact</p> <p>Penny Sterris</p>
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CIVIL	NOTES
<p><u>Court Impact:</u> <i>Specifies electronic filing requirements for domestic and gun violence restraining orders and self-help information to be displayed on the court’s homepage.</i></p> <ul style="list-style-type: none"> ·<i>The Judicial Council is required to create or modify existing forms as needed to designate children conceived by assisted reproduction.</i> ·<i>The superior court of each county shall develop local rules and instructions for specified remote appearances (Penal Code § 18123, Family Code § 6308)</i> ·<i>Update clerical work instructions for Parentage actions</i> ·<i>Update fee schedules for remote appearances</i> ·<i>No new fees, penalties or assessments created.</i> <p><i>Note: See AB 887 from the 2021 New Laws workshop for details on Domestic Violence electronic filings. Review the entire bill for courts in the process of expanding or implementing a new electronic filing system. Speak with your CEO or director for more information about your court.</i></p> <p><i>Juvenile Impact Statement: Juvenile courts who have been imposing fees for telephonic or remote appearances by Indian tribes must no longer charge those fees.</i></p>	
<p>Unsolicited images.</p> <p><u>Laws:</u> Adds Section 1708.88 of the Civil Code.</p> <p><u>Summary:</u> This bill creates a private cause of action against any adult who knowingly sends unsolicited images, by electronical means, depicting obscene material. Defines “obscene material.” Provides civil penalties for violations, as well as statutory and punitive damages to a harmed plaintiff.</p> <p><u>Court Impact:</u> <i>Inform judicial officers, staff attorneys and self-help staff. Courts could see a potential increase in workload to adjudicate cases.</i></p>	<p style="text-align: right;">SB 53, Ch. 504</p> <p style="text-align: center;">Penny Sterris</p>

CIVIL	NOTES
<p>Gender-affirming health care. SB 107, Ch. 810</p> <p>Laws: Adds Section 56.109 to the Civil Code, amends Sections 2029.300 and 2029.350 of the Code of Civil Procedure, amends Sections 3421, 3424, 3427, and 3428 and adds Section 3453.5 to the Family Code, and amends Section 1326 and adds Section 819 to the Penal Code.</p> <p>Summary: Civil: This bill enacts various safeguards against the enforcement of out of state anti-transgender laws to protect individuals seeking and providing gender affirming care in California. The bill bars health care providers from complying with subpoenas that require disclosure of medical information related to gender-affirming health care.</p> <p>Criminal: This bill adds Section 819 and amends Section 1326 of the Penal Code (among additions and amendments to Civil Code, CCP and Family Code.) For criminal specifically, Penal Code Section 819 establishes lowest priority for out-of-state gender-affirming health care violation enforcement; prohibits participation in the arrest or extradition of an individual pursuant to out-of-state arrest warrant regarding providing, receiving or allowing child to receive gender-affirming health care that is lawful under laws of this state; prohibits related cooperation or information providing; prohibits information and medical records sharing with out-of-state agency or individual. Further, Penal Code Section 1326 is amended to prohibit release of medical information related to a child's gender-affirming health care in response to a foreign subpoena based on another state's law.</p> <p>Family Law: This bill states a law of another state that authorizes a state agency to remove a child from their parent or guardian based on the parent or guardian allowing their child to receive gender-affirming health care or gender-affirming mental health care is against the policy of this state and shall not be enforced or applied in a case pending in a court of this state.</p> <p>Court Impact: <i>Criminal: Informational only.</i></p> <p><i>Civil and Family Law: Potential increase in workload to adjudicate child custody matters to ensure a child of another state can obtain gender-affirming care.</i></p> <p><i>Inform judicial officers, staff attorneys and self-help staff.</i></p>	<p>Civil and Family Law Impact</p> <p>Penny Sterris</p>

CIVIL	NOTES
<p>California Environmental Quality Act: public higher education: campus population. SB 118, Ch. 10</p> <p>Laws: Amends Section 21080.09 of the Public Resources Code to take effect immediately.</p> <p>Summary:</p> <ul style="list-style-type: none"> • This bill changes CEQA requirement for the long-range development plans to consider “campus population” instead of “enrollment”. • Deletes the provision requiring the environmental effects relating to changes in enrollment level be considered in the environmental impact report (EIR). • Enrollment or changes in enrollment, by themselves do not trigger CEQA. • Authorizes the court, to order the campus or medical center to prepare a new, supplemental, or subsequent EIR, if the court determines that increases in campus population exceed the projections long-range development plan (LRDP). • Appropriates \$50,000 from the General Fund to the Regents of the University of California for purposes of this act for 2021-22 fiscal year. <p>Court Impact: <i>Inform judicial officers and staff attorneys of the authorization to prepare a new, supplemental, or subsequent Environmental Impact Report (EIR) under certain circumstances.</i></p>	<p>URGENCY</p> <p>Operative 03/14/2022</p> <p>Penny Sterris</p>
<p>Corporations: ratification or validation of noncompliant corporate actions. SB 218, Ch. 217</p> <p>Laws: Amends Section 110 and adds Section 119 to the Corporations Code.</p> <p>Summary: This bill establishes procedures for the Secretary of State to accept or deny filings related to ratified or validated acts. This bill creates two procedures by which a domestic corporation may retroactively render effective otherwise-lawful corporate actions, that were not in compliance or purportedly not in compliance with the General Corporation Law or the corporation’s articles, bylaws, or plan by either through vote by the board or by seeking validation of an action from a superior court sitting in equity.</p> <p>Court Impact: <i>Minor workload increases to process petitions for validation.</i></p>	<p>Penny Sterris</p>

CIVIL	NOTES
<p>Civil actions: judgments by confession. SB 688, Ch. 851</p> <p>Laws: Amends Section 1132 and repeals Sections 1133 and 1134 of the Code of Civil Procedure, amends Sections 6103, 68085.1, and 70626 of the Government Code, and amends Section 4459 of the Probate Code.</p> <p>Summary: This bill would provide that a judgment by confession is unenforceable and may not be entered in any superior court. The bill would not apply the foregoing provision to a judgment by confession obtained or entered before January 1, 2023. The bill would repeal the provisions setting forth procedures by which a defendant files for, and a superior court enters, a judgment by confession.</p> <p>Court Impact: <i>Inform judicial staff, staff attorneys and self-help staff. Revise procedural and operations manuals that these documents shall not be entered after January 1, 2023.</i></p>	<p>Robyn Bullington</p>
<p>Debt: coerced debts. SB 975, Ch. 989</p> <p>Laws: Adds Title 1.81.35 (commencing with Section 1798.97.1) to Part 4 of Division 3 of the Civil Code, relating to debt.</p> <p>Summary: This bill requires a claimant, to cease collection activities until the claimant completes a review, as defined and specified, if a claimant receives documentation and a sworn written statement under penalty of perjury from the debtor that the debt being collected is coerced debt. The bill prohibits a person from causing another person to incur a coerced debt and makes a person who causes another person to incur a coerced debt civilly liable to the claimant, as specified. The bill also creates a right of action allowing a debtor to bring an action or file a cross-complaint against a claimant to establish that a particular debt, or portion thereof, is coerced debt, as specified.</p> <p>For debts incurred on or after July 1, 2023 that are established to be coerced debt by the debtor, this bill entitles debtor to specified relief, including an injunction prohibiting the claimant from holding or attempting to hold the debtor personally liable on the particular debt or from enforcing a judgment related to the particular debt, or portion thereof, that is coerced debt against the debtor.</p> <p>This bill also requires the court to issue a judgment in favor of the claimant against any person who coerced the debtor into incurring the debt, as specified.</p> <p>Court Impact: <i>Inform judicial officers, staff attorneys, and self-help and operations staff of new law.</i></p>	<p>Jamie Newbold</p>

CIVIL	NOTES
<p>Leases: termination of tenancy: abuse or violence. SB 1017, Ch. 558</p> <p><u>Laws:</u> Amends Section 1946.7 of the Civil Code, amends Section 1161.3, and adds Section 1174.27 to the Code of Civil Procedure.</p> <p><u>Summary:</u> This bill strengthens rental housing-related protections for survivors of domestic violence, abuse, and other serious crimes. Key components of this bill include provisions that: (1) enable survivors to use a broader range of evidence to document what they have endured; (2) clarify the circumstances in which a landlord can evict a survivor based on the perpetrator’s return to the property; (3) establish a mechanism for a court to evict a resident perpetrator of abuse without forcing the survivor to leave as well; and (4) empowering survivors with legal remedies when landlords violate specified aspects of these protections.</p> <p><u>Court Impact:</u> <i>Inform judges, staff attorneys, and self-help staff.</i></p>	<p>Robyn Bullington</p>
<p>Civil discovery: oral depositions: conduct of deposition. SB 1037, Ch. 92</p> <p><u>Laws:</u> Amends Section 2025.310 of the Code of Civil Procedure.</p> <p><u>Summary:</u> This bill requires all parties physically present in a deposition to comply with local health and safety ordinances, rules, and orders.</p> <p><u>Court Impact:</u> <i>Inform judges, staff attorneys, and self-help staff of the update.</i></p>	<p>Robyn Bullington</p>
<p>Violent posts. SB 1056, Ch. 881</p> <p><u>Laws:</u> Adds Title 1.81.46 (commencing with Section 1798.99.20) to Part 4 of Division 3 of the Civil Code.</p> <p><u>Summary:</u> Authorizes a person who is the target of a violent post, or reasonably believes is the target, to seek a court order/injunction requiring the social media platform to remove the post and any related post as deemed by the court. Additionally, court shall award court costs and reasonable attorney’s fees to a prevailing plaintiff in an action brought pursuant to this section (1798.99.22.) and attorney fees may be awarded to a prevailing defendant if there is a finding that the plaintiff’s prosecution of the action was not in good faith. This title does not apply to a social media platform with less than 1,000,000 monthly users.</p> <p><u>Court Impact:</u> <i>Courts may see an increase in filings related to these claims. Courts should update their procedures for processing and hearings of such filings. Inform judicial officers and staff attorneys of the law.</i></p>	<p>Karen Avila</p>

CIVIL	NOTES
<p>Liability claims: time-limited demands. SB 1155, Ch. 719</p> <p>Laws: Adds Chapter 3.2 (commencing with Section 999) to Title 14 of Part 2 of the Code of Civil Procedure.</p> <p>Summary: This bill establishes a statutory framework for settling civil claims arising out of occurrences that are covered by insurance policies using a “time-limited demand,” as defined. First, this bill requires all time-limited demands to be made in writing and provide the insurer between 30 and 33 days to respond to the demand, depending on the manner in which the demand is transmitted to the insurer. Additionally, this bill requires that all demand letters must contain all claims to be settled within the policy limit, a clear and unequivocal statement to settle, information about the loss and resulting claim, any injuries suffered by the claimant, and any available and reasonable proof in support of the claim. It should be noted that the proposed statute sets out minimum requirements and that potential plaintiffs may transmit any additional information and requests to insurers that they believe necessary including there is no other insurance available, proof the insured or injured party were not acting in the scope of employment, or certified copy of the insurance policy. Further, the bill also permits insurers to request additional time to review a claim and proscribes the manner in which an insurer must respond to a claim. This bill also adopts several definitions and clarifies that much of the proposal related to the form of a claim does not apply to unrepresented litigants.</p> <p>Court Impact: <i>Inform judges, staff attorneys, and self-help staff.</i></p>	<p style="text-align: center;">Robyn Bullington</p>

CIVIL	NOTES
<p>Enforcement of judgments: renewal and interest. SB 1200, Ch. 883</p> <p>Laws: Amends Sections 683.050, 683.110, 683.120, 683.160, 683.170, and 685.010 of the Code of Civil Procedure.</p> <p>Summary: This bill increases the number of days, from 30 to 60 days after service of a notice of renewal of judgment by a judgment creditor, that a judgment debtor has to make a motion to vacate or modify a renewal. This bill changes the ability to renew the period of enforceability of a money judgment of under \$200,000 that remains unsatisfied for a claim relating to medical expenses and a money judgment of under \$50,000 that remains unsatisfied for a claim related to personal debt only once and for a period of 5 years from the date the application is filed. This bill also prohibits a creditor from bringing an action on those types of money judgments and prohibits an application for renewal from being filed if the judgment was renewed on or before December 31, 2022.</p> <p>This bill also creates an exception that interest accrues at the rate of 5% per annum (as opposed to 10% per annum) for judgments entered on or after January 1, 2023, or where an application for renewal of judgment is filed on or after January 1, 2023, for money judgments under \$200,000 that remain unsatisfied for a claim relating to medical expenses and a money judgment of under \$50,000 that remains unsatisfied for a claim related to personal debt, as specified.</p> <p>Court Impact: <i>Inform judicial officers, staff attorneys, self-help and operations staff of amendment to existing law.</i></p>	<p>Jamie Newbold</p>
<p>Veterans: protections. SB 1311, Ch. 620</p> <p>Laws: Adds Section 17206.2 to the Business and Professions Code, amends Section 116.540 of the Code of Civil Procedure, amends Sections 401, 409, 409.3, 800, 802, and 804 and adds Section 408.1 to the Military and Veterans Code.</p> <p>Summary: Enacts the Military and Veterans Consumer Protection Act of 2022 which updates several provisions and amends existing law to include an additional civil penalty (not to exceed \$2,500 for each violation) and expands an exception to authorize the plaintiff (if they are a service member as defined) to appear via video or have a representative if the service member is assigned to a location more than 100 miles from the court or is unable to appear as specified. Section 116.540.(e) clarifies that the service member is not required to personally appear and may submit declarations to serve as evidence. It also expands the definition of a service member and veteran.</p> <p>Court Impact: <i>Inform judicial officers, staff attorneys, and clerical staff of the changes in the law. Ensure that courts have a process in place for remote appearance options to comply with the requirements of this bill.</i></p>	<p>Karen Avila</p>

CIVIL	NOTES
<p>Firearms: private rights of action. SB 1327, Ch. 146</p> <p>Laws: Adds and repeals Chapter 38 (commencing with Section 22949.60) of Division 8 of the Business and Professions Code, and adds Section 1021.11 to the Code of Civil Procedure.</p> <p>Summary: This bill establishes privately enforced civil causes of action against anyone who manufactures (or cause), distributes, transports, or imports into the state (or cause), keep for sale, offer, or expose for sale, or give or lend (illegal) firearms as specified in the bill. In addition, it requires a court to award a prevailing claimant injunctive relief, statutory damages (not less than \$10,000) for each firearm precursor part in violation, and attorney’s fees and costs. Parts of the chapter may become inoperative if there is a final decision by the United States Supreme Court or the Texas Supreme Court as specified in this bill.</p> <p>Section 1021.11. (a) states, "Notwithstanding any other law, any person, including an entity, attorney, or law firm, who seeks declaratory or injunctive relief to prevent this state, a political subdivision, a governmental entity or public official in this state, or a person in this state from enforcing any statute, ordinance, rule, regulation, or any other type of law that regulates or restricts firearms, or that represents any litigant seeking that relief, is jointly and severally liable to pay the attorney’s fees and costs of the prevailing party."</p> <p>Court Impact: <i>It is unknown how much this bill will increase the number of civil action filings with the court. The level of impact will depend as it can increase workload related to jury trials. Courts should be aware that it imposes a civil penalty and that this bill will most likely face legal challenges.</i></p>	<p style="text-align: center;">Karen Avila</p>

Community Assistance, Recovery, and Empowerment (CARE) Court Program.

SB 1338, Ch. 319

Laws: An act to add Section 1374.723 to the Health and Safety Code, to add Section 10144.54 to the Insurance Code, to amend Section 1370.01 of the Penal Code, and to amend Sections 5801 and 5813.5 of, and to add Part 8 (commencing with Section 5970) to Division 5 of, the Welfare and Institutions Code, relating to courts.

Summary: SB 1338, known as the Community Assistance, Recovery, and Empowerment (CARE) Act, allows certain individuals to petition a civil court to create a voluntary agreement or court ordered plan to connect homeless and mentally ill persons to behavioral health treatment, medication, housing, and supportive services. In addition to respondents in civil petitions under WI 5970, WI 5350, misdemeanants who are ineligible for mental health diversion (PC 1370.01) may file a CARE petition that, if granted, will result in the dismissal of criminal charges under PC 1385.

CARE allocates funding to community legal services under WIC 5981.5 to provide counsel at no cost to respondents. The act also creates a role known as a "CARE supporter" to assist respondents and provides funding to local agencies and groups for their training.

CARE also represents a significant investment in county behavioral health treatment including behavioral health care, stabilization medication, housing, and other enumerated services.

The Judicial Council is mandated to develop a CARE petition form and define how it is to be processed. The bill defines court processes for review of CARE petitions, development of CARE plans, progress reviews, and graduation/termination hearings. CARE Hearings are presumed closed to the public.

Court Impact: Courts will need to engage with county agencies in robust planning efforts to identify service options for CARE referrals. Courts will also need to establish filing processes for a new Judicial Council form petition referring respondents to CARE.

Each Court will need to implement hearings and processes for prima facie review of petitions, appointment of counsel/support persons, hearings on the merits of petitions, case management conferences, CARE plan review hearings, and status review hearings including one-year reviews and graduation hearings. Processes will also need to be developed for terminating individuals from CARE Court.

Courts will need to issue orders for clinical evaluations, CARE plans, medication, progress reports, and graduation/termination orders.

Civil, Mental Health
and Probate Impact

Sean Noland

CIVIL	NOTES
<p><i>Courts will also need to coordinate with partners on processes to assign CARE supporters and legal counsel to respondents at no cost.</i></p> <p><i>Courts will need to contemplate how to handle issuance of fines to their county for failure to comply with CARE orders pursuant to WIC 5979(b)</i></p> <p><i>Courts will need to develop data collection and reporting mechanisms to meet statutory reporting requirements.</i></p> <p><i>Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne courts are required to implement the act by October 1, 2023. All other courts are required to implement the act by December 1, 2024.</i></p>	

CIVIL INFORMATIONAL BILLS	NOTES
<p>Cannabis. AB 195, Ch. 56</p> <p>Laws: Amends Sections 26038, 26051.5, 26067, 26068, and 26090 of the Business and Professions Code, adds and repeals Section 26203 of the Business and Professions Code, amends Sections 5650, 5650.1, and 13103 of the Fish and Game Code, amends Section 11552 of the Government Code, amends Sections 6479.3, 34010, 34011, 34012, 34012.5, 34013, 34014, and 34019 of the Revenue and Taxation Code, amends, repeals, and adds Section 34015 of the Revenue and Taxation Code, adds Sections 6369.6, 34011.01, 34011.1, 34011.2, 34012.3, 34014.1, 34015.1, 34015.2, 34019.01, and 34020.1 to the Revenue and Taxation Code, adds and repeals Sections 17053.64, 17053.82, 23664, 23682, and 34019.1 of the Revenue and Taxation Code, and amends Section 1052 of the Water Code to take effect immediately.</p> <p>Summary: Proposition 64, which was approved in the November 8, 2016 election, established the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”) authorizing a person who obtains a state license under AUMA to engage in commercial adult-use cannabis activity. Existing law, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”) consolidates the licensure and regulation of commercial medicinal and adult-use cannabis activities. MAUCRSA establishes the Department of Cannabis Control within the Business, Consumer Services, and Housing Agency to administer the act, and requires the department to be under the supervision and control of a director.</p> <p>This bill requires the annual compensation for the Director of Cannabis Control to be consistent with the annual compensation for various directors of state departments and agencies, including the Director of Transportation and the Director of Fish and Wildlife.</p> <p>This bill allows employees of a licensing authority, acting on behalf of the Department of Cannabis Control, to receive criminal history information for specified purposes until July 1, 2023. Beginning July 1, 2024, this bill requires an applicant for state license with 10 or more employees to provide a notarized statement that the applicant will enter into, or show that it has already entered into, a labor peace agreement and abide the terms of the same. This bill makes compliance with those terms a condition for licensure and further authorizes the Department of Cannabis Control to suspend, revoke, place on probation with terms and conditions, or otherwise discipline the licensee. This bill also authorizes any labor organization, as defined, or any current or former employee of the licensee, to file a complaint with the Agricultural Labor Relations Board if it alleges that a licensee has entered into a labor peace agreement that is not a bona fide labor organization.</p> <p>Until January 1, 2025, this bill establishes a task force on state and local regulation of commercial cannabis activity to promote communication between agencies. This bill also imposes civil penalties on a person who aids and abets</p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 06/30/2022</p> <p style="text-align: center;">Jamie Newbold</p>

CIVIL INFORMATIONAL BILLS	NOTES
<p>unlicensed commercial cannabis activity and imposes a civil penalty of up to \$10,000 per violation. The action for these civil penalties is to be brought exclusively by the Attorney General on behalf of the people, department, participating agency, or by a city or county counsel of city prosecutor.</p> <p>This bill provides that the specified affirmative defense to a violation of the criminal provision also does not apply in any other civil action that alleges a violation resulting from unlicensed cannabis cultivation. The bill deletes the requirement that the Attorney General only bring that civil action upon complaint by the department and would authorize, for a violation resulting from unlicensed cannabis cultivation, the civil action to be brought by a county counsel in the name of the people of the State of California. This bill additionally authorizes expenditures from the fish and wildlife propagation fund of a county for costs incurred by a county counsel in investigating and prosecuting specified civil actions for violations resulting from unlicensed cannabis cultivation. This bill authorizes a civil action to be brought by a county counsel or city attorney and deletes the requirement that the Attorney General only bring the civil action upon request by the board and further imposes a penalty of \$3,500 per day for the unauthorized diversion or use for unlicensed cannabis activity.</p> <p>Beginning January 1, 2023, this bill discontinues the cultivation tax and imposes the cannabis excise tax on purchasers of cannabis or cannabis products. This bill further prohibits the Controller from making specified disbursements to certain state entities for the 2022-23 and 2023-24 fiscal years, as specified. It further authorizes licensed cannabis retailers with approval to obtain a fee waiver equal to 20 percent of the cannabis excise tax if certain conditions are met.</p> <p>This bill further addresses the administration of the cannabis cultivation and cannabis excise taxes and further provides the imposition of penalties for those unlicensed persons required to be licensed who participate in cannabis sales. This bill also creates a new crime in that any person who asserts the truth of any material matter that they know to be false in relation to seeking relief from penalties, is guilty of a misdemeanor.</p> <p>This bill allows a credit against taxes for each taxable year from January 1, 2023 to January 1, 2028 for licensed commercial cannabis businesses, as specified. This bill further extends a person’s requirement to remit tax liabilities that average \$10,000 or more per month by electronic funds transfer but relieves the person from penalties for failure to pay by electronic transfer, through January 1, 2023.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	

CIVIL INFORMATIONAL BILLS	NOTES
<p>Budget Act of 2022: Health Omnibus. AB 204, Ch. 738</p> <p>Laws: SEC 19 of the bill adds Welfare and Institutions Code § 14199.74.</p> <p>Summary: In broad strokes for civil-related matters: Section 14199.74 (b) states that if the qualified clinic (as defined in the bill) does not conclude the review (as described in 14199.74.(a)) within 30 days of receipt of the review request, or does not cure the alleged deficiency within 30 days, the employee may file an action in court to recover the deficiency. If the court finds that the qualified clinic is liable, the qualified clinic shall be ordered to make full payment of the unpaid amount, plus interest (as specified in subdivision (b) of Section 3289 of the Civil Code). In addition, this section clarifies that a claim before the small claims court is not subject to joinder pursuant to Section 378 of the Code of Civil Procedure and that the department shall not be liable for any payment, interest, damages, or attorney’s fees and costs awarded to an employee (among other provisions).</p> <p>Court Impact: <i>Informational only.</i></p>	<p style="text-align: center;">Karen Avila</p>
<p>Energy. AB 205, Ch. 61</p> <p>Laws: Adds Article 13 (commencing with Section 16429.8) to Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code, amends Sections 25403.2 and 25806, adds Chapter 6.2 (commencing with Section 25545), Chapter 7.4 (commencing with Section 25640), and Chapter 8.9 (commencing with Section 25790) to Division 15, adds and repeals Section 25216.8 of the Public Resources Code, amends Sections 381, 739.1 739.9, and 2827.1 of the Public Utilities Code, adds and repeals Section 17131.20 of the Revenue and Taxation Code, and adds Division 29 (commencing with Section 80700) to the Water Code take effect immediately.</p> <p>Summary:</p> <ul style="list-style-type: none"> • This bill enhances a current law that established the California Arrearage Payment Program (CAPP) within the state Department of Community Services and Development. • The Program studies the composition of residential and commercial customers whose utility bills are in arrears to determine an allocation formula for individual utility applicants share of CAPP funds to offset those arrearages. • As it relates to the certification process of certain powerplants, the bill would – in part - require the Judicial Council to adopt a rule of court to establish procedures that require actions or proceedings related to the certification of an environmental impact report or the issuance of the certification for any site and related facility to be resolved within 270 days, and, if the Jobs and Economic Improvement Through Environmental Leadership Act of 2021 is inoperative or repealed, would require those procedures to become operative. 	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 06/30/ 2022</p> <p style="text-align: center;">Penny Sterris</p>

CIVIL INFORMATIONAL BILLS	NOTES
<ul style="list-style-type: none"> On or before December 31, 2023, the Judicial Council shall adopt a rule of court to establish procedures that require actions or proceedings brought to attack, review, set aside, void, or annul the certification of an environmental impact report or the issuance of the certification for any site and related facility subject to this chapter, including any potential appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified administrative record with the court. <p><i>Court Impact: Informational only, pending the promulgation of updates to the CA Rules of Court.</i></p>	
<p>Floating home marinas: rent caps. AB 252, Ch. 633</p> <p><i>Laws:</i> Section 800.4 of the Civil Code is amended; Section 800.40.5 is added to the Civil Code.</p> <p><i>Summary:</i> Existing law, the Tenant Protection Act of 2019, prohibits, with certain exceptions, an owner of residential real property from increasing the gross rental rate for a dwelling or unit more than 5% plus the percentage change in the cost of living, as defined, or 10%, whichever is lower, of the lowest gross rental rate charged for the immediately preceding 12 months, subject to specified conditions. Existing law, the Floating Home Residency Law, prescribes various terms and conditions on tenancies in floating home marinas, as defined. Existing law defines “floating home marina” for these purposes as an area where 5 or more floating home berths are rented, or held out for rent, to accommodate floating homes, but does not include, among other things, a marina where 10% or fewer of the berths are leased or held out to lease to floating homes. This bill would revise the definition of “floating home marina” by deleting the provision that excludes a marina where 10% or fewer of the berths are leased or held out to lease to floating homes.</p> <p><i>Court Impact: Informational only.</i></p>	<p style="text-align: center;">Robyn Bullington</p>

CIVIL INFORMATIONAL BILLS	NOTES
<p>Social media companies: terms of service. AB 587, Ch. 269</p> <p>Laws: Adds Chapter 22.8 (commencing with Section 22675) to Division 8 of the Business and Professions Code.</p> <p>Summary: Requires social media companies to post their terms of service for each social media platform with additional specified information, with certain exceptions. Defines "terms of service" and user behavior/activities that are permitted. Requires social media company submit reports to the AG on terms of service by January 1, 2024. Thereafter reports will be due semi-annually. Reports must include details about whether the platform defines and moderates several categories of content, including hate speech, racism, radicalization, disinformation, harassment and foreign political interference. The AG will make all terms of service reports available to the public on its official website. Social media company that violates the provisions shall be liable for civil penalties brought by the AG or city attorney and specifies those duties, obligations, remedies, and penalties imposed by the bill are cumulative to existing law.</p> <p>Court Impact: <i>Informational only.</i></p>	<p style="text-align: center;">Robyn Bullington</p>
<p>Elections: deceptive audio or visual media. AB 972, Ch. 745</p> <p>Laws: Section 35 of the Code of Civil Procedure, as amended by Section 1 of Chapter 493 of the Statutes of 2019, is amended; Section 35 of the Code of Civil Procedure, as added by Section 2 of Chapter 493 of the Statutes of 2019, is amended; Section 20010 of the Elections Code, as added by Section 4 of Chapter 493 of the Statutes of 2019, is amended; Section 20010 of the Elections Code, as amended by Section 3 of Chapter 493 of the Statutes of 2019, is amended.</p> <p>Summary: Existing law, until January 1, 2023, prohibits a person, committee, or other entity, within 60 days of an election at which a candidate for elective office will appear on the ballot, from distributing with actual malice materially deceptive audio or visual media of the candidate with the intent to injure the candidate's reputation or to deceive a voter into voting for or against the candidate, unless the media includes a disclosure stating that the media has been manipulated, subject to specified exemptions. This bill extends the repeal date of these provisions to January 1, 2027.</p> <p>Court Impact: <i>Informational only.</i></p>	<p style="text-align: center;">Robyn Bullington</p>

CIVIL INFORMATIONAL BILLS	NOTES
<p>Abortion: civil actions. AB 1666, Ch. 42</p> <p>Laws: Adds Section 123467.5 to the Health and Safety Code to take effective immediately.</p> <p>Summary: Effective June 24, 2022, this bill declares a law of another state that authorizes a civil action against a person or entity that receives or seeks, performs or induces, or aids or abets the performance of an abortion, or who attempts or intends to engage in those actions, to be contrary to the public policy of this state. This bill prohibits application of that state’s law to a case or controversy heard in state court and prohibits the enforcement or satisfaction of a civil judgment received under that law from another state.</p> <p>Court Impact: <i>Informational only.</i></p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 06/24/2022</p> <p style="text-align: center;">Jamie Newbold</p>
<p>Insurance: fraud prevention and detection. AB 1681, Ch. 861</p> <p>Laws: Repeals and replaces Section 1879.1 to the Insurance Code.</p> <p>Summary: This bill authorizes district attorneys to convene and/or participate in meetings with the Insurance Commissioner, representatives of insurance companies or representatives of self-insured employers to discuss specific information concerning suspected, anticipated, or completed acts of insurance fraud. This bill also grants conditional immunity to participants for libel, slander and other relevant causes of action.</p> <p>Court Impact: <i>Informational only.</i></p>	<p style="text-align: center;">Robyn Bullington</p>
<p>Address confidentiality program. AB 1726, Ch. 686</p> <p>Laws: Amends Sections 1005, 1013 and 1167 CCP and 6206, 6206.7, 6208.1, 6208.2 and 6209.7 and add 6206.1 of the Government Code relating to confidential information.</p> <p>Summary: This bill provides additional protections and eases requirements applicable to participants in the Secretary of State's (SOS) Safe at Home address confidentiality program. This bill extends the time period to file moving/supporting papers, revises application requirements and clarifies the intentional, public disclosure of a participants' home address etc.</p> <p>Court Impact: <i>Informational only.</i></p>	<p style="text-align: center;">Sara MacCaughey</p>

CIVIL INFORMATIONAL BILLS	NOTES
<p>Penal damages: veterans. AB 1730, Ch. 78</p> <p><u>Laws:</u> Amends Section 3345 of the Civil Code.</p> <p><u>Summary:</u> This bill adds veterans (as defined by the State Civil Service Act) to the categories of persons eligible for civil actions to redress unfair or deceptive acts or practices or unfair methods of competition. Additionally, it states that the trier of fact may treble certain remedies in an action brought by, on behalf of, or for the benefit of veterans in order to redress unfair or deceptive acts or practices or unfair methods of competition.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p style="text-align: center;">Karen Avila</p>
<p>California Cigarette Fire Safety and Firefighter Protection Act: Tobacco Master Settlement Agreement. AB 1742, Ch. 629</p> <p><u>Laws:</u> Amends Sections 14951, 14952, 14953, 14954, and 14959 of the Health and Safety Code, Sections 30165.1 and 30165.2 of the Revenue and Taxation Code, and Section 3 of Chapter 633 of the Statutes of 2005.</p> <p><u>Summary:</u> This bill revises the Cigarette and Tobacco Products Tax Law to provide the Attorney General and the Department of Justice (DOJ or Department) enhanced ability to enforce the Tobacco Master Settlement Agreement (MSA). The bill also provides that the California Cigarette Fire Safety and Firefighter Protection Act is to be administered by the Attorney General (AG) instead of the State Fire Marshal (SFM), and that proposed markings of cigarette manufacturers are deemed approved if the AG fails to act within 30 days instead of the existing requirement of 10 days.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p style="text-align: center;">Jamie Newbold</p>
<p>Residential real property: foreclosure. AB 1837, Ch. 642</p> <p><u>Laws:</u> Amends Sections 2924f, 2924g, 2924h, and 2924m, adds Section 2924d, and repeals Section 2924o of the Civil Code.</p> <p><u>Summary:</u> This bill adds provisions addressing fraud, operational improvements, and affordable housing preservation to a statute that facilitates acquisition of homes in foreclosure by prospective owner occupants, tenants, nonprofits, and public entities (commonly known as "the SB 1079 process").</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p style="text-align: center;">Robyn Bullington</p>

CIVIL INFORMATIONAL BILLS	NOTES
<p>Affordable Housing and High Road Jobs Act of 2022. AB 2011, Ch. 647</p> <p>Laws: Amends Sections 65400 and 65585 of, and adds and repeals Chapter 4.1 (commencing with Section 65912.100) of Division 1 of Title 7 of, the Government Code.</p> <p>Summary: This bill creates the Affordable Housing and High Road Jobs Act of 2022, which would authorize a multifamily developer to apply for a housing development that meets specified standards and affordability and site criteria, including being located near office, retail, or parking in addition to certain wage and labor standards and would make the development subject to a streamlined review process. Developers would be required to certify to local governments that project construction standards were met and could be charged with perjury under the state-mandated local program.</p> <p>Court Impact: <i>Informational only.</i></p>	<p style="text-align: center;">Robyn Bullington</p>
<p>Public utilities: rates. AB 2083, Ch. 689</p> <p>Laws: Adds Section 748.2 to the Public Utilities Code.</p> <p>Summary: This bill prohibits an electrical corporation or gas corporation from recovering, through a rate approved by the California Public Utilities Commission ("CPUC"), costs arising directly from new or additional activities expressly agreed to by the corporation, or any direct payment, fine, or penalty paid by the corporation, in a settlement agreement resolving a criminal or civil inquiry, investigation, or prosecution, except when the CPUC determines that those costs were just and reasonably incurred.</p> <p>Historically the CPUC has not allowed ratepayer recovery of fines and penalties paid by an electrical or gas corporation. Recently, PG&E entered into settlement agreements with six district attorneys related to the 2019 and 2021 wildfires. This bill is intended to clarify that no payments in the settlement agreements reached between PG&E and the district attorney's offices are recoverable in rates, except for those deemed just and reasonable by the CPUC.</p> <p>Court Impact: <i>Informational only.</i></p>	<p style="text-align: center;">Robyn Bullington</p>

CIVIL INFORMATIONAL BILLS	NOTES
<p>Privacy: mental health digital services: mental health application information. AB 2089, Ch. 690</p> <p><u>Laws:</u> Amends Sections 56.05 and 56.06 and adds Chapter 4.1 (commencing with Section 56.251) to Part 2.6 of Division 1 of the Civil Code.</p> <p><u>Summary:</u> Amends the Confidentiality of Medical Information Act (CMIA) to include mental health application information. Defines mental health application information as information related to a consumer's inferred or diagnosed mental health or substance use disorder, as defined in existing law, collected by a mental health digital service; and mental health digital service as a mobile based application or internet website that collects mental health application information from a consumer, markets itself as facilitating mental health services to a consumer, and uses the information to facilitate mental health services to a consumer. Deems any business that offers a mental health digital service to a consumer for the purpose of allowing the individual to manage the individual's information, or for the diagnosis, treatment, or management of a medical condition of the individual, to be a health care provider, as specified. Specifies this bill not be construed to make a business specified in this bill a health care provider for purposes of any law other than this bill, including laws that specifically incorporate by reference the definitions of this bill. Requires any business that offers a mental health digital service to provide to the health care provider information regarding how to find data breaches reported, as specified, on the internet website of the Attorney General.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Robyn Bullington</p>
<p>Residential real property: foreclosure sales. AB 2170, Ch. 865</p> <p><u>Laws:</u> Adds Section 2924p to the Civil Code.</p> <p><u>Summary:</u> This bill specifies requirements that would apply to sales of real property containing 1-4 residential units, acquired through foreclosure by an institution. The bill requires the institution, during the first 30 days after a property is listed to only accept offers from eligible bidders, and to respond, to all offers received from eligible bidders before considering other offers.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Robyn Bullington</p>

CIVIL INFORMATIONAL BILLS	NOTES
<p>Agricultural labor relations: elections. AB 2183, Ch. 673</p> <p><u>Laws:</u> Adds Sections 1160.10 and 1162, and adds and repeal Sections 1156.35, 1156.36, and 1156.37 of the Labor Code.</p> <p><u>Summary:</u> Provides that, as an alternative to a polling place election, a labor organization may be certified as the exclusive bargaining representative of a bargaining unit of agricultural employees through either a labor peace election or a non-labor peace election until January 1, 2028.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p style="text-align: center;">Robyn Bullington</p>
<p>Reproductive health. AB 2223, Ch. 629</p> <p><u>Laws:</u> Amends Section 27491 of the Government Code and Sections 103005, 123462, 123466 and 123468 of the Health and Safety Code, adds Sections 123467 and 123469 and repeals Section 103000 of the Health and Safety Code.</p> <p><u>Summary:</u> Government Code-- This bill deletes the requirement that a coroner hold inquests for deaths related to or following known or suspected self-induced or criminal abortion and deletes the requirement that an unattended fetal death be handled as a death without medical attendance. It prohibits using the coroner’s statements of the fetal death certificate to establish, bring, or support a criminal prosecution or civil cause of damages against a person who is immune from liability based on their actions or omissions with respect to their pregnancy or actual, potential, or alleged pregnancy outcome or who aids a pregnant person in exercising their rights under the Reproductive Privacy Act, as specified.</p> <p>Health and Safety Code-- This bill prohibits a person from being subject to civil or criminal liability, or otherwise deprived of their rights, based on their actions or omissions with respect to their pregnancy or actual, potential, or alleged pregnancy outcome or based solely on their actions to aid or assist a woman or pregnant person who is exercising their reproductive rights. This bill clarifies that an abortion is unauthorized if performed by a person other than the pregnant person and either the person performing the abortion is not a health care provider that is authorized to perform an abortion, or the fetus is viable. The bill authorizes a party whose rights are protected by the Reproductive Privacy Act to bring a civil action against an offending state actor when those rights are interfered with by conduct or by statute, ordinance, or other state or local rule, regulation, or enactment in violation of the act, as specified, and requires a court, upon a motion, to award reasonable attorneys’ fees and costs to a prevailing plaintiff. The bill also authorizes a person aggrieved by a violation of the Reproductive Privacy Act to bring a civil action pursuant to the Tom Bane Civil Rights Act. The bill provides for the indemnification of employees or former employees of public agencies who were acting within the scope of their employment.</p>	<p style="text-align: center;">Jamie Newbold</p>

CIVIL INFORMATIONAL BILLS	NOTES
<p>This bill further incorporates additional changes to Section 123466 of the Health and Safety Code proposed by AB 2091.</p> <p><i>Court Impact: Informational only.</i></p>	
<p>Reusable tenant screening reports. AB 2559, Ch. 288</p> <p><i>Laws:</i> Adds Section 1950.1 to the Civil Code.</p> <p><i>Summary:</i> Creates a process for acceptance by a rental housing provider of a "reusable tenant screening report" prepared within 30 days by a consumer reporting agency at the request and expense of an applicant, is made directly available to the landlord for use in the rental application process or is provided through a third-party website that provides reusable tenant screening reports to landlords and complies with all state and federal laws and is available to the landlord at no cost. Requires a reusable tenant screening report to include specified information, including the results of an eviction history check as prescribed. Prohibits a landlord from charging the applicant a fee to access the report or for an application screening.</p> <p><i>Court Impact: Informational only.</i></p>	<p>Robyn Bullington</p>
<p>Unfair Competition Law: enforcement powers: investigatory subpoena. AB 2766, Ch. 698</p> <p><i>Laws:</i> Amends Section 16759 of the Business and Professions Code.</p> <p><i>Summary:</i> Gives city attorneys and county counsels of the largest cities and counties in California, which already have the power to prosecute unfair competition law cases, the investigative tools they need to investigate those cases, including the power to issue pre-litigation subpoenas.</p> <p><i>Court Impact: Informational only.</i></p>	<p>Robyn Bullington</p>

CIVIL INFORMATIONAL BILLS	NOTES
<p>Sexual assault: statute of limitations. AB 2777, Ch. 442</p> <p>Laws: Amends Section 340.16 of the Code of Civil Procedure.</p> <p>Summary: Effective January 1, 2023, until December 31, 2026, this bill revives claims seeking to recover damages as a result of a sexual assault that occurred on or after January 1, 2009, that would otherwise be barred solely because the statute of limitations has or had expired. The bill additionally revives claims seeking to recover damages suffered as a result of a sexual assault that occurred on or after the plaintiff's 18th birthday when one or more entities are legally responsible for damages and the entity or their agents engaged in a cover up, as defined, and any related claims, that would otherwise be barred prior to January 1, 2023, solely because the applicable statute of limitations has or had expired, and would authorize a cause of action to proceed if already pending in court on the effective date of the bill or, if not filed by the effective date of the bill, to be commenced between January 1, 2023, and December 31, 2023.</p> <p>The bill does not revive claims that have been litigated to finality before January 1, 2023, and claims that have been compromised by written settlement agreements entered into before January 1, 2023. The bill specifies the required allegations to state a claim subject to revival under these provisions.</p> <p>Court Impact: <i>Informational only.</i></p>	<p>Jamie Newbold</p>
<p>Sheriffs: service of process and notices. AB 2791, Ch. 417</p> <p>Laws: Adds Sections 7927.430, 26666, 26666.2, and 26666.10 and repeals and adds Section 26666.5 of the Government Code.</p> <p>Summary: This bill intends to take an important step towards widening access to low-cost options for service of process available through levying officers and departments and requires them to accept electronic submission of requests for service of process.</p> <p>Specifically, this bill requires the sheriff (including departments, offices, and marshals) to accept an electronic signature and would prohibit them from requiring an original or wet signature on a document requesting serving court orders and notices. Additionally, it would prohibit them from reviewing the substance of a summons, order, or other notice (except for specified criteria) and they cannot require completion of a form or request other than the form created by Judicial Council (before or on January 1, 2024). This form will be required to be used by litigants in civil actions or proceedings to request service of process or notice by a marshal or sheriff's office.</p>	<p>Karen Avila</p>

CIVIL INFORMATIONAL BILLS	NOTES
<p>Finally, this bill adds a disclosure exemption (under the California Public Records Act) for a Judicial Council form provided to request service and other specified information.</p> <p><i>Court Impact: Informational only.</i></p>	
<p>Online content: cyberbullying. AB 2879, Ch. 700</p> <p>Laws: Adds Chapter 22.2.9 (commencing with Section 22589) to Division 8 of the Business and Professions Code.</p> <p>Summary: A social media platform, subject to some specified exceptions, must disclose all cyberbullying reporting procedures in their terms of service and must create a mechanism on their internet-based service that allows an individual, with or without an account, to report cyberbullying or any content that violates their existing terms of service.</p> <p>Effective on 9/1/2023, a social media platform that intentionally violates these provisions can face civil penalties or injunction. The Attorney General can prosecute. No right to sue is created or limited.</p> <p><i>Court Impact: Informational only.</i></p>	<p>Robyn Bullington</p>
<p>Childhood sexual assault: claims. AB 2959, Ch. 444</p> <p>Laws: Amends section 340.1 of the Code of Civil Procedure.</p> <p>Summary: This bill provides that a claim for damages is not required to be presented to any government entity prior to the commencement of an action, as specified.</p> <p><i>Court Impact: Informational only.</i></p>	<p>Robyn Bullington</p>
<p>California Environmental Quality Act: administrative and judicial procedures. AB 2965, Ch. 38</p> <p>Laws: Amends Sections 21167 and 21167.8, and repeals Sections 21168.6.5, 21168.6.6, 21170, and 21171 of the Public Resources Code.</p> <p>Summary: Repeals several obsolete sections from the California Environmental Quality Act (CEQA) and makes conforming and correction amendments.</p> <p><i>Court Impact: Informational only.</i></p>	<p>Robyn Bullington</p>

CIVIL INFORMATIONAL BILLS	NOTES
<p>Consumer credit contracts: translations. SB 633, Ch. 149</p> <p><u>Laws:</u> Amends Sections 1799.91, 1799.92, and 1799.96 of the Civil Code.</p> <p><u>Summary:</u> This bill removes the provision that allowed creditors/lessors to not provide the (statutorily prescribed) notice to prospective cosigners who are married to prospective signers. In addition, it expands the languages into which the notices are required to be translated. The Department of Financial Protection and Innovation is directed to make translations of these notices (including those the Civil Code may require in the future) and post them on their website by January 1, 2023. This bill would make the failure to provide the required translations an affirmative defense to an action to enforce the contract in a collection action.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p style="text-align: center;">Karen Avila</p>
<p>Evidence: immigration status. SB 836, Ch.168</p> <p><u>Laws:</u> Adds Sections 351.3 and 351.4 to the Evidence Code, relating to evidence, and declares the urgency thereof, to take effect immediately.</p> <p><u>Summary:</u> Restores lapsed statutes prohibiting the disclosure of a person's immigration status in open court by a party or their attorney unless the judge presiding over the matter first determines that the evidence is admissible in an in camera hearing.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 09/22/2022</p> <p style="text-align: center;">Robyn Bullington</p>
<p>California Environmental Quality Act: exemption: public universities: university housing development projects. SB 886, Ch.663</p> <p><u>Laws:</u> Adds and repeals Section 21080.58 of the Public Resources Code.</p> <p><u>Summary:</u> This bill exempts public university's housing projects from meeting specified requirements from the California Environmental Quality Act (CEQA), until January 1, 2030. Housing must be certified as Leadership in Energy and Environmental Design (LEED) platinum or better, the project's impacts are fully mitigated and is not located in a specified flood zone. Demolition of historical structures is not covered by this bill. The public university must hold at least one noticed public hearing for public comments and response. The bill requires filing of LEED certification and notice to the Office of Planning and Research and the county clerk where the project is located. The certification and notice must be available to the public.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p style="text-align: center;">Robyn Bullington</p>

CIVIL INFORMATIONAL BILLS	NOTES
<p>California Environmental Quality Act: exemptions: transportation-related projects. SB 922, Ch. 987</p> <p><u>Laws:</u> Amends Sections 21080.20 and 21080.25 of the Public Resources Code</p> <p><u>Summary:</u> This bill expands California Environmental Quality Act (CEQA) exemptions for specified transit, bicycle, and pedestrian projects, and extends these exemptions from 2023 to 2030.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Robyn Bullington</p>
<p>Enforcement of money judgments: exemptions. SB 956, Ch. 25</p> <p><u>Laws:</u> Amends Sections 703.140 and 704.105 of the Code of Civil Procedure.</p> <p><u>Summary:</u> This bill simplifies the method of calculating the amount in a <i>ScholarShare</i> 529 college savings account that is exempt from seizure by creditors. Additionally, this bill specifies the exemption applicable to the enforcement of a money judgment for money held in a <i>ScholarShare</i> account would be limited to contributions to the account, as specified, prior to the date of the entry of a money judgment and not to exceed the amount of the annual gift exclusion in effect at the time of the entry of the judgment.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Penny Sterris</p>
<p>Insurance: restitution. SB 1040, Ch. 540</p> <p><u>Laws:</u> Amends Sections 12928.6 and 12976 of, and adds Section 12928.7 to the Insurance Code.</p> <p><u>Summary:</u> This bill authorizes the Insurance Commissioner (“commissioner”) to seek a judgment to enforce an order for restitution against a person selling insurance without a license. It authorizes the commissioner to order a respondent, if certain requirements are met, to provide restitution, as defined, for a loss arising from the respondent’s conduct. The bill also authorizes the commissioner to issue an order of rescission enforceable on any person subject to the commissioner’s jurisdiction, with a restitution order and if the facts and equality permit. The bill requires the rescission or restitution order to be subject to judicial review.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Jamie Newbold</p>

CIVIL INFORMATIONAL BILLS	NOTES
<p>Lead-based paint. SB 1076, Ch. 507</p> <p>Laws: Amends Section 105254, and adds Section 105250.5 to the Health and Safety Code.</p> <p>Summary: This bill requires the State Department of Public Health ("Department") to review and amend its regulations governing lead-related construction work to comply with existing state regulations and the United States Environmental Protection Agency's Lead rules. Further requires the adoption of those regulations to establish fee provisions for those certifications, requires fees be deposited into the Lead-Related Construction Fund, and requires the Department to adopt emergency regulations to implement these provisions.</p> <p>By July 1, 2023, this bill would require the Department to develop and implement an education program for everyone that is required to have a certificate, to include information on who is required to have a certificate and the requirements and process to obtain a certificate. The Department must provide educational and outreach materials to the Contractors State License Board for the board to post on its website.</p> <p>By January 1, 2024, the bill would further require at least one person onsite from a firm doing renovation, repair, or painting work to disturb lead-based paint or presumed lead-based paint, as defined, to have a certificate. Violations are punishable by a civil or criminal penalty.</p> <p>Court Impact: <i>Informational only.</i></p>	<p style="text-align: center;">Robyn Bullington</p>
<p>Bankruptcy: debtors. SB 1099, Ch. 716</p> <p>Laws: Amends Section 2983.3 of the Civil Code, amends Sections 703.140, 704.010, 704.050, and 704.113 and adds Section 704.111 to the Code of Civil Procedure, and amends Section 22329 of the Financial Code.</p> <p>Summary: This bill makes a series of modifications to the income, assets, and belongings that a debtor may shield from distribution to creditors in the bankruptcy process or from judgment collection. This bill, among other things: 1) makes any provision in a vehicle sales contract void if says that filing for bankruptcy constitutes default; (2) clarifies that where the debtor's equity in a residence is less than or equal to the amount of the debtor's allowed homestead exemption when the debtor files for bankruptcy, any appreciation in the value of the debtor's interest in the property during the pendency of the case is exempt; (3) removes wages as an exemption that can be claimed under the 704 exemptions; (4) lowers the proposed increase in the motor vehicle exemption to \$7,500; and (5) inserts language to avoid potential chaptering out problems with SB 956.</p> <p>Court Impact: <i>Informational only.</i></p>	<p style="text-align: center;">Robyn Bullington</p>

CIVIL INFORMATIONAL BILLS	NOTES
<p>Medicinal Cannabis Patients’ Right of Access Act. SB 1186, Ch. 395</p> <p><u>Laws:</u> Section 26200 of the Business and Professions Code is amended; Chapter 26 (commencing with Section 26320) is added to Division 10 of the Business and Professions Code.</p> <p><u>Summary:</u> This bill prohibits local governments, beginning January 1, 2024, from banning, or effectively banning, the delivery of medicinal cannabis to patients or primary caregivers within their jurisdictions, enforceable through an action for writ of mandate.</p> <p><u>Court Impact:</u> <i>Informational only. May increase filing because violation is enforceable by writ of mandate.</i></p>	<p>Robyn Bullington</p>
<p>Personal rights: obscene materials: attorney’s fees. SB 1210, Ch. 26</p> <p><u>Laws:</u> Adds Section 52.8 to the Civil Code.</p> <p><u>Summary:</u> This bill requires attorney fees and costs to be awarded to the prevailing plaintiff in a civil action seeking damages or equitable relief against any person or entity that distributes, benefits from, promotes, or induces another person to distribute unauthorized obscene materials, as defined, including through electronic distribution.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Jamie Newbold</p>
<p>Nursing: nurse practitioners and nurse-midwives: abortion and practice standards. SB 1375, Ch. 631</p> <p><u>Laws:</u> Amends Section 2725.4 of the Business and Professions Code.</p> <p><u>Summary:</u> This bill expands qualified nurse practitioners the ability to perform first trimester abortions via aspiration techniques by authorizing them to provide reproductive care and first trimester abortions without doctor supervision. Removes barriers to accessing abortion training for nurse practitioners and certified nurse midwives. Prohibits persons authorized to perform abortion by aspiration techniques from being punished, held liable for civil damages, or denied any right for actions relating to the evaluation of clinical competency of a nurse practitioner or certified nurse-midwife.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Robyn Bullington</p>

CIVIL PENALTY BILLS	NOTES
<p>Electrically conductive balloons. AB 847, Ch. 401</p> <p>Laws: An act to add and repeal Chapter 17.1 (commencing with Section 50897.9) of Part 2 of Division 31 of the Health and Safety Code.</p> <p>Summary: A person who manufactures foil balloons must permanently mark the balloons with additional specified information. A person who sells or manufactures foil balloons must ensure that the balloons meet certain requirements pursuant to a prescribed phase-in period.</p> <p>A violation or attempted violation could subject a person to a civil penalty of \$50 per noncompliant balloon not to exceed \$2500 per balloon. The Attorney General or local officials can bring a civil action.</p> <p>Court Impact: <i>Informational only. Imposes a civil penalty.</i></p>	<p>Robyn Bullington</p>
<p>Restroom access: medical conditions. AB 1632, Ch. 893</p> <p>Laws: Adds Article 6 (commencing with Section 118700) to Chapter 2 of Part 15 of Division 104 of the Health and Safety Code.</p> <p>Summary: A place of business that sells goods, is open to the public, and has an employee restroom, in specified circumstances, must allow individuals to use an employee restroom during normal business hours. The following conditions must be met:</p> <p>(1) The individual requesting use of the employee toilet facility has an eligible medical condition, as defined in Section 118700, or uses an ostomy device. The place of business may require the individual to present reasonable evidence that the individual meets the condition in this paragraph, as described in subdivision (b).</p> <p>(2) Three or more employees of the place of business are working onsite at the time that the individual requests use of the employee toilet facility.</p> <p>(3) The employee toilet facility is not located in an employee changing area or an area where providing access would create an obvious health or safety risk to the requesting individual or would create an obvious security risk to the place of business.</p> <p>(4) Use of the employee toilet facility would not create an obvious health or safety risk to the requesting individual.</p> <p>(5) A public restroom is not immediately accessible to the requesting individual.</p>	<p>Robyn Bullington</p>

CIVIL PENALTY BILLS	NOTES
<p>A willful or grossly negligent violation will result in a civil penalty up to \$100 per violation. The violation will not create a private right of action and does not apply to an employee. An employee cannot be fired or disciplined by their employer for violating this law, unless they violated an expressed employer policy.</p> <p><i>Court Impact: Informational only. Imposes a civil penalty.</i></p>	
<p>Sex trafficking: hotels: actual knowledge or reckless disregard: civil penalty. AB 1788, Ch. 760</p> <p><i>Laws:</i> Adds Section 52.65 to the Civil Code.</p> <p><i>Summary:</i> This bill allows civil penalties to be imposed against a hotel, as defined, if a supervisory employee, as defined, of the hotel knew or acted with reckless disregard of the activity constituting sex trafficking activity, as defined, that occurred within the hotel and failed to inform law enforcement, the National Human Trafficking Hotline, or another appropriate victim service organization, as specified, or if any employee of the hotel was acting within the scope of employment and knowingly benefited from participating in a venture that the employee knew, or acted in reckless disregard of the activity constituting sex trafficking activity within the hotel.</p> <p>This bill also authorizes a city, county, or city and county attorney to seek equitable relief against a hotel for violations of Section 52.65 and to: 1) seek equitable relief against the hotel; 2) seek a civil penalty of \$1,000 for the first violation; 3) seek a civil penalty of \$3,000 for a second violation within the same calendar year; and 4) seek a civil penalty of \$5,000 for a third and any subsequent violation of sex trafficking within the same calendar year. For any fourth or subsequent violation, this bill authorizes a court to consider specific factors and exercise its discretion to increase the amount of civil penalties up to \$10,000. The bill requires that the action be commenced within five years of the violation, or within five years of the date the victim attains the age of majority.</p> <p><i>Court Impact: Informational only. Imposes a civil penalty.</i></p>	<p>Jamie Newbold</p>

CIVIL PENALTY BILLS	NOTES
<p>Disclosure of information: reproductive health and foreign penal civil actions. AB 2091, Ch. 628</p> <p><u>Laws:</u> Section 56.108 is added to the Civil Code; Section 2029.200 of the Code of Civil Procedure is amended; Section 2029.300 of the Code of Civil Procedure is amended; Section 2029.300 of the Code of Civil Procedure is amended; Section 2029.350 of the Code of Civil Procedure is amended; Section 123466 of the Health and Safety Code is amended; Section 791.29 of the Insurance Code is amended; Section 3408 of the Penal Code is amended.</p> <p><u>Summary:</u> This bill establishes requirements to protect the private information of individuals who seek or consider an abortion. Specific to courts, this bill prohibits the issuance of a subpoena based on a foreign subpoena that relates to a foreign penal civil action and would require disclosure of information related to sensitive services, as defined.</p> <p><u>Court Impact:</u> <i>Informational only. Imposes a civil penalty.</i></p>	<p>Robyn Bullington</p>
<p>The California Age-Appropriate Design Code Act. AB 2273, Ch. 320</p> <p><u>Laws:</u> Title 1.81.47 (commencing with Section 1798.99.28) is added to the Civil Code.</p> <p><u>Summary:</u> This bill establishes the California Age-Appropriate Design Code Act which generally requires businesses that provide online services, products, or features likely to be accessed by children to comply with specified standards.</p> <p><u>Court Impact:</u> <i>Informational only. Imposes a civil penalty.</i></p>	<p>Robyn Bullington</p>
<p>Marketplaces: online marketplaces. SB 301, Ch. 857</p> <p><u>Laws:</u> Adds Title 1.4D (commencing with Section 1749.8) to Part 4 of Division 3 of the Civil Code.</p> <p><u>Summary:</u> Effective 7/1/23, an online marketplace, must require that a high-volume third-party seller, provide specified information no later than 10 days after qualifying as a high-volume third-party seller. The online marketplace will need to suspend future sales activity if they do not comply. The online marketplace must verify the information within 10 days and within 10 days check for any changes. An annual notice must be sent to the seller to inform them that they must notify the marketplace of any changes.</p> <p>The online marketplace must require a seller with at least \$20,000 in gross annual revenue with buyers in California to provide certain information to the online marketplace and to consumers in a clear and conspicuous manner, in the order confirmation message or after a purchase is finalized, and in the consumer’s transaction history. The online marketplace will need to suspend future sales activity if they do not comply.</p>	<p>Robyn Bullington</p>

CIVIL PENALTY BILLS	NOTES
<p>The online marketplace must comply with specific recordkeeping and security procedures. A violation will subject a person or entity to a civil penalty not to exceed \$10,000 for each violation. A civil action may be brought by the Attorney General.</p> <p><i>Court Impact: Informational only. Civil penalty and/or suit brought by the Attorney General.</i></p>	
<p>California Ethical Treatment for Persons with Substance Use Disorder Act. SB 349, Ch. 15</p> <p><i>Laws:</i> Adds Chapter 14 (commencing with Section 11857) to Part 2 of Division 10.5 of the Health and Safety Code.</p> <p><i>Summary:</i> This bill creates the California Ethical Treatment for Persons with Substance Use Disorder Act to provide protection for substance use disorder treatment clients and their families. The bill declares the intent for its provisions to be construed in favor of maximizing protections for clients, families, and their communities. It imposes requirements and proscribes unlawful acts relating to marketing and advertising with respect to treatment providers, as defined by the bill. The bill requires a treatment provider doing business in the state to adopt a client bill of rights for persons receiving treatment for substance use disorder, as specified, and to make the bill of rights available to all clients and prospective clients.</p> <p>This bill requires a treatment provider to maintain records of referrals to or from a recovery residence, as specified. Specified acts made unlawful by the bill would be subject to a civil fine of up to \$20,000 per violation. The bill authorizes the Attorney General, a district attorney, a county counsel, a city attorney, or any injured person or entity to bring a claim for declaratory relief or to recover a civil penalty, as specified. The bill also authorizes the department to investigate allegations of violations of the bill and to take subsequent action, including assessing penalties and suspending or revoking a provider’s license or certification.</p> <p><i>Court Impact: Informational only. Imposes a civil penalty.</i></p>	<p>Jamie Newbold</p>

CIVIL PENALTY BILLS	NOTES
<p>Health care service plans: discipline: civil penalties. SB 858, Ch. 985</p> <p>Laws: Section 1374.9 of the Health and Safety Code is amended; Section 1374.34 of the Health and Safety Code is amended; Section 1386 of the Health and Safety Code is amended; Section 1387 of the Health and Safety Code is amended; Section 1389.8 of the Health and Safety Code is amended; Section 1390 of the Health and Safety Code is amended; Section 1393.5 of the Health and Safety Code is amended; Section 1393.6 of the Health and Safety Code is amended.</p> <p>Summary: This bill provides the Department of Managed Health Care with additional authority to levy penalties and impose corrective action plans, while updating penalty amounts.</p> <p>Court Impact: <i>Informational only. Increases civil penalty.</i></p>	<p>Robyn Bullington</p>
<p>Toxicological testing on dogs and cats. SB 879, Ch. 551</p> <p>Laws: Adds Section 1834.9.3 to the Civil Code.</p> <p>Summary: Prohibits the unnecessary testing of specified substances on dogs and cats when an alternative test method has been scientifically validated and recommended by the Inter-Agency Coordinating Committee for the Validation of Alternative Methods.</p> <p>Court Impact: <i>Informational only. Imposes a civil penalty.</i></p>	<p>Robyn Bullington</p>

Criminal Procedure	Notes
<p align="center">Legislation from prior Sessions with a delayed operative date</p>	
<p>Criminal records: automatic relief. AB 1076, Ch. 578, Stats. 2019</p> <p>Laws: Amends §480, 480.2, and 11345.2 of the Business and Professions Code, §432.7 of the Labor Code, and §11105 of the Penal Code, adds §851.93 and 1203.425 to the Penal Code and amends §13555 of the Vehicle Code.</p> <p>Summary: This bill requires the CA DOJ to review records on a monthly basis and grant relief to those eligible by having their arrest records or their criminal conviction records, withheld from disclosure, as specified, without requiring a petition or motion. CA DOJ is also required to electronically submit a notice to the Superior Court having jurisdiction over the criminal case, informing the court of all cases for which relief was granted. Superior Courts then cannot disclose any information concerning a conviction granted relief pursuant to this Section or Penal Code Section 1203.4, 1204.4a, 1203.41, or 1203.42, to any person, in any format, except for the person whose conviction was granted relief or a criminal justice agency. The bill would authorize the prosecuting attorney or probation department, no later than 90 calendar days before the date of a person’s eligibility for relief, to file a petition to prohibit the department from granting automatic relief for criminal conviction records as described above. This 'automatic record clearance' commences August 1, 2022 and is subject to an appropriation in the annual Budget Act. This bill also requires the court, at the time of sentencing on or after July 1, 2022, to advise each defendant of their right to conviction relief pursuant to the provisions of this bill, as specified. Delayed implementation to July 1, 2022 and dependent on new funding (see SECs 12 and 16 of SB 118; amended Penal Code Sections 851-93 and 1203.425).</p> <p>Court Impact: <i>Notify Judicial Officers and courtroom staff of new advisal requirement at time of sentencing, on or after 7/1/22. Courts may need to configure a new minute code to reflect that the defendant has been advised of the right to conviction relief.</i></p> <p><i>Courts may implement procedures for processing and calendar management of new Petitions to Prohibit Automatic Relief filed by the prosecutor. New event codes and minute codes may need to be added to CMS for the Petition and Ruling, as well as new Disposition Codes configured to differentiate from existing procedures, as needed.</i></p> <p><i>Additionally, court technologists may consider how to retrieve and consume DOJ's monthly notification of cases that have been cleared. Courts will need to update their cases with the appropriate subsequent action disposition and process according to new court procedures.</i></p>	<p align="center">From 2019 New Laws Operative 07/01/2022</p> <p align="center">Suzanne Schleder</p>

Criminal Procedure	Notes
<p>Domestic violence: victims: address confidentiality. AB 277, Ch. 457, Stats. 2021</p> <p>Laws: Add Section 6226.5 to the Family Code, and to amend Sections 6206 and 6209.5 of, and to add Section 6209.6 to, the Government Code, relating to domestic violence.</p> <p>Summary: Requires, as of January 1, 2023, the Secretary of State to provide application forms, notices, and explanatory materials related to the Safe at Home program available in at least five languages and requires information about the Safe at Home program to be included on Judicial Council forms relating to domestic violence.</p> <p>The bill requires the Secretary of State to do the following:</p> <ul style="list-style-type: none"> a) Provide, in English and in at least the other languages described in Civil Code Section 1632, the Safe at Home program application forms and explanatory materials for the Safe at Home program. b) Provide, in English and in at least the other languages described in Civil Code Section 1632, the sample application forms on the Secretary of State's internet website. c) Provide, in English and in at least the other languages described in Civil Code Section 1632, a notice warning applicants that providing false or incorrect information in the application is a misdemeanor and subject to penalties. d) Provide, in English and in at least the other languages described in Civil Code Section 1632, the list of contact information for entities that the program participant may contact to receive information on, or receive legal services for, the creation of a trust to hold real property or obtain a name change, including county bar associations, legal aid societies, domestic violence prevention organizations, human trafficking prevention organizations, elder and dependent adult abuse prevention organizations, state and local agencies, or other nonprofit organizations that may be able to assist program participants. <p>The Secretary of State is authorized to make the application form for participation in the program and any explanatory materials available in languages in addition to those specified above.</p>	<p>From 2021 New Laws Operative 01/01/2023</p> <p>Sarah Lind</p>

Criminal Procedure

Notes

The bill requires the Judicial Council to do the following:

a) Make the form titled "Can a Domestic Violence Restraining Order Help Me?" available in English and in at least the other languages described in Civil Code Section 1632 on or before January 1, 2023.

b) Amend the form titled, "Can a Domestic Violence Restraining Order Help Me?," on or before January 1, 2023 to include a brief description of the address confidentiality program, the benefits of enrollment in the program for victims of domestic violence, and the internet address for the Secretary of State's internet web page that contains more detailed information about the program.

The Judicial Council is authorized to make the form available in languages in addition to the five specified in Civil Code Section 1632.

Court Impact: *Inform court operations and self-help leadership of the updated domestic violence forms being made available by the Judicial Council so that any necessary materials can be updated in offices and on the Court's website. If the Court partners with any outside agencies to provide services to victims of domestic violence, they should ensure that those agencies have knowledge of and access to the updated forms.*

Criminal Procedure	Notes
Legislation From the 2022 Session	
<p>Courts. AB 199, Ch. 57</p> <p>Laws: Amends Sections 68085, 68085.1, 68085.7, 68632, 68645.2, 68645.4, and 68645.5, adds Section 29554, adds and repeals Section 71651.1, and repeals Section 76223 of the Government Code, amends Sections 1208.2, 1214.1, 1463, 1463.001, and 1465.9, amends, repeals, and adds Sections 977 and 1043.5, and adds and repeals Section 977.3 of the Penal Code, and amends Section 40509 of the Vehicle Code to take effect immediately.</p> <p>Summary: The Courts trailer bill provides provision necessary to implement the 2022 Budget Act as it related to courts and court operations.</p> <ul style="list-style-type: none"> • Civil Assessment – reduces the maximum civil assessment from \$300 to \$100; redirects revenue to the state instead of the courts; expunges outstanding civil assessment debt and provides \$10 million in backfill to the courts. • Fee Waivers – expands eligibility for automatic approval of filing fee by raising the income threshold from 125 percent to 200 percent of the federal poverty; guidelines; adds automatic eligibility for recipients of two government sponsored programs. • Remote Court Proceedings – extends criminal remote appearances to January 1, 2024, with various limitations. • Criminal Administrative Fees - requires the Director of Finance to finalize the methodology for determining per county allocations related to Chapter 257, Statutes of 2021, related to the elimination of certain criminal administrative fees. • Includes Technical Fixes and clarifying changes <p>Court Impact:</p> <ul style="list-style-type: none"> • <i>Inform staff of changes</i> • <i>Update CMS or financial system that calculates the civil assessment</i> • <i>Inform staff of new qualifying reasons and updated household income amounts for automatic approval of initial fee waiver.</i> • <i>Discard outdated JC Fee Waiver forms and replace with revised August 1, 2022, version</i> <p>Criminal Remote Appearances: <i>courts should inform judicial officers - misdemeanor defendants may make remote appearances for every hearing, if they agree to the remote appearance. Felony defendants may also appear remotely for certain hearings. Courts should review CMS codes to capture remote appearances appropriately, collect statistics, and review the capability of their technology for remote appearances.</i></p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 06/30/2022</p> <p style="text-align: center;">Erin Duncan</p>

Criminal Procedure	Notes
<p><i>Civil Assessments: courts should inform judicial officers and staff. If not already completed, courts should review amended PC1214.1, PC1463, PC1463.001, and PC1465.9 to ensure CMS programming is compliant in imposing and distributing fines and fees. Courts should also modify CMS codes, manuals and job aids, and inform collections contractors to ensure they are also compliant.</i></p> <p><i>Fiscal staff responsible for transmitting civil assessment collections should be made aware of this change if they are not already. AB 199 amended Penal Code § 1214.1 effective July 1, 2022 such that civil assessment collections are to be transmitted to the State Treasurer by the county treasurer, for deposit into the General Fund. Related to the Judicial Branch and administration, this bill amends Penal Code § 1463.001 to conform to that change. Civil assessment collections are no longer transmitted by courts to the Judicial Council.</i></p>	
<p>Public safety omnibus. AB 200, Ch. 58</p> <p>Laws: An act to add Sections 12838.65 and 12838.95 to, and to add and repeal Chapter 7.9 (commencing with Section 8699) of Division 1 of Title 2 of, the Government Code, to amend Sections 830.7, 832.7, 1001.95, 1203.425, 1385, 2067, 4900, 4902, 4904, 5027, 5076.1, 13777, 14306, 14307, 14308, 18005, 18275, and 34010 of, to amend and renumber Sections 1170.01, 1170.03, 1170.95, 1171, and 1171.1 of, to amend, repeal, and add Section 11105 of, to add Sections 4904.5, 5007.4, and 5032 to, to add the heading of Article 1.5 (commencing with Section 1172) to Chapter 4.5 of Title 7 of Part 2 of, to add and repeal Section 1233.12 of, and to repeal and add Sections 4905 and 5003.7 of, the Penal Code, and to amend Sections 607, 726, 730, 875, and 1760.45 of, and to add and repeal Sections 1732.9 and 1732.10 of, the Welfare and Institutions Code, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.</p> <p>Summary:</p> <ul style="list-style-type: none"> Establishes the Flexible Assistance for Survivors (FAS) pilot grant program, administered by the Office of Emergency Services; with requirements to give preference in grant applications to certain organizations that experience disproportionately high rates of gun violence and imprisonment; makes changes to the California Victim Compensation Board regarding false imprisonment claim, among others; establishes Community Corrections Performance Incentives Fund and makes appropriation; expands CDCR grant program to include not-for-profit organizations and removing specific program requirements; Establishes Delancey Street Restaurant Management Program; requires Attorney General to collect information relating to anti-reproductive-rights crimes from local DAs and city attorneys; among other changes. Gives the director of the Division of Juvenile Justice authority to transfer powers, duties, etc. to Department of Corrections and Rehabilitation as part of transition and closure of DJJ on June 30, 2023. Further, specified 	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 09/29/2022</p> <p style="text-align: center;">Criminal and Juvenile Delinquency Impact</p> <p style="text-align: center;">Suzanne Schleder Shelley Coffey</p>

Criminal Procedure	Notes
<p>persons 18 years old or older may consent to voluntarily remain under the jurisdiction of CDCR with continued services; also specifying continued care of state hospital patents referred to the division, among other transition related changes.</p> <ul style="list-style-type: none"> • Automatic record relief: Requires DOJ to disseminate convictions for which relief was granted only to the Commission on Teacher Credentialing; also makes expands definition of existing crime for unauthorized furnishing of this information. • Resentencing: various authorities have been renumbered and placed in a new article. Section 1170.01 of the Penal Code is amended and renumbered to §1172; §1170.03 is amended and renumbered to §1172.1; § 1170.95 is amended and renumbered to § 1172.6; §1171 is amended and renumbered to § 1172.7; and §1171.1 is amended and renumbered to 1172.75. • Misdemeanor Diversion/Domestic Violence: Prohibits misdemeanor diversion from being offered to a defendant who is charged with any domestic violence offense, as defined. By increasing the number of defendants who are no longer eligible for diversion, this bill would impose a state-mandated local program. <p><u>Court Impact:</u> <u>Criminal Impact Statement:</u> Advise judicial officers and appropriate court staff regarding misdemeanor diversion changes. Case Management systems may require configuration updates if any renumbered codes appear in the system, whether in text or other code tables (modified disposition/recall or resentencing codes, for example). <u>Juvenile Delinquency Impact Statement:</u> Minimal court impact: Juvenile Courts will need to coordinate with local probation departments and/or law enforcement agencies to determine the appropriate point of contact for wards who are required to register as sex or arson offenders and report the point of contact to the Department of Justice.</p>	
<p>Criminal procedure: discrimination. AB 256, Ch. 739</p> <p><u>Laws:</u> Amends Section 745 and 1473 of the Penal Code.</p> <p><u>Summary:</u> Makes the Racial Justice Act (2020) retroactive by authorizing a petition to be filed for a case in which a judgment was entered prior to January 1, 2021. Also makes other clarifying amendments.</p> <p><u>Court Impact:</u> Inform judicial officers. Courts may wish to update any business process related to the filing of petition to remove judgment date limitations as now applicable to judgments entered prior to 01/01/2021.</p>	<p>Suzanne Schleder</p>

Criminal Procedure	Notes
<p>Compassionate release. AB 960, Ch. 744</p> <p>Laws: Amends Sections 1170 and 1170.02 of, and to add Section 1172.2 to, the Penal Code, relating to sentencing.</p> <p>Summary: Modifies compassionate release requirements by requiring the California Department of Corrections and Rehabilitation (CDCR) to make a recommendation for recall and resentencing of an incarcerated person who has a serious and advanced illness with an end-of-life trajectory or who is found to be permanently medically incapacitated. This bill creates a presumption of eligibility under certain circumstances and entitles individuals to counsel upon CDCR recommendation for release.</p> <p>Court Impact: <i>Inform judicial officers.</i></p>	<p style="text-align: center;">Erin Duncan</p>
<p>Reproductive rights. AB 1242, Ch. 627</p> <p>Laws: Amends Sections 629.51, 629.52, 638.50, 638.52, 1269b, 1524, 1524.2, and 1551 and adds Sections 1546.5 and 13778.2 to the Penal Code, relating to reproductive rights.</p> <p>Summary:</p> <ul style="list-style-type: none"> • Prohibits judicial orders relating to interception of communications, issuances of bench warrants, search warrants, production of records in response to specified out-of-state warrants. • Prohibits law enforcement agencies from participation in the arrest of any person performing, supporting, or aiding in the performance of an abortion or for obtaining an abortion, if the abortion is lawful in this state. • Prohibits judicial officers and court employees (among others) from issuing a subpoena in connection with proceedings in another state. • Requires any countywide uniform bail schedule to set \$0 bail for arrest in connection with proceedings in another state. • Requires notification to the Attorney General by sending copies of verified complaint, the out-of-state indictment, information, complaint, or judgment, out-of-state warrant, and the affidavit upon which the out-of-state warrant was issued. <p>This bill also includes civil action against corporations that provide prohibited information to other states.</p> <p>Court Impact: <i>Advise Judicial Officers and appropriate court staff. Courts may update and/or incorporate additional information into business processes regarding Fugitive Warrants, issuance of subpoenas and other out-of-state document processing for court staff and include updates to the countywide bail schedule as required.</i></p>	<p style="text-align: center;">Suzanne Schleder</p>

Criminal Procedure	Notes
<p>Theft: jurisdiction. AB 1613, Ch. 949</p> <p><u>Laws:</u> Adds Section 786.5 to the Penal Code, relating to theft.</p> <p><u>Summary:</u> This bill expands the territorial jurisdiction in which the Attorney General can prosecute specified theft offenses and associated offenses that occur during the commission of the underlying theft offenses. Currently their territorial jurisdiction is limited to the county or counties where the offense was committed. This bill adds Section 786.5 to the Penal Code to expand the territorial jurisdiction of a criminal action brought by the Attorney General for theft, organized retail theft and receipt of stolen property to include the county where the theft or receipt of the stolen merchandise occurred, the county in which the merchandise was received, or the county where any act was done by the defendant in instigating, procuring, promoting or aiding in the commission of the offense. It also provides that when multiple offenses that all involve the same defendant(s) and the same merchandise or same scheme occur in multiple jurisdictions, then any of those jurisdictions are a proper venue for all the offenses. It also extends jurisdiction to the Attorney General for any offense(s) connected to the underlying theft offense(s).</p> <p><u>Court Impact:</u> <i>Informational for Judicial Officers.</i></p>	<p style="text-align: center;">Sarah Lind</p>
<p>Firearms: unserialized firearms. AB 1621, Ch. 76</p> <p><u>Laws:</u> Amends Section 6216 of the Family Code, and to amend Sections 16520, 16531, 18010, 23910, 23920, 23925, 27510, 27530, 29180, 29182, 29805, and 30420 of, to amend, repeal, and add Sections 26835, 27535, and 27540 of, to add Sections 16515, 16517, 16519, 17312, 29185, and 30401 to, to repeal Sections 16532, 29181, 30405, 30406, 30412, and 30414 of, to repeal Articles 2 (commencing with Section 30442), 3 (commencing with Section 30470), and 4 (commencing with Section 30485) of Chapter 1.5 of Division 10 of Title 4 of Part 6 of, and to repeal and add Section 30400 of, the Penal Code, relating to firearms. Effective July 1, 2022.</p> <p><u>Summary:</u> Redefines one of the definitions of "firearm" as including a precursor part, redefines "firearm precursor part" and prohibits a person from possessing or manufacturing a firearm precursor part without authorization. This bill revises several definitions relating to firearm precursor parts and unserialized firearms and establishes various restrictions on the possession, sale, transfer, import, manufacture and assembly of serialized and unserialized firearms, and firearm precursor parts, subject to exceptions. Additionally, this bill repeals several provisions of law related to firearm precursor parts that are set to go into effect July 1, 2022.</p> <p><u>Court Impact:</u> <i>Informational for Judicial Officers.</i></p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 06/20/2022</p> <p style="text-align: center;">Erin Duncan</p>

Criminal Procedure	Notes
<p>Physician’s and surgeon’s certificate: registered sex offenders. AB 1636, Ch. 453</p> <p>Laws: An act to amend Sections 480, 2232, and 2307 of the Business and Professions Code, relating to healing arts.</p> <p>Summary: Existing law already prohibits individuals convicted of registerable sex offenses under PC 290 to hold physician and surgeon's license. This bill strengthens this prohibition by eliminating some exceptions. It eliminates the ability of Superior Courts to reinstate licenses under (former) BPC section 2232(d). This provision allowed petitioners to seek reinstatement of their license upon a showing that they no longer pose a possible risk to patients.</p> <p>The bill also eliminates a provision allowing reinstatement of licensure if a defendant was relieved of their requirement to register as a sex offender. In essence, once the court finds a defendant guilty or accepts a plea of nolo contendere to a registerable sex offense under PC 290, the defendant is permanently barred from holding a physician and surgeon's license in the State of California.</p> <p>Court Impact: <i>Courts may no longer process petitions for reinstatement of licensure under BPC section 2232. This will result in a negligible decrease in workload. Superior Court benches should be informed that consequences for medical licensure when a physician is convicted of PC 290 offenses have been strengthened to reduce the likelihood of reinstatement post-conviction.</i></p>	<p style="text-align: center;">Sean Noland</p>
<p>Sexually violent predators. AB 1641, Ch. 104</p> <p>Laws: An act to add Section 6608.1 to the Welfare and Institutions Code, relating to sexually violent predators.</p> <p>Summary: Current law allows for a person who has been found to be a Sexually Violent Predator as defined in W&I 6600 to petition for a conditional release or an unconditional discharge. W&I 6608.1 has been added to require that the person being granted a conditional release also be required to be monitored by a GPS until unconditionally discharged.</p> <p>Court Impact: <i>Inform Judicial Officers of the requirement to order a person deemed a Sexually Violent Predator to be monitored by a global positioning system (GPS) when granting a conditional release.</i></p>	<p style="text-align: center;">Jodi Leveque</p>

Criminal Procedure	Notes
<p>Cannabis crimes: resentencing. AB 1706, Ch. 993</p> <p>Laws: Adds Section 11361.9 to the Health and Safety Code, relating to cannabis.</p> <p>Summary: This bill requires, if a sentence was not challenged by July 1, 2020, the court to issue an order recalling or dismissing the sentence, dismissing and sealing, or redesignating the conviction no later than March 1, 2023, and requires the court to update its records accordingly and to notify the Department of Justice. The bill requires the Department of Justice, on or before July 1, 2023, to complete the update of the state summary criminal history information database and ensure that inaccurate state summary criminal history is not reported, as specified. The bill makes a conviction, arrest, or other proceeding that has been sealed pursuant to these provisions deemed never to have occurred, as specified. The bill, until June 1, 2024, requires the department, in consultation with the Judicial Council, to produce a quarterly joint progress report to the Legislature, as specified.</p> <p>Court Impact: <i>This bill places a deadline for courts for updating cases eligible for relief under AB1793, Cannabis Resentencing (2017-2018). Courts should review their progress on updating AB1793 cases, ensure they are updated and reported to DOJ by March 1, 2023, and resolve errors in reporting by that date.</i></p>	<p>Erin Duncan</p>
<p>Probation and mandatory supervision: flash incarceration. AB 1744, Ch. 756</p> <p>Laws: Amends Section 1203 of, and to amend and repeal Sections 1203.35 and 4019 of, the Penal Code, relating to corrections.</p> <p>Summary: AB 109 realigned the responsibility of some offenders from the state to the counties; specifically, those convicted of non-violent and non-serious felonies. Supervision of this population of offenders transferred from CDCR to county probation, under what we all know as Post-Release Community Supervision. As part of the new supervision, probation departments were authorized to impose new, intermediate sanctions, including flash incarceration. Through 1/1/23, existing law allows a court to authorize the use of flash incarceration to detain a person in county jail for not more than 10 days for a violation of the conditions of that person's probation or mandatory supervision. This bill extends the authorization to use flash incarceration through 1/1/28. Under the law, if a person violates the conditions of their probation, their probation officer can offer them an option to admit the violation and serve flash incarceration as an alternative to going through the regular court proceedings for a probation violation which can result in much longer periods of incarceration.</p>	<p>Sarah Lind</p>

Criminal Procedure	Notes
<p><i>Court Impact:</i> <i>As a result of realignment, your court should already have a process in place to account for judicial officers authorizing the use of flash incarceration by the Probation Department. Judicial officers, courtroom and court operations leadership, and county justice partners should be informed that the authority has now been extended through 1/1/28. Courtroom and court operations leadership should evaluate with county justice partners if any modifications to processes, forms, etc. are needed.</i></p>	
<p>Court fees: ability to pay. AB 1803, Ch. 494</p> <p><i>Laws:</i> An act to add Sections 1203.426 and 1203.427 to the Penal Code, relating to court fees.</p> <p><i>Summary:</i> This bill adds Sections 1203.426 and 1203.427 to the Penal Code, which exempts those seeking relief (filing a petition for expungement) from payment of fees if they meet the criteria in Section 68632 of the Government Code (waiver of court fees and costs) and further states relief shall not be denied to a person who meets the criteria and has not fulfilled their conditions of probation solely for not satisfying their victim restitution obligation.</p> <p><i>Court Impact:</i> <i>Courts may review the process regarding collection of court fees for Petitions for expungements. Basically, this bill allows expungements without paying a fee and without the completion of victim restitution, provided defendant provides the required evidence of their inability to pay.</i></p>	<p>Suzanne Schleder</p>
<p>Vehicles: bicycle omnibus bill. AB 1909, Ch. 343</p> <p><i>Laws:</i> Amends Sections 21207.5, 21760, and 39002 of, and to amend, repeal, and add Sections 21456 and 21456.2 of, the Vehicle Code, relating to vehicles.</p> <p><i>Summary:</i> This bill changes, comprehensively, rules of the road and restrictions on bicycle operations and modifies subsections regarding pedestrian control signals. Highlights: eliminates the statewide ban of class 3 electric bicycles on a bicycle path or trail, bikeway, bicycle lane, equestrian trail, or hiking or recreational trail; eliminates local authority to ban electric bicycles on bike paths, requires motor vehicle operators, when overtaking or passing a bicycle in the same direction, to move over a lane of traffic when possible, authorizes Dept. of Parks and Rec to prohibit the operation of electric bicycles on any bicycle path or trail within the department's jurisdiction.</p> <p><i>Court Impact:</i> <i>Inform Bench officers hearing traffic matters and review the updated charges to ensure CMS charge table codes match the numbering of changed subsections.</i></p>	<p>Erin Duncan</p>

Criminal Procedure

Notes

Criminal law: certificate of rehabilitation.

AB 1924, Ch. 766

Laws: An act to amend Section 4852.01 of the Penal Code, relating to criminal law.

Summary: Current law allows a person convicted of a felony and committed to state prison or county jail to file a petition for a certificate of rehabilitation and pardon. A person convicted of felony or misdemeanor charges that resulted in probation must obtain a dismissal pursuant to PC 1203.4 first and have not been incarcerated or placed on probation since the dismissal.

This bill eliminates the requirement that the accusatory pleading be dismissed and that the person not have been incarcerated since the dismissal in order to petition for a certificate of rehabilitation and pardon, with the exception of a misdemeanor violation of any sex offense specified in PC 290 or a felony violation of any sex offense specified in PC 290 who is granted probation.

Court Impact: *Inform Judicial Officers that they may grant the Certificate of Rehabilitation without a PC 1203.4 dismissal under certain circumstances. This is permissive and the Judicial Officer retains the discretion to deny the Petition if they want the person to go through the PC 1203.4 process first.*

Jodi Leveque

Criminal Procedure	Notes
<p>Pedestrians. AB 2147, Ch. 957</p> <p>Laws: An act to amend Sections 21451, 21452, 21453, 21456, 21461.5, 21462, 21950, 21953, 21954, 21955, 21956, 21961, and 21966 of, and to add and repeal Section 21949.5 of, the Vehicle Code, relating to pedestrians.</p> <p>Summary: This bill amends multiple sections of the vehicle code to limit the circumstances under which peace officers may stop pedestrians for jaywalking. Unless "a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power," a peace officer may not initiate a stop against a pedestrian.</p> <p>The stated purpose of this legislation is to limit peace officers' ability to conduct "pretext stops" wherein a law enforcement officer uses a minor traffic violation to investigate other possible crimes (see <i>When v. United States</i>).</p> <p>Court Impact: <i>This legislation sets a higher probable cause threshold for stopping a pedestrian for jaywalking. Bench officers will need to be made aware of the new standard because a failure to establish probable cause for the jaywalking stop may invalidate other charges arising from it.</i></p>	<p>Sean Noland</p>
<p>Crimes: alternatives to incarceration. AB 2167, Ch. 775</p> <p>Laws: Add Section 17.2 to the Penal Code, relating to crimes.</p> <p>Summary: This bill adds Section 17.2 to the Penal Code to require the court to consider alternatives to incarceration, including, without limitation, collaborative justice court programs, diversion, restorative justice and probation. The intent of the Legislature in passing this bill was that the court dispose of any criminal case using the least restrictive means available. The bill gives the court discretion to determine what is appropriate sentencing, within relevant statutes and sentencing rules.</p> <p>Court Impact: <i>Judicial officers that hear criminal cases need to be informed of the new Penal Code Section 17.2 that requires when sentencing a defendant on a criminal case that they consider alternatives to incarceration, including, without limitation, collaborative justice court programs, diversion, restorative justice and probation. The judicial officer shall still have the discretion to determine the appropriate sentence.</i></p> <p><i>Court operations leadership should ensure that county justice partners are made aware of this new requirement as well so that it can be factored for in the preparation of any sentencing recommendations.</i></p>	<p>Sarah Lind</p>

Criminal Procedure	Notes
<p>Criminal procedure. AB 2169, Ch. 776</p> <p>Laws: An act to amend Sections 236.14 and 236.15 of the Penal Code, relating to criminal procedure.</p> <p>Summary: Current law allows a person arrested or convicted of a nonviolent offense while a victim of human trafficking or sexual violence to petition the court for vacatur relief. The court may vacate the conviction if found that the crime was a direct result of being a victim of human trafficking or sexual violence and that the victim is engaged in good faith efforts to distance themselves from the perpetrator. This bill now requires the petition to establish that they lacked the requisite intent to commit the offense. If proven, the court must find that the person lacked the requisite intent and vacate the conviction as invalid. Further the requirement that the victim be engaged in good faith efforts to distance themselves from the perpetrator has been removed.</p> <p>Court Impact: <i>Inform Judicial Officers of the necessity to make a finding that the conviction or arrest is invalid due to a legal defect in that the petitioner lacked the intent to commit the offense. This is necessary to ensure non-citizen victims do not face collateral immigration consequences due to the federal immigration law maintaining the conviction for immigration purposes regardless of the status under state law.</i></p>	<p>Jodi Leveque</p>
<p>Reproductive health. AB 2223, Ch. 629</p> <p>Laws: Amend Section 27491 of the Government Code, and to amend Sections 103005, 123462, 123466, and 123468 of, to add Sections 123467 and 123469 to, and to repeal Section 103000 of, the Health and Safety Code, relating to reproductive health.</p> <p>Summary: The Legislatures intent with this bill was to clarify and strengthen California's already strong legal protections against civil liability and criminal prosecution of a pregnant person for the death of their unborn fetus, strengthens and clarifies the state's existing prohibitions on imposing civil and criminal penalties for pregnancy loss, creates a new civil action that allows individuals whose rights to be free of civil and criminal penalties for pregnancy loss are violated to seek accountability, and limits the duties of coroners to be consistent with those laws.</p>	<p>Sarah Lind</p>

Criminal Procedure

Notes

The bill repeals Government Code Section 103000, which provides that "All other fetal deaths required to be registered under this chapter shall be handled as are deaths without medical attendance." It also removes from existing law, under existing duties of the coroner, the duty to inquire into and determine the circumstances, manner, and cause of all deaths related to or following known or suspected self-induced or criminal abortion. It clarifies that existing law, requiring a coroner to examine a fetus and state on the certificate of fetal death, among other things, the direct causes of the fetal death, the conditions, if any, that gave rise to the cause or causes, shall not be used to establish, bring, or support a criminal prosecution or civil cause of action seeking damages against any person, whether or not they were the person who was pregnant with the fetus.

The bill provides that notwithstanding any other law, a person shall not be subject to civil or criminal liability or penalty based on their actions or omissions with respect to their pregnancy or actual, potential, or alleged pregnancy outcome, including miscarriage, stillbirth, or abortion, or perinatal death due to causes that occurred in utero. It provides that a person who aids or assists a pregnant person in exercising their rights shall not be subject to civil or criminal liability or penalty based solely on their actions to aid or assist a pregnant person in exercising their rights with the pregnant person's voluntary consent. The bill clarifies that an abortion is unauthorized if it meets all of the criteria specified in existing law and it is performed by someone other than the pregnant person.

***Court Impact:** Judicial officers need to be informed of the modifications to the Health and Safety Code as they relate to the restrictions against civil and/or criminal liability or penalty for ones actions or omissions with respect to their pregnancy or pregnancy outcome, as well as any person who aids or assists a pregnant person in exercising their rights under AB2223.*

Judicial officers need to be informed that any party whose reproductive rights are interfered with by conduct or statute, ordinance, etc. in violation of this article may bring a civil action against the offending party. The offender would be liable for actual damages, in addition to an amount to be determined by a jury, a civil penalty of \$25,000, preventive relief such as a temporary injunction or restraining order, and upon a motion, reasonable attorney's fees.

Courtroom and clerk's office leadership should evaluate forms and processes to determine if any modifications are needed to record the court and/or jury findings.

Criminal Procedure	Notes
<p>Firearms: prohibited persons. AB 2239, Ch. 143</p> <p><u>Laws:</u> Amends Penal Code 29805, relating to firearms.</p> <p><u>Summary:</u> Existing law prohibits a person convicted of a felony from possessing a firearm. Existing law prohibits a person convicted of certain specified misdemeanors from possessing a firearm for a period of 10 years after that conviction. This bill would include in this prohibition a misdemeanor conviction for child abuse or elder abuse, as specified, that occurs on or after January 1, 2023.</p> <p><u>Court Impact:</u> <i>Firearms prohibition forms will need to be given to defendants convicted of the charges added by this requirement: PC273(a) & PC368(b), (c), or (f) & PC 29180 (e) or (f).</i></p> <p><i>Courts should inform the criminal Bench & staff, and review manuals and training material to make necessary updates.</i></p>	<p style="text-align: center;">Erin Duncan</p>
<p>Diversion for repeat retail theft crimes. AB 2294, Ch. 856</p> <p><u>Laws:</u> Amend, repeal, and add Sections 853.6 and 978.5 of, to add and repeal Section 1210.2 of, and to add and repeal Chapter 2.9D (commencing with Section 1001.81) of Title 6 of Part 2 of, the Penal Code, relating to theft.</p> <p><u>Summary:</u> This bill eliminates the current process of having law enforcement release any individual arrested for a misdemeanor after issuing a written notice to appear in court. The bill allows a person to be taken into custody on a misdemeanor if the person has been cited, arrested, or convicted of theft from a store in the past six-months, or if there is probable cause to believe that the person is guilty of committing organized retail theft.</p> <p>The bill further allows a court to issue a bench warrant for a defendant if similar factors apply and the defendant has failed to appear in court.</p> <p>This bill also renews the authority of local entities to create a diversion or deferred entry of judgment program for persons who commit repeat theft offenses and directs the Board of State and Community Corrections (BSCC) to award funding for a grant program to several courts and probation departments to create demonstration projects to reduce the recidivism of high-risk misdemeanor probationers.</p> <p>The bill requires, upon appropriation, the BSCC to award grant funding to 4 or more county superior courts or county probation departments to create demonstration projects to reduce the recidivism of high-risk misdemeanor probationers, as specified. The demonstration projects shall evaluate the probation completion and recidivism rates for project participants and may compare them to control groups to evaluate program efficacy. BSCC is required to</p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 09/30/2022</p> <p style="text-align: center;">Sarah Lind</p>

Criminal Procedure	Notes
<p>determine criteria for awarding the grants on a competitive basis that shall take into consideration the ability of a county to conduct a formal misdemeanor probation project for high-risk misdemeanor probationers, including components that align with evidence-based practices in reducing recidivism, including, but not limited to, risk and needs assessment, programming to help with drug or alcohol abuse, mental illness, or housing, and the support of the superior court if the application is from a county probation department. BSCC shall develop reporting requirements for the participating entities and requires those entities to report the results of the demonstration project to BSCC. BSCC shall report to the Legislature and county criminal justice officials two years after the appropriation by the Legislature.</p> <p>The bill sunsets its provisions on January 1, 2026.</p> <p><i>Court Impact: Judicial officers need to be informed of the change in process to now allow for a person to be taken into custody on a misdemeanor if they have been cited, arrested, or convicted of theft from a store in the past 6-months, or if there is probable cause to believe they committed and organize retail theft. Judicial officer should be informed that they can issue a bench warrant for a defendant meeting the factors mentioned above if the defendant fails to appear.</i></p> <p><i>Court operations leadership should discuss their diversion programs and how defendants convicted of repeat theft offenses can be incorporated into them; or alternatively, if the Court is interested in developing a new diversion or DEJ program to address the specific needs of these offenders. Court operations leadership should engage with county justice partners such as the District Attorney and PDP to collaborate with on these efforts.</i></p>	
<p>Theft: aggregation.</p> <p><i>Laws: An act to amend Section 487 of the Penal Code, relating to crimes.</i></p> <p><i>Summary: Current law specifies that if the value of property taken is less than \$950, it is deemed a petty theft. This bill specifies that if the value of property taken, or intended to be taken, exceeds \$950 over the course of distinct but related acts, the value of the property taken, or intended to be taken, may properly be aggregated to charge a count of grand theft, if the acts are motivated by one intention, one general impulse, and one plan.</i></p> <p><i>Court Impact: Inform Judicial Officers of the possibility of a theft of property valued under \$950 being charged as grand theft under specified circumstances.</i></p>	<p>AB 2356, Ch. 22</p> <p>Jodi Leveque</p>

Criminal Procedure

Notes

Crimes against public health and safety: illegal dumping.

AB 2374, Ch. 784

Laws: An act to amend Section 374.3 of the Penal Code, relating to crimes.

Summary: This bill amends section 374.3 of the penal code to strengthen the penalties for illegal dumping. It increases fines against businesses that illegally dump waste and requires courts to order convicted defendants to pay for removal of the waste. If the owner/operator is convicted of illegal dumping, and the business employs 10 or more full-time employees, the fine for a first conviction shall be no less than \$1,000 nor more than \$5,000. For the second conviction, a fine no less than \$3,000 nor more than \$10,000. And, for a third conviction by a fine of not less than \$6,000 nor more than \$20,000. Courts shall consider ability to pay in the assessment of fines.

If the defendant holds a license or permit relating to waste disposal, courts are required to notify the relevant licensing authority of the conviction. The licensing authority is required to note the conviction on the profile of the licensee on their public website.

Court Impact: *Bench officers should be made aware of the fine increases, ability to pay requirements, and the requirement that they must order convicted defendants to pay the cost of removing improperly disposed waste.*

Court staff will need to define a process for reporting convictions to licensing boards when convicted defendants are licensed or permitted for waste disposal.

Sean Noland

Criminal Procedure

Notes

Crimes: Justice Data Accountability and Transparency Act.

AB 2418, Ch. 787

Laws: Add Article 9 (commencing with Section 13370) to Chapter 2 of Title 3 of Part 4 of the Penal Code, relating to crimes.

Summary: This bill requires state and local prosecutors to collect and report specific case information to the Department of Justice beginning March 1, 2027 and calls for the establishment of the Prosecutorial Transparency Advisory Board by October 1, 2023.

Data for collection includes but is not limited to: the case number and the date of the crime and arrest, data about the charges, including each charge, enhancement, and special circumstance filed, data about the initial appearance, custody, and bail, including the date of the initial appearance and bail set, whether defendant posted bail, and the date of release from custody, data about plea bargains, including the date and the terms, data about diversion and collaborative court programs, including whether the defendant was offered a diversion program, whether the defendant was eligible for a collaborative court program, and whether there was opposition by the prosecuting agency for either program, data about the case disposition and postconviction proceedings, and data about the victim and the defendant charged.

Court Impact: *This is technically information only. The reporting requirements and data is specified to come from prosecutors. However, much of the data is historically or officially court data and while the bill requires the data to come from prosecutors, Courts may be asked to collaborate with prosecutors to obtain the data for the report. Many of the data elements may not be actual data fields in the court CMS or items the courts currently track or submit to DOJ - date of plea offers, etc. denial of diversion, reason for opposition, collaborative court opposition reason. This is a huge lift for prosecutors and courts may wish to discuss how they will handle requests for assistance.*

Suzanne Schleder

Criminal Procedure	Notes
<p>Vehicles: exhaust systems. AB 2496, Ch. 595</p> <p>Laws: Amend, repeal, and add Sections 27150.2 and 40610 of, and to add Section 27151.1 to, the Vehicle Code, relating to vehicles.</p> <p>Summary: This bill requires the court, beginning January 1, 2027, to notify the Department of Motor Vehicles to place a registration hold on a vehicle found to have a noncompliant modified muffler or muffler installed with a whistle tip until the court has been presented with a certificate of compliance from a referee authorized to test the vehicle.</p> <p>Additionally, the bill requires stations providing the referee function to provide for the testing of exhaust systems and the issuance of certifications for compliance for motorcycles that have received a citation for modifying a muffler or installing a whistle tip. Those stations shall also provide certifications for compliance for vehicles with a gross vehicle weight rating of between 6,000 and 14,000 pounds that comply with the noise standard established under current law in Section 27204 of the Vehicle Code when tested under current SAE standards.</p> <p>Court Impact: <i>Inform judicial officers of the new requirement that a defendant provide the Court with a certificate of compliance for a violation of the noise limit requirements, and that if a certificate of compliance is not provided to the Court within 3 months of the violation date, the Court shall treat it as noncompliance and inform the Department of Motor Vehicle.</i></p> <p><i>Courtroom and court operations leadership should evaluate forms and processes to determine any necessary business process changes. Changes may be needed to your case management system to support reporting requirements for sending compliance and non-compliance the information to the DMV.</i></p>	<p>DELAYED IMPLEMENTATION</p> <p>Operative 01/01/2027</p> <p>Sarah Lind</p>

Criminal Procedure

Notes

Incarcerated person’s competence.

AB 2657, Ch. 795

Laws: An act to amend and renumber Section 3700.5 of, to repeal Sections 3700, 3704, and 3704.5 of, and to repeal and add Sections 3701, 3702, and 3703 of, the Penal Code, relating to the death penalty.

Summary: This bill changes the procedures currently in place for determining whether an incarcerated person under judgment of death is incompetent to be executed.

This bill requires the warden to notify specified parties if after an execution date has been set that the incarcerated person has become incompetent to be executed.

This bill requires defense counsel to immediately file a Petition with the court. It further requires the Attorney General to file the petition if one is not filed by counsel or there is no counsel of record.

Courts are required to hold a hearing, and if it concludes there is reason to believe the incarcerated person is incompetent to be executed, to issue a statement explaining the legal and factual basis for any decision.

This bill further removes the requirement that an execution date be set before a petition can be filed and heard by the court.

Court Impact: *Courts are now required to resentence people that are currently sentenced to death but have been established as permanently incompetent. The requirement of an execution date being set has been eliminated. Inform Judicial Officers of the new process.*

Jodi Leveque

Criminal Procedure

Notes

Driving privilege: suspension.

AB 2746, Ch. 800

Laws: An act to amend Sections 12419.10 and 68645.1 of the Government Code, and to amend Sections 1803.3, 4760.1, 11104, 11104.3, 11206, 12814.5, 12814.6, 14910, 14911, 40000.11, 40508.6, 41500, and 41610 of, to amend and repeal Sections 13365 and 13365.2 of, to amend, repeal, and add Sections 12807, 12808, and 13364 of, to add Section 40000.10 to, and to repeal Sections 40509 and 40509.5 of, the Vehicle Code, relating to vehicles.

Summary: Effective January 1, 2023:

1. Repeals VC §§ 40509 and 40509.5, meaning the court will no longer be authorized to notify DMV of failures to appear in traffic cases. Does not retroactively invalidate prior notices, until 2027.
2. Makes a first or second violation of VC § 12500(a) (driving without a license, currently a “wobblette”) an infraction punishable by a \$100 fine and makes the offense a “wobblette” if the defendant has certain priors or if it is a third violation. (VC § 40000.10, 40000.11.)
3. Eliminates the \$10 assessment allowed pursuant to VC § 40508.6(b) for the cost of sending VC §§ 40509/40509.5 notices to DMV.

Starting January 1, 2027:

1. The DMV cannot suspend or refuse to issue or renew a driver’s license because of a prior VC 40409/40509.5 notice (VC §§ 12807, 13365, 13365.2), and must remove 40509/40509.5 notices from driver’s records, except notices per VC 40509.5(c) (courtesy warning notice to the defendant at least 10 days prior to noticing DMV) (VC § 12808).
2. Any license suspensions issued pursuant to VC §§ 13365 or 13365.2 prior to January 1, 2027, are terminated as of January 1, 2027.

Court Impact: *Inform court staff and Judicial Officers. VC40509 and VC40509.5 are repealed and the courts will no longer report failures to appear to the Department of Motor Vehicles. Courts will need to reprogram fees if they have been charging the \$10 assessment for the cost of sending VC 40509/40509.5 notices to DMV. Charging a violation of VC12500(a) will now be an infraction except under specified circumstances.*

Jodi Leveque

Criminal Procedure	Notes
<p>Stops: notification by peace officers. AB 2773, Ch. 805</p> <p>Laws: An act to amend, repeal, and add Section 12525.5 of the Government Code, and to amend, repeal, and add Section 1656.3 of, and to add Section 2806.5 to, the Vehicle Code, relating to law enforcement.</p> <p>Summary: Effective January 1, 2024, this bill requires a peace officer when making a traffic or pedestrian stop to state the reason for the stop prior to engaging in any questions related to a criminal investigation or traffic violation. It further requires the reason to be documented on any citation or police report, and to include it in their reports to DOJ regarding stops.</p> <p>Court Impact: <i>Inform Judicial Officers about the requirements for peace officers beginning in 2024. It may be raised as a defense in a case where the requirements were not correctly documented.</i></p>	<p>Jodi Leveque</p>
<p>Evidence: admissibility of creative expressions. AB 2799, Ch. 973</p> <p>Laws: Add Section 352.2 to the Evidence Code, relating to evidence.</p> <p>Summary: This bill requires that the court to hold a pretrial hearing outside the presence of the jury before admitting evidence of creative expression in a criminal proceeding. The court must balance the probative value of the evidence against the danger of undue prejudice. The court must consider the factors currently required by the law, as well as:</p> <p>a) The probative value of creative expression for its literal truth or as a truthful narrative is minimal unless that expression is created near in time to the charged crime(s), bears a sufficient level of similarity to the charged crime(s), or includes some factual detail not otherwise publicly available; and,</p> <p>b) Undue prejudice includes, but is not limited to, the possibility that the trier of fact will treat the expression as inadmissible evidence of the defendant's propensity for violence or general criminal disposition as well as the possibility that the evidence will explicitly or implicitly inject racial bias into the proceedings.</p> <p>The court is required to consider all of the following, as well as any additional evidence, if proffered and relevant to the issues in the case:</p> <p>a) Credible testimony on the genre of creative expression as to the social or cultural context, rules, conventions, and artistic techniques of the expression;</p>	<p>Sarah Lind</p>

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b) Experimental or social science research demonstrating that the introduction of a particular type of expression explicitly or implicitly introduces racial bias into the proceedings; and,

c) Evidence to rebut such research or testimony.

The court must state its ruling and rationale on the record.

Court Impact: *Inform judicial officers of the new requirement in a criminal proceeding where a party is seeking to admit as evidence a form of creative expression, that they have to consider specified factors to balance the probative value of that evidence against any danger of undue prejudice. Inform judicial officers that “creative expression” is defined as the expression or application of creativity or imagination in the production or arrangement of forms, sounds, words, movements, or symbols, as specified. The judge has to determine the admissibility of a form of creative expression in a hearing held outside the presence of the jury, and the judge must state on the record their ruling and their reasoning.*

The judge when balancing the probative value versus any undue prejudice must first consider that the probative value of the creative expression for its literal truth is minimal unless that expression meets specified conditions. The judge then has to consider that undue prejudice includes the possibility that the trier of fact will treat the creative expression as evidence of the defendant’s propensity for violence or criminal disposition, as well as the possibility that the evidence will inject racial bias into the proceedings. The judge has to consider any credible testimony on the genre of creative expression as to the context of the expression, research demonstrating that the introduction of a particular type of expression introduces racial bias into the proceedings, and evidence to rebut such research or testimony.

Courtroom leadership should be informed to evaluate any necessary code or case management system changes to allow for courtroom clerks to capture the judge’s ruling on the record.

Criminal Procedure	Notes
<p>Disqualification from voting. AB 2841, Ch. 807</p> <p>Laws: An act to amend, repeal, and add Sections 2201, 2208, 2209, 2210, and 2211 of, and to add Sections 2211.5 and 2214 to, the Elections Code, and to amend, repeal, and add Sections 5358.3 and 5364 of the Welfare and Institutions Code, relating to elections.</p> <p>Summary: Effective 1/1/24, Courts will no longer be required to notify the county elections official but will be required to notify the Secretary of State of all findings made regarding any person's competency to vote and the total number of proceedings in which an individual was deemed disqualified from voting pursuant to new Elections Code section 2211.5. The Judicial Council is required to adopt rules of court to implement the provisions of this bill requiring courts to submit detailed monthly reports to the Secretary of State which include: (1) personal identifying information; (2) court case number; (3) date of order; (4) whether the court's order is made pursuant to Elections Code section 2208, 2209, 2210, or 2211; (5) whether the legal effect of the court's order is a disqualification or a restoration of the right to vote; (6) a certification, if applicable, that the individual has been disqualified from voting due to the court's finding by clear and convincing evidence that the individual is incapable, with or without reasonable accommodations, to communicate a desire to participate in the voting process.</p> <p>Court Impact: <i>This bill is effective on 1/1/24. Courts will need to watch for information from the Judicial Council for rules and forms in order to report the necessary information regarding individuals disqualified from voting to the Secretary of State.</i></p>	<p>DELAYED IMPLEMENTATION Operative 01/01/2024</p> <p>Jodi Leveque</p>
<p>Health. SB 184, Ch. 47</p> <p>Laws: An act to amend Sections 15432, 15451.5, 100800, 100820, and 100825 of, and to add Section 12534 to, the Government Code, to amend Sections 120475, 120511, 122440, 127691, 127692, 127694, 127695, 127696, 128205, 128210, 128230, and 128235 of, to amend and repeal Section 104395 of, to add Sections 1385.035, 11831.1, 11834.28, 11839.6.1, 124024, and 124110.5 to, to add Article 7 (commencing with Section 101320) to Chapter 3 of Part 3 of Division 101 of, to add Article 2.3 (commencing with Section 123451) to Chapter 2 of Part 2 of Division 106 of, to add Chapter 2.6 (commencing with Section 127500) to Part 2 of Division 107 of, and to add Article 2 (commencing with Section 128250) to Chapter 4 of Part 3 of Division 107 of, and to repeal Sections 128215, 128220, and 128225 of the Health and Safety Code, to amend, repeal, and add Section 12693.74 of, and to add Section 10181.35 to, the Insurance Code, to add Part 4.6 (commencing with Section 1490) to Division 2 of the Labor Code, to amend Sections 1001.36, 1026, 1026.2, 1369, 1370, 1370.6, 1372, 1602, 1603, 1604, 2603, and 4019 of, and to repeal Section 1369.1 of, the Penal Code, to amend Sections 18914 and 18916 of the Revenue and Taxation Code, and to amend Sections 4335.2, 4361, 5328, 5848.5, 5961.5, 7276, 7279, 7281, 7290, 14005.22, 14005.26, 14005.37,</p>	<p>URGENCY</p> <p>Operative 06/30/2022</p> <p>Criminal/Mental Health and Probate Impact</p> <p>Sean Noland</p>

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Notes

14005.64, 14007.8, 14007.9, 14011.10, 14011.66, 14011.7, 14087.46, 14105.075, 14105.192, 14105.48, 14124.12, 14132.100, 14132.88, 14132.98, 14138.1, 14138.12, 14138.13, 14138.14, 14138.15, 14138.16, 14138.17, 14138.23, 14148, 14148.8, 14170.8, 14184.201, 14184.206, 14184.400, 14184.405, 14184.405, 14184.800, 14186.3, 14197, 14197.04, 14197.2, 15826, 15854, and 16501.3 of, to amend the heading of Article 4.1 (commencing with Section 14138.1) of Chapter 7 of Part 3 of Division 9 of, to amend, repeal, and add Sections 14005.12, 14005.13, 14105.2, 15832, and 15840 of, to add Sections 4336, 4361.7, 5325.3, 14005.255, 14105.197, 14132.57, 15849, and 15854.5 to, to add Chapter 16.5 (commencing with Section 18998) to Part 6 of Division 9 of, to add and repeal Section 4360.5 of, to repeal Sections 7284, 7285, 7286, 7287, 7291, 7292, 14005.225, 14138.11, and 14138.19 of, and to repeal and add Sections 14132.725, 14132.731, 14138.10, 14138.18, 14138.21, and 14138.22 of, the Welfare and Institutions Code, relating to health, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Summary:

Probate Summary: Specifically, for Probate and Department of Health Care Services. Extends the length of time from three to ten years for which every supplier of pharmaceuticals, medical supplies and requirement is required to maintain accounting records subject to audit.

Deletes the provision that the court direct the guardian or conservator of a patient who has insufficient funds to cover their cost of state hospital care, to sell the patient’s personal or real property to pay for the care.

This bill also aligns Medi-Cal Redeterminations within Federal Guidelines.

Identifies eligibility for the full-scope Medi-Cal to Individuals 26 to 49 regardless of immigration status.

Criminal/Mental Health Summary: SB 184 is a budget trailer bill that amends numerous sections of code relating to healthcare in order to implement the Budget Act of 2022. Most relevant to courts are as follows:

H&S 11831.1 and H&S 11834.28 are created to expand medication assisted treatment (MAT). It requires certified alcohol and other drug programs and other substance use treatment facilities to offer MAT or partner with an agency that does. This includes the use of evidence-based assessments to assess medication needs.

H&S 11839.6.1 is created to authorize mobile narcotic treatment programs.

WIC 14132.7 authorizes the creation of community based mobile crisis intervention services for individuals experiencing a mental health of substance use crisis.

WIC 4336 is created tasking the Department of State Hospitals to implement a growth cap program that assigns financial penalties to counties for each felony incompetent to stand trial determination in excess of those made in

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FY22. Funds collected from these penalties will be placed in a new Mental Health Diversion Fund. Funds will be used to provide mental health diversion services such as pre-booking mental health diversion, post booking mental health diversion, reentry services for felons restored to competency.

WIC 4361.7 is created permitting DSH to contract for medical, evaluation and other services necessary connect felony IST inmates to early treatment and evaluation. It also allows DSH personnel to petition for and participate in involuntary medication hearings.

Court Impact:

Informational for Probate

Criminal/Mental Health Impact:

SB 184 impacts courts in four main ways. It creates new mobile treatment resources for narcotic treatment and crisis intervention. This may be of assistance to jurisdictions where treatment resources are limited.

It improved access to Medication Assisted Treatment by making it a required component of treatment programs.

The greatest impact to courts is the DSH growth cap program. This provision is crafted to disincentivize referrals to the Department of State Hospitals by establishing a baseline for felony IST referrals and penalizing counties for any referrals above baseline. Courts and Counties will want to consider strategies to keep IST referrals at or below baseline. Penalties collected will be placed in a Mental Health Diversion fund to fund treatment services for divertees.

Courts should coordinate with their local Sheriff's Office to coordinate competency processes with DSH Services in jails. Courts will also need to develop processes to accept DSH petitions for involuntary medication and to include DSH personnel in involuntary medication hearings.

Criminal Procedure	Notes
<p>Crimes: loitering for the purpose of engaging in a prostitution offense. SB 357, Ch. 86</p> <p>Laws: Amends Section 782.1 of the Evidence Code, amends Sections 647.3, 653.23, and 1203.47 of, adds Section 653.29 to, and repeals Sections 653.20 and 653.22 of, the Penal Code, amends Section 99171 of the Public Utilities Code, and amends Sections 18259 and 18259.3 of the Welfare and Institutions Code, relating to crimes.</p> <p>Summary: This bill repeals provisions of law related to loitering with intent to commit prostitution and allows for petitions of recall and dismissal of sentence and applications for dismissal and sealing to be filed with the court, creating a presumption of eligibility absent clear and convincing evidence the petitioner does not satisfy the criteria. The bill specifies that hearings are not necessary to grant petitions and applications. Requires JCC to create forms.</p> <p>Court Impact: <i>Courts should inform judicial officers and review petition/application processes and CMS codes to allow processing of these documents.</i></p>	<p>Erin Duncan</p>
<p>Human trafficking: restraining orders. SB 382, Ch. 87</p> <p>Laws: Amend Sections 136.2 and 236.1 of the Penal Code, relating to human trafficking.</p> <p>Summary: This bill states that when a defendant has been charged with human trafficking of a minor for the purpose of engaging in, or maintaining, a commercial sex act, the court shall consider issuing a protective order during the pendency of the criminal proceedings on its own motion. When a defendant has been convicted of a crime of human trafficking, the court shall consider issuing an order restraining the defendant from any contact with the victim of the crime for a duration of up to 10 years. The bill prescribes that in all cases of human trafficking, the prosecutor shall consider whether to seek a restraining order.</p> <p>Court Impact: <i>Judicial officers need to be informed that they can, upon their own motion, issue a protective order for a victim of human trafficking during the pendency of a criminal case. Additionally, they should be advised of the District Attorney's requirement to consider requesting a protective order in human trafficking cases. Judicial officers should be informed that they may issue the protective order for a duration up to 10 years when a defendant has been convicted of the crime of human trafficking.</i></p>	<p>Sarah Lind</p>

Criminal Procedure	Notes
<p>Expert witnesses: writ of habeas corpus. SB 467, Ch. 982</p> <p>Laws: An act to amend Section 1473 of the Penal Code, relating to criminal procedure.</p> <p>Summary: Current law allows for an imprisoned person to file a writ of habeas corpus to inquire into the cause of the imprisonment or restraint. This bill expands the definition of "false evidence" to include expert testimony that has been undermined by scientific research.</p> <p>Court Impact: <i>Courts may see an increase in Habeas Corpus Petitions. Inform Judicial Officers of the additional ability of a defendant to seek post-conviction relief.</i></p>	<p>Jodi Leveque</p>
<p>Elections: voter registration. SB 504, Ch. 14</p> <p>Laws: An act to amend Sections 2150 and 2170 of, to repeal Sections 3022 and 13315 of, and to repeal and add Section 2212 of, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.</p> <p>Summary: SB 540 amends multiple sections of the elections code by modifying the voter registration affidavit. It clarifies eligibility to file a conditional voter registration and transfers the responsibility of reporting persons who are ineligible to vote due to a felony conviction from the clerk of a superior court to the CDCR. The Secretary of State is then required to cancel the voter registration of incarcerated felons. The SOS is also required to notify parolees that their voting rights have been restored.</p> <p>Court Impact: <i>Court clerks are relieved of their obligation to furnish the SOS and the county elections official, not less than the first day of every month, a statement showing the names, addresses, and dates of birth of all persons who have been committed to state prison as the result of a felony conviction, as specified.</i></p>	<p>Sean Noland</p>

Criminal Procedure	Notes
<p>Criminal records: relief. SB 731, Ch. 814</p> <p>Laws: Amends Sections 44242.5 and 44346 of the Education Code, amends Sections 1203.41 and 11105 and amends, repeals, and adds Sections 851.93 and 1203.425 of, the Penal Code, related to automatic record relief.</p> <p>Summary: This bill prohibits denial of teaching credential based on 5+ year old convictions of specified controlled substances for which relief was granted; makes relief available to felony convictions, including those punishable by or with state prison sentences that do not require sex offender registration; prohibit disclosure of information relating to specified controlled substance convictions more than 5 years old in which relief was grant to the Committee on Credentials (for purposes adverse action regarding teaching credentials); Adds relief granted does not release terms and conditions of any unexpired criminal protective order issued by the court under PC 136.2(i), 273.5(j), 368(l) or 646.9(K) nor affect the authority to receive or take adverse action on criminal history information (for priors). (Information that is more than 5 years old shall not be disclosed)</p> <p>Court Impact: <i>Inform judicial officers and staff working on automatic record clearance process. Informational regarding teaching credential. Update procedures/business process to include felony convictions and exclude those felony convictions with sex offender registration requirements. Also, courts may wish to review and/or update business processes regarding unexpired CPOs on those cases in which relief is granted. Please see impact statements on SB1260, SB1106.</i></p>	<p>Suzanne Schleder</p>
<p>Community mental health services: data collection. SB 929, Ch. 539</p> <p>Laws: An act to amend Section 5402 of the Welfare and Institutions Code, relating to mental health.</p> <p>Summary: SB 929 amends Section 5402 of the Welfare and Institutions Code to mandate quarterly data collection efforts by the State Department of Healthcare Services. The data to be collected focuses on involuntary detentions. It requires the Judicial Council to provide data from Superior Courts in furtherance of this objective.</p> <p>Court Impact: <i>Courts will need to develop data collection strategies to meet the required reporting requirements. The Judicial Council will provide detailed guidance on the required data collection elements and reporting method.</i></p>	<p>Sean Noland</p>

Criminal Procedure	Notes
<p>Sexually violent predators. SB 1034, Ch. 880</p> <p>Laws: An act to amend Sections 6608 and 6608.5 of, and to add Section 6608.6 to, the Welfare and Institutions Code, relating to sexually violent predators.</p> <p>Summary: Current law provides for a civil commitment process for a prison inmate found to be a Sexually Violent Predator. Processes are in place for conditional release or unconditional discharge when the DSH determines the person is now not likely to commit acts of predatory sexual violence. This bill clarifies the process and includes that the counsel for the committed individual, the sheriff or the chief of police of the locality for placement, and the county counsel and the district attorney of the county of domicile shall provide assistance and consultation in securing housing.</p> <p>Court Impact: <i>Inform Judicial Officers of the additional processes in place for a court to determine if extraordinary circumstances exist so that a sexually violent predator cannot be placed in their county of domicile.</i></p>	<p>Jodi Leveque</p>
<p>Online tool: traffic violator school. SB 1096, Ch. 191</p> <p>Laws: Adds Section 68645.15 to the Government Code, relating to the Ability to Pay Program [68645- 68645.7]</p> <p>Summary: Prohibits a defendant's request for an ability-to-pay determination through the online tool from impacting their eligibility to attend traffic violator school.</p> <p>Court Impact: <i>Courts may need to review, adopt or amend business processes regarding Traffic Violator School requests from defendant's who have used the online tool for an ability-to-pay determination.</i></p>	<p>Suzanne Schleder</p>

Criminal Procedure

Notes

Criminal resentencing: restitution.

SB 1106, Ch. 734

Laws: Amend Sections 17, 1203.4, 1203.4a, 1203.4b, 1203.41, 1203.42, and 1203.45 of, to add Section 1210.6 to, and to repeal Section 11177.2 of, the Penal Code, relating to resentencing.

Summary: This bill ensures that expungement petitions aren't denied simply due to outstanding restitution debt. This bill specifies that when a court exercises its discretion to reduce an offense from a felony to a misdemeanor, or a misdemeanor to an infraction, an unfulfilled order of restitution or a restitution fine shall not be grounds for denial of a request or application for reduction. A petition for expungement relief pursuant to the provisions described above shall not be denied due to an unfulfilled order of restitution or restitution fine. When the court considers a petition for expungement relief pursuant to the above provisions an unpaid order of restitution or restitution fine shall not be grounds for denial of the petition for relief. An unfulfilled order of restitution or a restitution fine shall not be grounds for:

- a) Finding that a defendant did not fulfil the condition of probation for the entire period of probation;
- b) Finding that a defendant did not fully comply with and perform the sentence of the court or a finding that a defendant has not lived an honest and upright life and has conformed to and obeyed the laws of the land; or,
- c) Finding that a defendant did not successfully participate in the California Conservation Camp program as an incarcerated individual hand crew member, or that the defendant did not successfully participate as a member of a county incarcerated individual hand crew.

A petition for sealing of records pursuant to the above provision shall not be denied due to an unfulfilled order of restitution or restitution fine and an unfulfilled order of restitution or a restitution fine shall not be grounds for finding that a defendant did not fulfil the conditions of probation for the entire period of probation. When the court considers a petition for sealing of records under this section an unpaid order of restitution or restitution fine shall not be grounds for denial of the petition for relief.

Court Impact: *Judicial officers need to be informed of the prohibition against denial of a petition for relief, whether statutorily authorized or in the court's discretion, due to an unfulfilled order of restitution or restitution fine.*

Sarah Lind

Criminal Procedure	Notes
<p>Sentencing: members of military: trauma. SB 1209, Ch. 721</p> <p>Laws: Amends Section 1170.91 of the Penal Code, relating to sentencing.</p> <p>Summary: This bill allows defendants who suffered from military related trauma to petition for recall and resentencing regardless of whether the sentence was imposed prior to January 1, 2015 or whether the defendant was sentenced to an indeterminate (life) sentence. The bill exempts persons who have been convicted of specified violent offenses and registerable sex offenses.</p> <p>Court Impact: <i>Inform judicial officers and prepare for possible increase in petition filings.</i></p>	<p>Erin Duncan</p>
<p>Criminal procedure: mental health diversion. SB 1223, Ch. 735</p> <p>Laws: An act to amend Sections 1001.36, 1370, and 1370.01 of the Penal Code, relating to criminal procedure.</p> <p>Summary: This bill amends PC 1001.36 to require defendants have a mental health diagnosis of a qualifying mental health disorder within the last five years. It creates a contingency in the event a county agency is unable to provide treatment to a divertee, limit the maximum term of diversion to one year for misdemeanants, and clarifies the definition of "qualified mental health expert."</p> <p>Court Impact: <i>Inform bench officers that a formal mental health diagnosis from a qualified mental health expert within the last five years replaces the requirement that the court merely be "satisfied that the defendant suffers from a mental disorder." Bench officers should also be informed that the maximum term of diversion for misdemeanants has been shortened to one year but remains two years for felons. Courts will need a mechanism to accept written declarations from county agencies when those agencies are unable to provide treatment to divertees.</i></p>	<p>Sean Noland</p>

Criminal Procedure

Notes

State summary criminal history information.

SB 1260, Ch. 842

Laws: Amend Sections 1203.41 and 11105 of, and to amend and repeal Section 1203.425 of, the Penal Code, relating to criminal records.

Summary: This bill amends Sections 1203.41 and 11105, amends and repeals Section 1203.425 of the Penal Code, specified that automated conviction relief granted does not make a person eligible who is otherwise ineligible to provide or receive payment for providing in-home supportive services; incorporates additional changes chaptered out by the passage of SB 731, and to amend 1203.41 from felony convictions sentenced to a county jail to felony convictions; relief for a felony that resulted in a prison sentence may only be granted if does not include requirement to register as a sex offender (PC 290). Further, relief does not release terms and conditions from unexpired criminal protective orders nor affect ability to take action on priors.

Court Impact: *Inform judicial officers and staff working on automatic record clearance process. Update procedures/business process to include felony convictions and exclude those felony convictions with sex offender registration requirements. Please see impact statements on SB 731, SB1106.*

Suzanne Schleder

Criminal Procedure

Notes

Public safety omnibus.

SB 1493, Ch. 197

Laws: Amends Sections 1103 and 1107 of the Evidence Code, to amend Section 1816 of the Family Code, to amend Sections 1031, 7286, 12525.5, 15401, and 15425 of the Government Code, to amend Sections 1233.5 and 1259.5 of the Health and Safety Code, to amend Section 475 of the Military and Veterans Code, to amend Sections 243, 273.5, 273.6, 273.65, 602, 1043, 1127e, 1192.5, 1203.055, 1203.097, 1203.4b, 1203.9, 1270.1, 1346.1, 1370, 1387, 11105, 11163.3, 13151, 13511.1, 13519, 13777, 13823.16, and 14143 of the Penal Code, to amend Section 5164 of the Public Resources Code, and to amend Sections 782 and 15610.63 of, and to add Section 700.3 to, the Welfare and Institutions Code, relating to public safety.

Summary: This bill amends Penal Code §1043, authorizing the court to proceed with the trial if the defendant is out of custody and the court finds the defendant has absented themselves voluntarily with full knowledge the trial is to be held or being held.

Permits the Attorney General to furnish criminal history information to the Governor when the Governor recommends to the Director of the Selective Service System applicants for appointment to the state’s Selective Service System local boards.

Amends various provisions relating to battered women’s shelters from “shelters for battered women” to “Domestic violence shelter-based programs”. Authorizes a judge of the juvenile court, when a youth is alleged to have committed an offense that could be punishable as a felony or as a misdemeanor (wobbler), to determine whether a case should proceed as a misdemeanor at any point in the adjudication of a petition and allows a petition to be dismissed by a court that takes jurisdiction of the case, as specified.

Court Impact: *Misdemeanor FTA at Trial: Courts may wish to configure new minute codes in their Case Management Systems for required finding. "The court finds the defendant has absented themselves voluntarily with full knowledge that the trial was to be held at this time" or similar. Advise courtroom clerks of required finding.*

Suzanne Schleder

Criminal Informational Bills	Notes
<p>Firearms: Del Mar Fairgrounds. AB 311, Ch. 954</p> <p>Laws: Amends Section 538d-h of the Penal Code, regarding impersonation of the peace officer, firefighter, etc. to include impersonation through or on an internet website, or by other electronic means, for purposes of defrauding another.</p> <p>Summary: Amends Section 538d-h of the Penal Code, regarding impersonation of the peace officer, firefighter, etc. to include impersonation through or on an internet website, or by other electronic means, for purposes of defrauding another.</p> <p>Court Impact: <i>Informational only.</i></p>	<p>Suzanne Schleder</p>
<p>Reduction of human remains and the disposition of reduced human remains. AB 351, Ch. 39</p> <p>Laws: Amends Sections 7672.1, 7672.10, and 7673 of, to amend, repeal, and add Sections 7607, 7611.9, 7653.35, 7653.36, 7672, 7672.2, 7672.4, 7672.6, 7672.7, 7673.1, and 7685.2 of, to add Section 7730.12 to, and to add Article 6.6 (commencing with Section 7714) to Chapter 12 of Division 3 of, the Business and Professions Code, and to amend Sections 7001, 7010.3, 7011, 7025, 7051, 7051.5, 7052, 7052.5, 7054, 7054.1, and 7116 of, to amend, repeal, and add Sections 7055, 103055, and 103060 of, to add Sections 7002.7, 7010.8, 7054.5, and 7054.9 to, and to add Article 9 (commencing with Section 8390) to Chapter 2 of Part 3 of Division 8 of, the Health and Safety Code, relating to human remains, and making an appropriation therefor.</p> <p>Summary: Defines reduction as the process of transforming a human body into soil using the natural decomposition process, accelerated with the addition of organic materials. Establishes the regulatory process for reduction facilities and reduction equipment under the Cemetery and Funeral Bureau (Bureau) and the Department of Public Health (DPH), and outlines management and training requirements for licensed reduction facility employees. Imposes the same requirements for reduced human remains as cremated and hydrolyzed remains and requires the Bureau and DPH to implement specified regulations by January 1, 2027.</p> <p>Court Impact: <i>Informational only.</i></p>	<p>Erin Duncan</p>

Criminal Informational Bills		Notes
<p>Hate crimes: reporting.</p> <p>AB 485, Ch. 852</p> <p><u>Laws:</u> Amend Section 13023 of the Penal Code, relating to hate crimes.</p> <p><u>Summary:</u> This law requires that subject to the availability of adequate funding, local law enforcement agencies be directed to report to the Department of Justice information relative to hate crimes. This information may include any general orders or formal policies on hate crimes and the hate crime pamphlet. On or before July 1 of each year, the Department of Justice shall update the Open Justice Web portal with the information obtained from local law enforcement agencies. Local law enforcement agencies shall additionally post the information to their internet websites on a monthly basis.</p> <p><u>Court Impact:</u> Informational only.</p>	<p>Sarah Lind</p>	
<p>Domestic violence: victim’s rights.</p> <p>AB 547, Ch. 941</p> <p><u>Laws:</u> Adds section 679.06 to the Penal Code, relating to victims of domestic violence and stalking.</p> <p><u>Summary:</u> This bill requires that the county probation department notify a victim of domestic violence or stalking, of the perpetrators current address, or proposed address, after conviction, is placed on or being released on probation, after conviction, under the supervision of the adult probation department. The notification requirement shall only apply if the victim has requested notification and has provided the probation department with a current address at which they may be notified. Additionally, the bill requires the district attorney to advise said victims of their right to request and receive notification, as specified.</p> <p><u>Court Impact:</u> Informational only.</p>	<p>Sean Noland</p>	
<p>Hate crimes: vertical prosecution.</p> <p>AB 557, Ch. 853</p> <p><u>Laws:</u> An act to add and repeal Section 422.94 of the Penal Code, relating to hate crimes.</p> <p><u>Summary:</u> This bill establishes a pilot grant program for District Attorney's Offices to create or expand vertical prosecution units for hate crimes, allowing for a single prosecutor to handle a case from start to finish.</p> <p><u>Court Impact:</u> Informational only.</p>	<p>Jodi Leveque</p>	

Criminal Informational Bills	Notes
<p>Vehicle identification and registration: alternative devices. AB 984, Ch. 746</p> <p><u>Laws:</u> Amend Sections 4463 and 4853 of, and to add Section 4854 to, the Vehicle Code, relating to vehicles.</p> <p><u>Summary:</u> Authorizes digital and decal plates and digital registration cards.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Suzanne Schleder</p>
<p>Crimes: theft: animals. AB 1290, Ch. 546</p> <p><u>Laws:</u> An act to amend Sections 487e, 487f, and 491 of the Penal Code, relating to crimes.</p> <p><u>Summary:</u> This bill clarifies that sealing a companion animal of another is theft and that companion animals are deemed personal property. Companion animal is defined as an animal, including a dog or cat, that a person keeps and provides care for as a household pet. This excludes feral animals.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Jodi Leveque</p>
<p>Criminal profiteering: asset forfeiture: unemployment and disability insurance fraud. AB 1637, Ch. 950</p> <p><u>Laws:</u> Amends Sections 186.2 and 186.8 of the Penal Code, relating to criminal profiteering. Urgency bill Eff. October 3, 2022</p> <p><u>Summary:</u> Specifies that fraud offenses relating to COVID-19 pandemic-related insurance programs administered by the California Employment Development Department (EDD) are criminal profiteering activity for which a prosecutor can seek asset forfeiture pursuant to the California Control Profits of Organized Crime Act.</p> <p><u>Court Impact:</u> <i>Inform Judicial Officers.</i></p>	<p>URGENCY</p> <p>Effective 09/30/2022</p> <p>Erin Duncan</p>

Criminal Informational Bills	Notes
<p>Vessels: public safety activities. AB 1682, Ch. 203</p> <p><u>Laws:</u> An act to amend Sections 650.1 and 655.2 of the Harbors and Navigation Code, relating to public safety.</p> <p><u>Summary:</u> This bill amends section 655.2 of the Harbors and Navigation Code to exempt clearly marked public safety watercraft from the 5 mile per hour speed limit in beach areas where bathers are present. Personal watercraft operated by lifeguards and clearly marked as such are explicitly included in the exemption. This exemption only applies when watercraft are engaged in "public safety activities."</p> <p><u>Court Impact:</u> <i>Inform Judicial Officers.</i></p>	<p>Sean Noland</p>
<p>Traffic safety: speed limits. AB 1938, Ch. 406</p> <p><u>Laws:</u> An act to amend Sections 22358.6, 22358.8, 22358.9, and 40802 of the Vehicle Code, relating to traffic safety.</p> <p><u>Summary:</u> In 2021 the Legislature passed AB 43, which made various changes to how speed limits are set to give local governments and the state more flexibility to lower speed limits. Those changes included the ability to lower speed limits by 5 miles per hour on high injury streets, aka 'safety corridors,' and streets with a high concentration of bicyclists and pedestrians. Unfortunately, the legislation was not clear, and therefore was being misinterpreted to actually reduce the flexibility of the local governments and the state versus increase the flexibility. AB 1938 codifies the pre-existing authority on setting speed limits and clarifies that AB 43 was intended to supplement and not supplant that authority.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Sarah Lind</p>
<p>Correctional Administration: service of process. AB 1974, Ch. 255</p> <p><u>Laws:</u> Amends Section 4013 of the Penal Code.</p> <p><u>Summary:</u> This bill codifies case law regarding service of documents to inmates in jails and prisons. PC 4013 already requires jail staff to serve documents to incarcerated persons. AB 1974 explicitly expands PC 4013 to include prison staff and subjects them to the same penalties as jail staff for a failure to do so.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Sean Noland</p>

Criminal Informational Bills	Notes
<p>Motor vehicle speed contests and exhibitions of speed: off-street parking Administration. AB 2000, Ch. 436</p> <p><u>Laws:</u> An act to amend Section 23109 of the Vehicle Code, relating to vehicles.</p> <p><u>Summary:</u> This bill expands the crimes of motor vehicle exhibition of speed and speed contest to include occurrences in parking lots.</p> <p><u>Court Impact:</u> Informational only.</p>	<p>Jodi Leveque</p>
<p>Jails: discharge plans. AB 2023, Ch. 327</p> <p><u>Laws:</u> Add Section 4024.5 to the Penal Code, relating to jails.</p> <p><u>Summary:</u> This bill adds to the rights established to any person being released from a county jail, requiring a sheriff to make the release standards, release processes, and release schedules of a county jail available to incarcerated persons, as specified. The bill would also grant a person incarcerated in, or recently released from, a county jail up to 3 free telephone calls from a telephone in the county jail to plan for a safe and successful release. By requiring a higher level of service from county sheriffs, this bill would impose a state-mandated local program.</p> <p><u>Court Impact:</u> Informational only.</p>	<p>Suzanne Schleder</p>
<p>Bail bonds. AB 2043, Ch. 768</p> <p><u>Laws:</u> Amends, repeals, and adds Sections 1800, 1801, 1802, 1802.1, 1810.7, 1810.8, 1811, and 1815 of, and to add Section 1802.3 to, the Insurance Code, and to amend, repeal, and add Sections 1299.01, 1299.02, and 1299.04 of the Penal Code, relating to bail bonds.</p> <p><u>Summary:</u> Prohibits a person from performing the activities of a bail fugitive recovery agent without a license and requires an applicant for a bail fugitive recovery agent's license to file a surety bond, a policy of liability insurance, and a notice of appointment with the Insurance Commissioner.</p> <p><u>Court Impact:</u> Informational only.</p>	<p>Erin Duncan</p>

Criminal Informational Bills	Notes
<p>Public utilities: rates. AB 2083, Ch. 689</p> <p><u>Laws:</u> Adds Section 748.2 to the Public Utilities Code.</p> <p><u>Summary:</u> This bill prohibits an electrical corporation or gas corporation from recovering, through a rate approved by the California Public Utilities Commission ("CPUC"), costs arising directly from new or additional activities expressly agreed to by the corporation, or any direct payment, fine, or penalty paid by the corporation, in a settlement agreement resolving a criminal or civil inquiry, investigation, or prosecution, except when the CPUC determines that those costs were just and reasonably incurred.</p> <p><u>Court Impact:</u> Informational only.</p>	<p>Sarah Lind</p>
<p>Vehicles: driving under the influence. AB 2198, Ch. 81</p> <p><u>Laws:</u> Amends Sections 1821, 13800, 13954, 23517, 23575.5, 40300.5, and 40300.6 of the Vehicle Code, relating to vehicles.</p> <p><u>Summary:</u> Replaces the term "accident" with "crash" in the Vehicle Code when used to describe collisions involving one or more persons driving under the influence of alcohol or drugs and removes provisions of the Youth Drunk Driver Visitation Program authorizing a court to require supervised visitation by defendant or ward at a chemical dependency hospital to observe persons in the terminal stages of alcoholism or drug abuse.</p> <p><u>Court Impact:</u> Informational only.</p>	<p>Erin Duncan</p>
<p>Firearms. AB 2551, Ch. 100</p> <p><u>Laws:</u> An act to add Sections 29880, 30372, and 30472 to the Penal Code, relating to firearms.</p> <p><u>Summary:</u> This bill adds three new sections to the Penal Code requiring DOJ to report attempts to buy firearms, firearm precursors, or ammunition by persons prohibited from possessing a firearm to local law enforcement and mental health agencies. It permits local law enforcement agencies receiving these reports to conduct follow up investigations if they confirm the attempt to procure a firearm, firearm precursor, or ammunition was made.</p> <p><u>Court Impact:</u> Informational only.</p>	<p>Sean Noland</p>

Criminal Informational Bills	Notes
<p>Crimes: obstruction of justice. AB 2588, Ch. 697</p> <p>Laws: An act to amend Section 146e of the Penal Code, relating to crimes.</p> <p>Summary: This bill expands the crime of disclosing a public safety official's address or place of residence or telephone number with the intent to obstruct justice to include the officer's "immediate family" rather than "child or spouse". It further defines immediate family to include persons within the second degree or a person who regularly resides in the same household.</p> <p>Court Impact: <i>Informational only.</i></p>	<p>Jodi Leveque</p>
<p>Crimes: race-blind charging. AB 2778, Ch. 806</p> <p>Laws: An act to add Section 741 to the Penal Code, relating to crimes.</p> <p>Summary: This bill adds section 741 to the Penal Code to implement "race-blind charging." The law requires the DOJ to promulgate guidelines for county prosecuting agencies to develop race-blind charging policies. The bill describes race-blind charging as a process by which suspect and criminal history information received by law enforcement agencies will be redacted to remove any information about the race of the suspect or victim. The redacted documents will inform only whether a suspect will be charged, not the individual charges that will be brought. Some types of crimes are exempted from this process.</p> <p>Court Impact: <i>Informational only.</i></p>	<p>Sean Noland</p>

Criminal Informational Bills

Notes

Gender-affirming health care.

SB 107, Ch. 810

Laws: Adds Section 56.109 to the Civil Code, amends Sections 2029.300 and 2029.350 of the Code of Civil Procedure, amends Sections 3421, 3424, 3427, and 3428 and adds Section 3453.5 to the Family Code, and amends Section 1326 and adds Section 819 to the Penal Code.

Summary: Civil: This bill enacts various safeguards against the enforcement of out of state anti-transgender laws to protect individuals seeking and providing gender affirming care in California. The bill bars health care providers from complying with subpoenas that require disclosure of medical information related to gender-affirming health care.

Criminal: This bill adds Section 819 and amends Section 1326 of the Penal Code (among additions and amendments to Civil Code, CCP and Family Code.) For criminal specifically, Penal Code Section 819 establishes lowest priority for out-of-state gender-affirming health care violation enforcement; prohibits participation in the arrest or extradition of an individual pursuant to out-of-state arrest warrant regarding providing, receiving or allowing child to receive gender-affirming health care that is lawful under laws of this state; prohibits related cooperation or information providing; prohibits information and medical records sharing with out-of-state agency or individual. Further, Penal Code Section 1326 is amended to prohibit release of medical information related to a child's gender-affirming health care in response to a foreign subpoena based on another state's law.

Family Law: This bill states a law of another state that authorizes a state agency to remove a child from their parent or guardian based on the parent or guardian allowing their child to receive gender-affirming health care or gender-affirming mental health care is against the policy of this state and shall not be enforced or applied in a case pending in a court of this state.

Court Impact: *Criminal: Informational only.*

Civil and Family Law: Potential increase in workload to adjudicate child custody matters to ensure a child of another state can obtain gender-affirming care.

Inform judicial officers, staff attorneys and self-help staff.

Penny Sterris

Criminal Informational Bills	Notes
<p>Prisons: California Rehabilitation Oversight Board. SB 903, Ch. 821</p> <p>Laws: Amend Section 6141 of the Penal Code, relating to prisons.</p> <p>Summary: This bill amends Section 6141 of the Penal Code, requiring the California Rehabilitation Oversight Board to examine Department of Corrections and Rehabilitation efforts to address the housing needs of incarcerated persons, including those identified as having serious mental health needs, who are released to the community as parolees. Also requires specific reporting on homelessness in Department reports, as specified.</p> <p>Court Impact: <i>Informational only.</i></p>	<p>Suzanne Schleder</p>
<p>Sexual assault: victim's rights. SB 916, Ch. 709</p> <p>Laws: Amends Sections 680 and 680.2 of the Penal Code, relating to sexual assault.</p> <p>Summary: Provides that sexual assault victims have the right to access the Department of Justice's SAFE-T database for information involving their own forensic evidence kit and the status of the kit, including to but not limited to the information listed above in Penal Code §680 (d)(2)). This bill also requires the information given to a victim of sexual assault include a statement that they cannot be found in contempt for not testifying and to make it a right for a victim to request specific information from the Department of Justice (DOJ) regarding any DNA samples that were taken.</p> <p>Court Impact: <i>Informational only.</i></p>	<p>Erin Duncan</p>

Corrections: county of release.

SB 990, Ch. 826

Laws: Amend, repeal, and add Section 3003 of the Penal Code, relating to corrections.

Summary: This bill amends the factors the paroling authority must consider when deciding to return a person to a county or city other than the last county or city of legal residence to specify that the educational or vocational program that is located in a county other than the last county of legal residence is a program chosen by the incarcerated person. Requires the paroling authority to consider the existence of a housing option in another county, including with a relative or acceptance into a transitional housing program of choice, when deciding whether to return an incarcerated person to a city or county other than the last legal residence.

Requires an incarcerated person, absent evidence that parole transfer would present a threat to public safety, to be released to the county in the location of a post-secondary educational or vocational training program of the incarcerated person’s choice, or of a work offer, the incarcerated person’s family, outpatient treatment, or housing. Requires CDCR to complete the parole transfer process prior to release and ensure the person is released from prison directly to the county where the post-secondary educational or vocational training program, the work offer, the person’s family, outpatient treatment, or housing is located.

Requires a person on parole, absent evidence that travel outside of the county of commitment would present a threat to public safety, to be granted a permit to travel outside the county of commitment to a location where the person has post-secondary educational or vocational training program opportunities, including classes, conferences, or extracurricular educational activities, an employment opportunity, or inpatient or outpatient treatment. Requires a parole agent to provide a written response of their decision within seven days after receiving the request for a travel permit. Requires that if the parole agent denies the request for an out-of-county travel permit, the reasons the travel would present a threat to public safety be included in the denial in writing.

Requires a person on parole, absent evidence that transfer to a county outside the county of commitment would present a threat to public safety, to be granted approval of an application to transfer residency and parole to another county where the person has a post-secondary educational or vocational training program chosen by the inmate, a work offer, the person’s family, inpatient or outpatient treatment, or housing. Requires a parole agent to provide a written response of their decision within seven days after receiving the request for the transfer application. Requires that if the parole agent denies the application for a transfer of parole to another county, the reasons the transfer would present a threat to public safety be included in the denial in writing.

Sarah Lind

Criminal Informational Bills	Notes
<p>Changes existing law that requires the paroling authority to give serious consideration to releasing a joint venture program participant to the county where the joint venture program employer is located if that employer intends to employ the person upon release, and instead requires the paroling authority to release the person to the county where the joint venture program employer is located.</p> <p><i>Court Impact: Informational only.</i></p>	
<p>Corrections: communications. SB 1008, Ch. 827</p> <p><i>Laws:</i> An act to add Section 2084.5 to the Penal Code, to add Section 2899 to the Public Utilities Code, and to add Section 208.1 to the Welfare and Institutions Code, relating to corrections.</p> <p><i>Summary:</i> This bill requires each state prison and youth detention facility, county jail, city jail, and county youth detention facility to offer free voice communication services; imposes a daily 60-minute access to voice communication requirement; and prohibits government agencies from generating revenue from those communication services contracts.</p> <p><i>Court Impact: Informational only.</i></p>	<p>Erin Duncan</p>
<p>Disorderly conduct: peeping, recording, and distribution of intimate images. SB 1081, Ch. 882</p> <p><i>Laws:</i> An act to amend Section 647 of the Penal Code, relating to disorderly conduct.</p> <p><i>Summary:</i> This bill amends section 647 of the Penal Code to expand the state's "revenge porn" law. It clarifies that "distribution" of sexually explicit material as defined in the act includes both giving possession of the image and exhibiting it in public.</p> <p><i>Court Impact: Informational only.</i></p>	<p>Sean Noland</p>

Criminal Informational Bills	Notes
<p>Criminal procedure: DNA samples. SB 1228, Ch. 994</p> <p>Laws: Amend Section 680 of, and to add Section 679.12 to, the Penal Code, relating to criminal procedure.</p> <p>Summary: This bill amends Section 680 and adds Section 679.12 to the Penal Code, creating procedures and guidelines for reference samples of DNA from victims to a crime or alleged crime, as well as voluntary samples provided for the purpose of exclusion related to incident being investigated. Section 679.12 also protects those samples to any person or entity other than the lea that provided them, except as authorized by court order, among other provisions.</p> <p>Court Impact: <i>Informational only.</i></p>	<p>Suzanne Schleder</p>
<p>Aging multidisciplinary personnel teams. SB 1342, Ch. 621</p> <p>Laws: Adds Chapter 5.5 (commencing with Section 9450) to Division 8.5 of the Welfare and Institutions Code, relating to aging.</p> <p>Summary: This bill allows a county or Area Agency on Aging (AAA) to establish an aging multidisciplinary team (MDT) with the goal of facilitating the expedited identification, assessment, and linkage of older adults to services, and allows provider agencies and members of the MDT to share confidential information for the purposes of coordinating services. This bill requires a county or AAA that establishes an aging MDT to adhere to a number of protocols surrounding the privacy, security, and confidentiality of the information and records shared. This bill prohibits the use of information released during a team meeting from being used during criminal or juvenile proceedings.</p> <p>Court Impact: <i>Informational only.</i></p>	<p>Criminal and Juvenile Impact</p> <p>Erin Duncan Shelley Coffey</p>

Firearms: dealer requirements.

SB 1384, Ch. 995

Laws: Amend Sections 1203.41 and 11105 of, and to amend and repeal Section 1203.425 of, the Penal Code, relating to criminal records.

Sarah Lind

Summary: This bill requires, commencing January 1, 2024, a licensed firearm dealer to ensure that its business premises are monitored by a digital video surveillance system that meets the following requirements:

- a) The system shall clearly record images, and, for systems located inside the premises, audio of the area under surveillance.
- b) Each camera shall be permanently mounted in a fixed location. Cameras shall be placed in locations that allow the camera to clearly record activity occurring in specified areas and reasonably produce recordings that allow for the clear and identification of any person.
- c) The areas recorded shall include, without limitation, interior and exterior views of all entries or exits to the premises, all areas where firearms are displayed, and all points of sale, sufficient to identify the parties involved in the transaction.
- d) The system shall continuously record 24 hours per day at a frame rate no less than 15 frames per second.
- e) The media or device on which recordings are stored shall be secured in a manner to protect the recording from tampering, unauthorized access or use, or theft.

The bill specifies that a licensee shall not use, share, allow access, or otherwise release recordings, except as follows:

- a) A licensee shall allow access to an agent of the DOJ or a licensing authority conducting an inspection of the licensee's premises to ensure compliance with this bill, and only if a warrant or court order would not generally be required for that access.
- b) A licensee shall allow access or release recordings pursuant to a search warrant or other court order.
- c) A licensee may allow access to any person in response to an insurance claim or as part of the civil discovery process, including, but not limited to, in response to subpoenas, request for production or inspection, or other court order.

Criminal Informational Bills	Notes
<p>d) Recordings shall be maintained for a minimum of 1 year.</p> <p>Requires that a licensee must post a sign in a conspicuous place at each entrance to the premises stating, “These premises are under video surveillance. Your image and conversations may be recorded.” Requires that licensees shall, on an annual basis, provide certification to the department that its video surveillance system is in proper working order, and makes conforming changes. Specifies that its provisions do not preclude any local authority or governing body from adopting or enforcing local laws or policies regarding video surveillance that do not contradict or conflict with the requirements of this bill. Commencing July 1, 2023, requires licensees to carry a general liability insurance policy providing at least \$1 million of coverage per incident. Specifies that the above provision does not preclude any local authority from requiring a more stringent requirement regarding liability insurance. Recorded images shall clearly and accurately display the date and time. The system shall be equipped with a failure notification system that provides notification to the licensee of any interruption or failure of the system or storage device.</p> <p><i>Court Impact: Informational only.</i></p>	
<p>Vehicular manslaughter: speeding and reckless driving. SB 1472, Ch. 626</p> <p><i>Laws:</i> An act to amend Section 192 of the Penal Code, relating to crimes.</p> <p><i>Summary:</i> This bill amends PC 192 to clarify the definition of "gross negligence" as an element of vehicular manslaughter. It makes explicit that sideshows, exhibitions of speed, and speeding over 100 miles per hour may be considered gross negligence.</p> <p><i>Court Impact: Informational only.</i></p>	<p style="text-align: center;">Sean Noland</p>

Criminal Bail Schedule Bills		Notes
<p>Crimes: false personation.</p> <p>AB 1899, Ch. 954</p> <p><u>Laws:</u> Amend §§ 538d, 538e, 538f, 538g, and 538h of the Penal Code.</p> <p><u>Summary:</u> Expands existing impersonating a peace officer, firefighter, or employee of a public utility to include impersonation through an internet website, or by other electronic means, for purposes of defrauding another. Violation of these sections are punishable as a misdemeanor.</p>	<p>Suzanne Schleder</p>	
<p>Firearms: manufacturers.</p> <p>AB 2156, Ch. 142</p> <p><u>Laws:</u> An act to amend Section 29010 of the Penal Code, relating to firearms.</p> <p><u>Summary:</u> Amends Penal Code § 29010 to reduce the number of a firearms that a person, firm or corporation may manufacture in a calendar year without having a state license to manufacture firearms from 50 to three. A violation is a misdemeanor.</p> <p>Prohibits a person, firm, or corporation from using a three-dimensional printer to manufacture any firearm, including a frame or receiver, or any firearm precursor part, without having a state license to manufacture firearms. A violation is a misdemeanor.</p>	<p>Jodi Leveque</p>	
<p>Crimes: nuisance.</p> <p>AB 2195, Ch. 487</p> <p><u>Laws:</u> Add § 372.5 to the Penal Code.</p> <p><u>Summary:</u> Provides that a defendant may accept a plea agreement for committing a public nuisance under Penal Code § 370 if the negotiated disposition includes the dismissal of one or more charges, which allege unlawfully cultivating, manufacturing, transporting, giving away, selling, or possession or use of a drug, or possession or use of drug paraphernalia. If the dismissal of the underlying charges is:</p> <ol style="list-style-type: none"> 1. An infraction, then the public nuisance conviction is an infraction. Punishable by a fine not to exceed \$250. 2. A misdemeanor, then the public nuisance conviction is a misdemeanor. Punishable by a fine not to exceed \$1,000, or imprisonment in county jail for not more than one year, or as an infraction punishable by a fine not to exceed \$250. 3. A felony, then the public nuisance conviction is punishable pursuant to Penal Code § 1170(h) for a period of 16 months, or two or three years, or by imprisonment in a county jail for not more than one year. 	<p>Erin Duncan</p>	

Criminal Bail Schedule Bills		Notes
<p>Hate crimes: nooses, crosses, and swastikas. AB 2282, Ch. 397</p> <p>Laws: Act to amend Section 11411 of the Penal Code, relating to crimes.</p> <p>Summary: Makes hanging a noose and/or placing or displaying a sign, mark, emblem or other physical impression of a Nazi swastika for the purpose of terrorizing a person, on private property or a public place such as place of worship, cemetery or place of employment is punishable as follows:</p> <ol style="list-style-type: none"> 1. Pursuant to Penal Code § 1170(h) by imprisonment for 16 months or two or three years, by a fine of not more than \$10,000 or by both, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed \$5,000 or by both. 2. A second or subsequent conviction by imprisonment for 16 months or two or three years, by a fine not more than \$15,000 or by both, or by imprisonment in county jail not to exceed one year, by fine not to exceed \$10,000 or by both. 	<p>Suzanne Schleder</p>	
<p>Firearms: gun shows and events. AB 2552, Ch. 696</p> <p>Laws: An act to amend Sections 27240, 27245, 27305, 27310, and 27350 of the Penal Code, relating to firearms.</p> <p>Summary: Increases the penalty for violating Penal Code § 27245 as it relates to gun show producers who fail to comply with requirements. Failure to comply is a misdemeanor, punishable by a fine not to exceed \$4,000 and shall render the producer ineligible for a gun show producing license for two years from the date of conviction. A gun show producer who fails to post signs as required, is punishable by a misdemeanor. The fine is not to exceed \$2,000 for the first offense and not to exceed \$4,000 for the second or subsequent offence. With a second or subsequent offense the producer shall be rendered ineligible for a gun show producer license for two years from the date of conviction.</p> <p>Amends Penal Code § 27350 to make any second or subsequent violation of this article (violations between Penal Code §§ 27300-27350) punishable by imprisonment in a county jail no longer than six months, by a fine of \$1,000, or by both. The individual shall also be prohibited from participating as a vendor at gun show or event for one year. Increases the punishment for knowingly committing a violation of this article, for a first offense, shall be punished by imprisonment in a county jail not to exceed six months, by a fine of \$2,000, or by both, and shall be prohibited from participating as a vendor at any gun show or event for a period of one year.</p>	<p>Jodi Leveque</p>	

Criminal Bail Schedule Bills	Notes
<p>Trespass: private universities. SB 748, Ch. 134</p> <p>Laws: An act to amend Sections 626, 626.2, 626.4, and 626.6 of the Penal Code, relating to trespass, and declaring the urgency thereof, to take effect immediately.</p> <p>Summary: This bill expands the types of college institutions which are covered in existing trespass laws which prohibit students or employees who have been suspended or dismissed from campus to include “independent institutions of higher education.”</p> <p>Deletes the existing tiered penalties of Penal Code §§ 626.2, 626.4, and 626.6 governing first, second, or subsequent violations and instead establishes a standard fine not to exceed \$500, by imprisonment in county jail not to exceed 6 months, or by both, for each code section.</p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 07/19/2022</p> <p style="text-align: center;">Jodi Leveque</p>
<p>Wild pigs: validations. SB 856, Ch. 469</p> <p>Laws: An act to amend Sections 3031 and 4181 of, to amend and repeal Section 4651 of, to amend, repeal, and add Sections 3003.1, 3004.5, 3005.5, 3031.2, 3040, 3950, 3953, 4150, 4304, 4650, 4652, 4653, 4654, 4655, and 4657 of, to add Sections 4651.5 and 4652.5 to, and to add Chapter 1.5 (commencing with Section 3965) to Part 3 of Division 4 of, the Fish and Game Code, and to add Article 5 (commencing with Section 10791) to Chapter 1 of Part 3 of Division 5 of the Food and Agricultural Code, relating to wild pigs.</p> <p>Summary: This bill creates a new game classification in the Fish and Game Code called "exotic game mammal" and places wild pigs, feral pigs, and European wild boar under this classification. Implementation of the new rules and penalties is delayed to 7/1/24.</p>	<p style="text-align: center;">DELAYED IMPLEMENTATION</p> <p style="text-align: center;">Operative 07/01/2024</p> <p style="text-align: center;">Jodi Leveque</p>
<p>Vehicles: catalytic converters. SB 1087, Ch. 514</p> <p>Laws: An act to amend Section 21610 of the Business and Professions Code, and to add Section 10852.5 to the Vehicle Code, relating to vehicles.</p> <p>Summary: Adds Vehicle Code § 10852.5 to provide that only certain persons are allowed to purchase or possess a used catalytic converter, including for the purpose of dismantling, recycling, or smelting. A violation of this section is punishable as an infraction with a fine, as follows:</p> <ol style="list-style-type: none"> 1. First offense, by a fine of \$1,000. 2. Second offense, by a fine of \$2,000. 3. Third or subsequent offense, by a fine of \$4,000. 	<p style="text-align: center;">Jodi Leveque</p>

Family	Notes
Legislation From the 2021 Session with a delayed operative date	
<p>Child support: access to records. AB 429, Ch. 52, Stats. 2021</p> <p><i>Laws:</i> Amend Section 7643 and add Section 7643.5 to the Family Code, relating to Family Law.</p> <p><i>Summary:</i> This bill is from the 2021 New Laws and is effective January 1, 2023, eliminates the provisions governing the confidentiality of proceedings and records under the Uniform Parentage Act (UPA), except in parentage cases involving assisted reproduction. Requires the Judicial Council to create or modify forms to requires parties who initiate actions under UPA to designate the action or proceeding as such.</p> <p><i>Court Impact:</i> <i>Inform judicial officers and court operations staff of the amendments. Look for new or modified judicial council forms or rules. Make any necessary changes to your case/document management systems.</i></p>	<p style="text-align: center;">From 2021 New Laws Operative 01/01/2023</p> <p style="text-align: center;">Sara MacCaughey</p>
<p>Protective orders: elder and dependent adults. AB 1243, Ch. 273, Stats. 2021</p> <p><i>Laws:</i> Amend, Repeal, and add Section 15657.03 of the Welfare and Institutions Code, relating to protective orders.</p> <p><i>Summary:</i> This bill is from the 2021 New Laws and is effective January 1, 2023, which allows, after notice and a hearing, an interested party to seek a protective order for isolation of an elder or dependent adult under the Elder Abuse and Dependent Adult Civil Protection Act (EADACPA) and for the court to make a finding that specific debt was incurred as the result of financial abuse of the elder or dependent adult. Requires the Judicial Council to revise or create forms necessary to implement this bill.</p> <p><i>Court Impact:</i> <i>Information that is important to Judicial Officers and legal research. For operations, expect new Judicial Council forms by 2/1/2023.</i></p>	<p style="text-align: center;">From 2021 New Laws Operative 01/01/2023</p> <p style="text-align: center;">Sara MacCaughey</p>

Family	Notes
<p>Domestic violence: protective orders: information pertaining to a child. SB 24, Ch. 129, Stats. 2021</p> <p><u>Laws:</u> Add Section 6323.5 to the Family Code, relating to domestic violence.</p> <p><u>Summary:</u> This bill is from the 2021 New Laws and is effective January 1, 2023. Specifically, this bill enhances protections against a third party’s disclosure of a minor’s protected information under a domestic violence restraining order.</p> <p>1) Authorizes a court to include in an ex parte restraining order a provision restraining a party from accessing records and information pertaining to the health care, education, daycare, recreational activities, or employment of a minor child of the parties.</p> <p>2) Requires certain third parties that provide services to children to adopt protocols to ensure that restrained parties pursuant to 1), above, are not able to access records or information pertaining to the child in the possession of the third parties. At a minimum, the protocols must include designating appropriate personnel to receive such protective orders, establishing a means of ensuring that the restrained party is identified and not able to access the records or information, and implementing a procedure for documenting receipt of a copy of the protective order.</p> <p>a) Such protocols must, by February 1, 2023, be adopted as a matter of course by “essential care providers,” defined to include organizations that frequently provide essential social, health, or care services to children.</p> <p>b) By contrast, “discretionary services organizations,” defined as organizations that provide non-essential services to children, such as recreational activities, entertainment, and summer camps, are required to adopt a protocol only if they are provided with a copy of a restraining order issued pursuant to 1), above.</p> <p>3) Prohibits essential care providers and discretionary services organizations that are provided with a restraining order issued pursuant to 1), above, from releasing information or records pertaining to the child to the restrained party.</p> <p>4) Requires the Judicial Council to update forms or rules as necessary.</p> <p><u>Court Impact:</u> <i>Inform judicial officers and court operations staff of the amendments. Review DV-160 request to keep minor information confidential and DV-170 notice of order protecting information of a minor.</i></p>	<p>From 2021 New Laws Operative 01/01/2023</p> <p>Sara MacCaughey</p>

Family		Notes
Legislation From the 2022 Session		
<p>Civil representation: immigration status.</p> <p>AB 2193, Ch. 486</p> <p><u>Laws:</u> Amend Section 68651 of the Government Code, relating to courts.</p> <p><u>Summary:</u> This bill prohibits programs providing legal services through grants from the Sargent Shriver Civil Counsel Act (Shriver Act) from discriminating on the basis of citizenship or immigration status.</p> <p>Provides that applications for funding for a Shriver Act program include information about how the program proposes to serve people seeking services without respect to their citizenship or immigration status.</p> <p>Directs the Judicial Council to do the following with respect to Shriver Act grants:</p> <ul style="list-style-type: none"> a) encourage current grantees to explore ways to provide services without regard to citizenship or immigration status; and b) give additional consideration to future programs that propose to newly provide legal services in a region without regard to citizenship or immigration status. <p><u>Court Impact:</u> <i>Courts who receive Shriver funding will need to review any operational impacts to their programs.</i></p>	<p>Sara MacCaughey</p>	

Family	Notes
<p>Domestic Violence Prevention Act: attorney’s fees and costs. AB 2369, Ch. 591</p> <p><u>Laws:</u> Repeal and add Section 6344 of the Family Code, relating to domestic violence.</p> <p><u>Summary:</u> Requires a court, after notice and a hearing and upon request, to issue an order for the payment of attorney's fees and costs for a prevailing petitioner in a domestic violence action.</p> <p>Allows a court, after notice and a hearing and upon request, to issue an order for the payment of attorney's fees and costs for a prevailing respondent, only if the respondent establishes by a preponderance of the evidence that the petition or request is frivolous or solely intended to abuse, intimidate, or cause unnecessary delay.</p> <p>Requires the court, before it orders attorney's fees, to first determine that the party ordered to pay has, or is reasonably likely to have, the ability to pay.</p> <p><u>Court Impact:</u> Inform judicial officers and court operations staff of the amendments.</p>	<p>Sara MacCaughey</p>
<p>Civil actions: vexatious litigants. AB 2391, Ch. 84</p> <p><u>Laws:</u> Amend Sections 391 and 391.1 of the Civil Code of Procedure, relating to domestic violence.</p> <p><u>Summary:</u> Authorizes a person protected by a restraining order issued after a hearing to file a petition, without fee, to have the person who is the subject of that order declared a vexatious litigant. Specifically, this bill:</p> <ol style="list-style-type: none"> 1) Defines a vexatious litigant to include a person who does, among other behaviors, after being restrained pursuant to a restraining order, and while the restraining order is still in place, commences, prosecutes, or maintains one or more litigations against a person protected by the restraining order in any court or jurisdiction that are determined to be meritless and caused the person protected by the order to be harassed or intimidated. 2) Provides that a person seeking to have another declared a vexatious litigant pursuant to 1) is not required to pay a filing fee. <p><u>Court Impact:</u> Inform judicial officers and court operations staff of the amendments.</p>	<p>Sara MacCaughey</p>

Family	Notes
<p>Firearms: gun violence restraining orders. AB 2870, Ch. 974</p> <p><u>Laws:</u> Amend Sections 18150, 18170 and 18190 of the Penal Code, relating to firearms.</p> <p><u>Summary:</u> Expands the category of persons that may file a petition requesting a court to issue a gun violence restraining order (GVRO).</p> <p>Allows the following persons to file a GVRO:</p> <ul style="list-style-type: none"> a) A roommate of the subject of the petition, as defined; b) An individual who has a dating relationship with the subject of the petition, as defined; and, c) An individual who has a child in common with the subject of the petition, if they have had substantial and regular interaction with the subject for at least one year. <p>Expands the definition of "immediate family member" for purposes of filing a GVRO to include any person related by consanguinity or affinity within the fourth degree who has had substantial and regular interactions with the subject for at least one year.</p> <p><u>Court Impact:</u> <i>Inform judicial officers and court operations staff of the amendments.</i></p>	<p>Sara MacCaughey</p>

Judiciary omnibus.

AB 2960, Ch. 420

Laws: Amends and repeals Sections 21701, 21703, 21705, and 21712 of the Business and Professions Code, amends Sections 1102.5 and 1798.99.80 of the Civil Code, amends Sections 1282.6, 1516, 1563, and 1733.1 of the Code of Civil Procedure, amends Sections 4204, 6308, 7643, 7643.5, and 17404, and repeals and adds Section 6307 of the Family Code, amends Sections 12931, 12935, 12956.2, 12965, 14985.7, 14985.8, and 17388.2 of the Government Code, amends Section 18123, repeals and adds Section 18122 of the Penal Code, amends Sections 1471, 1821, 1823, 1826, 1828, 1894, 1895, 2250.6, 2253, 2356.5, and 15800 of the Probate Code, and amends Section 224.2 of the Welfare and Institutions Code.

Civil, Family Law, Juvenile
and Probate Impact

Penny Sterris

Summary: This is the Judiciary Committee's civil law omnibus bill. It is intended to provide legislative efficiencies by clarifying and correcting statutes in a single bill.

Major provisions include:

SEC. 17 and 18 adds Family Code § 6307 and amends Family Code § 6308 regarding domestic violence temporary restraining. SEC. 30 and 31 adds/amends Penal Code § 18122 and § 18123 regarding gun violence restraining orders. These sections become operative July 1, 2023.

A court or court facility that receives petitions for domestic violence restraining orders or gun violence restraining order shall permit those petitions and any filings related to those petitions to be submitted electronically. The court or court facility shall, based on the time of receipt, act on these filings. The request, notice of the court date, copies of the request to serve on the respondent, and the temporary restraining order, if granted, shall be provided to the petitioner electronically, unless the petitioner notes, at the time of electronic filing, that these documents will be picked up from the court or court facility. Information regarding electronic filing and access to the court's self-help center shall be prominently displayed on each court's homepage. Each self-help center shall maintain and make available information related to domestic violence restraining orders pursuant to this section. The Judicial Council may adopt or amend rules and forms to implement this section.

SEC. 18. Section 6308 of the Family Code is amended to read:

A party, support person as defined in Section 6303, or witness may appear remotely at the hearing on a petition for a domestic violence restraining order. The superior court of each county shall develop local rules and instructions for remote appearances.

SEC. 19 amends Family Code § 7643 concerning public hearings and records. A hearing or trial held under this part may be held in closed court without admittance of any person other than those necessary to the action or proceedings.

Clarifies that an Indian child's tribe may participate in a juvenile court proceeding by telephone or other remote appearance option without any fees imposed.

Family	Notes
<p><i>Court Impact:</i> <i>Specifies electronic filing requirements for domestic and gun violence restraining orders and self-help information to be displayed on the court’s homepage.</i></p> <ul style="list-style-type: none"> ·<i>The Judicial Council is required to create or modify existing forms as needed to designate children conceived by assisted reproduction.</i> ·<i>The superior court of each county shall develop local rules and instructions for specified remote appearances (Penal Code 18123, FC 6308)</i> ·<i>Update clerical work instructions for Parentage actions</i> ·<i>Update fee schedules for remote appearances</i> ·<i>No new fees, penalties or assessments created.</i> <p><i>Note: See AB 887 from the 2021 New Laws workshop for details on Domestic Violence electronic filings. Review the entire bill for courts in the process of expanding or implementing a new electronic filing system. Speak with your CEO or director for more information about your court.</i></p> <p><i>Juvenile Impact Statement: Juvenile courts who have been imposing fees for telephonic or remote appearances by Indian tribes must no longer charge those fees.</i></p>	

Family	Notes
<p>Gender-affirming health care. SB 107, Ch. 810</p> <p>Laws: Adds Section 56.109 to the Civil Code, amends Sections 2029.300 and 2029.350 of the Code of Civil Procedure, amends Sections 3421, 3424, 3427, and 3428 and adds Section 3453.5 to the Family Code, and amends Section 1326 and adds Section 819 to the Penal Code.</p> <p>Summary: Civil: This bill enacts various safeguards against the enforcement of out of state anti-transgender laws to protect individuals seeking and providing gender affirming care in California. The bill bars health care providers from complying with subpoenas that require disclosure of medical information related to gender-affirming health care.</p> <p>Criminal: This bill adds Section 819 and amends Section 1326 of the Penal Code (among additions and amendments to Civil Code, CCP and Family Code.) For criminal specifically, Penal Code Section 819 establishes lowest priority for out-of-state gender-affirming health care violation enforcement; prohibits participation in the arrest or extradition of an individual pursuant to out-of-state arrest warrant regarding providing, receiving or allowing child to receive gender-affirming health care that is lawful under laws of this state; prohibits related cooperation or information providing; prohibits information and medical records sharing with out-of-state agency or individual. Further, Penal Code Section 1326 is amended to prohibit release of medical information related to a child's gender-affirming health care in response to a foreign subpoena based on another state's law.</p> <p>Family Law: This bill states a law of another state that authorizes a state agency to remove a child from their parent or guardian based on the parent or guardian allowing their child to receive gender-affirming health care or gender-affirming mental health care is against the policy of this state and shall not be enforced or applied in a case pending in a court of this state.</p> <p>Court Impact: <i>Criminal: Informational only.</i></p> <p><i>Civil and Family Law: Potential increase in workload to adjudicate child custody matters to ensure a child of another state can obtain gender-affirming care.</i></p> <p><i>Inform judicial officers, staff attorneys and self-help staff.</i></p>	<p>Civil and Family Law Impact</p> <p>Penny Sterris</p>

Family	Notes
<p>Domestic violence: protective orders. SB 935, Ch. 88</p> <p><u>Laws:</u> Amend Section 6345 of the Family Code, relating to domestic violence.</p> <p><u>Summary:</u> This bill clarifies that certain Domestic Violence Protection Act (DVPA) that have already been renewed by the court for a five-year term may be subsequently renewed for another period of five or more years or permanently under the same statute and subject to the same procedures.</p> <p><u>Court Impact:</u> <i>Inform judicial officers and court operations staff of the amendments.</i></p>	<p>Sara MacCaughey</p>

Family

Notes

Family law.

SB 1182, Ch. 385

Laws: Amend Section 3040 and to add Section 211.5 to the Family Code, relating to family law.

Summary: Effective January 1, 2024, this bill requires a family court to provide referrals to resources for self-identified veterans appearing before the court, including how to contact the local Department of Veterans Affairs (CalVet).

Specifically this bill:

- 1) Requires, beginning January 1, 2024, a family court in family law proceedings to provide self-identified veterans with a list of resources for veterans, including information about how to contact the local CalVet office.
- 2) Permits a self-identified veteran to provide the information about their veteran status on the Judicial Council military service form, file the form with the court, and serve the form on the other parties to the action.
- 3) Requires, upon receipt of a form filed under 2), the court to transmit a copy of the form to CalVet, and for CalVet, upon receipt of the form, to contact the filer within a reasonable time.
- 4) Provides that Judicial Council, on or before January 1, 2024, may amend or develop the rules and forms necessary to implement the requirements in 1)-3).
- 5) Provides that, beginning January 1, 2024, if a court finds that the effects of a parent’s, legal guardian’s, or relative’s history of or current mental illness are a factor in determining the best interest of a child for purposes of a custody or visitation order, the court must:
 - a) Provide the parent, legal guardian, or relative with a list of local resources for mental health treatment; and
 - b) State its reasons for the finding in writing or on the record.
- 6) Provides that the requirement in 5) does not relieve a court from ensuring that the health, safety, and welfare of the child is the court’s primary concern in determining the best interest of a child when making an order regarding the physical or legal custody, or visitation, of the child.

Court Impact: *Inform judicial officers and court operations staff of the amendments. Look for new or modified judicial council forms or rules.*

Develop policies and procedures on providing these resources to veterans.

Likely minor and absorbable costs to the courts to provide self-identified veterans with a list of local mental health resources and possibly update existing forms or create new forms.

Sara MacCaughey

Family Informational Bills	Notes
<p>Human services omnibus. AB 207, Ch. 573</p> <p><u>Laws:</u> SECs. 2 - 8 and 17 – 21 of the bill, amended, added and renumbered Family Code §§ 4007.5, 4054, 4058, 4077, 17504.1, 17504.2, 17504.6. Amends Sections 10544, 10553.1, 15204.35, 16501.5 and 18900.8 of the Welfare and Institutions Code; Amends, repeals and adds Sections 2200 and 11477 of the Welfare and Institutions code; Adds Sections 10553.13, 10553.14, 11157.1 and 11477.06 to the Welfare and Institutions Code; adds Chapter 5.6 (commencing with Section 16546) to Part 4 of Division 9 of the Welfare and Institutions Code; adds and repeals Section 11477.07 of the Welfare and Institutions Code.</p> <p><u>Summary:</u> <u>Family Law:</u> This bill is the Human Services omnibus trailer bill and makes various changes to the state's child support program and California Child Welfare Services.</p> <p><u>Juvenile:</u> This bill establishes the Excellence in Family Finding, Engagement, and Support Program, which provides for allocated funds to be used for specialized permanency work focused on establishing and maintaining permanent connections for foster children. This bill also establishes the Tribally approved Homes Compensation Program to provide funding to Indian tribes to assist in recruiting and approving homes for foster placement. Further, this bill establishes the Tribal Dependency Representation Program to provide assistance in funding of legal counsel to represent Indian children in juvenile court proceedings. Finally, this bill authorizes the Office of Youth and Community Restoration to provide grantmaking programs, until Jan. 1, 2028, to assist with contracts related to trauma-responsive, culturally informed services for youth in the juvenile justice system.</p> <p><u>Court Impact:</u> <u>Family Law:</u> Informational only. <u>Juvenile:</u> Courts may see an increase in legal representation on behalf of federally recognized Indian tribes in California as well as more children placed in Indian homes pursuant to the Indian Child Welfare Act.</p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 9/27/2022</p> <p style="text-align: center;">Juvenile and Family Law Impact</p> <p style="text-align: center;">Sara MacCaughey</p>

Family Informational Bills	Notes
<p>Child welfare agencies: enforcement. AB 1686, Ch. 755</p> <p><u>Laws:</u> Amend Section 17552 of the Family Code, relating to child welfare agencies.</p> <p><u>Summary:</u> This bill establishes a presumption that, when a child is in foster care, requiring the parent or guardian to pay child support for the child is likely to impose a barrier to the family’s efforts to reunify.</p> <p>Makes the following legislative findings and declarations:</p> <p>a) In reunification cases, attempts to collect child support are both cost ineffective and have been proven to harm reunification efforts and destabilize families.</p> <p>b) The basic purpose of the child welfare system is to strengthen families and return children to safe and stable homes. Efforts made by counties to require parents to pay out-of-home care costs for children they are seeking to reunite with their families are inconsistent with that basic purpose.</p> <p>c) It is the intent of the Legislature to limit the referral of these out-of-home cases to county child support enforcement departments.</p> <p>2) Provides that regulations required to be developed by CDSS, in consultation with DCSS, regarding whether it is in the best interest of a child who has been removed from their parents through the child welfare system to have the case referred to the child welfare agency for child support services must provide that the county child welfare department, in making its best interest determination, presume that the payment of support by the parent is likely to pose a barrier to the proposed reunification if reunification services are offered and not terminated</p> <p>3) Requires CDSS to revise its regulations to implement the changes set forth in 2) on or before October 1, 2023.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Sara MacCaughey</p>
<p>Domestic violence: victims: address confidentiality. AB 2872, Ch. 975</p> <p><u>Laws:</u> Amend Section 6206 ad 6206.7 of the Government Code, relating to domestic violence.</p> <p><u>Summary:</u> Makes a number of changes to existing laws related to the Secretary of State's (SOS's) Safe at Home (SAH) address confidentiality program to, among other things, reduce the number of copies of legal documents that must be provided to the SOS and expand the circumstances under which a participant can be terminated from the program.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Sara MacCaughey</p>

Family Informational Bills	Notes
<p>School safety: homicide threats. SB 906, Ch. 144</p> <p><u>Laws:</u> Add Article 8 to Chapter 8 of Part 27 of Division 4 of Title 2 of the Education Code, relating to school safety.</p> <p><u>Summary:</u> This bill (1) requires local educational agencies (LEAs) to annually provide information to parents or guardians about California’s child access prevention laws and laws relating to the safe storage of firearms; (2) requires school officials to report to law enforcement any threat or perceived threat; and (3) requires law enforcement or the school police to conduct an investigation and threat assessment, including a review of SB 906 Page 2 Department of Justice’s (DOJ’s) firearm registry and a search of the school and/or students’ property by law enforcement or school police.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Sara MacCaughey</p>
<p>Child support enforcement: license suspensions. SB 1055, Ch. 830</p> <p><u>Laws:</u> Add Section 175205 to the Family Code, relating to child support.</p> <p><u>Summary:</u> Effective January 1, 2025, this bill prohibits the Department of Child Support Services (DCSS) from seeking the denial, withholding, or suspension of a driver’s license from low-income child support obligors; beginning January 1, 2027, the restriction will apply only to noncommercial driver’s licenses.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Sara MacCaughey</p>
<p>Public safety omnibus. SB 1493, Ch. 197</p> <p><u>Laws:</u> An act to amend Sections 1103 and 1107 of the Evidence Code, to amend Section 1816 of the Family Code, to amend Sections 1031, 7286, 12525.5, 15401, and 15425 of the Government Code, to amend Sections 1233.5 and 1259.5 of the Health and Safety Code, to amend Section 475 of the Military and Veterans Code, to amend Sections 243, 273.5, 273.6, 273.65, 602, 1043, 1127e, 1192.5, 1203.055, 1203.097, 1203.4b, 1203.9, 1270.1, 1346.1, 1370, 1387, 11105, 11163.3, 13151, 13511.1, 13519, 13777, 13823.16, and 14143 of the Penal Code, to amend Section 5164 of the Public Resources Code, and to amend Sections 782 and 15610.63 of, and to add Section 700.3 to, the Welfare and Institutions Code, relating to public safety.</p> <p><u>Summary:</u> This bill is the annual Public Safety Omnibus bill and makes technical and non-controversial changes to various code sections.</p>	<p>Juvenile and Family Law Impact</p> <p>Sara MacCaughey</p>

Family Informational Bills**Notes**

Family Law Summary: SEC. 3 amends Family Code § 1816 regarding evaluators.

An evaluator shall participate in a program of continuing instruction in domestic violence, including child abuse, as may be arranged and provided to that evaluator. This training may utilize domestic violence training programs conducted by nonprofit community organizations with an expertise in domestic violence issues.

SEC. 29 amends Penal Code § 11163.3 regarding domestic violence task force.

A county may establish an interagency domestic violence death review team to assist local agencies in identifying and reviewing domestic violence deaths, including homicides and suicides, and facilitating communication among the various agencies involved in domestic violence cases. Interagency domestic violence death review teams have been used successfully to ensure that incidents of domestic violence and abuse are recognized, and that agency involvement is reviewed to develop recommendations for policies and protocols for community prevention and intervention initiatives to reduce and eradicate the incidence of domestic violence.

Juvenile Summary: This bill authorizes a juvenile court to reduce a charge to a misdemeanor, subject to a hearing, at any point in the juvenile proceeding if the minor has committed an offense which would be alternately punishable as a felony or misdemeanor if it were charged in the case of an adult. This bill also mimics the language AB 2629 which authorizes a judge of the juvenile court to dismiss, or set aside findings and dismiss, a petition under WIC 750.

Court Impact: *Family Law Impact Statement: Informational only. No operational impact.*

Juvenile Impact Statement: Judicial Officers need to be aware of this expanded authority. This bill should not result in additional hearings but may see an increase in dismissed petitions.

Juvenile Dependency	Notes
<p>State government. AB 156, Ch. 569</p> <p>Laws: Adds Chapter 16.1, commencing with Section 18997.5, to Part 6 of Division 9 of the Welfare and Institutions Code (WIC 18997.5, 18997.51, 18997.52, 18997.53, 18997.54 and 18997.55)</p> <p>Summary: This bill establishes the California Hope, Opportunity, Perseverance, and Empowerment (HOPE) for Children Trust Account Program. Specifically, this bill defines the eligibility for wards or dependents who would be eligible to apply for and receive grant funds under this program to address inequality. This bill sets forth the governance and funding methodology for the trust account program.</p> <p>Court Impact: <i>Judicial Officers and court staff should be made aware of this new funding source for foster children. A workgroup will be established to create and define the application process, which may involve records requests from the court to verify eligibility.</i></p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 09/27/2022</p> <p style="text-align: center;">Shelley Coffey</p>
<p>Foster care: rights. AB 1735, Ch. 405</p> <p>Laws: Amends Sections 16001.9 and 16501.1 of the Welfare and Institutions Code.</p> <p>Summary: This bill provides that children placed in foster care as either a ward or dependent of the court be provided with both their Foster Care Bill of Rights and a copy of their case plan or Transitional Independent Living Plan, when aged 12 years or older, in their primary language if other than English.</p> <p>Court Impact: <i>Judicial Officers may need to verify the rights and case plan information, when appropriate, have been properly provided to and translated for a minor. To the extent this information is noted on the record, courts may need to modify language or codes for Case Management Systems.</i></p>	<p style="text-align: center;">Shelley Coffey</p>
<p>Reunification services. AB 2159, Ch. 691</p> <p>Laws: Amends Section 361.5 of the Welfare and Institutions Code.</p> <p>Summary: This bill adds Subsection (e) (4) to clarify that parents or guardians in custody prior to conviction shall not be denied reunification services pursuant to Subsection (e) (1).</p> <p>Court Impact: <i>Courts may likely need to modify Case Management Systems to reflect the findings made on the record.</i></p>	<p style="text-align: center;">Shelley Coffey</p>

Juvenile Dependency	Notes
<p>Guardianships. AB 2309, Ch. 780</p> <p><u>Laws:</u> Amends Sections 328 and 360 of the Welfare and Institutions Code.</p> <p><u>Summary:</u> This bill requires a parent who is not interested in family maintenance or family reunification services in a dependency case to execute a written waiver of any of those services before a legal guardianship is established. This bill also authorizes said parent to designate a specific person to be the child's guardian, who shall be appointed if there is no objection by the child or child's counsel unless a preponderance of the evidence shows the appointment would be contrary to the best interests of the child. Finally, this bill also requires Social Services to report additional data to the legislature.</p> <p><u>Court Impact:</u> <i>Courts will need to take additional steps to ensure written waivers of services are in place, as well as inquiring of a parent if they are designating a specific person to be their child's guardian. Case management Systems may need to be modified to add the additional forms and findings.</i></p>	<p style="text-align: center;">Shelley Coffey</p>
<p>Children's psychiatric residential treatment facilities. AB 2317, Ch. 589</p> <p><u>Laws:</u> Amends Sections 1180.3, 11254 and 1262 of, and adds Section 1250.10 to, the Health and Safety Code; Amends Sections 5328, 5405, 5600.4 and 6 552 of, and adds Sections 361.23, 727.13, 4081, 4082, 4083 and 16010.10 to the Welfare and Institutions Code; amends the heading of Article 3 of Chapter 3 of Part 1 of Division 4 of the Welfare and Institutions Code.</p> <p><u>Summary:</u> This bill states the urgent need for more alternatives to hospitals for children and youth experiencing severe mental health crises and allows for the establishment of Psychiatric Residential Treatment Facilities (PRTF) with related guidelines. This bill specifically adds WIC 361.23 and 727.13, which provides specific guidelines for the filing of an ex parte application in the Juvenile Court for a child or nonminor dependent to seek voluntary admission to a PRTF. This bill sets forth the specific information that must be included in the ex parte application as well as the requirements for filing and hearing.</p> <p><u>Court Impact:</u> <i>Juvenile Courts will need to develop a process for the ex parte applications and hearings specific to WIC 361.23 and 727.13; Case management systems will need to be modified to reflect specific hearing codes and findings for these hearings.</i></p>	<p style="text-align: center;">Shelley Coffey</p>

Juvenile Dependency	Notes
<p>The parent and child relationship. AB 2495, Ch. 159</p> <p><u>Laws:</u> Amends Sections 7613, 8609.5, 8713, 8714, 8802, 8803, 8910, 8912, 9000 and 9324 of the Family Code.</p> <p><u>Summary:</u> This bill provides that the provider of an embryo for use in assisted reproduction is treated in law as if the provider is not the natural parent unless the court finds satisfactory evidence have decided otherwise and would require each original provider's written consent to the donation unless the person has executed a writing to consent, waive or relinquish their right to the material. This bill adds to the list of persons authorized to file an adoption request a person named in a court order terminating parental rights as the child's legal guardian or prospective adoptive parent. This bill also requires the adoption order to include both the child's adopted name and the name of the child before adoption. Finally, this bill prohibits the proposed adoptive child from being concealed from the agency investigation the adoption or from the court with jurisdiction over the adoption proceeding. This bill also changes language from adoption petition to adoption request.</p> <p><u>Court Impact:</u> <i>Juvenile Courts who handle adoptions will need to make sure their adoption forms and procedures reflect the proper language to "request" instead of "petition."</i></p>	<p>Shelley Coffey</p>
<p>Juveniles: dependency: jurisdiction of the juvenile court. AB 2595, Ch. 260</p> <p><u>Laws:</u> Adds Section 328.2 of the Welfare and Institutions Code.</p> <p><u>Summary:</u> This bill requires the Department of Social Services to update all regulations, all-county letters and instructions as they relate to investigations under WIC 300 to ensure a parent or guardians use or possession of cannabis is treated in the same manner as possession of alcohol and legally prescribed medication.</p> <p><u>Court Impact:</u> <i>It is possible courts will see fewer dependency petitions if the primary allegation is the use or possession of cannabis.</i></p>	<p>Shelley Coffey</p>
<p>Juvenile records access. AB 2711, Ch. 870</p> <p><u>Laws:</u> Amends Section 9100 of the Family Code and Sections 366.26 and 827 of the Welfare and Institutions Code.</p> <p><u>Summary:</u> This bill authorizes Personnel of the State Department of Social Services to access an adoption case file, including a juvenile case file, in order to carry out their duties in the matter of setting aside adoptions under the provisions of FC 9100 and WIC 366.26. This bill makes other technical and nonsubstantive changes to the codes.</p> <p><u>Court Impact:</u> <i>Courts will need to be aware of this new, but limited, change to the parties authorized to access case files. Local forms may need to be modified to add the State Department of Social Services as an authorized party.</i></p>	<p>Shelley Coffey</p>

Juvenile Dependency	Notes
<p>Dependent children. AB 2866, Ch. 165</p> <p><u>Laws:</u> Amends sections 366.21 and 366.22 of the Welfare and Institutions Code.</p> <p><u>Summary:</u> This bill requires the court, when making findings regarding reasonable services offered to a parent/guardian, to make the determination by clear and convincing evidence. This bill also makes technical language changes.</p> <p><u>Court Impact:</u> <i>Judicial Officers will need to be aware of this new finding that must be made and courts will need to be sure case management systems and minute orders reflect these changes.</i></p>	<p style="text-align: center;">Shelley Coffey</p>
<p>Judiciary omnibus. AB 2960, Ch. 420</p> <p><u>Laws:</u> Amends and repeals Sections 21701, 21703, 21705, and 21712 of the Business and Professions Code, amends Sections 1102.5 and 1798.99.80 of the Civil Code, amends Sections 1282.6, 1516, 1563, and 1733.1 of the Code of Civil Procedure, amends Sections 4204, 6308, 7643, 7643.5, and 17404, and repeals and adds Section 6307 of the Family Code, amends Sections 12931, 12935, 12956.2, 12965, 14985.7, 14985.8, and 17388.2 of the Government Code, amends Section 18123, repeals and adds Section 18122 of the Penal Code, amends Sections 1471, 1821, 1823, 1826, 1828, 1894, 1895, 2250.6, 2253, 2356.5, and 15800 of the Probate Code, and amends Section 224.2 of the Welfare and Institutions Code.</p> <p><u>Summary:</u> This is the Judiciary Committee's civil law omnibus bill. It is intended to provide legislative efficiencies by clarifying and correcting statutes in a single bill.</p> <p>Major provisions include: SEC. 17 and 18 adds Family Code § 6307 and amends Family Code § 6308 regarding domestic violence temporary restraining. SEC. 30 and 31 adds/amends Penal Code § 18122 and § 18123 regarding gun violence restraining orders. These sections become operative July 1, 2023. A court or court facility that receives petitions for domestic violence restraining orders or gun violence restraining order shall permit those petitions and any filings related to those petitions to be submitted electronically. The court or court facility shall, based on the time of receipt, act on these filings. The request, notice of the court date, copies of the request to serve on the respondent, and the temporary restraining order, if granted, shall be provided to the petitioner electronically, unless the petitioner notes, at the time of electronic filing, that these documents will be picked up from the court or court facility. Information regarding electronic filing and access to the court's self-help center shall be prominently displayed on each court's homepage. Each self-help center shall maintain and make</p>	<p style="text-align: center;">Civil, Family Law, Juvenile and Probate Impact</p> <p style="text-align: center;">Penny Sterris</p>

Juvenile Dependency

Notes

available information related to domestic violence restraining orders pursuant to this section. The Judicial Council may adopt or amend rules and forms to implement this section.

SEC. 18. Section 6308 of the Family Code is amended to read:

A party, support person as defined in Section 6303, or witness may appear remotely at the hearing on a petition for a domestic violence restraining order. The superior court of each county shall develop local rules and instructions for remote appearances.

SEC. 19 amends Family Code § 7643 concerning public hearings and records. A hearing or trial held under this part may be held in closed court without admittance of any person other than those necessary to the action or proceedings.

Clarifies that an Indian child's tribe may participate in a juvenile court proceeding by telephone or other remote appearance option without any fees imposed.

Court Impact: *Specifies electronic filing requirements for domestic and gun violence restraining orders and self-help information to be displayed on the court's homepage.*

·The Judicial Council is required to create or modify existing forms as needed to designate children conceived by assisted reproduction.

·The superior court of each county shall develop local rules and instructions for specified remote appearances (Penal Code 18123, FC 6308)

·Update clerical work instructions for Parentage actions

·Update fee schedules for remote appearances

·No new fees, penalties or assessments created.

Note: See AB 887 from the 2021 New Laws workshop for details on Domestic Violence electronic filings. Review the entire bill for courts in the process of expanding or implementing a new electronic filing system. Speak with your CEO or director for more information about your court.

Juvenile Impact Statement: Juvenile courts who have been imposing fees for telephonic or remote appearances by Indian tribes must no longer charge those fees.

Juvenile Dependency	Notes
<p>Human services. SB 116, Ch. 5</p> <p>Laws: Amends Section 361.2 and adds and repeals Section 13282.1 of the Welfare and Institutions Code.</p> <p>Summary: This bill authorizes a social worker to place the child in the home of a relative regardless of the status of a criminal record exemption or resource family approval if the court finds the placement does not pose a risk to the health and safety of the child. This bill also authorizes use of federal funds to support refugee resettlement efforts within California.</p> <p>Court Impact: <i>Courts may see an increase in requests for court-ordered placement of dependent children.</i></p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 02/09/2022</p> <p style="text-align: center;">Shelley Coffey</p>
<p>Human services. SB 187, Ch. 50</p> <p>Laws: Amends Sections 319, 319.3, 358.1, 361.2, 361.22, 366, 366.1, 366.3, 366.31, 636, 706.5, 706.6, 727.12, 727.2, 2200, 4094, 4094.2, 4094.5, 4096, 4096.6 and 16501.1 of, and adds Sections 2200.2, 2200.5, 2200.7 and 8151.5 to, the Welfare and Institutions Code; Repeals Chapter 7 of the Welfare and Institutions Code.</p> <p>Summary: This bill makes changes to the licensing, accreditation, and placement of children in Community Care Facilities (CTF's) and Short-Term Residential Therapeutic Programs (STRTP's). This bill also makes multiple modifications to Human Services programs, such as CalFRESH and SSI screening and eligibility, as it relates to foster youth and nonminor dependents. This bill requires the Juvenile Court to hold review hearings every 6 months for a child placed in a Community Treatment Facility after July 1, 2022 and adds specific requirements for social workers and probation officers to include certain information in their reports to the court.</p> <p>Court Impact: <i>If courts haven't already, you will need to make sure case management systems are configured to capture any new or specific findings being made on the record during status review hearings. The Judicial Council is required to amend or adopt rules of court and develop or amend appropriate forms, as necessary, for placement of a minor in a CTF.</i></p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 06/30/2022</p> <p style="text-align: center;">Shelley Coffey</p>

Juvenile Dependency	Notes
<p>Juveniles: medication documentation. SB 528, Ch. 812</p> <p>Laws: Amends Sections 369.5 and 739.5 of the Welfare and Institutions Code.</p> <p>Summary: This bill orders a juvenile court, upon approving a request for psychotropic medication, to include the last two pages of form JV-220(A) or JV-220(B) and all medication information sheets to the order. This bill also orders a social worker or probation officer to provide the new caregiver with a copy of the order if the child changes placement.</p> <p>Court Impact: <i>Juvenile Courts and Judicial Officers need to be aware of the additions that must be included on the orders and amend processes accordingly. This could be an additional workload on staff to prepare the orders or confirm compliance with the order.</i></p>	<p style="text-align: center;">Shelley Coffey</p>
<p>Juveniles: dependency: jurisdiction of the juvenile court. SB 1085, Ch. 832</p> <p>Laws: Amends Sections 300 and 300.2 of the Welfare and Institutions Code.</p> <p>Summary: This bill amends the provisions of WIC 300 (b) and adds subsection (b) to WIC 300.2 to specifically declare that a child should not be removed from the home or found to be within the jurisdiction of the juvenile court because of indigence or other conditions of financial difficulty unless there is a willful or negligent action or failure to act.</p> <p>Court Impact: <i>Juvenile Courts should be aware of the new addition and subsequent re-numbering of WIC 300 (b) when findings are made on the record.</i></p>	<p style="text-align: center;">Shelley Coffey</p>

Juvenile Dependency Informational Bills	Notes
<p>Education finance: education omnibus budget trailer bill. AB 181, Ch. 52</p> <p><u>Laws:</u> Amends Sections 48850, 48853.5 and 49069.5 of the Education Code.</p> <p><u>Summary:</u> This bill modifies the language and definitions of "covered foster child," for purposes of education-related rights and supports, to include a child who has been removed from their home due to the temporary custody provisions of juvenile dependency law and a child who is the subject of a wardship or dependency petition, whether or not they have been removed from the home.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 06/20/2022</p> <p style="text-align: center;">Shelley Coffey</p>
<p>Foster youth: suspension and expulsion. AB 740, Ch. 400</p> <p><u>Laws:</u> Amends Sections 47605, 47605.5, 48432.5, 48853.5, 48911, 48911.1, 48915.5 and 48918.1 of the Education Code.</p> <p><u>Summary:</u> This bill adds a requirement for Charter Schools to provide written notice of an intent to expel to the attorney and social worker and Indian Tribe, if applicable, of a child who is a foster youth. This bill also requires the notice to be in the pupil or parent/guardian's native language. This bill orders that a foster child's education right shoulder, attorney, and social worker have the same rights a parent or guardian has to receive a suspension notice, expulsion notice, and other notices and documentation.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p style="text-align: center;">Shelley Coffey</p>
<p>Medi-Cal: specialty mental health services: foster children. AB 1051, Ch. 402</p> <p><u>Laws:</u> Amends Sections 14714 and 14717.1 of, and adds Sections 14717.2, 14717.25 and 14717.26 to, the Welfare and Institutions Code.</p> <p><u>Summary:</u> This bill orders when a foster child is placed in a group home, community treatment facility or short-term residential therapeutic program in another county, the county of original jurisdiction is responsible to arrange and provide specialty mental health services and bear the costs therein. These provisions become effective July 1, 2023.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p style="text-align: center;">DELAYED IMPLEMENTATION</p> <p style="text-align: center;">Operative 07/01/2023</p> <p style="text-align: center;">Shelley Coffey</p>

Juvenile Dependency Informational Bills	Notes
<p>Immunization registry. AB 1797, Ch. 582</p> <p><u>Laws:</u> Amends, Repeals and Adds Section 120440 of the Health and Safety Code.</p> <p><u>Summary:</u> This bill amends HS 120440 to add language authorizing specific agencies to include a patient or client’s race and ethnicity in medical records, as well as including COVID-19 information when performing immunization status assessments of pupils, adults and clients. This remains in effect until Jan 1, 2026, at which time HS 120440 will be recast to delete COVID-19 information only.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Shelley Coffey</p>
<p>Crimes: mandated reporters. AB 2085, Ch. 770</p> <p><u>Laws:</u> Amends Sections 11165.2, 11166 and 11167 of the Penal Code.</p> <p><u>Summary:</u> This bill adds a definition that general neglect of a child does not include a parent's economic disadvantage. This bill also clarifies suspected child abuse or neglect to include the language "known or reasonably suspected" as it relates to mandated reporters.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Shelley Coffey</p>
<p>Mandated reporters: statute of limitations. AB 2274, Ch. 587</p> <p><u>Laws:</u> Amends Section 801.6 of, and adds Section 801.8 to, the Penal Code.</p> <p><u>Summary:</u> This bill eliminates language from PC 801.6 regarding prosecution of a mandated reporter for failing to report from the 5-year statute of limitations. This bill adds PC 801.8 to state that mandated reporters may be prosecuted for failure to report an incident within 5 years of occurrence of offense for sexual assault, and no later than 4 years for child abuse or severe neglect.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Shelley Coffey</p>

Juvenile Dependency Informational Bills	Notes
<p>Foster children. AB 2466, Ch. 967</p> <p><u>Laws:</u> Amends Section 1521.6 of the Health and Safety Code; Amends Sections 15200 and 16518 of, and adds Section 16518.5 to, the Welfare and Institutions Code.</p> <p><u>Summary:</u> This bill adds WIC 16518.5 to state that a placing agency of foster children shall not decline to place a child with a resource family because of the resource family parent's actual or perceived sexual orientation, gender identity, or gender expression. This bill also makes technical and clarifying language changes regarding federal funding.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Shelley Coffey</p>
<p>Juveniles: relative placement: family finding. SB 384, Ch. 811</p> <p><u>Laws:</u> Amends Sections 309 and 628 of the Welfare and Institutions Code.</p> <p><u>Summary:</u> This bill adds parent or alleged parent as parties to be investigated during Family Finding when a child has been removed from their parent or guardian. This letter also requires Social Service Agencies and Probation Departments to adopt certain suggested practices for family finding and whether the practice has been implemented by Jan 1, 2024; alternatively, the agencies must provide the practices in existence prior to Jan. 1, 2022.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Shelley Coffey</p>
<p>Family Urgent Response System. SB 1090, Ch. 833</p> <p><u>Laws:</u> Amends Section 16526 of the Welfare and Institutions Code.</p> <p><u>Summary:</u> This bill expands the definition of people authorized to use the Family Urgent Response System hotline to include a child or youth who is placed in foster care and subject to a dependency petition or voluntary placement agreement, and a child or youth placed in California pursuant to the Interstate Compact on the Placement of Children.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p>Shelley Coffey</p>

Juvenile Dependency Informational Bills	Notes
<p>Aging multidisciplinary personnel teams. SB 1342, Ch. 621</p> <p>Laws: Adds Chapter 5.5 (commencing with Section 9450) to Division 8.5 of the Welfare and Institutions Code, relating to aging.</p> <p>Summary: This bill allows a county or Area Agency on Aging (AAA) to establish an aging multidisciplinary team (MDT) with the goal of facilitating the expedited identification, assessment, and linkage of older adults to services, and allows provider agencies and members of the MDT to share confidential information for the purposes of coordinating services. This bill requires a county or AAA that establishes an aging MDT to adhere to a number of protocols surrounding the privacy, security, and confidentiality of the information and records shared. This bill prohibits the use of information released during a team meeting from being used during criminal or juvenile proceedings.</p> <p>Court Impact: <i>Informational only.</i></p>	<p>Criminal and Juvenile Impact</p> <p>Erin Duncan Shelley Coffey</p>

Juvenile Delinquency	Notes
<p>Public safety omnibus. AB 200, Ch. 58</p> <p>Laws: Adds Sections 12838.65 and 12838.95 to the Government Code; amends Sections 607, 627, 730, 875 and 1760.45 of the Welfare and Institutions Code; adds Sections 1732.9 and 1732.10 to the Welfare and Institutions Code.</p> <p>Summary: This bill adds language to the Government Code that transfers jurisdiction and all remaining functions and responsibilities of the Division of Juvenile Justice, including Pine Grove Youth Conservation Camp, to the Department of Corrections and Rehabilitation upon the Division's closure. This bill also provides an avenue for youth who are committed to the Division of Juvenile Justice under PC 1170 or WIC 1732.8 to remain in a Department of Corrections and Rehabilitation facility or return to the county of commitment. This bill specifies that a youth committed for treatment under WIC 1756 shall remain under the care of the State Department of State Hospitals.</p> <p>Court Impact: <i>Juvenile Courts and probation departments need to be aware of these new provisions for youth who will remain in either a CDCR or State Hospital commitment. The courts, probation departments and counsel of record will be notified of finalized treatment plans and other notices as specified under the new Welfare and Institutions Codes.</i></p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 06/30/2022</p> <p style="text-align: center;">Shelley Coffey</p>
<p>Juveniles: room confinement. AB 2321, Ch. 781</p> <p>Laws: Amends Sections 208.3 of the Welfare and Institutions Code.</p> <p>Summary: This bill clarifies "room confinement" as it relates to minors or wards in locked, single-person rooms or cells to be a period lasting no longer than two hours, excluding sleeping hours, and mandates that confined minors and wards shall be provided reasonable access to toilets at all hours.</p> <p>Court Impact: <i>Minimal court impact only to the extent these types of findings are stated on the record.</i></p>	<p style="text-align: center;">Shelley Coffey</p>

Juvenile Delinquency	Notes
<p>Juveniles: transfer to court of criminal jurisdiction. AB 2361, Ch. 330</p> <p>Laws: Amends Section 707 of the Welfare and Institutions Code, relating to juveniles.</p> <p>Summary: This bill requires the court, when deciding whether a minor should be transferred to a court of criminal jurisdiction, to specifically make the finding by "clear and convincing evidence that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court." This bill also requires the specific reasons supporting the court's findings to be entered into the minutes.</p> <p>Court Impact: <i>Judicial Officers and courtroom staff need to be aware of the new findings that must be made. Case management systems may need to be modified in order to accommodate the inclusion of the findings and orders on the minute orders.</i></p>	<p style="text-align: center;">Shelley Coffey</p>
<p>Child support enforcement: license suspensions. AB 2417, Ch. 786</p> <p>Laws: Amends Sections 224.70, 224.71, 224.72, 224.73, 224.74, 2200, 2200.2 and 2200.5 of the Welfare and Institutions Code.</p> <p>Summary: This bill makes a number of technical and clarifying changes to the Youth Bill of Rights and requires it to be applicable to youth confined in any juvenile facility. Additionally, this bill prohibits discrimination against youth on the basis of gender expression or immigration status, and places additional requirements of the ombudsperson as it pertains to responding to complaints.</p> <p>Court Impact: <i>While this bill primarily impacts the juvenile probation department and facilities in which youth are detained, Judicial Officers and court staff should be aware of these new and additional requirements as they relate to detained youth.</i></p>	<p style="text-align: center;">Shelley Coffey</p>

Juvenile Delinquency	Notes
<p>Juveniles: dismissals. AB 2629, Ch. 970</p> <p>Laws: Amends Section 782 of the Welfare and Institutions Code.</p> <p>Summary: This bill clarifies that a juvenile petition may be dismissed, or findings set aside and petition dismissed, by a court that has taken jurisdiction of a case pursuant to WIC 750. This bill also adds specific factors which the court shall consider when making such a determination. This bill also requires such findings be made orally and, if not recorded or reported by a court reporter, included on the minutes. Finally, this bill clarifies a case dismissed under this section does not alone constitute a sealing of records under WIC 781 or 786, and dismissal does not prevent a civil judgment under WIC 730.6 to collect unpaid victim restitution.</p> <p>Court Impact: <i>Courts may likely see an increase in dismissed petitions with this expansion and clarification of factors. It is important to note that unsealed portions of a record pertaining to a dismissed petition may be accessed, inspected or used by the court, probation, prosecutor or counsel for minor in a new petition.</i></p>	<p style="text-align: center;">Shelley Coffey</p>
<p>Juveniles: electronic monitoring. AB 2658, Ch. 796</p> <p>Laws: Adds Section 13012.4 to the Penal Code; adds Section 628.2 to the Welfare and Institutions Code.</p> <p>Summary: This bill requires that minors under the jurisdiction of the juvenile court who are placed on electronic monitoring devices, effective January 1, 2023, shall be entitled to one day credit toward their maximum term of confinement for each day served on electronic monitoring. This bill further requires that the court hold a hearing if electronic monitoring is imposed for a period greater than 30 days, at which time the court must consider if there are less restrictive conditions of release available to achieve the rehabilitative purpose of the juvenile court. Finally, this bill requires the probation department to report specific data to the Department of Justice regarding the use of electronic monitoring devices for juveniles.</p> <p>Court Impact: <i>Courts may need to update their case management system requirements to reflect the use of electronic monitoring as a custody status. Judicial Officers will need to be aware of the new custody credit calculations. Courts may see an increase in status hearings for minors who remain on electronic monitoring.</i></p>	<p style="text-align: center;">Shelley Coffey</p>

Juvenile Delinquency	Notes
<p>Public social services: administrative hearings: juvenile records access. SB 1071, Ch. 613</p> <p>Laws: Amends Sections 827, 10952 and 10952.5 of the Welfare and Institutions Code.</p> <p>Summary: This bill authorizes attorneys in an administrative hearing involving the minor or nonminor to access a Juvenile file only as necessary as it relates to administrative hearings under WIC 10952 and 10952.5. This bill provides that information released under this section remains confidential for purposes of the administrative proceeding and shall only be available to the judge or hearing officer and parties to the case and shall be sealed after the conclusion of the hearing.</p> <p>Court Impact: <i>As with AB 2711, Courts will need to be aware of this new, but limited, change to the parties authorized to access case files. Local forms may need to be modified to add the State Department of Social Services and attorneys involved in an administrative hearing as authorized parties. It may also be necessary to include a specific admonishment or protective order to the parties when releasing documents for this purpose.</i></p>	<p>Juvenile Delinquency and Dependency Impact</p> <p>Shelley Coffey</p>

Juvenile Delinquency Informational Bills	Notes
<p>Public safety trailer bill. AB 160, Ch. 771</p> <p>Laws: Amends Sections 290.008 and 457.1 of the Penal Code and Section 1732.10 of the Welfare and Institutions Code.</p> <p>Summary: This bill defines a discharged person for purposes of sex offender and arson registration requirements to include wards transitioning out of the Division of Juvenile Justice due to the Division's closure and requires the court to establish the point at which the ward is to register. It also corrects an erroneous cross-reference in existing law requiring the State Department of State Hospitals to continue to provide care to wards upon the closure of the Division of Juvenile Justice.</p> <p>Court Impact: <i>Minimal court impact: Juvenile Courts will need to coordinate with local probation departments and/or law enforcement agencies to determine the appropriate point of contact for wards who are required to register as sex or arson offenders and report the point of contact to the Department of Justice.</i></p>	<p style="text-align: center;">URGENCY</p> <p style="text-align: center;">Operative 09/29/2022</p> <p style="text-align: center;">Shelley Coffey</p>
<p>Custodial interrogation. AB 2644, Ch. 289</p> <p>Laws: Amends Section 627 of, and adds Section 625.7 to, the Welfare and Institutions Code.</p> <p>Summary: This bill amends WIC 627 to require a juvenile probation officer notify the public defender or indigent defense provider that a minor has been taken into custody within 2 hours of detention. This bill adds WIC 625.7 to prohibit a law enforcement officer from employing threats, harm, deception or manipulative interrogation tactics when conducting a custodial interrogation of a person 17 years of age or younger and defines such conduct. It does not prevent use of a lie detector test as long as it is voluntary and not obtained through the use of tactics defined herein.</p> <p>Court Impact: <i>The impact to this bill will be to probation, law enforcement officers and attorneys who represent minors. WIC 625.7 has a delayed implementation and takes effect July 1, 2024.</i></p>	<p style="text-align: center;">DELAYED IMPLEMENTATION</p> <p style="text-align: center;">Operative 07/01/2024</p> <p style="text-align: center;">Shelley Coffey</p>

Juvenile Delinquency Informational Bills	Notes
<p>Pupil instruction: high school coursework and graduation requirements: exemptions and alternatives. SB 532, Ch. 918</p> <p>Laws: Amends Sections 49069.5, 51225.1 and 51225.2 of the Education Code.</p> <p>Summary: This bill creates the opportunity for an optional fifth year of high school of students defined as highly mobile, including pupils in foster care or formerly in juvenile court school. This bill sets forth the requirements and parameters of the optional fifth year. This bill also clarifies the requirements of schools as it relates to credits and transcripts when pupils transfer between schools.</p> <p>Court Impact: <i>Informational only.</i></p>	<p style="text-align: center;">Shelley Coffey</p>
<p>Aging multidisciplinary personnel teams. SB 1342, Ch. 621</p> <p>Laws: Adds Chapter 5.5 (commencing with Section 9450) to Division 8.5 of the Welfare and Institutions Code, relating to aging.</p> <p>Summary: This bill allows a county or Area Agency on Aging (AAA) to establish an aging multidisciplinary team (MDT) with the goal of facilitating the expedited identification, assessment, and linkage of older adults to services, and allows provider agencies and members of the MDT to share confidential information for the purposes of coordinating services. This bill requires a county or AAA that establishes an aging MDT to adhere to a number of protocols surrounding the privacy, security, and confidentiality of the information and records shared. This bill prohibits the use of information released during a team meeting from being used during criminal or juvenile proceedings.</p> <p>Court Impact: <i>Informational only.</i></p>	<p style="text-align: center;">Criminal and Juvenile Impact</p> <p style="text-align: center;">Erin Duncan Shelley Coffey</p>

MENTAL HEALTH	NOTES
<p>Mental health services. AB 2242, Ch. 867</p> <p>Laws: An act to amend Sections 5152 and 5361 of, and to add Sections 5014, 5257.5, and 5402.5 to, the Welfare and Institutions Code, relating to mental health.</p> <p>Summary: This bill amends multiple sections of the Welfare and Institutions Code to improve care coordination for conserved individuals. Prior to discharge from a conservatorship, a care coordination plan must be developed by the individual and their care team. This plan must identify where the individual will receive care post discharge and set a follow up appointment with that entity. The mental healthcare provider to which the individual was referred is required to make efforts to follow up with the individual.</p> <p>The State Department of Healthcare Services is required to develop a model care coordination plan for conserved individuals who are discharged by no later than December 1, 2023. Care coordination efforts for discharged individuals are not contingent on the development of the model care coordination plan and must begin from the effective date of the bill.</p> <p>The bill also includes a provision that no individual subject to an involuntary hold may be detained beyond when they would otherwise qualify for release. It also states that all treatment post-discharge must be voluntary.</p> <p>When a conservator determines that conservatorship is still required beyond its termination, they may petition the Superior Court for reappointment for an additional year. This petition must be supported by the opinion of two properly credentialed psychologists or physicians that the conservatee is still gravely disabled as the result of a mental health disorder or chronic alcoholism. The conservator may request that the Court appoint the doctors</p> <p>Court Impact: <i>Courts will need to put in place a process for appointing doctors under WIC 5361(b). This will increase court budgets for forensic evaluations. Bench officers should be made aware that no individual subject to an involuntary hold may be detained beyond when they would otherwise qualify for release.</i></p>	<p>Mental Health and Probate Impact</p> <p>Sean Noland</p>

MENTAL HEALTH	NOTES
<p>Mental health: involuntary commitment. AB 2275, Ch. 960</p> <p>Laws: An act to amend Sections 5150, 5151, 5256, 5275, 5350, 5354, and 5585.20 of the Welfare and Institutions Code, relating to mental health.</p> <p>Summary: This bill amends various provisions of the Welfare and Institutions Code pertaining to involuntary commitment under the LPS Act. It clarifies that a 72-hour hold begins when an individual is first detained. It also requires facility staff to notify patient rights advocates if a detention extends beyond 72 hours.</p> <p>The bill also prohibits the postponement of intensive treatment certification hearings and requires that they be conducted within seven days of the time the individual was initially detained unless judicial review is requested. Staff at the facility in which the individual is detained are required to notify the individual of their rights in the certification hearing. It expands the right to a habeas corpus petition to all individuals subject to an involuntary hold, not just those detained by certification for existing treatment.</p> <p>When an individual asserts their right to a court trial to assess whether or not they are gravely disabled, the court has 10 days to commence the trial. Failure to commence the trial within 10 days is grounds for dismissal of conservatorship proceedings.</p> <p>Court Impact: <i>Probate processes will need to be reviewed to ensure they conform to the new time standards for certification, habeas proceedings, and trials as well as the consequences for failing to meet those time standards.</i></p> <p><i>Bench officers and probate staff will need to be made aware of the revised time standards and that they are based on the moment the individual is detained.</i></p>	<p>Mental Health and Probate Impact</p> <p>Sean Noland</p>

MENTAL HEALTH	NOTES
<p>Mental health services: assisted outpatient treatment. SB 1035, Ch. 828</p> <p><i>Laws:</i> An act to amend Section 5346 of the Welfare and Institutions Code, relating to mental health.</p> <p><i>Summary:</i> SB 1035 amends section 5346 of the Welfare and Institutions Code to allow courts to conduct status review hearings on defendants participating in Assisted Outpatient Treatment (AOT). These reviews will involve the defendant's treatment team. The bill specifically permits AOT programs to provide information to the court regarding medication compliance.</p> <p><i>Court Impact:</i> <i>This bill allows but does not mandate that courts conduct AOT review hearings. Courts will need to determine if and under what circumstances they wish to conduct these status reviews. Courts opting to implement review hearings will need to develop procedures to conduct them and include treatment team members in the process. Courts implementing AOT review hearings should expect a commensurate increase in workload.</i></p>	<p>Sean Noland</p>

MENTAL HEALTH	NOTES
<p>Involuntary commitment: intensive treatment. SB 1227, Ch. 619</p> <p>Laws: Amend Section 5270.55 of, and to add Section 5270.70 to, the Welfare and Institutions Code, relating to mental health.</p> <p>Summary: This bill permits an additional intensive treatment period of up to 30-days if after 15 days of the initial 30-day period of intensive treatment, but at least 7 days before expiration of the 30 days, the professional staff of the agency or facility treating the person determine that the individual requires additional treatment. Permits the professional staff of the agency or facility treating the person to file a petition in the superior court for the county in which the facility providing intensive treatment is located to seek approval for up to an additional 30 days of intensive treatment.</p> <p>This bill requires the court to either deny the petition or order an evidentiary hearing to be held within two court days after the petition is filed and permits the court to order that the person be held for up to an additional 30 days of intensive treatment if certain requirements are met.</p> <p>It prohibits a finding for additional 30 days of intensive treatment from being admissible in evidence in any civil proceeding without the consent of the person who was the subject of the finding. Additionally, it prohibits a person, in any event, from being held beyond the original 30-day period of intensive treatment unless a court has determined that an additional period of up-to 30 days of treatment is required, regardless of whether or not the court hearing has been set.</p> <p>Court Impact: <i>Judicial officers need to be informed of the new process by which professional staff at a treatment agency or facility may seek approval by way of filing a petition with the Court to add an additional intensive treatment period of up to 30-days for an individual in their care. The judicial officer can either deny the petition, or they can order that an evidentiary hearing be set. The judicial officer will have to determine if the professional staff have met the legal requirements for seeking the extension.</i></p> <p><i>Court operations and courtroom leadership staff should evaluate if new codes, forms, or processes need to be developed to receive and process the petitions, and to capture the judicial officer's findings on the record.</i></p>	<p>Sarah Lind</p>

<p>Community Assistance, Recovery, and Empowerment (CARE) Court Program. SB 1338, Ch. 319</p> <p>Laws: An act to add Section 1374.723 to the Health and Safety Code, to add Section 10144.54 to the Insurance Code, to amend Section 1370.01 of the Penal Code, and to amend Sections 5801 and 5813.5 of, and to add Part 8 (commencing with Section 5970) to Division 5 of, the Welfare and Institutions Code, relating to courts.</p> <p>Summary: SB 1338, known as the Community Assistance, Recovery, and Empowerment (CARE) Act, allows certain individuals to petition a civil court to create a voluntary agreement or court ordered plan to connect homeless and mentally ill persons to behavioral health treatment, medication, housing, and supportive services. In addition to respondents in civil petitions under WI 5970, WI 5350, misdemeanants who are ineligible for mental health diversion (PC 1370.01) may file a CARE petition that, if granted, will result in the dismissal of criminal charges under PC 1385.</p> <p>CARE allocates funding to community legal services under WIC 5981.5 to provide counsel at no cost to respondents. The act also creates a role known as a "CARE supporter" to assist respondents and provides funding to local agencies and groups for their training.</p> <p>CARE also represents a significant investment in county behavioral health treatment including behavioral health care, stabilization medication, housing, and other enumerated services.</p> <p>The Judicial Council is mandated to develop a CARE petition form and define how it is to be processed. The bill defines court processes for review of CARE petitions, development of CARE plans, progress reviews, and graduation/termination hearings. CARE Hearings are presumed closed to the public.</p> <p>Court Impact: <i>Courts will need to engage with county agencies in robust planning efforts to identify service options for CARE referrals. Courts will also need to establish filing processes for a new Judicial Council form petition referring respondents to CARE.</i></p> <p><i>Each Court will need to implement hearings and processes for prima facie review of petitions, appointment of counsel/support persons, hearings on the merits of petitions, case management conferences, CARE plan review hearings, and status review hearings including one-year reviews and graduation hearings. Processes will also need to be developed for terminating individuals from CARE Court.</i></p> <p><i>Courts will need to issue orders for clinical evaluations, CARE plans, medication, progress reports, and graduation/termination orders.</i></p>	<p>Civil, Mental Health and Probate Impact</p> <p>Sean Noland</p>
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MENTAL HEALTH	NOTES
<p><i>Courts will also need to coordinate with partners on processes to assign CARE supporters and legal counsel to respondents at no cost.</i></p> <p><i>Courts will need to contemplate how to handle issuance of fines to their county for failure to comply with CARE orders pursuant to WIC 5979(b)</i></p> <p><i>Courts will need to develop data collection and reporting mechanisms to meet statutory reporting requirements.</i></p> <p><i>Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne courts are required to implement the act by October 1, 2023. All other courts are required to implement the act by December 1, 2024.</i></p>	

Probate	Notes
<p>Protective proceedings. AB 1663, Ch. 894</p> <p>Laws: Health & Safety Code 416.17 and 416.19; Probate Code 1456, 1800, 1800.3, 1812, 1821, 1835, 1850, 1860.5, 1863, and 2113; add Division 11.5 (commencing with section 21000) to the Welfare & Institutions Code.</p> <p>Summary: This bill revises how probate conservatorships are investigated, established and terminated; revises who may serve as conservator for individuals with developmental disabilities. Requires Judicial Council to establish conservatorship alternatives program with each self-help center; establishes voluntary supported decision-making as a way to help individuals with disabilities. Requires the court to provide conservators with written information concerning the conservator’s obligations to support the conservatee. Requires within 30 days after the establishment of a conservatorship and annually thereafter, to provide conservatees with written information regarding their rights, including a list of the rights conservatee’s retain. Requires the State Council on Developmental Disabilities, subject to appropriation, to administer a statewide Supported Decision-Making Technical Assistance Program.</p> <p>Court Impact: <i>Courts may consider talking with their Probate/Court Investigators to prepare them to discuss less restrictive alternatives to the conservatorship including termination. Determine how to provide written information to conservators/conservatees including noticing conservatee what rights they retain. If termination is requested, the investigator shall report and the court set a hearing. Look for new programs to be offered by the State.</i></p>	<p style="text-align: center;">Sheri Gulino</p>

Probate	Notes
<p>Estate disposition. AB 1716, Ch. 29</p> <p><u>Laws:</u> CCP 682.1; Probate Code 13109, 13110, 13117, 13204, 13205, 13208, 13211 and 13551.</p> <p><u>Summary:</u> This bill limits the liability of a surviving spouse for the debts of the decedent spouse and revises liability rules for those who receive property from a decedent’s small estate outside or probate administration. The personal liability of a transferee of decedent may not exceed the fair market value of the transferred property. This bill also seeks to improve the current liability rules to make the process more equitable. That is, the liability of the transferee. The personal representative’s authority to require the small estate property transferred is eliminated to pay the decedent’s unsecured debts. However, the transferee can voluntarily choose to return the property. The transferee is subject to treble damages if there is a person who has superior right to receive the property.</p> <p><u>Court Impact:</u> <i>The court may wish to check its procedures for processing the Affidavits re real property of small value (DE-305); otherwise, this is information only.</i></p>	<p style="text-align: center;">Sheri Gulino</p>
<p>Judiciary omnibus. AB 2960, Ch. 420</p> <p><u>Laws:</u> Amends and repeals Sections 21701, 21703, 21705, and 21712 of the Business and Professions Code, amends Sections 1102.5 and 1798.99.80 of the Civil Code, amends Sections 1282.6, 1516, 1563, and 1733.1 of the Code of Civil Procedure, amends Sections 4204, 6308, 7643, 7643.5, and 17404, and repeals and adds Section 6307 of the Family Code, amends Sections 12931, 12935, 12956.2, 12965, 14985.7, 14985.8, and 17388.2 of the Government Code, amends Section 18123, repeals and adds Section 18122 of the Penal Code, amends Sections 1471, 1821, 1823, 1826, 1828, 1894, 1895, 2250.6, 2253, 2356.5, and 15800 of the Probate Code, and amends Section 224.2 of the Welfare and Institutions Code.</p> <p><u>Summary:</u> This is the Judiciary Committee's civil law omnibus bill. It is intended to provide legislative efficiencies by clarifying and correcting statutes in a single bill.</p> <p>Major provisions include: SEC. 17 and 18 adds Family Code § 6307 and amends Family Code § 6308 regarding domestic violence temporary restraining. SEC. 30 and 31 adds/amends Penal Code § 18122 and § 18123 regarding gun violence restraining orders. These sections become operative July 1, 2023. A court or court facility that receives petitions for domestic violence restraining orders or gun violence restraining order shall permit those petitions and any filings related to those petitions to be submitted electronically. The court or court facility shall, based on the time of receipt, act on these filings. The request, notice of the court date, copies</p>	<p style="text-align: center;">Civil, Family Law, Juvenile and Probate Impact</p> <p style="text-align: center;">Penny Sterris</p>

Probate

Notes

of the request to serve on the respondent, and the temporary restraining order, if granted, shall be provided to the petitioner electronically, unless the petitioner notes, at the time of electronic filing, that these documents will be picked up from the court or court facility. Information regarding electronic filing and access to the court’s self-help center shall be prominently displayed on each court’s homepage. Each self-help center shall maintain and make available information related to domestic violence restraining orders pursuant to this section. The Judicial Council may adopt or amend rules and forms to implement this section.

SEC. 18. Section 6308 of the Family Code is amended to read:

A party, support person as defined in Section 6303, or witness may appear remotely at the hearing on a petition for a domestic violence restraining order. The superior court of each county shall develop local rules and instructions for remote appearances.

SEC. 19 amends Family Code § 7643 concerning public hearings and records. A hearing or trial held under this part may be held in closed court without admittance of any person other than those necessary to the action or proceedings.

Clarifies that an Indian child's tribe may participate in a juvenile court proceeding by telephone or other remote appearance option without any fees imposed.

Court Impact: *Specifies electronic filing requirements for domestic and gun violence restraining orders and self-help information to be displayed on the court’s homepage.*

·The Judicial Council is required to create or modify existing forms as needed to designate children conceived by assisted reproduction.

·The superior court of each county shall develop local rules and instructions for specified remote appearances (Penal Code 18123, FC 6308)

·Update clerical work instructions for Parentage actions

·Update fee schedules for remote appearances

·No new fees, penalties or assessments created.

Note: *See AB 887 from the 2021 New Laws workshop for details on Domestic Violence electronic filings. Review the entire bill for courts in the process of expanding or implementing a new electronic filing system. Speak with your CEO or director for more information about your court.*

Juvenile Impact Statement: *Juvenile courts who have been imposing fees for telephonic or remote appearances by Indian tribes must no longer charge those fees.*

Probate	Notes
<p>Replacement of an incapacitated or deceased professional fiduciary. SB 1024, Ch. 612</p> <p><u>Laws:</u> Business & Professions Code 6501, 6534 and 6561; Probate Code 2469 and 9765</p> <p><u>Summary:</u> Starting 1/1/2024, a conservator, agent under power of attorney, representative of the estate, trustee of a trust or interested person to a petition for the appointment of a professional fiduciary practice administrator is authorized to act as a temporary professional fiduciary when a professional fiduciary becomes incapacitated or dies, and a vacancy exists.</p> <p>The court may, however, appoint someone else on its own motion.</p> <p><u>Court Impact:</u> <i>Court may consider updating its desk procedures; otherwise, informational.</i></p>	<p>Sheri Gulino</p>
<p>Community Assistance, Recovery, and Empowerment (CARE) Court Program. SB 1338, Ch. 319</p> <p><u>Laws:</u> An act to add Section 1374.723 to the Health and Safety Code, to add Section 10144.54 to the Insurance Code, to amend Section 1370.01 of the Penal Code, and to amend Sections 5801 and 5813.5 of, and to add Part 8 (commencing with Section 5970) to Division 5 of, the Welfare and Institutions Code, relating to courts.</p> <p><u>Summary:</u> SB 1338, known as the Community Assistance, Recovery, and Empowerment (CARE) Act, allows certain individuals to petition a civil court to create a voluntary agreement or court ordered plan to connect homeless and mentally ill persons to behavioral health treatment, medication, housing, and supportive services. In addition to respondents in civil petitions under WI 5970, WI 5350, misdemeanants who are ineligible for mental health diversion (PC 1370.01) may file a CARE petition that, if granted, will result in the dismissal of criminal charges under PC 1385.</p> <p>CARE allocates funding to community legal services under WIC 5981.5 to provide counsel at no cost to respondents. The act also creates a role known as a "CARE supporter" to assist respondents and provides funding to local agencies and groups for their training.</p> <p>CARE also represents a significant investment in county behavioral health treatment including behavioral health care, stabilization medication, housing, and other enumerated services.</p> <p>The Judicial Council is mandated to develop a CARE petition form and define how it is to be processed. The bill defines court processes for review of CARE petitions, development of CARE plans, progress reviews, and graduation/termination hearings. CARE Hearings are presumed closed to the public.</p>	<p>Civil, Mental Health and Probate Impact</p> <p>Sean Noland</p>

Probate

Notes

***Court Impact:** Courts will need to engage with county agencies in robust planning efforts to identify service options for CARE referrals. Courts will also need to establish filing processes for a new Judicial Council form petition referring respondents to CARE.*

Each Court will need to implement hearings and processes for prima facie review of petitions, appointment of counsel/support persons, hearings on the merits of petitions, case management conferences, CARE plan review hearings, and status review hearings including one-year reviews and graduation hearings. Processes will also need to be developed for terminating individuals from CARE Court.

Courts will need to issue orders for clinical evaluations, CARE plans, medication, progress reports, and graduation/termination orders.

Courts will also need to coordinate with partners on processes to assign CARE supporters and legal counsel to respondents at no cost.

Courts will need to contemplate how to handle issuance of fines to their county for failure to comply with CARE orders pursuant to WIC 5979(b)

Courts will need to develop data collection and reporting mechanisms to meet statutory reporting requirements.

Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne courts are required to implement the act by October 1, 2023. All other courts are required to implement the act by December 1, 2024.

Probate	Notes
<p>Conservatorships: gravely disabled persons. SB 1394, Ch. 996</p> <p><u>Laws:</u> Welfare & Institutions Code 5352.1</p> <p><u>Summary:</u> This bill would authorize the court to extend the Temporary LPS Conservatorship until the date of the disposition of the issue by the court or jury trial if that extension does not exceed 180 days.</p> <p>Currently the law authorizes a court to establish a temporary conservatorship for a period not to exceed 30 days, or authorizes an extension if proposed conservatee demands a jury trial until the date of disposition or jury trial if that extension does not exceed 6 months.</p> <p><u>Court Impact:</u> <i>Update procedures to allow Temporary LPS Conservatorships to 180 days from the current 30 days. Perhaps update local forms re Letters of Temporary Conservatorship by County Counsel. Otherwise, informational.</i></p>	<p style="text-align: center;">Sheri Gulino</p>

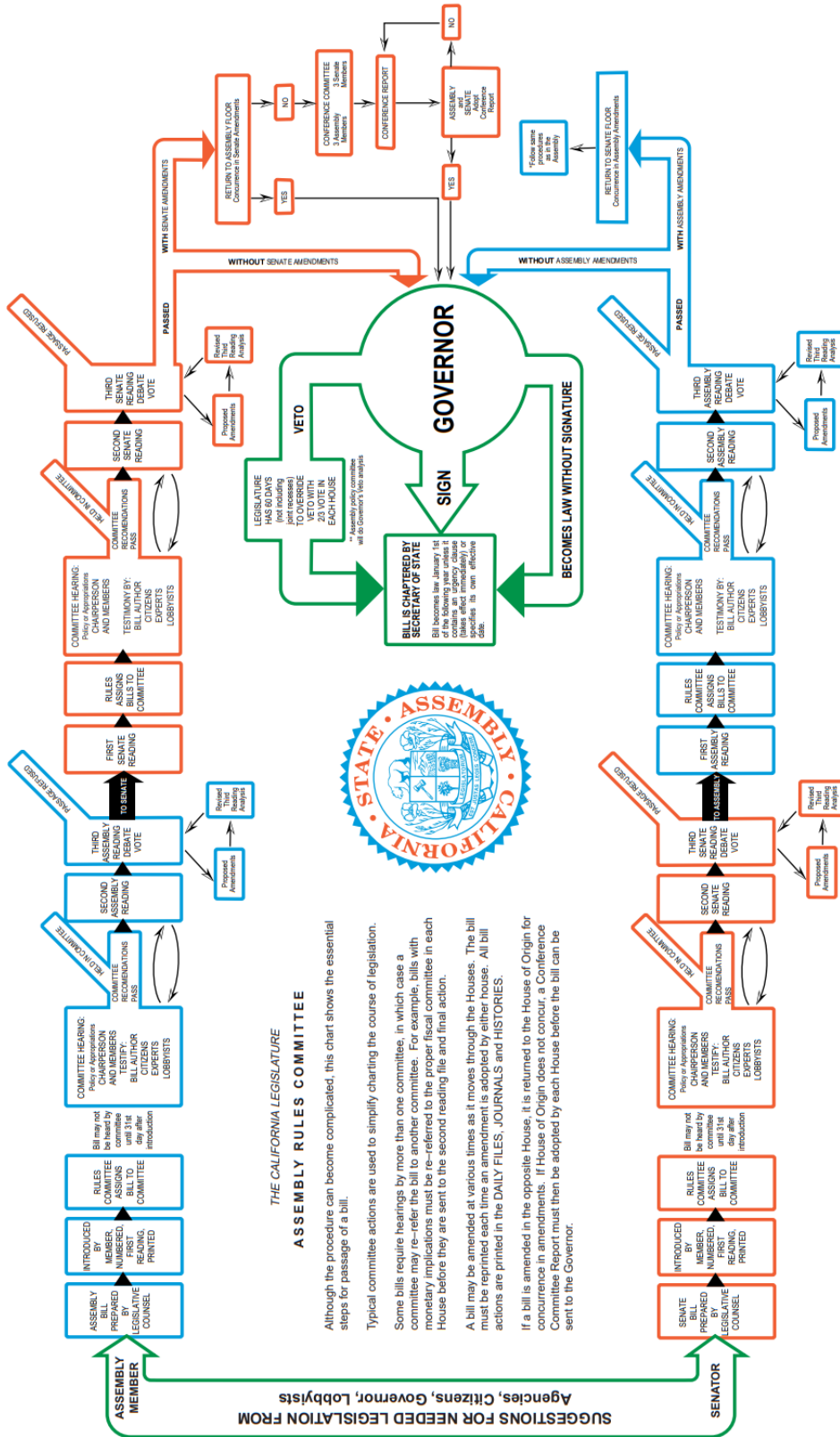
Probate Informational Bills	Notes
<p>Trusts: notifications. AB 1745, Ch. 30</p> <p><u>Laws:</u> Probate Code 16061.8</p> <p><u>Summary:</u> Currently, the law limits the time period within which a person may bring an action to contest a trust to no more than 120 days from the notification by the trustee, or 60 days from a day on which a copy of the terms of the trust is mailed or personally delivered, whichever is later.</p> <p>This bill specifies that the 120-day period applies when a revocable trust becomes irrevocable upon the death of the settlor of the trust.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p style="text-align: center;">Sheri Gulino</p>
<p>Irrevocable trusts: limitations. AB 1866, Ch. 32</p> <p><u>Laws:</u> Probate Code 15304</p> <p><u>Summary:</u> Existing law provides for the creation and administration of trusts, including irrevocable trusts. This bill would prohibit a settlor from being considered a beneficiary of an irrevocable trust created by the settlor solely by reason of a discretionary authority vested in the trustee to pay directly or reimburse the settlor for any federal or state income tax on trust income or principal that is payable by the settlor, and would prohibit a transferee or creditor of the settlor from being entitled to reach any amount solely by reason of that discretionary authority.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p style="text-align: center;">Sheri Gulino</p>
<p>Partition of real property. AB 2245, Ch. 82</p> <p><u>Laws:</u> CCP 872.020 et seq.</p> <p><u>Summary:</u> This bill modifies the default legal procedures for the partition of real property co-owned by multiple people as tenants in common regardless of how the property was acquired. Enacts the Partition of Real Property Act by removing references to “Heirs property.”</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p style="text-align: center;">Sheri Gulino</p>

Probate Informational Bills	Notes
<p>Conservatorship: sale of personal residence. SB 1005, Ch. 91</p> <p><u>Laws:</u> Probate Code 2463, 2540, 2541, 2541.5 and 2591</p> <p><u>Summary:</u> This bill revises the provisions authorizing the sale of a conservatee’s real property to specifically include the power to consent and agree to partition the personal residence or other real or personal property of the estate. It also brings the power to file an action for partition of the personal residence or other real or personal property of the estate; and subjects the partition of the conservatee’s present or former personal residence to the same conditions as would be applicable to the sale of the residence under existing law.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p style="text-align: center;">Sheri Gulino</p>
<p>Public social services: records: confidentiality: multidisciplinary personnel teams. SB 1054, Ch. 506</p> <p><u>Laws:</u> Welfare & Institutions Code 10850, 15633, 18951 and 18961.7</p> <p><u>Summary:</u> This bill states that confidentiality provisions relating to applications and records concerning any forms of public social services include protective services provided through public social services agencies.</p> <p>This bill also authorizes employees of a county’s APS (Adult Protective Services) or a county’s child welfare agency to disclose information with each other for the purpose of multidisciplinary teamwork in prevention, intervention, management or treatment of child abuse or neglect, or the abuse or neglect of an elder or dependent adult.</p> <p><u>Court Impact:</u> <i>Informational only.</i></p>	<p style="text-align: center;">Sheri Gulino</p>

Probate Informational Bills		Notes
<p>Guardian ad litem appointment. SB 1279, Ch. 843</p> <p><u>Laws:</u> CCP 372; Probate Code 1003</p> <p><u>Summary:</u> This bill updates the definition of a person who lacks legal capacity to make decisions, for purposes of when the court should appoint a GAL (Guardian ad Litem). It provides that a GAL may be appointed in any case when it is deemed by the court to expedite the proceedings even if the person has a conservator or guardian of the estate provided notice and a copy of the application is served, and the application sets forth the reasons why. Provides that the court may on its own motion or upon request of the personal representative, guardian, trustee or other interested person, appoint a GAL at any stage of the proceedings to represent the interest of any of the following persons: 1) a minor; 2) an incapacitated person; 3) an unborn person; 4) an unascertained person; 5) a person whose identity or address is unknown; 6) a designated class of persons who are not ascertained or not in being (PrC 1003).</p> <p><u>Court Impact:</u> Informational only.</p>	<p>Sheri Gulino</p>	
<p>Professions and vocations. SB 1495, Ch. 511</p> <p><u>Laws:</u> Business & Professions Code 7583.15 (repealed)</p> <p><u>Summary:</u> This bill makes numerous technical and clarifying provisions related to programs within the Department of Consumer Affairs (DCA) and deletes an obsolete cross reference under the Division and Measures in the Business & Professions Code. Specifically, for Probate, requires the Professional Fiduciaries Bureau (PFB) to maintain specific information relating to the names of trusts and decedent’s estates currently administered by a licensee and the case names, court locations and case numbers of all conservatorships, guardianships, or trusts or other estate administration cases that are closed for which the licensee served. Requires the PFB to maintain data on cases, settlements of a fiduciary where a complaint is filed within a specific case and to make records available for audit or review.</p> <p><u>Court Impact:</u> Informational only.</p>	<p>Sheri Gulino</p>	

How a Bill Becomes a Law

THE LIFE CYCLE OF LEGISLATION
From Idea into Law



Source: California State Assembly

COMMUNITY ASSISTANCE, RECOVERY, AND EMPOWERMENT (CARE) ACT

J. RICHARD COUZENS

Judge of the Superior Court County
of Placer (Ret.)

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Judge of the Superior Court
County of Placer (Ret.)

October 2022

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I. INTRODUCTION

The Community Assistance, Recovery, and Empowerment (CARE) Act was enacted by Senate Bill No. 1338 (SB 1338).¹ The CARE Act (the Act) authorizes “specified adult persons to petition a civil court to create a voluntary CARE agreement or a court-ordered CARE plan and implement services, to be provided by county behavioral health agencies, to provide behavioral health care, including stabilization medication, housing, and other enumerated services to adults who are currently experiencing a severe mental illness and have a diagnosis identified in the disorder class schizophrenia and other psychotic disorders, and who meet other specified criteria.” (SB 1338, Legislative Counsel’s Digest, § 1.)

Act contingent on funding

The CARE Act provides that it “shall become operative only upon the [State Department of Health Care Services], in consultation with county stakeholders, developing a CARE Act allocation to provide state financial assistance to counties to implement the care process in this act.” (Welf. & Inst. Code, § 5970.5, subd. (d).²)

“All CARE plan services and supports ordered by the court are subject to available funding and all applicable federal and state statutes and regulations, contractual provisions, and policy guidance governing initial and ongoing program eligibility. In addition to the resources funded through programs listed in subdivision (a), the State Department of Health Care Services may identify other adjacent covered Medi-Cal services, including, but not limited to, enhanced care management and available community supports, which may be suggested, although not ordered, by the court, subject to all applicable federal and state statutes, regulations, contractual provisions, and policy guidance.” (§ 5982, subd. (d).)

There is some effort in SB 1338 to require private health care plans to cover certain aspects of CARE Act services starting July 1, 2023. (See Health & Safety Code, § 1374.723, and Insurance Code, § 10144.54.) How these provisions operate in the context of the Act and the services they cover are matters beyond the scope of this discussion

¹ See Appendix II for the full CARE Act.

² Unless otherwise indicated, all further statutory references are to the Welfare and Institutions Code.

A. Purpose of CARE Act

The purpose of the legislation is explained in SB 1338’s preamble. The Legislature observed that “[t]housands of Californians are suffering from untreated schizophrenia spectrum and psychotic disorders, leading to risks to their health and safety and increased homelessness, incarceration, hospitalization, conservatorship, and premature death. These individuals, families, and communities deserve a path to care and wellness.” (SB 1138, § 1, subd. (a).) The Legislature found that although advancements in mental health treatment can stabilize and begin treatment of persons in community-based settings, the “care is only provided after arrest, conservatorship, or institutionalization.” (SB 1338, § 1, subd. (b).)

“A new approach is needed to act earlier and to provide support and accountability, both to individuals with these untreated severe mental illnesses and to local governments with the responsibility to provide behavioral health services. California’s civil courts will provide a new process for earlier action, support, and accountability, through a new Community Assistance, Recovery, and Empowerment (CARE) process.” (SB 1338, § 1, subd. (c).) “The CARE process provides a framework to ensure counties and other local governments focus their efforts to provide comprehensive treatment, housing, and supportive services to Californians with complex behavioral health care needs so they can stabilize and find a path to wellness and recovery.” (SB 1338, § 1, subd. (d).) At the same time, CARE is to observe individual rights: “Self-determination and civil liberties are important California values that can be advanced and protected for individuals with these untreated severe mental illnesses with the provision of legal counsel for CARE proceedings, agreements, and plans, as well as the promotion of supported decisionmaking.” (SB 1338, § 1, subd. (e).)

B. Effective date of CARE actions and services

Implementation of the CARE Act will occur in two stages. Services in the first cohort of seven counties (Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne) are to begin October 1, 2023. (§ 5970.5, subd. (a).) The CARE program is to begin no later than December 1, 2024, for the second cohort representing the balance of the counties in the state. (§ 5970.5, subd. (b).)

The State Department of Healthcare Services may grant one extension to counties in either cohort to no later than December 1, 2025, “if the county experiences a state or local emergency.” (§ 5970.5, subd. (c)(2) and (3).) The department will issue guidelines for the application for an extension. (§ 5970.5, subd. (c)(1).) The Act does not specify a target date for the completion of the guidelines.

II. ACCESS TO CARE SERVICES

Services made available by the CARE Act may be accessed in four ways, depending on the respondent’s circumstances: 1) a petition filed pursuant to sections 5970, *et seq.* (discussed in section III, *infra*); 2) a referral to CARE because the respondent was found ineligible for mental

health diversion under Penal Code, section 1370.01; 3) a referral to CARE from assisted outpatient treatment; or 4) a referral to CARE from conservatorship proceedings commenced under section 5350. In each of these circumstances the referral triggers the preparation of a petition filed pursuant to sections 5970, *et seq.* The initial petitioner will be one of the persons listed in section 5974, discussed in section III(C), *infra*.

Persons ineligible for diversion under Penal Code, section 1370.01

Penal Code, section 1370.01 provides for the disposition of misdemeanor crimes or misdemeanor violations of probation where the respondent is found incompetent to stand trial. Under such circumstances, section 1370.01, subdivision (b), gives the court two options: 1) grant diversion pursuant to Penal Code, section 1001.36; or 2) dismiss the misdemeanor charges in the interests of justice pursuant to Penal Code, section 1385.

If the respondent is found ineligible for diversion based on circumstances specified in Penal Code, section 1001.36, subdivision (b) [failure to meet any of the requirements for diversion] or subdivision (d) [termination of the respondent from diversion], the court is given several options under Penal Code, section 1370.01, subdivision (b)(1)(D), including the ability to refer the respondent to a CARE program under section 5978. (Pen. Code, § 1370.01, subd. (b)(1)(D)(iv).)

If the respondent is referred to a CARE program, a “hearing to determine eligibility for CARE shall be held within 14 days after the date of the referral. If the hearing is delayed beyond 14 days, the court shall order the respondent, if confined in county jail, to be released on their own recognizance pending that hearing. If the respondent is accepted into CARE, the charges shall be dismissed pursuant to Section 1385.” (Pen. Code, § 1370.01, subd. (b)(1)(D)(iv).)

Consistent with Penal Code, section 1370.01, subdivision (b)(1)(D)(iv), section 5978, subdivision (b), acknowledges the ability of the court to refer the respondent for CARE proceedings from diversion. Unlike referrals from assisted outpatient treatment or conservatorship proceedings, the statute does not specify who is to be the petitioner when the referral is made because of an ineligibility for or exclusion from diversion under Penal Code, section 1370.01. Presumably the petitioner could be any of the individuals listed in section 5974, discussed in section III(C), *infra*. Likely the most expedient selection would be the county behavioral health director (or designee).

Referral from assisted outpatient treatment

Section 5978 permits the court to refer persons from assisted outpatient treatment under section 5348 to CARE Act proceedings. If such a referral is made, the county behavioral health director (or designee) is to be the petitioner for CARE services according to the procedures in sections 5970, *et seq.* (§ 5978, sub. (a).)

Referral from conservatorship proceedings

Section 5978 permits the court to refer persons from conservatorship proceedings conducted pursuant to sections 5350, *et seq.*, to CARE. If such a referral is made, the conservator is to be the petitioner for CARE services according to the procedures in sections 5970, *et seq.* (§ 5978, sub. (a).) Likely it is the intention of the legislation that although the conservator is the original petitioner, the conservator will be replaced by the behavioral health director at the first court appearance pursuant to section 5971, subdivision (m): “[I]f the petitioner is a person listed in Section 5974 other than the director of a county behavioral health agency, or their designee, the petitioner shall have the right to file a petition with the court, but at the initial hearing the court shall substitute the director of a county behavioral health agency, or their designee, of the county in which the proceedings are filed as petitioner.” Section 5974, subdivision (g), includes as a potential petitioner the “public guardian or public conservator, or their designee, of the county in which the respondent is present or reasonably believed to be present.”

III. PETITION FOR CARE SERVICES

A. Persons eligible for CARE services

Section 5972 specifies the following persons are eligible for CARE “only if all of the following criteria are met:”

- (a) The person is 18 years of age or older.
- (b) The person is currently experiencing a severe mental illness, as defined in section 5600.3, subdivision (b)(2), and has a diagnosis identified in the disorder class: schizophrenia spectrum and other psychotic disorders, as defined in the most current version of the Diagnostic and Statistical Manual of Mental Disorders. This section does not establish respondent eligibility based upon a psychotic disorder that is due to a medical condition or is not primarily psychiatric in nature, including, but not limited to, physical health conditions such as traumatic brain injury, autism, dementia, or neurologic conditions. A person who has a current diagnosis of substance use disorder as defined in Health and Safety Code, section 1374.72, subdivision (a)(2), but who does not meet the required criteria in this section does not qualify for the CARE process.
- (c) The person is not clinically stabilized in on-going voluntary treatment.
- (d) At least one of the following is true:
 - (1) The person is unlikely to survive safely in the community without supervision and the person’s condition is substantially deteriorating.

(2) The person is in need of services and supports in order to prevent a relapse or deterioration that would be likely to result in grave disability or serious harm to the person or others, as defined in section 5150.

(e) Participation in a CARE plan or CARE agreement would be the least restrictive alternative necessary to ensure the person's recovery and stability.

(f) It is likely that the person will benefit from participation in a CARE plan or CARE agreement.

The Judicial Council is required to draft a mandatory form petition for the use under the Act. (§ 5975.) To be included in the petition are “[f]acts that support the petitioner’s assertion that the respondent meets the CARE criteria in Section 5972.” (§ 5975, subd. (c).) Presumably the petition must address each of the forgoing qualifying elements. (See discussion of the form petition in section III(D), *infra*.)

B. Venue where petition may be filed

Section 5973, subdivision (a), permits the petition to be filed in the respondent’s county of residence, in the county where the respondent is found, and in the county where the respondent is facing criminal or civil proceedings.

If the respondent is not a resident of the county where the proceedings are initiated, unless the county is voluntarily providing its own services under section 5982, subdivision (e), the proceedings are to be transferred “as soon as reasonably feasible” to the respondent’s county of residence if:

- The CARE act is operative in respondent’s county of residence, and
- The respondent consents to the transfer.

If the respondent does not consent to the transfer, the proceedings are to remain in the county where the respondent was found. (§ 5973, subd. (b).)

C. Who may initiate CARE proceedings

Section 5974 lists the adult persons who may file a petition to initiate the CARE process. The list of potential petitioners is extensive. The statute is designed to maximize the number of available persons who may file a petition for services. Once the petition is filed, however, at the first court appearance on the matter, the director of the county behavioral health agency, or their designee, will be substituted in as the petitioner: “[I]f the petitioner is a person listed in Section 5974 other than the director of a county behavioral health agency, or their designee, the petitioner shall have the right to file a petition with the court, but *at the initial hearing the*

court shall substitute the director of a county behavioral health agency, or their designee, of the county in which the proceedings are filed as petitioner.” (§ 5971, subd. (m), italics added.) Similarly, section 5977, subdivision (b)(7)(A), provides: At the initial appearance on the petition, “[i]f the petitioner is a person described in Section 5974 other than the director of a county behavioral health agency, or their designee, *the court shall issue an order relieving the petitioner and appointing the director of the county behavioral health agency or their designee as the substitute petitioner.”* (Italics added.) Thereafter the original petitioner has little or no role in the proceedings, unless the court, in its discretion, grants limited participation in accordance with section 5977, subdivision (b)(7)(B), discussed in section VI(C), *infra*.

The following adult persons may initiate proceeding under the CARE Act:

- (a) A person with whom the respondent resides.
- (b) A spouse, parent, sibling, child, or grandparent or other individual who stands in loco parentis to the respondent.
- (c) The director of a hospital, or their designee, in which the respondent is hospitalized, including hospitalization pursuant to Section 5150 or 5250.
- (d) The director of a public or charitable organization, agency, or home, or their designee, who has, within the previous 30 days, provided or who is currently providing behavioral health services to the respondent or in whose institution the respondent resides.
- (e) A licensed behavioral health professional, or their designee, who is, or has been within the previous 30 days, either supervising the treatment of, or treating the respondent for a mental illness.
- (f) A first responder, including a peace officer, firefighter, paramedic, emergency medical technician, mobile crisis response worker, or homeless outreach worker, who has had repeated interactions with the respondent in the form of multiple arrests, multiple detentions and transportation pursuant to Section 5150, multiple attempts to engage the respondent in voluntary treatment, or other repeated efforts to aid the respondent in obtaining professional assistance. What may constitute “repeated interactions,” “multiple arrests,” “multiple detentions,” or “multiple attempts” to engage respondent, is not further defined in the statute; it will be a matter to determine within the court’s discretion.
- (g) The public guardian or public conservator, or their designee, of the county in which the respondent is present or reasonably believed to be present.
- (h) The director of a county behavioral health agency, or their designee, of the county in which the respondent resides or is found.

- (i) The director of county adult protective services, or their designee, of the county in which the respondent resides or is found.
- (j) The director of a California Indian health services program, California tribal behavioral health department, or their designee.
- (k) The judge of a tribal court that is in California, or their designee.
- (l) The respondent. Although clearly it is legally inconsistent for the same person to be both petitioner and respondent in the same action, the Legislature believes the respondent should have the right to self-initiate proceedings under the Act. Because the respondent, as petitioner, will be substituted out at the first appearance on the matter, there likely is no serious practical problem in that rare circumstance where the respondent initiates their own action.

D. Form petition by the Judicial Council

Section 5975 requires the Judicial Council to prepare a mandatory form petition and other necessary forms to be used in CARE proceedings. The petition is to contain the following information:

- (a) The name of the respondent and, if known, the respondent's address.
- (b) The petitioner's relationship to the respondent.
- (c) Facts that support the petitioner's assertion that the respondent meets the CARE criteria in Section 5972. Likely the form petition will need to address each of the six eligibility factors listed in section 5972, discussed in section III(A), *supra*.
- (d) Either of the following:
 - (1) An affidavit of a licensed behavioral health professional stating that the licensed behavioral health professional or their designee has examined the respondent within 60 days of the submission of the petition, or has made multiple attempts to examine, but has not been successful in eliciting the cooperation of the respondent to submit to an examination, within 60 days of the petition, and that the licensed behavioral health professional had determined that the respondent meets, or has reason to believe, explained with specificity in the affidavit, that the respondent meets the diagnostic criteria for CARE proceedings.
 - (2) Evidence that the respondent was detained for a minimum of two intensive treatments pursuant to Article 4 (commencing with Section 5250) of Chapter 2 of Part 1, the most recent one within the previous 60 days. The Act clearly distinguishes the 14-

day hold for intensive treatment authorized under section 5250 required by the Act from the 72-hour hold authorized by section 5150.

Potential delay of dismissal of petition

Section 5977, subdivision (a)(1), requires the court to “promptly review the petition to determine if the petitioner has made a prima facie showing that the respondent is, or may be, a person described in section 5972” as qualifying for CARE services. The failure to include all the elements of the petition required by section 5975 may result in the dismissal of the case because the prima facie showing has not been made. (See full discussion of the prima facie determination in section V, *infra*.) Where the petitioner is a layperson, particularly as to those persons listed in section 5974, subdivisions (a) and (b) [a roommate or relative], there is a significant chance the petition will be deficient. It is unlikely such petitioners will have the knowledge or ability to address all the factors to be included in the petition or to obtain the necessary affidavit or evidence of treatment required by section 5975, subdivision (d). Because section 5977, subdivision (a)(1), does not *mandate* dismissal for failure to establish the prima facie basis for relief, the court may find it expedient to defer a ruling on the petition and advise the petitioner of the deficiencies. Such a process may prove helpful to respondent’s family and avoid additional burden on the court by forcing the serial filing of multiple petitions in search of a prima facie showing.

E. Respondent’s rights

Section 5976 lists the rights held by the respondent in CARE proceedings. Since the rights are not tied to a particular stage of the proceedings, presumably these rights will apply whenever relevant to the matter pending in the court.

1. Right to counsel

The respondent is entitled to be represented by counsel at all stages of a proceeding commenced under the Act, regardless of the ability to pay. If the respondent requests appointed counsel, the court is required to provide an attorney without the need for a financial determination of an ability to pay.

Section 5981.5, subdivision (a), provides that the Legal Services Trust Fund Commission at the State Bar is to provide funding to qualified legal services projects to be used to provide legal counsel appointed pursuant to section 5976, subdivision (c), for representation in CARE Act proceedings, matters related to CARE agreements and CARE plans, and to qualified support centers for training, support, and coordination. The Trust Fund is given authority to enter contracts and award grants for these services. (§ 5981.5, subd. (b).)

In appointing counsel for the respondent, the court is to first utilize a qualified legal services project in the county. If no legal services project has agreed to accept these appointments, the court is to appoint the public defender. (§ 5977, subd. (a)(3)(A)(ii).) The respondent may at any time substitute their own counsel. (*Ibid*; see also § 5971, subd. (d).)

Right of self-representation

It is not clear whether the respondent has the right of self-representation in CARE proceedings. Proceedings under the Act are civil in nature, not criminal. “California’s *civil courts* will provide a new process for earlier action support, and accountability, a new [CARE] process.” (SB 1338, § 1, subd. (c), italics added.) As a matter of constitutional principle, the Sixth Amendment due process right to self-representation applies only to criminal proceedings. As explained by the California Supreme Court in *People v. Allen* (2008) 44 Cal.4th 843 (*Allen*), in the context of proceedings under the Sexually Violent Predator Act (SVPA): “Proceedings to commit an individual as a sexually violent predator in order to protect the public are civil in nature. [Citations.] Therefore, the Fifth Amendment’s guarantee against compulsory self-incrimination does not apply in proceedings under the SVPA. [Citations.] *Nor do the Sixth Amendment rights to self-representation* and to confront witnesses apply in such proceedings. [Citation.]” (*Allen, supra*, 44 Cal.4th at p. 860, italics added; *People v. Fraser* (2006) 138 Cal.App.4th 1430, 1446-1449 (*Fraser*).)

Although *Fraser*, like *Allen*, found no *constitutional* right to self-representation, it found there was a *statutory* right to such representation. As observed by *Fraser*: “We recognize that, as we have discussed, the SVPA provides that a person subject to commitment as a sexually violent predator has a right to counsel, as stated in section 6603, subdivision (a): ‘A person subject to this article shall be entitled ... to the assistance of counsel.’ Language in other statutory schemes providing a right to counsel has been construed to provide a corresponding right to self-representation by implication. [¶] In [*People v. Williams* (2003) 110 Cal.App.4th 1577 (*Williams*)], the appellate court found that the language of the [Mentally Disordered Offender (MDO)] commitment statutes implicitly provides a right to self-representation. [Penal Code] Section 2972 states that in a hearing for continued involuntary commitment as an MDO the ‘court shall advise the person of his or her right to be represented by an attorney....’ [Citation.] The *Williams* court reasoned that ‘[Penal Code, section 2972] expressly gives the right to counsel to defendants in MDO proceedings and surely they have by implication the right to refuse appointed counsel and represent themselves.’ [Citation.]” (*Fraser, supra* 138 Cal.App.4th at p. 1449.) *Fraser* also observed that other courts have found a common law right to self-representation in civil cases. (*Fraser, supra*, 138 Cal.App.4th at p. 1450.)

The right to counsel in a CARE proceeding, as articulated in section 5976, subdivision (c), substantially parallels similar provisions for persons undergoing proceedings under the

SVPA or as an MDO. As discussed in *Fraser* and *Williams*, likely there is a statutory right to self-representation in a proceeding under the CARE Act. The improper denial of the statutory or common law right of self-representation will be reviewed under the abuse of discretion standard. (*Fraser, supra*, 138 Cal.App.4th at p. 1450.)

2. Additional rights held by the respondent

Section 5976 specifies the respondent has the following additional rights:

- (a) To receive notice of the hearings. The statute does not specify the period of notice, the method of notice (written or oral), nor the method of service (personal service or service on counsel). Since the statute requires “notice of the hearings” without limitation, presumably notice will be required for all hearings conducted under the Act.

Code of Civil Procedure, sections 1005, subdivision (a)(13), and 1010, specify written notice must be given when no other method is required by law or by the court. “Notices and other papers may be served upon *the party or attorney* in the manner prescribed in [chapter 5 of the Code of Civil Procedure], when not otherwise provided by this code.” (Code of Civ. Proc., § 1010, italics added.)

Until the notice requirement is further clarified by the Legislature or an appellate court, it is suggested the following notice procedure be observed:

- Unless otherwise specified by the code, the petitioner is required to provide notice of all hearings. For example, section 5977, subdivision (a)(3)(A)(iv), specifies the court is to order the director of the county behavioral health agency (or designee) to give notice of hearing.
- Notice must be in writing. Notice may be given electronically if otherwise permitted.
- Notice may be served on either the respondent personally or substituted service on counsel for the respondent.
- The period of notice should account for the statutory timing of the hearing being noticed. For example, section 5977, subdivision (a)(3)(A)(i), requires the court to set the initial appearance on the petition within 14 court days of finding of a prima facie basis to proceed; subdivision (b)(8)(A) requires a hearing to be set within 10 calendar days. Notice should be served within a

time calculated to give respondent a reasonable opportunity to prepare for the hearing.³

- Future notices of hearing may be waived by counsel.
- (b) To receive a copy of a court-ordered evaluation. The statute does not preclude service of the evaluation on counsel for respondent. Giving the evaluation directly to the respondent could be quite problematic. Whether the respondent should be given a personal copy of the evaluation should be a matter determined between the respondent and their counsel.⁴
- (c) To be allowed to have a supporter, as described in sections 5980 and 5981.⁵ Section 5971, subdivision (q), defines a “supporter” as “an adult, designated pursuant to Chapter 4 (commencing with Section 5980), who assists the person who is the subject of the petition, which may include supporting the person to understand, make, communicate, implement, or act on their own life decisions during the CARE process, including a CARE agreement, a CARE plan, and developing a graduation plan. A supporter shall not act independently.” For a full discussion of the “supporter,” see the discussion in section XIII, *infra*.
- (d) To be present at the hearing unless the respondent waives the right to be present. The statute does not preclude waiver by counsel for the respondent. Section 5977, subdivision (b)(3), for example, provides the respondent may waive their personal appearance and appear through counsel at the initial hearing on the petition.
- (e) To have the right to present evidence.
- (f) To have the right to call witnesses.
- (g) To have the right to cross-examine witnesses.
- (h) To have the right to appeal decisions, and to be informed of the right to appeal. Presumably the court will be required to advise the respondent of the right to appeal after making an appealable order on the merits of the petition for CARE

³ See Appendix I for a table of all notice periods under the Act. Courts must be cautious in their reading of the Act’s time limitations. At times the Act specifies “court days,” thus excluding weekends and holidays from the time period, and at times there is simply a reference to the number of days – meaning “calendar days.”

⁴ There are times the Act requires service on the respondent and respondent’s counsel. For example, section 5977.2, subdivision (a)(1), requires such service of the 60-day progress reports. At other times, the Act requires service only on counsel for respondent, as with section 5977.1, subdivision (c)(1), for service of an evaluation.

⁵ Section 5976, subdivision (d), references the supporter “as described in Section 5982.” The reference to section 5982 undoubtedly is a drafting error since section 5982 describes the contents of the CARE plan.

services. The advisement can be written or oral. Likely counsel can waive the advisement.

- (i) To have a closed hearing. Section 5976.5, subdivision (a), specifies: “Notwithstanding any other law, and except as otherwise provided in this section, a hearing held under this part is presumptively closed to the public.”
- (j) Additionally, section 5976.5 specifies:
- The respondent may demand that any hearing be public and be held in a place suitable for attendance by the public. (§ 5976.5, subd. (b).)
 - The respondent may request the presence of any family member or friend without waiving the right to keep the hearing closed to the rest of the public. (§ 5976.5, subd. (c).) Although not expressly provided in the statute, the presence of a supporter also will not waive the right to keep the hearing closed to the public. (§ 5981, subd. (e).)
 - A request by “any other party” to the proceeding to make the hearing public may be granted if the judge conducting the hearing finds that the public interest in an open hearing clearly outweighs the respondent’s interest in privacy. (§ 5976.5, subd. (d).) The only “other party” would be the county director of behavioral health services (or designee), or another government agency designated as a party by the court pursuant to section 5977.1, subdivision (d)(4).
 - All reports, evaluations, diagnoses, or other information related to the respondent’s health are confidential. (§ 5976.5, subd. (e).) Similarly, section 5977.1, subdivision (c)(5), specifies the “evaluation [authorized by section 5977.1, subdivision (b)] and all reports, documents, and filings submitted to the court shall be confidential.”
 - Before commencing a hearing, the judge must inform the respondent of their rights under section 5976.5. (§ 5976.5, subd. (f).) The advisement of the rights associated with a closed hearing should be given at the beginning of any hearing under the Act unless waived by counsel for the respondent.
- (k) To have the petitioner declared a vexatious litigant, if appropriate. Section 5975.1 appears designed to protect a respondent from a meritless petition or one filed for the purpose of harassment. It provides: “Notwithstanding Section 391 of the Code of Civil Procedure [governing vexatious litigants], if a person other than the respondent files a petition for CARE Act proceedings that is without merit or is intended to harass or annoy the respondent, and the person

has previously filed a pleading in CARE Act proceedings that was without merit or was intended to harass or annoy the respondent, the petition shall be grounds for the court to determine that the person is a vexatious litigant for the purposes of Title 3A (commencing with Section 391) of Part 2 of the Code of Civil Procedure.”

Similarly, section 5977, subdivision (c)(1), provides that if the court finds after consideration of the merits of the petition that the respondent does not meet the requirements of the CARE Act, the court must dismiss the petition without prejudice, “unless the court makes a finding, on the record, that the initial petitioner’s filing was not in good faith.” Presumably a petition not filed in good faith is to be dismissed “with prejudice.”

F. Role of the court; nature of the proceedings

“In all CARE Act proceedings, the judge shall control the proceedings during the hearings with a view to the expeditious and effective ascertainment of the jurisdictional facts and the ascertainment of all information relative to the present condition and future welfare of the respondent. Except when there is a contested issue of fact or law, the proceedings shall be conducted in an informal nonadversarial atmosphere with a view to obtaining the maximum cooperation of the respondent, all persons interested in the respondent’s welfare, and all other parties, with any provisions that the court may make for the disposition and care of the respondent. All evaluations and reports, documents, and filings submitted to the court pursuant to CARE Act proceedings shall be confidential.” (§ 5977.4, subd. (a).)

“The hearings described in this chapter shall occur in person unless the court, in its discretion, allows a party or witness to appear remotely through the use of remote technology. The respondent shall have the right to be in person for all hearings.” (§ 5977.4, subd. (b).)

“Consistent with its constitutional rulemaking authority, the Judicial Council shall adopt rules to implement the policies and provisions in this section and in Sections 5977, 5977.1, 5977.2, and 5977.3 to promote statewide consistency, including, but not limited to, what is included in the petition form packet, the clerk’s review of the petition, and the process by which counsel will be appointed.” (§ 5977.4, subd. (c).) It is unclear what the Legislature means by the reference to “the clerk’s review of the petition.” Unless the petition is facially flawed to the point that it can’t be filed, such as not being on the required Judicial Council form, the clerk of the court is not permitted to refuse to accept the petition – whether the petition is legally sufficient for relief is for a judicial officer to determine.

IV. SUMMARY OF PROCEDURAL STEPS UNDER CARE ACT

The CARE Act has at least eight procedural steps after the filing of a petition for services. Each step usually is accompanied by a hearing where the court is directed to take specified action. Each of these steps is more fully explained in the materials that follow.⁶

A. Prima facie review of petition (§ 5977, subd. (a)(1).)

The prima facie review is to occur “promptly” after the filing of the petition. The review is a non-appearance action taken by the court. If a prima facie basis for services is shown, the court is to set an initial appearance in the matter, appoint counsel for the respondent, and order a specified report.

B. Initial appearance (§ 5977, subd. (b).)

At the initial appearance of the petition, the court substitutes the director of the county behavioral health department as petitioner (if required), sets the rights of the original petitioner, appoints a support person, and sets a hearing on the merits of the petition.

C. Hearing on the merits of the petition (§ 5977, subd. (b)(8).)

The hearing on the merits of the petition is an evidentiary proceeding. The petitioner has the burden of proving eligibility for services by clear and convincing evidence.

D. Case management conference (§ 5977.1, subd. (a).)

If the petition is upheld, the court orders the parties to collaboratively create the CARE plan. The court may order a clinical evaluation if necessary.

E. Plan review hearing (§ 5977.1, subd. (d).)

The court receives input from all parties and formally adopts the CARE plan. Medications and other supportive services may be included in the plan.

F. Status review hearings (§ 5977.2(a).)

The court is to hold a status review of the respondent’s progress under the CARE plan at no greater than 60-day intervals. The respondent may participate in the hearings.

⁶ See Appendix I for a table of dates for CARE Act hearings. Courts must be cautious in their reading of the Act’s time limitations. At times the Act specifies “court days,” thus excluding weekends and holidays from the time period, and at times there is simply a reference to the number of days – meaning “calendar days.”

G. One-year status review – 11th month (§ 5977.3, subd. (a).)

The court is to hold a hearing during the eleventh month of the CARE plan to order the creation of a graduation plan, or to permit the respondent to have an extension of the plan for up to one additional year. The petitioner can seek an involuntary extension.

H. Graduation hearing – 12th month (§ 5977.3, subd. (a)(3)(A).)

The court is to hold a graduation hearing during the twelfth month of the CARE program. The graduation plan is to be placed on the record.

V. PRIMA FACIE REVIEW OF PETITION

Section 5977 provides for a prima facie review of the sufficiency of the petition for CARE services.

A. Prompt review

Section 5977, subdivision (a)(1), provides: “The court shall promptly review the petition to determine if the petitioner has made a prima facie showing that the respondent is, or may be, a person described in Section 5972.” The Act does not specify the time within which the court must rule on the sufficiency of the petition. The spirit of the Act suggests that a decision within two or three business days likely is sufficient; a decision much after that likely would not be appropriate. The “prompt review” will give the court the opportunity to dismiss a deficient petition, to set a hearing date for the first appearance if there is a prima facie basis shown in the petition, or to order the county agency to conduct an investigation when it appears from the petition, though defective, that the respondent may be eligible for services.

B. Prima facie basis not shown

Dismissal without prejudice

Section 5977, subdivision (a)(2), provides: “If the court finds that the petitioner has not made a prima facie showing that the respondent is, or may be, a person described in Section 5972, the court *may dismiss* the case without prejudice subject to consideration of Section 5975.1.” (Italics added.) The court may, but is not required to, dismiss the petition for failure to make a prima facie showing for relief. For example, the failure to include all the elements of the petition required by section 5975 may result in the dismissal of the case because the prima facie showing has not been made. Where the petitioner is a layperson, particularly as to those persons listed in section 5974, subdivisions (a) and (b) [a roommate or relative], there is a significant chance the petition will be deficient. It is unlikely such a petitioner will have the knowledge or ability to address all the factors to be included in the petition or to obtain the necessary affidavit or evidence of treatment required by section 5975, subdivision (d). Because

section 5977, subdivision (a)(1), does not *mandate* dismissal for failure to establish the prima facie basis for relief, the court may find it expedient to defer a ruling on the petition and advise the petitioner of the deficiencies. Such a process may prove helpful to respondent's family and avoid an extra burden on the court by forcing the serial filing of multiple petitions in search of a prima facie showing.

Dismissal with prejudice

Although the statute is somewhat vague, it appears the reference in section 5977, subdivision (a)(2), to section 5975.1 is to emphasize that if a second or subsequent petition is filed without merit or with the intent to harass the respondent, the court is to dismiss the petition *with* prejudice.

C. Prima facie basis is shown

If the petitioner makes a prima facie showing that the respondent is or may be a person eligible for CARE services, the court's response will depend on whether the initial petitioner is the director of the county behavioral health agency (or designee) or someone else listed in section 5974.

1. Petitioner is the director of the county behavioral health agency

If the petitioner is the director of the county behavioral health agency (or designee), the court must do the following if it finds a prima facie basis for the petition:

- Set the matter for an initial hearing on the petition within 14 *court* days. (§ 5977, subd. (a)(3)(A)(i).)
- Appoint counsel for the respondent. (§ 5977, subd. (a)(3)(A)(ii).) The attorney may come from a qualified legal services project, or the public defender if there is no legal services project to take these appointments. "Unless replaced by respondent's own counsel, appointed counsel shall represent the respondent in any proceeding under this part, and shall represent the individual, as needed, in matters related to CARE agreements and CARE plans, including appeals." (*Ibid.*) Likely the respondent also has the right to reject the appointment of counsel in favor of self-representation.⁷
- "Determine if the petition includes all of the following information, or order the county to submit a report within 14 court days that addresses all the following:" (§ 5977, subd. (a)(3)(A)(iii).)

⁷ For a discussion of potential limits on the right of respondent to self-representation, see section III(E)(1), *supra*.

- 1) Whether the respondent meets, or is likely to meet, the criteria for the CARE process. (§ 5977, subd. (a)(3)(A)(iii)(I).) The need for this finding is unclear since presumably it is part of the determination of the prima facie basis for relief.
 - 2) “The outcome of efforts made to voluntarily engage the respondent prior to the filing of the petition.” (§ 5977, subd. (a)(3)(A)(iii)(II).)
 - 3) “Conclusions and recommendations about the respondent’s ability to voluntarily engage in services.” (§ 5977, subd. (a)(3)(A)(iii)(III).)
- Order the director of the county behavioral health agency (or designee) to give notice of the initial hearing to “the respondent, the appointed counsel, and the county behavioral health agency in the county where the respondent resides, if different from the county where the CARE process has commenced.” (§ 5977, subd. (a)(3)(A)(iv).)

2. Petitioner is a person other than the director of the county behavioral health agency

If the petitioner is one of the persons listed in section 5974 other than the director of the county behavioral health agency (or designee), “the court shall order a county agency, or their designee, as determined by the court, to investigate, as necessary, and file a written report with the court within 14 *court* days and provide notice to the respondent and petitioner that a report has been ordered.” (§ 5977, subd. (a)(3)(B), italics added.) Although not required by the statute, the most logical appointment would be of the county behavioral health agency.

Contents of report

The report is to include:

- A determination as to whether the respondent meets, or is likely to meet, the criteria for the CARE process. It is not clear why the court needs this information since it has previously determined that the petition states a prima facie basis for relief.
- The outcome of efforts made to have the respondent voluntarily engage in services during the 14-day report period.

- Conclusions and recommendations about the respondent’s ability to voluntarily engage in services.

Extension of time to report

If requested by the county agency doing the report, and if the court finds the county agency is “making progress to engage the respondent,” the court may extend the report period up to 30 additional days “to work with, engage, and enroll the individual in voluntary treatment and services.” The county agency is to give notice to the petitioner and respondent that the extension has been granted. (§ 5977, subd. (a)(4).)

It is to the court’s advantage that the parties be given an adequate opportunity to work out a voluntary plan. If the parties reach a CARE agreement, it avoids the need for further contested proceedings. If it is shown that respondent is willing and capable of engaging in voluntary treatment, the court may dismiss the petition and terminate all further court proceedings on the matter. (§ 5977, subd. (a)(5)(A).)

Action by court on receipt of report

Within five days of the receipt of the report by the court, the court must take one of the following actions:⁸

- “If the court determines that voluntary engagement with the respondent is effective, and that the individual has enrolled or is likely to enroll in voluntary behavioral health treatment, the court shall dismiss the matter.” (§ 5977, subd. (a)(5)(A).)
- “If the court determines that county’s report does not support the petition’s prima facie showing that the respondent is a person described in Section 5972, the court shall dismiss the matter. This section shall not prevent a county behavioral health agency from continuing to voluntarily engage with individuals who do not meet CARE criteria, but who are in need of services and supports.” (§ 5977, subd. (a)(5)(B).) Since the petition will likely be dismissed without prejudice, the section also does not prevent the county from filing a new petition based on a change in circumstances
- If the county’s report does support the prima facie showing, “and engagement with the county was not effective,” the court must take the following action: (§ 5977, subd. (a)(5)(C).)

⁸ The action required by section 5977, subdivision (a)(5), only applies when the director of the county behavioral health agency (or designee) is not the petitioner. There is no corresponding requirement of action when the petitioner is the director of the county behavioral health agency (or designee).

- Set a hearing on the initial appearance on the petition with 14 *court* days. (§ 5977, subd. (a)(5)(C)(i).)
- Appoint counsel for the respondent. The attorney will come from a qualified legal services project, or the public defender if there is no legal services project to take these appointments. “Unless replaced by respondent’s own counsel, appointed counsel shall represent the respondent in any proceeding under this part, and shall represent the individual, as needed, in matters related to CARE agreements and CARE plans.”⁹ (§ 5977, subd. (a)(5)(C)(ii).) Likely the respondent also has the right to reject the appointment of counsel in favor of self-representation.¹⁰
- “Order the county to provide notice of the hearing to the petitioner, the respondent, the appointed counsel, the county behavioral health agency in the county where the respondent resides, and, if different, the county where the CARE court proceedings have commenced.” (§ 5977, subd. (a)(5)(C)(iii).)

VI. INITIAL APPEARANCE ON THE PETITION

Section 5977, subdivision (b), governs the actions taken by the court at the initial hearing on the petition for CARE services.

A. Appearances and appointments

The petitioner is required to be present. If the petitioner is not present, the matter may be dismissed. (§ 5977, subd. (b)(2).) The dismissal of the petition in the absence of the petitioner is discretionary to accommodate any problems related to the commencement of the proceedings. If the petitioner fails to appear, the court should inquire as to the reason and whether a short continuance may correct the problem.

The respondent may waive personal appearance and appear through counsel. If the respondent does not waive personal appearance and does not appear at the hearing, and the court makes a finding on the record that reasonable attempts to elicit the attendance of the respondent have failed, the court may conduct the hearing in the respondent’s absence if the court makes a finding on the record that conducting the hearing without the participation or presence of the respondent would be in the respondent’s best interest. (§ 5977, subd. (b)(3).)

⁹ Unlike counsel appointed under section 5977, subdivision (a)(3)(A)(ii), where the director of the behavioral health agency is the petitioner, appointment of counsel under section 5977, subdivision (a)(5)(C)(ii), where the director is not the petitioner, does not include the duty to represent the respondent on appeal. It is unclear whether this difference is a drafting oversight.

¹⁰ For a discussion of potential limits on the right of respondent to self-representation, see section III(E)(1), *supra*.

The court must permit the respondent to substitute their own counsel. (§ 5977, subd. (b)(1).) Likely the respondent also has the right to reject the appointment of counsel in favor of self-representation.¹¹

A representative from the county behavioral health agency must be present. (§ 5977, subd. (b)(4).)

A supporter may be appointed. (§ 5977, subd. (b)(5).) For a full discussion of the role of the supporter, see discussion in section XIII, *infra*.

If the respondent self-identifies that they are enrolled in a federally recognized Indian tribe or otherwise receiving services from an Indian health care provider, a tribal court, or a tribal organization, a representative from the program, the tribe, or the tribal court must be allowed to be present, subject to the consent of the respondent. The tribal representative is entitled to notice from the county of the initial appearance. (§ 5977, subd. (b)(6).)

B. Substitution of the director of the county behavioral health agency

If the initial petitioner is any person other than the director of the county behavioral health agency (or designee), the court, at the initial appearance on the petition, must relieve the initial petitioner and substitute in the director or their designee. (§ 5977, subd. (b)(7).) “[I]f the petitioner is a person listed in Section 5974 other than the director of a county behavioral health agency, or their designee, the petitioner shall have the right to file a petition with the court, but *at the initial hearing the court shall substitute the director of a county behavioral health agency, or their designee, of the county in which the proceedings are filed as petitioner.*” (§ 5971, subd. (m), italics added.) Similarly, section 5977, subdivision (b)(7)(A), provides: At the initial appearance on the petition, “[i]f the petitioner is a person described in Section 5974 other than the director of a county behavioral health agency, or their designee, *the court shall issue an order relieving the petitioner and appointing the director of the county behavioral health agency or their designee as the substitute petitioner.*” (Italics added.)

C. Rights of initial petitioner

Although the initial petitioner will no longer hold the status as a party to the proceedings after the initial appearance on the petition, the court may grant certain rights to allow and encourage continued engagement in the proceedings.

If the initial petitioner is a person listed in section 5974, subdivisions (a) or (b) [a person with whom the respondent resides, or is an adult spouse, parent, sibling, child, grandparent, or other individual who stands in loco parentis to the respondent], the court may reserve or assign the following rights: (§ 5977, subd. (b)(7)(B).)

¹¹ For a discussion of potential limits on the right of respondent to self-representation, see section III(E)(1), *supra*.

- The right to participate in the hearing on the merits of the petition. The extent of the participation is not defined by the statute. Presumably any participation in the proceedings will be within the discretion of the court to assure an orderly court process. Likely participation would at least include the right to be heard on issues related to the eligibility for CARE services. (§ 5977, subd. (b)(7)(B)(i).)
- The right to notice as required in the discretion of the court.
- “The court may, additionally, allow for participation and engagement in the respondent’s CARE proceedings if the respondent consents.” (§ 5977, subd. (b)(7)(B)(iii).) It appears the intention of the Legislature that the initial petitioner has the right, with or without the consent of the respondent, to participate in the hearing related to the application for CARE services, but the consent of the respondent is required if the initial petitioner is to participate in implementation of CARE services once eligibility as been determined.
- The initial petitioner may file a new petition if the current petition is dismissed and there is a change in circumstances. (§ 5977, subd. (c)(7)(B)(iv).)

If the initial petitioner is not the director of the county behavioral health services and is not a person listed in section 5974, subdivisions (a) or (b), the court may not grant any ongoing rights to participate in the CARE proceedings, other than to make a statement at the hearing on the merits of the petition. (§ 5977, subd. (c)(7)(C).)

VII. HEARING ON THE MERITS OF THE PETITION

The court is to set a hearing on the merits of the petition within 10 calendar days of the initial appearance on the petition. (§ 5977, subd. (c)(8)(A).) Presumably, if the initial appearance on the petition has been continued by the court to complete its required tasks, the 10 days will run from the conclusion of the initial appearance as continued.

A. Burden of proof

The burden of proof and which party bears it is ambiguous. Section 5977, subdivision (c)(8)(A), provides that at the hearing on the merits “the court shall determine by clear and convincing evidence if the respondent *meets* the CARE criteria in Section 5972.” (Italics added.) Similarly, in section 5977, subdivision (c)(2), provides: “If, at the hearing on the merits of the petition, the court finds that the *petitioner has shown* by clear and convincing evidence that the respondent *meets* the CARE criteria in Section 5972, the court shall order the county behavioral health agency” to engage in specified conduct. (Italics added.) The statute suggests pursuant to these statements that the petitioner has the burden of proof. However, section 5977, subdivision (c)(1), provides: “If, at the hearing on the merits of the petition, the court finds, by clear and

convincing evidence, that the respondent *does not meet* the CARE criteria in Section 5972, the court shall dismiss the case without prejudice, unless the court makes a finding, on the record, that the initial petitioner’s filing was not in good faith.” (Italics added.) Under the second statement of the burden, the statute suggests the respondent has the burden of proof. Until the issue is more fully resolved by the Legislature or the courts, the interpretation that most favors the respondent is that the petitioner bears the burden of proving, by clear and convincing evidence, that the respondent meets the qualifications of the CARE Act.

B. Evidence submitted on the merits of the petition

In determining whether the respondent qualifies under the CARE Act, “the court shall consider all evidence properly before it, including the report from the county required pursuant to paragraph (3) of subdivision (a) [of section 5977] and any additional evidence presented by the parties, including the petition submitted by the petitioner who is relieved.” (§ 5977, subd. (b)(8)(A).) Based on other provisions of the Act, the court also is to consider:

- Statements or other evidence offered by persons listed in section 5974, subdivisions (a) or (b) [a person with whom the respondent resides, or is a spouse, parent, sibling, child, grandparent, or other individual who stands in loco parentis to the respondent], if participation is authorized by the court under section 5977, subdivision (b)(7)(B)(i).
- Statements of the initial petitioner. (§ 5977, subd. (c)(7)(C).)

C. Concurrent hearings

Section 5977, subdivision (b)(8)(B), provides: “The hearing on the merits of the petition may be conducted concurrently with the initial appearance on the petition upon stipulation of the petitioner and respondent and agreement by the court.” The authorization of concurrent hearings is to facilitate the establishment of CARE services where there is no substantial dispute over the respondent’s eligibility. If the parties and the court agree, the entire process can be completed in one hearing without the need to have separate hearings for the initial appearance and on the merits of the petition.

D. Findings on the merits of the petition

Respondent meets criteria

If at the hearing on the merits the court finds by clear and convincing evidence that the respondent does meet the criteria for CARE services, “the court shall order the county behavioral health agency to work with the respondent, the respondent’s counsel, and the supporter to engage in behavioral health treatment and determine if the parties will be able to enter into a CARE agreement.” The court is also to set a case management hearing within 14 calendar days. (§ 5977, subd. (c)(2).) “If the respondent is enrolled in a federally recognized

Indian tribe, the respondent shall provide notice of the case management hearing to the tribe, subject to the consent of the respondent.” (§ 5977, subd. (c)(3).)

Respondent does not meet criteria

If at the hearing on the merits the court finds “by clear and convincing evidence, that the respondent does not meet the CARE criteria in Section 5972, the court shall dismiss the case without prejudice, unless the court makes a finding, on the record, that the initial petitioner’s filing was not in good faith.” (§ 5977, subd. (c)(1).) Presumably the petition is to be dismissed *with prejudice* if the court finds it was not filed in good faith.

As noted previously, likely the statement of the burden of proof in section 5977, subdivision (c)(1), is a drafting error because it places the burden on the *respondent* to show they are not eligible for services. Likely it is the intent of the Legislature that the petition be dismissed if the *petitioner* fails to show by clear and convincing evidence that the respondent is eligible for services.

There is no material distinction between dismissal with or without prejudice if the reason for dismissal is a failure to prove respondent meets CARE criteria. A dismissal with prejudice simply means the petition may not be refiled based on the same circumstances. Nothing precludes the filing of a new petition based on a change of circumstances.

VIII. CASE MANAGEMENT AND PLAN REVIEW HEARINGS

Section 5977.1, subdivision (a)(1), specifies that a case management hearing is to be held so that the court may “hear evidence as to whether the parties have entered, or are likely to enter, into a CARE agreement.¹²” Although the statute specifies that “evidence” is to be presented, likely the matter may proceed informally with offers of proof and comment by counsel and the parties.

A. Agreement reached or likely to be reached

If the court finds that the parties have entered into a CARE agreement, or such an agreement is likely to be reached, the court must: A) approve the agreement or make its own modifications and approve the agreement as modified; and B) set a progress hearing for 60 days. (§ 5977.1, subd. (a)(2).)

¹² The Act distinguishes between a CARE “agreement” and a CARE “plan.” A CARE “agreement” “means a voluntary settlement entered into by the parties,” and “includes the same elements as a CARE plan.” (§ 5971, subd. (a).) The CARE “plan” is ordered by the court and contains the elements as specified in section 5982. (§ 5971, subd. (b).) Although arrived at by different means, the CARE “agreement” and “plan” are functionally equivalent.

B. Agreement not reached and not likely to be reached

If the court finds that the parties have not entered into a CARE agreement and are not likely to enter into a CARE agreement, the court must order a clinical evaluation.

1. Ordering of clinical evaluation

The court must order the county behavioral health agency, through a licensed behavioral health professional, to conduct a clinical evaluation of the respondent, unless there is an existing clinical evaluation of the respondent completed within the last 30 days and the parties stipulate to the use of that evaluation. The evaluation must address, at a minimum, the following: (§ 5977.1, subd. (b).)

- A clinical diagnosis of the respondent.
- Whether the respondent has the legal capacity to give informed consent regarding psychotropic medication.
- Any other information as ordered by the court or that the licensed behavioral health professional conducting the evaluation determines would help the court make future informed decisions about the appropriate care and services the respondent should receive.
- An analysis of recommended services, programs, housing, medications, and interventions that support the recovery and stability of the respondent.

The Act does not address the circumstances under which the respondent refuses to participate in the clinical evaluation. Presumably the court could proceed without the evaluation and rely on any existing documentation or medical records. The court might also order an evaluation pursuant to sections 5200, *et seq.*

2. Clinical evaluation review hearing

The court must set a clinical evaluation hearing within 21 days of the case management hearing. (§ 5977.1, subd. (c)(1).) “The court shall order the county to file the evaluation with the court and provide the evaluation to the respondent’s counsel no later than five days prior to the scheduled clinical evaluation hearing. The clinical evaluation hearing may be continued for a maximum of 14 days upon stipulation of the respondent and the county behavioral health agency, unless there is good cause for a longer extension.” (*Ibid.*)

Conducting the clinical evaluation review hearing

“At the clinical evaluation review hearing, the court shall review the evaluation and any other evidence from the county behavioral health agency and the respondent. The county behavioral health agency and the respondent may present evidence and call witnesses, including the person who conducted the evaluation. Only relevant and admissible evidence that fully complies with the rules of evidence may be considered by the court.” (§ 5977.1, subd. (c)(2).)

Although the statute appears to limit the evidence to that which is strictly admissible under the Evidence Code, likely by stipulation of the parties and agreement of the court, the parties and the court may also consider offers of proof and argument.

Orders after hearing

At the conclusion of the hearing, the court must make one of the following orders: (§ 5977.1, subd. (c)(3).)

(A) *Respondent meets criteria.* If the court finds by clear and convincing evidence, after review of the evaluation and other evidence, that the respondent meets the CARE criteria, the court must order the county behavioral health agency, the respondent, and the respondent’s counsel and supporter to jointly develop a CARE plan within 14 days. A CARE plan is “an individualized, appropriate range of community-based services and supports, as set forth in this part, which include clinically appropriate behavioral health care and stabilization medications, housing, and other supportive services, as appropriate, pursuant to Section 5982.” (§ 5971, subd (b); for a full review of the contents of the CARE plan, see discussion in section IX(B), *infra*.)

If the respondent is a self-identified native American eligible for federal health services or is otherwise receiving services from an Indian health care provider or tribal court, “the county behavioral health agency shall use best efforts to meaningfully consult with and incorporate the Indian health care provider or tribal court available to the respondent to develop the CARE plan.” (§ 5977.1, subd. (c)(4).)

The court must also set a “CARE plan review hearing” to consider approval of the plan no later than 14 days from the date the parties are directed to develop the plan. An extension may be granted by the court for good cause shown and with notice to any opposing party. (§ 5977.1, subd. (c)(6).)

(B) *Respondent does not meet criteria.* If the court finds, in reviewing the evaluation, that clear and convincing evidence does not support that the respondent meets the CARE criteria, the court must dismiss the petition.

IX. CARE PLAN REVIEW HEARING

The parties, including the respondent, present their proposed CARE plans to the court at the plan review hearing. (§ 5977.1, subd. (d)(1).) “After consideration of the plans proposed by the parties, the court shall adopt the elements of a CARE plan that support the recovery and stability of the respondent. The court may issue any orders necessary to support the respondent in accessing appropriate services and supports, including prioritization for those services and supports, subject to applicable laws and available funding pursuant to Section 5982. These orders shall constitute the CARE plan.” (§ 5977.1, subd. (d)(2).) While the court is to *consider* the plans as offered by the parties, it is the court that makes the final decision on the level of services. The court is free to accept or reject all or a portion of the plans offered by the parties, or order additional services not included in the suggested plans.

“If, after presentation of the CARE plan or plans, the court determines that additional information is needed, including from a licensed behavioral health professional, the court shall order a supplemental report to be filed by the county behavioral health agency for which the court may grant a continuance of no more than 14 days, unless there is good cause for a longer extension.” (§ 5977.1, subd. (d)(5).)

If for any reason there has been insufficient time to prepare a CARE plan, the court may grant a continuance of up to 14 days unless there is good cause for a longer extension. (§ 5977.1, subd. (d)(6).)

A. Order for medication

“A court may order medication if it finds, upon review of the court-ordered evaluation and hearing from the parties, that, by clear and convincing evidence, the respondent lacks the capacity to give informed consent to the administration of medically necessary stabilization medication. To the extent the court orders medically necessary stabilization medication, the medication shall not be forcibly administered and the respondent’s failure to comply with a medication order shall not result in a penalty, including, but not limited to, contempt or termination of the CARE plan pursuant to Section 5979.”¹³ (§ 5977.1, subd. (d)(3).) The order must be limited to what is medically necessary for “stabilization;” medication for “maintenance” is not authorized. (§ 5982, subd. (a)(2).)

The Act defines “stabilization medications” as “medications included in the CARE plan that primarily consist of antipsychotic medications, to reduce symptoms of hallucinations, delusions, and disorganized thinking. Stabilization medications may be administered as long-acting injections if clinically indicated. Stabilization medications shall not be forcibly administered.” (§ 5971, subd. (p).)

¹³ While the failure to take prescribed medication may not, itself, be used to terminate respondent from the CARE program, the conduct caused by the lack of medication may constitute sufficient grounds for termination. See discussion of accountability in section XIV, *infra*.

The court should carefully consider the efficacy of an order for medication, even when the respondent qualifies for such an order. The order is unenforceable. The taking of medication ultimately is voluntary by the respondent. Ordered medications may not be forcibly administered, and violation of a medication order may not serve as a basis for any form of sanctions, including termination from the CARE program. While an “order” may assist service providers in encouraging a respondent to take prescribed medications, the court may be just as effective by offering strong words of encouragement at a review hearing or adjusting other conditions of the plan. Furthermore, “ordering” the respondent to take medications may be counterproductive to the goal of achieving voluntary compliance. An informal strategy may be preferable to making a hollow order which the respondent soon learns has no teeth behind it.

B. Components of the CARE plan

The components of the CARE plan are specified in section 5982. The plan may include *only* the following elements:

- Behavioral health services funded as specified. (§ 5982, subd. (a)(1).)
- Medically necessary stabilization medications. (§ 5982, subd. (a)(2).)
- Housing resources funded as specified. (§ 5982, subd. (a)(3).)
- Social services funded as specified. (§ 5982, subd. (a)(4).)
- Services provided under section 17000, et seq. (County aid and relief to indigents). (§ 5982, subd. (a)(5).)

“All CARE plan services and supports ordered by the court are subject to available funding and all applicable federal and state statutes and regulations, contractual provisions, and policy guidance governing initial and ongoing program eligibility. In addition to the resources funded through programs listed in subdivision (a), the State Department of Health Care Services may identify other adjacent covered Medi-Cal services, including, but not limited to, enhanced care management and available community supports, which may be suggested, although not ordered, by the court, subject to all applicable federal and state statutes, regulations, contractual provisions, and policy guidance.” (§ 5982, subd. (d).)

Voluntary services by the county

Section 5982 “does not prevent a county or other local government entity from recommending their own services that are their own responsibility not listed in subdivision (a) or (c). Any such recommendation is not required by this section and shall be made at the request of the county

for the purposes of Section 6 of Article XIII B, and Sections 6 and 36 of Article XIII of the California Constitution.” (§ 5982, subd. (e).)

C. Term of CARE program

The initial CARE program is not to exceed one year. The timeline commences with the order approving the CARE plan at the plan review hearing. (§ 5977.1, subd. (e).) Under specified circumstances the CARE program can be extended for up to one additional year. (See discussion of the one-year status hearing in section XI, *infra*.)

D. Services by other agencies

“If the proposed CARE plan includes services and supports, such as housing, provided directly or indirectly through another local governmental entity, that local entity may agree to provide the service or support, or the court may consider a motion by either of the parties to add the local entity as a party to the CARE proceeding. If the local entity agrees to provide the service or support, it may request to be added as a party by the court.” (§ 5977.1, subd. (d)(4).)

Presumably the reason for granting the court the authority to add other government entities as a party is to avoid the need to commence a separate legal action to acquire services for the respondent.

X. STATUS REVIEW HEARINGS

Section 5977.2, subdivision (a)(1), requires the court to hold a status review hearing at intervals of not greater than 60 days. At least five days prior to the scheduled hearing, the county behavioral health agency is to file with the court and serve the respondent, respondent’s counsel and supporter with a report, which is to include:

- Progress the respondent has made on the CARE plan.
- What services and supports in the CARE plan were provided, and what services and supports were not provided.
- Any issues the respondent expressed or exhibited in adhering to the CARE plan.
- Recommendations for changes to the services and supports to make the CARE plan more successful.

The respondent is permitted to respond to the report submitted by the county, and to offer their own information and recommendations. (§ 5977.2, subd. (a)(2).) “Subject to applicable law, intermittent lapses or setbacks described in this section of the report shall not impact access to services, treatment, or housing.” (§ 5977.2, subd. (a)(3).)

Although not expressly stated in the statute, presumably the court has the authority to adjust the CARE plan as necessary to meet the respondent's circumstances. Consistent with the flexible nature of the CARE plan is the authority of the behavioral health agency, the respondent, or the court on its own motion to set a hearing at any time to address a change of circumstances. (§ 5977.2, subd. (b).)

XI. ONE-YEAR STATUS HEARING; GRADUATION

During the 11th month of the program timeline, section 5977.3, subdivision (a)(1), requires the court to hold a one-year status hearing. At least five days prior to the hearing, the county behavioral health agency is required to file with the court and serve the respondent, respondent's counsel and supporter with a report, which includes the following:

- Progress the respondent has made on the CARE plan including a final assessment of the respondent's stability.
- What services and supports in the CARE plan were provided, and what services and supports were not provided, over the life of the program.
- Any issues the respondent expressed or exhibited in adhering to the CARE plan.
- Recommendations for next steps, including what ongoing and additional services would benefit the respondent that the county behavioral health agency can facilitate or provide.

A. Evidentiary hearing

"At an evidentiary hearing, the respondent shall be permitted to respond to the report submitted by the county behavioral health agency and to the county behavioral health agency's testimony. Respondent shall be permitted to introduce their own information and recommendations. The respondent shall have the right at the hearing to call witnesses and to present evidence as to whether the respondent agrees with the report." (§ 5977.3, subd. (a)(2).) Although the statute specifies the hearing will be "evidentiary," with the agreement of the parties and the court, the hearing likely may proceed on offers of proof and argument of counsel. Likely it is the intent of the statute to prevent the court from making final disposition orders without giving the parties an opportunity to be heard.

B. Orders by the court

The respondent may request either to be graduated from or to remain in the program. (§ 5977.3, subd. (a)(2).) In response to the respondent's choice, the court is to enter the following orders:

1. Respondent elects graduation; graduation hearing

If the respondent elects graduation, “the court shall order the county behavioral health agency and the respondent to work jointly on a graduation plan. The court shall schedule a hearing in the 12th month after adoption of the CARE plan for presentation of the graduation plan. The court shall review the voluntary graduation plan and recite the terms on the record. The graduation plan shall not place additional requirements on local government entities and is not enforceable by the court, except that the graduation plan may, at respondent’s election, include a psychiatric advance directive, which shall have the force of law. Upon completion of the hearing, the respondent shall be officially graduated from the program.” (§ 5977.3, subd. (a)(3)(A).)

A “psychiatric advance directive” is “a legal document, executed on a voluntary basis by a person who has the capacity to make medical decisions, that allows a person with mental illness to protect their autonomy and ability to self-direct care by documenting their preferences for treatment in advance of a mental health crisis.” (§ 5971, subd. (n).)

Although not required by the Act, if the CARE plan has come to the end of the one-year term, but the respondent does not meet the requirements for graduation, the court should consider either a voluntary or involuntary extension of the program, discussed in section XI(B), *infra*.

2. Respondent elects to stay in CARE

If the respondent elects to remain in the program, they “may request any amount of time, up to and including one additional year.” (§ 5977.3, subd. (a)(3)(B).) The court may permit the extension if the court finds both of the following:

- The respondent did not successfully complete the CARE plan.
- The respondent would benefit from continuation of the CARE plan.

Whether it grants or denies the respondent’s request, the court is to enter its order on the record and state its reasons. (§ 5977.3, subd. (a)(3)(C).)

The extension may be made only once for up to one additional year. (§ 5977.3, subd. (c).) The extension may be granted only if the court finds by clear and convincing evidence all the following conditions apply: (§ 5977.3, subd. (b).)

- The respondent did not successfully complete the CARE process.

- All services and supports required through the CARE process were provided to the respondent.
- The respondent would benefit from continuation in the CARE process.
- The respondent currently meets the requirements in Section 5972, the basic eligibility requirements for CARE services.

3. Involuntary retention in the CARE program

The respondent may be involuntarily retained in the CARE program only if the court finds by clear and convincing evidence that all the following factors apply: (§ 5977.3, subd. (b).)

- The respondent did not successfully complete the CARE process.
- All services and supports required through the CARE process were provided to the respondent.
- The respondent would benefit from continuation in the CARE process.
- The respondent currently meets the requirements in section 5972, the basic eligibility requirements for CARE services.

The extension may be only once, for up to one year. (§ 5977.3, subd. (c).)

4. Completion of period of voluntary or involuntary extension

Respondent remains unstable

Section 5977.3 does not address what action, if any, the court may take when the respondent comes to the end of the CARE program, the respondent remains unstable, but the court is unable to make the findings necessary for voluntary or involuntary extension of the CARE plan authorized by section 5977.3, subdivisions (a)(3)(B) and (b). If the respondent has not stabilized and otherwise appears to qualify for such services, the court may consider referral of the respondent for LPS proceedings. (See sections 5979, subd. (a)(2) and (3), discussed in section XIV(A), *infra*.)

Respondent has stabilized and is engaged in voluntary treatment

If after the completion of either the voluntary or involuntary extension of the CARE program the respondent has stabilized and is voluntarily participating in treatment, likely the court would have the discretion to hold a termination/graduation hearing where a voluntary plan is adopted similar to the graduation plan required by section 5977.3, subdivision (a)(3)(A). The components of the hearing might include:

- The court's review the voluntary plan, with the recitation of the terms on the record.
- The plan must not place additional requirements on local government entities and is not enforceable by the court, except that the plan may, at respondent's election, include a psychiatric advance directive, which will have the force of law.
- Upon completion of the hearing, the respondent will be officially released from the program.

XII. GRADUATION HEARING

If the respondent elects graduation, "the court shall order the county behavioral health agency and the respondent to work jointly on a graduation plan. The court shall schedule a hearing in the 12th month after adoption of the CARE plan for presentation of the graduation plan. The court shall review the voluntary graduation plan and recite the terms on the record. The graduation plan shall not place additional requirements on local government entities and is not enforceable by the court, except that the graduation plan may, at respondent's election, include a psychiatric advance directive, which shall have the force of law. Upon completion of the hearing, the respondent shall be officially graduated from the program." (§ 5977.3, subd. (a)(3)(A).)

The court should consider holding a similar hearing if the respondent successfully completes any period of extension, whether the extension was at the request of the respondent or was involuntary.

XIII. ROLE OF SUPPORTER FOR RESPONDENT

Sections 5981 and 5981.5 detail the role and duties of the person designated the "supporter" for the respondent during the CARE proceedings.

A. Training of the supporter

"Subject to appropriation, the department, in consultation with disability rights groups, county behavioral health and aging agencies, individuals with lived expertise, families, racial justice experts, and other appropriate stakeholders, shall provide optional training and technical

resources for volunteer supporters on the CARE process, community services and supports, supported decisionmaking, people with behavioral health conditions, trauma-informed care, family psychoeducation, and psychiatric advance directives. The department may consult with other state and national public and nonprofit agencies and organizations and the Judicial Council to align supported decisionmaking training with best practices for persons with mental illnesses, intellectual and developmental disabilities, other disabilities, and older adults. The department may enter into a technical assistance and training agreement for this purpose, pursuant to Section 5984.” (§ 5980, subd. (a).) Engagement between the State Department of Health Care Services and the Judicial Council would permit participation by experienced bench officers in the development of a responsive and effective training curriculum for support persons.

B. Duties and responsibilities of the supporter

The supporter is to perform the following functions: (§ 5980, subd. (b).)

- Offer the respondent a flexible and culturally responsive way to maintain autonomy and decisionmaking authority over their own life by developing and maintaining voluntary supports to assist them in understanding, making, communicating, and implementing their own informed choices.
- Strengthen the respondent’s capacity to engage in and exercise autonomous decisionmaking and prevent or remove the need to use more restrictive protective mechanisms, such as conservatorship.
- Assist the respondent with understanding, making, and communicating decisions and expressing preferences throughout the CARE process.

The supporter also is to observe the following conduct: (§ 5981, subd. (b).)

- Support the will and preferences of the respondent to the best of their ability and to the extent reasonably possible.
- Respect the values, beliefs, and preferences of the respondent.
- Act honestly, diligently, and in good faith.
- Avoid, to the greatest extent possible, and disclose to the court, the respondent, and the respondent’s counsel, minimize, and manage, conflicts of interest. A court may remove a supporter because of any conflict of interest with the respondent and shall

remove the supporter if the conflict cannot be managed in such a way to avoid any possible harm to the respondent.

In addition to the foregoing obligations, “a supporter shall be bound by all existing obligations and prohibitions otherwise applicable by law that protect people with disabilities and the elderly from fraud, abuse, neglect, coercion, or mistreatment. This section does not limit a supporter’s civil or criminal liability for prohibited conduct against the respondent, including liability for fraud, abuse, neglect, coercion, or mistreatment, including liability under the Elder Abuse and Dependent Adult Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9), including, but not limited to, Sections 15656 and 15657.” (§ 5981, subd. (d).)

“Unless explicitly authorized by the respondent with capacity to make that authorization, a supporter shall not do either of the following: (1) Make decisions for, or on behalf of, the respondent, except when necessary to prevent imminent bodily harm or injury. (2) Sign documents on behalf of the respondent.” (§ 5981, subd. (c).)

The Act does not specify the procedure for the removal of the supporter. Presumably the supporter and parties would be entitled to notice of the allegations justifying removal and an opportunity to be heard at a hearing.

Source of referrals for supporters

The CARE Act does not specify the source of referrals for persons willing and qualified to perform support services. Presumably lists of such persons will be developed by the State Department of Health Care Services and/or the county behavioral health department.

C. The right of the respondent to a supporter

“Notwithstanding any other provision of this part, the respondent may have a supporter present in any meeting, judicial proceeding, status hearing, or communication related to any of the following: (1) An evaluation. (2) Development of a CARE agreement or CARE plan. (3) Establishing a psychiatric advance directive. (4) Development of a graduation plan.” (§ 5981, subd. (a).)

“The supporter shall not be subpoenaed or called to testify against the respondent in any proceeding relating to this part, and the supporter’s presence at any meeting, proceeding, or communication shall not waive confidentiality or any privilege.” (§ 5981, subd. (e).)

XIV. ACCOUNTABILITY/ TERMINATION FROM PROGRAM

Section 5979 addresses circumstances where either the respondent or the county does not observe the terms of the CARE plan.

A. Termination of respondent from the CARE program

“If, at any time during the proceedings, the court determines by clear and convincing evidence that the respondent is not participating in the CARE process, after the respondent receives notice, or is not adhering to their CARE plan, after the respondent receives notice, the court may terminate the respondent’s participation in the CARE process.” (§ 5979, subd. (a)(1).) Presumably the court must hold a hearing to determine whether removal from the CARE program is justified, giving the parties an adequate opportunity to present evidence and be heard.

In addition to the CARE process, to ensure respondent’s safety, the court may refer the respondent for proceedings under the Lanterman-Petris-Short (LPS) Act, commencing with section 5200 – a court ordered evaluation to determine whether the respondent is gravely disabled. If such action is taken, the court must notify the county behavioral health agency and the office of the public conservator and guardian. (§ 5979, subd. (a)(2).) The formalized process under sections 5200, *et seq.*, may be unnecessary. If the respondent has become unstable and is no longer participating in the CARE program, the behavioral health department could simply initiate the LPS process with a referral of the respondent for evaluation under section 5150.

“If the respondent was timely provided with all of the services and supports required by the CARE plan, the fact that the respondent failed to successfully complete their CARE plan, including reasons for that failure, shall be a fact considered by the court in a subsequent hearing under the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000)), provided that the hearing occurs within six months of the termination of the CARE plan and shall create a presumption at that hearing that the respondent needs additional intervention beyond the supports and services provided by the CARE plan.” (§ 5979, subd. (a)(3).)

The court has only limited authority to act against the respondent for failing to comply with the CARE plan. The court may not impose any penalty outside of section 5979 for violation of a CARE order, including contempt or failure to appear. (§ 5979, subd. (a)(4).) Furthermore, the failure of the respondent to observe a medication order “shall not result in any penalty, including under . . . section [5979].” (§ 5979, subd. (a)(5).) The statute expressly prohibits the court from imposing any sanction on the respondent, including termination from the CARE program, solely and expressly because of the failure to observe any medication order. However, section 5979 does not prohibit the court from actively addressing the conduct of the respondent caused by the failure to take medically necessary medication. Nothing in the legislation suggests the court is powerless to deal with conduct which endangers the respondent, those attending the respondent, and other participants in the CARE program. Absent extraordinary circumstances, termination should not occur until after the respondent has received notice of their offending conduct and has had an opportunity to comply. (See § 5979, subd. (a)(1).)

B. The county's failure to comply with a CARE order

"If, at any time during the CARE process, the court finds that the county or other local government entity is not complying with court orders, the court shall report that finding to the presiding judge of the superior court or their designee." (§ 5979, subd. (b)(1).) The statute provides a process where "the court," presumably the judge handling the CARE proceedings, must report the failure of the county or any other government entity to observe the court's orders to the presiding judge of the court. The presiding judge may handle the complaint or assign it to another designated judicial officer. Depending on the nature of the alleged violation, the presiding judge could designate the judge hearing the CARE proceedings – it may or may not be appropriate for the same judge to be the source of the complaint and be the person to rule on its merits.

Once a complaint is made, the presiding judge or designee must issue an order to the government entity to show cause why sanctions should not be imposed. The hearing must be set with at least 15 days' notice, including allowance for the time necessary to accomplish service of the order. (§ 5979, subd. (b)(2)(A).)

The hearing must be conducted on the record. If the court "finds, by clear and convincing evidence, that the local government entity has substantially failed to comply with this part, or with lawful orders issued by a court under this part, the presiding judge or their designee may issue an order imposing a fine under this section." (§ 5979, subd. (b)(2)(B).)

Imposition of a fine

The fine may be up to \$1,000 per day, not to exceed \$25,000, for each violation as identified in the order imposing sanctions. (§ 5979, subd. (b)(2)(C).) The fines are to be deposited in the CARE Act Accountability Fund of the state treasury. (§ 5979, subd. (b)(2)(D)(i).) "All moneys in the fund shall be allocated and distributed to the local government entity that paid the fines, to be used by that entity to serve individuals who have schizophrenia spectrum or other psychotic disorders and who are experiencing, or are at risk of, homelessness, criminal justice involvement, hospitalization, or conservatorship." (§ 5979, subd. (b)(2)(D)(ii).)

Appointment of a special master

"If, after notice and hearing as set forth in paragraph [(b)](2), the presiding judge or their designee finds, by clear and convincing evidence, that the local government entity is persistently noncompliant with this part, or with lawful orders issued by a court under this part, the presiding judge or their designee may appoint a special master to secure court-ordered care for the respondent at the local government entity's cost. The presiding judge, or their designee, shall not make an order under this paragraph unless they have received five or more reports under paragraph (1) pertaining to the same local government entity within a one-year period." (§ 5979, subd. (b)(3).) Presumably "persistently noncompliant" means at least five or more valid reports of noncompliance by the agency in a one-year period.

Mitigating circumstances

In determining whether to impose sanctions under section 5979, “the court shall consider whether there are any mitigating circumstances impairing the ability of the local government entity to fully comply with the requirements of this part, or with court orders issued under this part. The court may consider whether the local government entity is making a good faith effort to come into substantial compliance or is facing substantial undue hardships.” (§ 5979, subd. (b)(4).)

Right to appeal

Either the respondent or the county behavioral health agency may appeal an adverse decision of the court. (§ 5979, subd. (c).)

XV. MISCELLANEOUS PROVISIONS OF THE CARE ACT

A. Training

Section 5983, in part, provides for training and technical assistance. Section 5983, subdivision (c), provides: “The Judicial Council, in consultation with the department, other relevant state entities, and the County Behavioral Health Directors Association, shall provide training and technical assistance to judges to support the implementation of this part, including training regarding the CARE process, CARE agreement and plan services and supports, working with the supporter, supported decisionmaking, the supporter role, the family role, trauma-informed care, elimination of bias, best practices, and evidence-based models of care for people with severe behavioral health conditions.”

B. Annual report

Section 5985, subdivision (a), provides for an annual CARE Act report by the State Department of Health Care Services. In consultation with the Judicial Council, the department is to develop an annual reporting schedule for submission of CARE Act data. (§ 5985, subd. (d)(1).) Specified data is to be collected by the trial courts and forwarded to the Judicial Council. The data is to include: (§ 5985, subd. (d)(3).)

- The number of petitions submitted pursuant to Section 5975.
- The number of initial appearances on the petition set pursuant to section 5977, subdivision (a)(3).
- The total number of hearings held pursuant to the Act.

The annual report must also include “process measures to examine the scope of impact and monitor the performance of CARE Act model implementation.” (§ 5985, subd. (e).) (See the full listing of the data elements in section 5985 set forth in the CARE Act in Appendix II, *infra*.)

C. Waiver of liability

“A county, or an employee or agent of a county, shall not be held civilly or criminally liable for any action by a respondent in the CARE process, except when the act or omission of a county, or the employee or agent of a county, constitutes gross negligence, recklessness, or willful misconduct. This section does not limit any immunity provided under any other law.” (§ 5987.)

APPENDIX I: TABLE OF CARE ACT DATES

The CARE Act requires the court to enter specified orders and hold specified hearings within the times indicated on the following table. All dates may be continued by the court with notice to the opposing party and for good cause shown.

NAME OF HEARING	TIME LIMIT	AUTHORITY
1. Filing of petition	None	§ 5970.5, <i>et seq.</i> ¹⁴
2. Review petition for prima facie basis	“Promptly” – no specific time stated	§ 5977(a)(1)
3(A)(1). If behavioral health is petitioner and prima facie basis shown, set initial appearance	14 court days from ruling on prima facie basis	§ 5977(a)(3)(A)(i)
3(A)(2). If behavioral health is petitioner, order report (if required)	Return report in 14 court days from ruling on prima facie basis	§ 5977(a)(3)(A)(iii)
3(B). If behavioral health is not petitioner, order report	Return report in 14 court days from ruling on prima facie basis	§ 5977(a)(3)(B)
Rule on report	5 calendar days	§ 5977(a)(5)
If prima facie basis shown, set initial appearance	14 court days	§ 5977(a)(5)(C)(i)
4. Hearing on the merits of the petition	10 calendar days of initial appearance	§ 5977(b)(8)(A)
5. Case management hearing	14 calendar days from hearing on the merits	§ 5977(c)(2)
6. Clinical evaluation (if required)	21 calendar days of case management hearing	§ 5977.1(c)(1)
7. Develop case plan (if required)	14 calendar days from case management hearing	§ 5977.1(c)(3)(A)
8. Plan review hearing (if required)	14 calendar days from date ordered to prepare plan	§ 5977.1(c)(6)
9. Initial progress hearing	No greater than 60 calendar days from case management hearing or plan review hearing, whichever is applicable.	§ 5977.1(a)(1)(B)

¹⁴ All statutory references on the table are to the Welfare and Institutions Code.

10. Subsequent progress hearings	Progress hearings set no less frequently than every 60 calendar days	§ 5977.2(a)(1)
11. One-year status hearing	11th month from the date the CARE plan was approved	§ 5977.3(a)(1)
12. Graduation plan hearing	12th month from the date the CARE plan was approved	§ 5977.3(a)(3)(A)
13. Extension of CARE plan	Up to one year from 12th month from the date the CARE plan was approved	§ 5977.3(c)

APPENDIX II: CARE ACT

Section 7 of SB 1338 provides the following:

Part 8 (commencing with Section 5970) is added to Division 5 of the Welfare and Institutions Code, to read:

PART 8. The Community Assistance, Recovery, and Empowerment Act

CHAPTER 1. General Provisions

5970.

This part shall be known, and may be cited, as Community Assistance, Recovery, and Empowerment (CARE) Act.

5970.5.

This part shall be implemented as follows, with technical assistance and continuous quality improvement, pursuant to Section 5983:

(a) A first cohort of counties, which shall include the Counties of Glenn, Orange, Riverside, San Diego, Stanislaus, and Tuolumne, and the City and County of San Francisco, shall begin no later than October 1, 2023, unless the county is provided additional time pursuant to paragraph (2) of subdivision (c).

(b) A second cohort of counties, representing the remaining population of the state, shall begin no later than December 1, 2024, unless the county is provided additional time pursuant to paragraph (2) of subdivision (c).

(c) (1) The department shall issue guidelines under which counties can apply for, and be provided, additional time to implement this part. The guidelines shall not be subject to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(2) The department shall approve implementation delay for the first or second cohort if the county experiences a state or local emergency and the delay of the provision of the CARE process is necessary as a result of the emergency.

(3) The department shall only grant extensions once and no later than December 1, 2025.

(d) This part shall become operative only upon the department, in consultation with county stakeholders, developing a CARE Act allocation to provide state financial assistance to counties to implement the care process in this act.

5971.

Unless the context otherwise requires, the following definitions shall govern the construction of this part.

(a) “CARE agreement” means a voluntary settlement agreement entered into by the parties. A CARE agreement includes the same elements as a CARE plan to support the respondent in accessing community-based services and supports.

(b) “CARE plan” means an individualized, appropriate range of community-based services and supports, as set forth in this part, which include clinically appropriate behavioral health care and stabilization medications, housing, and other supportive services, as appropriate, pursuant to Section 5982.

(c) “CARE process” means the court and related proceedings to implement the CARE Act.

(d) “Counsel” means the attorney representing the respondent, provided pursuant to Section 5980, or chosen by the respondent, in CARE Act proceedings and matters related to CARE agreements and CARE plans.

(e) “County behavioral health agency” means the local director of mental health services described in Section 5607, the local behavioral health director, or both as applicable, or their designee.

(f) “Court-ordered evaluation” means an evaluation ordered by a superior court pursuant to Section 5977.

(g) “Department” means the State Department of Health Care Services.

(h) “Graduation plan” means a voluntary agreement entered into by the parties at the end of the CARE program that includes a strategy to support a successful transition out of court jurisdiction and that may include a psychiatric advance directive. A graduation plan includes the same elements as a CARE plan to support the respondent in accessing community-based services and supports. The graduation plan shall not place additional requirements on the local government entities and is not enforceable by the court.

(i) “Homeless outreach worker” means a person who engages people experiencing homelessness to assess for unmet needs, offer information, services, or other assistance, or provide care coordination.

(j) “Indian health care provider” means a health care program operated by the Indian Health Service, an Indian tribe, a tribal organization, or urban Indian organization (I/T/U) as those terms are defined in Section 4 of the Indian Health Care Improvement Act (25 U.S.C. Sec. 1603).

(k) “Licensed behavioral health professional” means either of the following:

(1) A licensed mental health professional, as defined in subdivision (j) of Section 4096.

(2) A person who has been granted a waiver of licensure requirements by the department pursuant to Section 5751.2.

(l) “Parties” means the petitioner, respondent, the county behavioral health agency in the county where proceedings under this part are pending, and other parties added by the court pursuant to paragraph (4) of subdivision (d) of Section 5977.1.

(m) “Petitioner” means the entity who files the CARE Act petition with the court. Additionally, if the petitioner is a person listed in Section 5974 other than the director of a county behavioral health agency, or their designee, the petitioner shall have the right to file a petition with the court, but at the initial hearing the court shall substitute the director of a county behavioral health agency, or their designee, of the county in which the proceedings are filed as petitioner. The petitioner who filed the petition may, at the court’s discretion and in furtherance of the interests of the respondent, retain rights as described in subparagraph (A) of paragraph (7) of subdivision (b) of Section 5977.

(n) “Psychiatric advance directive” means a legal document, executed on a voluntary basis by a person who has the capacity to make medical decisions, that allows a person with mental illness to protect their autonomy and ability to self-direct care by documenting their preferences for treatment in advance of a mental health crisis.

(o) “Respondent” means the person who is subject to the petition for the CARE process.

(p) “Stabilization medications” means medications included in the CARE plan that primarily consist of antipsychotic medications, to reduce symptoms of hallucinations, delusions, and disorganized thinking. Stabilization medications may be administered as long-acting injections if clinically indicated. Stabilization medications shall not be forcibly administered.

(q) “Supporter” means an adult, designated pursuant to Chapter 4 (commencing with Section 5980), who assists the person who is the subject of the petition, which may include supporting the person to understand, make, communicate, implement, or act on their own life decisions during the CARE process, including a CARE agreement, a CARE plan, and developing a graduation plan. A supporter shall not act independently.

CHAPTER 2. Process

5972.

An individual shall qualify for the CARE process only if all of the following criteria are met:

(a) The person is 18 years of age or older.

(b) The person is currently experiencing a severe mental illness, as defined in paragraph (2) of subdivision (b) of Section 5600.3 and has a diagnosis identified in the disorder class: schizophrenia spectrum and other psychotic disorders, as defined in the most current version of the Diagnostic and Statistical Manual of Mental Disorders. This section does not establish

respondent eligibility based upon a psychotic disorder that is due to a medical condition or is not primarily psychiatric in nature, including, but not limited to, physical health conditions such as traumatic brain injury, autism, dementia, or neurologic conditions. A person who has a current diagnosis of substance use disorder as defined in paragraph (2) of subdivision (a) of Section 1374.72 of the Health and Safety Code, but who does not meet the required criteria in this section shall not qualify for the CARE process.

(c) The person is not clinically stabilized in on-going voluntary treatment.

(d) At least one of the following is true:

(1) The person is unlikely to survive safely in the community without supervision and the person's condition is substantially deteriorating.

(2) The person is in need of services and supports in order to prevent a relapse or deterioration that would be likely to result in grave disability or serious harm to the person or others, as defined in Section 5150.

(e) Participation in a CARE plan or CARE agreement would be the least restrictive alternative necessary to ensure the person's recovery and stability.

(f) It is likely that the person will benefit from participation in a CARE plan or CARE agreement.

5973.

(a) Proceedings under this part may be commenced in any of the following:

(1) The county in which the respondent resides.

(2) The county where the respondent is found.

(3) The county where the respondent is facing criminal or civil proceedings.

(b) If the respondent does not reside in the county in which proceedings are initiated under this subdivision, as determined in accordance with Section 244 of the Government Code, except as provided in subdivision (e) of Section 5982, and this part is operative in the respondent's county of residence, the proceeding shall, with the respondent's consent, be transferred to the county of residence as soon as reasonably feasible. Should the respondent not consent to the transfer, the proceedings shall continue in the county where the respondent was found.

5974.

The following adult persons may file a petition to initiate the CARE process:

(a) A person with whom the respondent resides.

(b) A spouse, parent, sibling, child, or grandparent or other individual who stands in loco parentis to the respondent.

- (c) The director of a hospital, or their designee, in which the respondent is hospitalized, including hospitalization pursuant to Section 5150 or 5250.
- (d) The director of a public or charitable organization, agency, or home, or their designee, who has, within the previous 30 days, provided or who is currently providing behavioral health services to the respondent or in whose institution the respondent resides.
- (e) A licensed behavioral health professional, or their designee, who is, or has been within the previous 30 days, either supervising the treatment of, or treating the respondent for a mental illness.
- (f) A first responder, including a peace officer, firefighter, paramedic, emergency medical technician, mobile crisis response worker, or homeless outreach worker, who has had repeated interactions with the respondent in the form of multiple arrests, multiple detentions and transportation pursuant to Section 5150, multiple attempts to engage the respondent in voluntary treatment, or other repeated efforts to aid the respondent in obtaining professional assistance.
- (g) The public guardian or public conservator, or their designee, of the county in which the respondent is present or reasonably believed to be present.
- (h) The director of a county behavioral health agency, or their designee, of the county in which the respondent resides or is found.
- (i) The director of county adult protective services, or their designee, of the county in which the respondent resides or is found.
- (j) The director of a California Indian health services program, California tribal behavioral health department, or their designee.
- (k) The judge of a tribal court that is located in California, or their designee.
- (l) The respondent.

5975.

The Judicial Council shall develop a mandatory form for use to file a CARE process petition with the court and any other forms necessary for the CARE process. The petition shall be signed under the penalty of perjury and contain all of the following:

- (a) The name of the respondent and, if known, the respondent's address.
- (b) The petitioner's relationship to the respondent.
- (c) Facts that support the petitioner's assertion that the respondent meets the CARE criteria in Section 5972.
- (d) Either of the following:

(1) An affidavit of a licensed behavioral health professional, stating that the licensed behavioral health professional or their designee has examined the respondent within 60 days of the submission of the petition, or has made multiple attempts to examine, but has not been successful in eliciting the cooperation of the respondent to submit to an examination, within 60 days of the petition, and that the licensed behavioral health professional had determined that the respondent meets, or has reason to believe, explained with specificity in the affidavit, that the respondent meets the diagnostic criteria for CARE proceedings.

(2) Evidence that the respondent was detained for a minimum of two intensive treatments pursuant to Article 4 (commencing with Section 5250) of Chapter 2 of Part 1, the most recent one within the previous 60 days.

5975.1.

Notwithstanding Section 391 of the Code of Civil Procedure, if a person other than the respondent files a petition for CARE Act proceedings that is without merit or is intended to harass or annoy the respondent, and the person has previously filed a pleading in CARE Act proceedings that was without merit or was intended to harass or annoy the respondent, the petition shall be grounds for the court to determine that the person is a vexatious litigant for the purposes of Title 3A (commencing with Section 391) of Part 2 of the Code of Civil Procedure.

5976.

The respondent shall:

- (a) Receive notice of the hearings.
- (b) Receive a copy of the court-ordered evaluation.
- (c) Be entitled to be represented by counsel at all stages of a proceeding commenced under this chapter, regardless of the ability to pay.
- (d) Be allowed to have a supporter, as described in Section 5982.
- (e) Be present at the hearing unless the respondent waives the right to be present.
- (f) Have the right to present evidence.
- (g) Have the right to call witnesses.
- (h) Have the right to cross-examine witnesses.
- (i) Have the right to appeal decisions, and to be informed of the right to appeal.

5976.5.

- (a) Notwithstanding any other law, and except as otherwise provided in this section, a hearing held under this part is presumptively closed to the public.
- (b) The respondent may demand that the hearing be public and be held in a place suitable for attendance by the public.
- (c) The respondent may request the presence of any family member or friend without waiving the right to keep the hearing closed to the rest of the public.
- (d) A request by any other party to the proceeding to make the hearing public may be granted if the judge conducting the hearing finds that the public interest in an open hearing clearly outweighs the respondent's interest in privacy.
- (e) All reports, evaluations, diagnoses, or other information related to the respondent's health shall be confidential.
- (f) Before commencing a hearing, the judge shall inform the respondent of their rights under this section.

5977.

- (a) (1) The court shall promptly review the petition to determine if the petitioner has made a prima facie showing that the respondent is, or may be, a person described in Section 5972.
- (2) If the court finds that the petitioner has not made a prima facie showing that the respondent is, or may be, a person described in Section 5972, the court may dismiss the case without prejudice subject to consideration of Section 5975.1.
- (3) If the court finds that the petitioner has made a prima facie showing that the respondent is, or may be, a person described in Section 5972, the court shall do one of the following:
 - (A) If the petitioner is the director of a county behavioral health agency, or their designee, the court shall do the following:
 - (i) Set the matter for an initial appearance on the petition within 14 court days.
 - (ii) Appoint a qualified legal services project, as defined in Sections 6213 to 6214.5, inclusive, of the Business and Professions Code, to represent the respondent. If no legal services project has agreed to accept these appointments, a public defender shall be appointed to represent the respondent. Unless replaced by respondent's own counsel, appointed counsel shall represent the respondent in any proceeding under this part, and shall represent the individual, as needed, in matters related to CARE agreements and CARE plans, including appeals.
 - (iii) Determine if the petition includes all of the following information, or order the county to submit a report within 14 court days that addresses all the following:

(I) A determination as to whether the respondent meets, or is likely to meet, the criteria for the CARE process.

(II) The outcome of efforts made to voluntarily engage the respondent prior to the filing of the petition.

(III) Conclusions and recommendations about the respondent's ability to voluntarily engage in services.

(iv) Order the county behavioral health director or their designee to provide notice to the respondent, the appointed counsel, and the county behavioral health agency in the county where the respondent resides, if different from the county where the CARE process has commenced.

(B) If the petitioner is a person other than the director of a county behavioral health agency, or their designee, the court shall order a county agency, or their designee, as determined by the court, to investigate, as necessary, and file a written report with the court within 14 court days and provide notice to the respondent and petitioner that a report has been ordered. The written report shall include all of the following:

(i) A determination as to whether the respondent meets, or is likely to meet, the criteria for the CARE process.

(ii) The outcome of efforts made to voluntarily engage the respondent during the 14-day report period.

(iii) Conclusions and recommendations about the respondent's ability to voluntarily engage in services.

(4) If, upon a request by the county, the court finds that the county agency is making progress to engage the respondent, the court may, in its discretion, grant the county no more than 30 additional days to continue to work with, engage, and enroll the individual in voluntary treatment and services. The county shall provide notice to the respondent and petitioner that an extension for filing a report has been granted.

(5) Upon receipt of the report described in subparagraph (B) of paragraph (3), the court shall, within five days, take one of the following actions:

(A) If the court determines that voluntary engagement with the respondent is effective, and that the individual has enrolled or is likely to enroll in voluntary behavioral health treatment, the court shall dismiss the matter.

(B) If the court determines that county's report does not support the petition's prima facie showing that the respondent is a person described in Section 5972, the court shall dismiss the matter. This section shall not prevent a county behavioral health agency from continuing to

voluntarily engage with individuals who do not meet CARE criteria, but who are in need of services and supports.

(C) If the court determines that county's report does support the petition's prima facie showing that the respondent is, or may be, a person described in Section 5972, and engagement with the county was not effective, the court shall do all of the following:

(i) Set an initial appearance on the petition within 14 court days.

(ii) Appoint a qualified legal services project, as defined in Sections 6213 to 6214.5, inclusive, of the Business and Professions Code or, if no legal services project has agreed to accept these appointments, a public defender to represent the respondent for all purposes related to this part, including appeals, unless the respondent has retained their own counsel. Unless replaced by respondent's own counsel, appointed counsel shall represent the respondent in any proceeding under this part, and shall represent the individual, as needed, in matters related to CARE agreements and CARE plans.

(iii) Order the county to provide notice of the hearing to the petitioner, the respondent, the appointed counsel, the county behavioral health agency in the county where the respondent resides, and, if different, the county where the CARE court proceedings have commenced.

(b) At the initial appearance on the petition, all of the following shall apply:

(1) The court shall permit the respondent to substitute their own counsel.

(2) Petitioner shall be present. If the petitioner is not present, the matter may be dismissed.

(3) Respondent may waive personal appearance and appear through counsel. If the respondent does not waive personal appearance and does not appear at the hearing, and the court makes a finding on the record that reasonable attempts to elicit the attendance of the respondent have failed, the court may conduct the hearing in the respondent's absence if the court makes a finding on the record that conducting the hearing without the participation or presence of the respondent would be in the respondent's best interest.

(4) A representative from the county behavioral health agency shall be present.

(5) A supporter may be appointed.

(6) If the respondent self-identifies that they are enrolled in a federally recognized Indian tribe or otherwise receiving services from an Indian health care provider, a tribal court, or a tribal organization, a representative from the program, the tribe, or the tribal court shall be allowed to be present, subject to the consent of the respondent. The tribal representative shall be entitled to notice by the county of the initial appearance.

(7) (A) If the petitioner is a person described in Section 5974 other than the director of a county behavioral health agency, or their designee, the court shall issue an order relieving the

petitioner and appointing the director of the county behavioral health agency or their designee as the substitute petitioner.

(B) If the petitioner who is relieved pursuant to this paragraph is described in subdivision (a) or (b) of Section 5974, all of the following apply:

(i) The petitioner shall have the right to participate in the initial hearing to determine the merits of the petition, pursuant to subparagraphs (A) and (B) of paragraph (8).

(ii) The court may, in its discretion, assign ongoing rights of notice.

(iii) The court may, additionally, allow for participation and engagement in the respondent's CARE proceedings if the respondent consents.

(iv) The petitioner may file a new petition with the court, pursuant to Section 5974, if the matter is dismissed and there is a change in circumstances.

(C) If the petitioner who is relieved pursuant this paragraph is described in Section 5974, other than persons described in subparagraph (a) or (b) of that section, the court shall not assign ongoing rights to the entity that originally filed the CARE petition, other than the right to make a statement at the hearing on the merits of the petition as provided in subparagraphs (A) and (B) of paragraph (8).

(8) (A) The court shall set a hearing on the merits of the petition within 10 days, at which time the court shall determine by clear and convincing evidence if the respondent meets the CARE criteria in Section 5972. In making this determination, the court shall consider all evidence properly before it, including the report from the county required pursuant to paragraph (3) of subdivision (a) and any additional evidence presented by the parties, including the petition submitted by the petitioner who is relieved.

(B) The hearing on the merits of the petition may be conducted concurrently with the initial appearance on the petition upon stipulation of the petitioner and respondent and agreement by the court.

(c) (1) If, at the hearing on the merits of the petition, the court finds, by clear and convincing evidence, that the respondent does not meet the CARE criteria in Section 5972, the court shall dismiss the case without prejudice, unless the court makes a finding, on the record, that the initial petitioner's filing was not in good faith.

(2) If, at the hearing on the merits of the petition, the court finds that the petitioner has shown by clear and convincing evidence that the respondent meets the CARE criteria in Section 5972, the court shall order the county behavioral health agency to work with the respondent, the respondent's counsel, and the supporter to engage in behavioral health treatment and determine if the parties will be able to enter into a CARE agreement. The court shall set a case management hearing within 14 days.

(3) If the respondent is enrolled in a federally recognized Indian tribe, the respondent shall provide notice of the case management hearing to the tribe, subject to the consent of the respondent.

5977.1.

(a) (1) At the case management hearing, the court shall hear evidence as to whether the parties have entered, or are likely to enter, into a CARE agreement.

(2) If the court finds that the parties have entered, or are likely to enter, into a CARE agreement, the court shall do both of the following:

(A) Approve the terms of the CARE agreement or modify the terms of the CARE agreement and approve the agreement as modified by the court.

(B) Continue the matter and set a progress hearing for 60 days.

(b) If the court finds that the parties have not entered into a CARE agreement, and are not likely to enter into a CARE agreement, the court shall order the county behavioral health agency, through a licensed behavioral health professional, to conduct a clinical evaluation of the respondent, unless there is an existing clinical evaluation of the respondent completed within the last 30 days and the parties stipulate to the use of that evaluation. The evaluation shall address, at a minimum, the following:

(1) A clinical diagnosis of the respondent.

(2) Whether the respondent has the legal capacity to give informed consent regarding psychotropic medication.

(3) Any other information as ordered by the court or that the licensed behavioral health professional conducting the evaluation determines would help the court make future informed decisions about the appropriate care and services the respondent should receive.

(4) An analysis of recommended services, programs, housing, medications, and interventions that support the recovery and stability of the respondent.

(c) (1) The court shall set a clinical evaluation hearing to review the evaluation within 21 days. The court shall order the county to file the evaluation with the court and provide the evaluation to the respondent's counsel no later than five days prior to the scheduled clinical evaluation hearing. The clinical evaluation hearing may be continued for a maximum of 14 days upon stipulation of the respondent and the county behavioral health agency, unless there is good cause for a longer extension.

(2) At the clinical evaluation review hearing, the court shall review the evaluation and any other evidence from the county behavioral health agency and the respondent. The county behavioral health agency and the respondent may present evidence and call witnesses, including the

person who conducted the evaluation. Only relevant and admissible evidence that fully complies with the rules of evidence may be considered by the court.

(3) At the conclusion of the hearing, the court shall make orders as follows:

(A) If the court finds by clear and convincing evidence, after review of the evaluation and other evidence, that the respondent meets the CARE criteria, the court shall order the county behavioral health agency, the respondent, and the respondent's counsel and supporter to jointly develop a CARE plan within 14 days.

(B) If the court finds, in reviewing the evaluation, that clear and convincing evidence does not support that the respondent meets the CARE criteria, the court shall dismiss the petition.

(4) If the respondent is a self-identified American Indian or Alaska Native individual, as defined in Sections 1603(13), 1603(28), and 1679(a) of Title 25 of the United States Code, has been determined eligible as an Indian under Section 136.12 of Title 42 of the Code of Federal Regulations, or is otherwise receiving services from an Indian health care provider or tribal court, the county behavioral health agency shall use best efforts to meaningfully consult with and incorporate the Indian health care provider or tribal court available to the respondent to develop the CARE plan.

(5) The evaluation and all reports, documents, and filings submitted to the court shall be confidential.

(6) The date for the hearing to review and consider approval of the proposed CARE plan shall be set not more than 14 days from the date of the order to develop a CARE plan, unless the court finds good cause for an extension. The party requesting an extension of time for the CARE plan review hearing shall provide notice to the opposing party and their counsel of the request for extension of time, and the court's order if the request is granted.

(d) (1) At the CARE plan review hearing, the parties shall present their plans to the court. The county behavioral health agency or the respondent, or both, may present a proposed CARE plan.

(2) After consideration of the plans proposed by the parties, the court shall adopt the elements of a CARE plan that support the recovery and stability of the respondent. The court may issue any orders necessary to support the respondent in accessing appropriate services and supports, including prioritization for those services and supports, subject to applicable laws and available funding pursuant to Section 5982. These orders shall constitute the CARE plan.

(3) A court may order medication if it finds, upon review of the court-ordered evaluation and hearing from the parties, that, by clear and convincing evidence, the respondent lacks the capacity to give informed consent to the administration of medically necessary stabilization medication. To the extent the court orders medically necessary stabilization medication, the medication shall not be forcibly administered and the respondent's failure to comply with a

medication order shall not result in a penalty, including, but not limited to, contempt or termination of the CARE plan pursuant to Section 5979.

(4) If the proposed CARE plan includes services and supports, such as housing, provided directly or indirectly through another local governmental entity, that local entity may agree to provide the service or support, or the court may consider a motion by either of the parties to add the local entity as a party to the CARE proceeding. If the local entity agrees to provide the service or support, it may request to be added as a party by the court.

(5) If, after presentation of the CARE plan or plans, the court determines that additional information is needed, including from a licensed behavioral health professional, the court shall order a supplemental report to be filed by the county behavioral health agency for which the court may grant a continuance of no more than 14 days, unless there is good cause for a longer extension.

(6) If there is no CARE plan because the parties have not had sufficient time to complete it, the court may grant a continuance of no more than 14 days, unless there is good cause for a longer extension.

(e) The issuance of an order approving a CARE plan pursuant to paragraph (2) of subdivision (d) begins the CARE process timeline, which shall not exceed one year.

5977.2.

(a) (1) At intervals set by the court, but not less frequently than 60 days after the court orders the CARE plan, the court shall hold a status review hearing. The county behavioral health agency shall file with the court and serve on the respondent, and the respondent's counsel and supporter, a report not fewer than five court days prior to the review hearing with the following information:

(A) Progress the respondent has made on the CARE plan.

(B) What services and supports in the CARE plan were provided, and what services and supports were not provided.

(C) Any issues the respondent expressed or exhibited in adhering to the CARE plan.

(D) Recommendations for changes to the services and supports to make the CARE plan more successful.

(2) The respondent shall be permitted to respond to the report submitted by the county behavioral health agency and to the county behavioral health agency's testimony. The respondent shall be permitted to introduce their own information and recommendations.

(3) Subject to applicable law, intermittent lapses or setbacks described in this section of the report shall not impact access to services, treatment, or housing.

(b) The county behavioral health agency or the respondent may request, or the court upon its own motion may set, a hearing to occur at any time during the CARE process to address a change of circumstances.

5977.3.

(a) (1) In the 11th month of the program timeline, the court shall hold a one-year status hearing. Not fewer than five court days prior to the one-year status hearing, the county behavioral health agency shall file a report with the court and shall serve the report on the respondent and the respondent's counsel and supporter. The report shall include the following information:

(A) Progress the respondent has made on the CARE plan including a final assessment of the respondent's stability.

(B) What services and supports in the CARE plan were provided, and what services and supports were not provided, over the life of the program.

(C) Any issues the respondent expressed or exhibited in adhering to the CARE plan.

(D) Recommendations for next steps, including what ongoing and additional services would benefit the respondent that the county behavioral health agency can facilitate or provide.

(2) At an evidentiary hearing, the respondent shall be permitted to respond to the report submitted by the county behavioral health agency and to the county behavioral health agency's testimony. Respondent shall be permitted to introduce their own information and recommendations. The respondent shall have the right at the hearing to call witnesses and to present evidence as to whether the respondent agrees with the report. The respondent may request either to be graduated from the program or to remain in the program.

(3) The court shall issue an order as follows:

(A) If the respondent elects to be graduated from the program, the court shall order the county behavioral health agency and the respondent to work jointly on a graduation plan. The court shall schedule a hearing in the 12th month after adoption of the CARE plan for presentation of the graduation plan. The court shall review the voluntary graduation plan and recite the terms on the record. The graduation plan shall not place additional requirements on local government entities and is not enforceable by the court, except that the graduation plan may, at respondent's election, include a psychiatric advance directive, which shall have the force of law. Upon completion of the hearing, the respondent shall be officially graduated from the program.

(B) If the respondent elects to remain in the CARE process, respondent may request any amount of time, up to and including one additional year. The court may permit the ongoing voluntary participation of the respondent if the court finds both of the following:

(i) The respondent did not successfully complete the CARE plan.

(ii) The respondent would benefit from continuation of the CARE plan.

(C) The court shall issue an order permitting the respondent to continue in the CARE plan or denying respondent's request to remain in the CARE plan, and state its reasons on the record.

(b) The respondent may be involuntarily reappointed to the program only if the court finds, by clear and convincing evidence, that all of the following conditions apply:

(1) The respondent did not successfully complete the CARE process.

(2) All services and supports required through the CARE process were provided to the respondent.

(3) The respondent would benefit from continuation in the CARE process.

(4) The respondent currently meets the requirements in Section 5972.

(c) A respondent may only be reappointed to the CARE process once, for up to one additional year.

5977.4.

(a) In all CARE Act proceedings, the judge shall control the proceedings during the hearings with a view to the expeditious and effective ascertainment of the jurisdictional facts and the ascertainment of all information relative to the present condition and future welfare of the respondent. Except when there is a contested issue of fact or law, the proceedings shall be conducted in an informal nonadversarial atmosphere with a view to obtaining the maximum cooperation of the respondent, all persons interested in the respondent's welfare, and all other parties, with any provisions that the court may make for the disposition and care of the respondent. All evaluations and reports, documents, and filings submitted to the court pursuant to CARE Act proceedings shall be confidential.

(b) The hearings described in this chapter shall occur in person unless the court, in its discretion, allows a party or witness to appear remotely through the use of remote technology. The respondent shall have the right to be in person for all hearings.

(c) Consistent with its constitutional rulemaking authority, the Judicial Council shall adopt rules to implement the policies and provisions in this section and in Sections 5977, 5977.1, 5977.2, and 5977.3 to promote statewide consistency, including, but not limited to, what is included in the petition form packet, the clerk's review of the petition, and the process by which counsel will be appointed.

5978.

(a) A court may refer an individual from assisted outpatient treatment, as well as from conservatorship proceedings pursuant Chapter 3 (commencing with Section 5350) of Part 1 of Division 5 (LPS conservatorship) to CARE Act proceedings. If the individual is being referred

from assisted outpatient treatment, the county behavioral health director or their designee shall be the petitioner. If the individual is being referred from LPS conservatorship proceedings, the conservator shall be the petitioner pursuant to Section 5974.

(b) A court may refer an individual from misdemeanor proceedings pursuant to Section 1370.01 of the Penal Code.

CHAPTER 3. Accountability

5979.

(a) (1) If, at any time during the proceedings, the court determines by clear and convincing evidence that the respondent is not participating in the CARE process, after the respondent receives notice, or is not adhering to their CARE plan, after the respondent receives notice, the court may terminate the respondent's participation in the CARE process.

(2) To ensure the respondent's safety, the court may utilize existing legal authority pursuant to Article 2 (commencing with Section 5200) of Chapter 2 of Part 1. The court shall provide notice to the county behavioral health agency and the Office of the Public Conservator and Guardian if the court utilizes that authority.

(3) If the respondent was timely provided with all of the services and supports required by the CARE plan, the fact that the respondent failed to successfully complete their CARE plan, including reasons for that failure, shall be a fact considered by the court in a subsequent hearing under the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000)), provided that the hearing occurs within six months of the termination of the CARE plan and shall create a presumption at that hearing that the respondent needs additional intervention beyond the supports and services provided by the CARE plan.

(4) The respondent's failure to comply with an order shall not result in a penalty outside of this section, including, but not limited to, contempt or a failure to appear.

(5) The respondent's failure to comply with a medication order shall not result in any penalty, including under this section.

(b) (1) If, at any time during the CARE process, the court finds that the county or other local government entity is not complying with court orders, the court shall report that finding to the presiding judge of the superior court or their designee.

(2) (A) The presiding judge or their designee shall issue an order to show cause why the local government entity should not be fined as set forth in this section. The time set for hearing shall be no earlier than 15 days after the date of the order. The scheduled date of the hearing shall allow adequate time for notice of the hearing to be served upon the local government entity.

(B) The presiding judge, or their designee, shall consider the matter on the record established at the hearing. If the presiding judge or their designee finds, by clear and convincing evidence,

that the local government entity has substantially failed to comply with this part, or with lawful orders issued by a court under this part, the presiding judge or their designee may issue an order imposing a fine under this section.

(C) A fine under this section shall be in an amount of up to one thousand dollars (\$1,000) per day, not to exceed \$25,000 for each individual violation identified in the order imposing fines.

(D) (i) Funds collected pursuant to this subdivision shall be deposited in the CARE Act Accountability Fund, which is hereby created in the State Treasury. Upon appropriation, the department shall administer the funds annually, and shall issue guidance, as necessary, to local government entities, pursuant to subdivision (b) of Section 5984, regarding the distribution and conditions associated with the administered funds.

(ii) All moneys in the fund shall be allocated and distributed to the local government entity that paid the fines, to be used by that entity to serve individuals who have schizophrenia spectrum or other psychotic disorders and who are experiencing, or are at risk of, homelessness, criminal justice involvement, hospitalization, or conservatorship.

(3) If, after notice and hearing as set forth in paragraph (2), the presiding judge or their designee finds, by clear and convincing evidence, that the local government entity is persistently noncompliant with this part, or with lawful orders issued by a court under this part, the presiding judge or their designee may appoint a special master to secure court-ordered care for the respondent at the local government entity's cost. The presiding judge, or their designee, shall not make an order under this paragraph unless they have received five or more reports under paragraph (1) pertaining to the same local government entity within a one-year period.

(4) In determining the application of the remedies available under this section, the court shall consider whether there are any mitigating circumstances impairing the ability of the local government entity to fully comply with the requirements of this part, or with court orders issued under this part. The court may consider whether the local government entity is making a good faith effort to come into substantial compliance or is facing substantial undue hardships.

(c) Either the respondent or the county behavioral health agency may appeal an adverse court determination.

CHAPTER 4. Supporter and Counsel

5980.

(a) Subject to appropriation, the department, in consultation with disability rights groups, county behavioral health and aging agencies, individuals with lived expertise, families, racial justice experts, and other appropriate stakeholders, shall provide optional training and technical resources for volunteer supporters on the CARE process, community services and supports, supported decisionmaking, people with behavioral health conditions, trauma-informed care, family psychoeducation, and psychiatric advance directives. The department

may consult with other state and national public and nonprofit agencies and organizations and the Judicial Council to align supported decisionmaking training with best practices for persons with mental illnesses, intellectual and developmental disabilities, other disabilities, and older adults. The department may enter into a technical assistance and training agreement for this purpose, pursuant to Section 5984.

(b) The supporter shall do all of the following:

(1) Offer the respondent a flexible and culturally responsive way to maintain autonomy and decisionmaking authority over their own life by developing and maintaining voluntary supports to assist them in understanding, making, communicating, and implementing their own informed choices.

(2) Strengthen the respondent's capacity to engage in and exercise autonomous decisionmaking and prevent or remove the need to use more restrictive protective mechanisms, such as conservatorship.

(3) Assist the respondent with understanding, making, and communicating decisions and expressing preferences throughout the CARE process.

5981.

(a) Notwithstanding any other provision of this part, the respondent may have a supporter present in any meeting, judicial proceeding, status hearing, or communication related to any of the following:

(1) An evaluation.

(2) Development of a CARE agreement or CARE plan.

(3) Establishing a psychiatric advance directive.

(4) Development of a graduation plan.

(b) A supporter is intended to do all the following:

(1) Support the will and preferences of the respondent to the best of their ability and to the extent reasonably possible.

(2) Respect the values, beliefs, and preferences of the respondent.

(3) Act honestly, diligently, and in good faith.

(4) Avoid, to the greatest extent possible, and disclose to the court, the respondent, and the respondent's counsel, minimize, and manage, conflicts of interest. A court may remove a supporter because of any conflict of interest with the respondent, and shall remove the supporter if the conflict cannot be managed in such a way to avoid any possible harm to the respondent.

(c) Unless explicitly authorized by the respondent with capacity to make that authorization, a supporter shall not do either of the following:

(1) Make decisions for, or on behalf of, the respondent, except when necessary to prevent imminent bodily harm or injury.

(2) Sign documents on behalf of the respondent.

(d) In addition to the obligations in this section, a supporter shall be bound by all existing obligations and prohibitions otherwise applicable by law that protect people with disabilities and the elderly from fraud, abuse, neglect, coercion, or mistreatment. This section does not limit a supporter's civil or criminal liability for prohibited conduct against the respondent, including liability for fraud, abuse, neglect, coercion, or mistreatment, including liability under the Elder Abuse and Dependent Adult Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9), including, but not limited to, Sections 15656 and 15657.

(e) The supporter shall not be subpoenaed or called to testify against the respondent in any proceeding relating to this part, and the supporter's presence at any meeting, proceeding, or communication shall not waive confidentiality or any privilege.

5981.5.

(a) The Legal Services Trust Fund Commission at the State Bar shall provide funding to qualified legal services projects, as defined in Sections 6213 to 6214.5, inclusive, of the Business and Professions Code, to be used to provide legal counsel appointed pursuant to subdivision (c) of Section 5976, for representation in CARE Act proceedings, matters related to CARE agreements and CARE plans, and to qualified support centers, as defined in subdivision (b) of Section 6213 of, and Section 6215 of, the Business and Professions Code, for training, support, and coordination.

(b) For purposes of implementing this part, the Legal Services Trust Fund Commission may enter into exclusive or nonexclusive contracts, or amend existing contracts, on a bid or negotiated basis, or award grants, provided that they make a finding that both of the following are satisfied:

(1) The state agency will retain control over the distribution of funds to the contractor or grantee.

(2) The contract or grant includes provisions to ensure transparency, accountability, and oversight in delivering the services, including measurement of outcomes established pursuant to Sections 5984, 5985, and 5986.

CHAPTER 5. CARE Plan

5982.

(a) The CARE plan may include only the following:

(1) Behavioral health services funded through the 1991 and 2011 Realignment, Medi-Cal behavioral health, health care plans and insurers, and services supported by the Mental Health Services Act pursuant to Part 3 (commencing with Section 5800).

(2) Medically necessary stabilization medications, to the extent not described in paragraph (1).

(3) Housing resources funded through the No Place Like Home Program (Part 3.9 (commencing with Section 5849.1) of Division 5 of the Welfare and Institutions Code); California Housing Accelerator (Chapter 6.6 (commencing with Section 50672) of Part 2 of Division 31 of the Health and Safety Code); the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675) of Part 2 of Division 31 of the Health and Safety Code); the Homeless Housing, Assistance, and Prevention Program (Chapter 6 (commencing with Section 50216) of Part 1 of Division 31 of the Health and Safety Code); the Encampment Resolution Funding Program (Chapter 7 (commencing with Section 50250) of Part 1 of Division 31 of the Health and Safety Code); the Project Roomkey and Rehousing Program pursuant to Provision 22 of Item 5180-151-0001 of the Budget Act of 2021 (Ch. 21, Stats. 2021); the Community Care Expansion Program (Chapter 20 (commencing with Section 18999.97) of Part 6 of Division 9 of the Welfare and Institutions Code); the CalWORKs Housing Support Program (Article 3.3 (commencing with Section 11330) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code); the CalWORKs Homeless Assistance pursuant to clause (i) of subparagraph (A) of paragraph (2) of subdivision (f) of Section 11450 of Article 6 of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code; the Housing and Disability Advocacy Program (Chapter 17 (commencing with Section 18999) of Part 6 of Division 9 of the Welfare and Institutions Code); the Home Safe Program (Chapter 14 (commencing with Section 15770) of Part 3 of Division 9 of the Welfare and Institutions Code); the Bringing Families Home Program (Article 6 (commencing with Section 16523) of Chapter 5 of Part 4 of Division 9 of the Welfare and Institutions Code); the Transitional Housing Placement program for nonminor dependents (Article 4 (commencing with Section 16522) of Chapter 5 of Part 4 of Division 9 of the Welfare and Institutions Code); the Transitional Housing Program-Plus pursuant to subdivision (s) of Section 11400 and paragraph (2) of subdivision (a) of Section 11403.2 of Article 5 of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code and Article 4 (commencing with Section 16522) of Chapter 5 of Part 4 of Division 9 of the Welfare and Institutions Code; the Behavioral Health Continuum Infrastructure Program (Chapter 1 (commencing with Section 5960) of Part 7 of Division 5 of the Welfare and Institutions Code); the Behavioral Health Bridge Housing Program; HUD-Veterans Affairs Supportive Housing Program (Section 8(o)(19) of the United States Housing Act of 1937 [42 U.S.C. Section 1437f(o)(19)]); Supportive Services for Veteran Families (Section 604 of the Veterans' Mental Health and Other Care Improvements Act of 2008 [38 U.S.C. Sec. 2044]); HUD Continuum of Care program (Section 103 of the McKinney-Vento Homeless Assistance Act [42 U.S.C. Sec. 11302]); the Emergency Solutions Grant (Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act [42 U.S.C. Secs. 11371-11378]); HUD Housing Choice Voucher program

(Section 8 of the United States Housing Act of 1937 [42 U.S.C. Sec. 1437f]); the Emergency Housing Vouchers (Section 3202 of the American Rescue Plan Act of 2021 [Public Law 117-2]; Section 8(o) of the United States Housing Act of 1937 [42 U.S.C. Sec. 1437f(o)]); HOME Investment Partnerships Program (Title II of the Cranston-Gonzalez National Affordable Housing Act [42 U.S.C. Sec. 12721 et seq.]); the Community Development Block Grant Program (Title 1 of the Housing and Community Development Act of 1974 [42 U.S.C. Sec. 5301 et seq.]); housing supported by the Mental Health Services Act pursuant to Part 3 (commencing with Section 5800); community development block grants; and other state and federal housing resources.

(4) Social services funded through Supplemental Security Income/State Supplementary Payment (SSI/SSP), Cash Assistance Program for Immigrants (CAPI), CalWORKs, California Food Assistance Program, In-Home Supportive Services program, and CalFresh.

(5) Services provided pursuant to Part 5 (commencing with Section 17000) of Division 9.

(b) Individuals who are CARE process participants shall be prioritized for any appropriate bridge housing funded by the Behavioral Health Bridge Housing program.

(c) If the county behavioral health agency elects not to enroll the respondent into a full service partnership, as defined in Section 3620 of Title 9 of the California Code of Regulations, the court may request information on the reasons for this and any barriers to enrollment.

(d) All CARE plan services and supports ordered by the court are subject to available funding and all applicable federal and state statutes and regulations, contractual provisions, and policy guidance governing initial and ongoing program eligibility. In addition to the resources funded through programs listed in subdivision (a), the State Department of Health Care Services may identify other adjacent covered Medi-Cal services, including, but not limited to, enhanced care management and available community supports, which may be suggested, although not ordered, by the court, subject to all applicable federal and state statutes, regulations, contractual provisions, and policy guidance.

(e) This section does not prevent a county or other local government entity from recommending their own services that are their own responsibility not listed in subdivision (a) or (c). Any such recommendation is not required by this section and shall be made at the request of the county for the purposes of Section 6 of Article XIII B, and Sections 6 and 36 of Article XIII of the California Constitution.

(f) (1) For respondents who are Medi-Cal beneficiaries, the county in which the respondent resides is the county of responsibility as defined in Section 1810.228 of Title 9 of the California Code of Regulations.

(2) If a proceeding commences in a county where the respondent is found or is facing criminal or civil proceedings that is different than the county in which the respondent resides, the county in which the respondent is found or is facing criminal or civil proceedings shall not delay

proceedings under this part and is the responsible county behavioral health agency for providing or coordinating all components of the CARE agreement or CARE plan.

(3) The county in which the respondent resides, as defined in paragraph (1), shall be responsible for the costs of providing all CARE agreement or CARE plan behavioral health services, as defined in paragraph (1) of subdivision (a).

(4) In the event of a dispute over responsibility for any costs of providing components of the CARE agreement or CARE plan, the impacted counties shall resolve the dispute in accordance with the arbitration process established in Section 1850.405 of Title 9 of the California Code of Regulations for county mental health plans, including for respondents who are not Medi-Cal beneficiaries, and pursuant to any related guidance issued pursuant to subdivision (b) of Section 5984.

CHAPTER 6. Technical Assistance and Administration

5983.

(a) The California Health and Human Services Agency, or a designated department within the agency, shall do both of the following:

(1) Engage an independent, research-based entity, as described in Section 5986, to advise on the development of data-driven process and outcome measures to guide the planning, collaboration, reporting, and evaluation of the CARE Act pursuant to this part.

(2) Convene a working group to provide coordination and on-going engagement with, and support collaboration among, relevant state and local partners and other stakeholders throughout the phases of county implementation to support the successful implementation of the CARE Act. The working group shall meet no more than quarterly. The working group shall meet during the implementation and shall end no later than December 31, 2026.

(b) The department shall provide training and technical assistance to county behavioral health agencies to support the implementation of this part, including training regarding the CARE process, CARE agreement and plan services and supports, supported decisionmaking, the supporter role, trauma-informed care, elimination of bias, psychiatric advance directives, family psychoeducation, and data collection.

(c) The Judicial Council, in consultation with the department, other relevant state entities, and the County Behavioral Health Directors Association, shall provide training and technical assistance to judges to support the implementation of this part, including training regarding the CARE process, CARE agreement and plan services and supports, working with the supporter, supported decisionmaking, the supporter role, the family role, trauma-informed care, elimination of bias, best practices, and evidence-based models of care for people with severe behavioral health conditions.

(d) The department, in consultation with other relevant state departments and the California Interagency Council on Homelessness, shall provide training to counsel regarding the CARE process and CARE agreement and plan services and supports.

5984.

(a) For purposes of implementing this part, the California Health and Human Services Agency and the department may enter into exclusive or nonexclusive contracts, or amend existing contracts, on a bid or negotiated basis. Contracts entered into or amended pursuant to this part shall be exempt from Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, Section 19130 of the Government Code, Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, and the State Administrative Manual, and shall be exempt from the review or approval of any division of the Department of General Services.

(b) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the California Health and Human Services Agency and the department may implement, interpret, or make specific this part, in whole or in part, by means of plan letters, information notices, provider bulletins, or other similar instructions, without taking any further regulatory action.

5985.

(a) The department shall develop, in consultation with county behavioral health agencies, other relevant state or local government entities, disability rights groups, individuals with lived experience, families, counsel, racial justice experts, and other appropriate stakeholders, an annual CARE Act report. The department shall post the annual report on its internet website.

(b) County behavioral health agencies and any other state or local governmental entity, as identified by the department, shall provide data related to the CARE Act participants, services, and supports to the department. The department shall determine the data measures and specifications, and shall publish them via guidance issues pursuant to subdivision (b) of Section 5984.

(c) Each county behavioral health department and any other state and local governmental entity, as identified by the department, shall provide the required data to the department, in a format and frequency as directed by the department.

(d) (1) In consultation with the Judicial Council, the department shall develop an annual reporting schedule for the submission of CARE Act data from the trial courts.

(2) Data from the trial courts shall be submitted to the Judicial Council, which shall aggregate the data and submit it to the department consistent with the reporting schedule developed pursuant to paragraph (1).

(3) On an annual basis to be determined by the Judicial Council and consistent with the annual reporting schedule developed pursuant to paragraph (1), the trial courts shall report to the Judicial Council the following data related to CARE Act petitions:

(A) The number of petitions submitted pursuant to Section 5975.

(B) The number of initial appearances on the petition set pursuant to paragraph (3) of subdivision (a) of Section 5977.

(C) The total number of hearings held pursuant to this part.

(e) The annual report shall include process measures to examine the scope of impact and monitor the performance of CARE Act model implementation. The report shall include, at a minimum, all of the following:

(1) The demographics of participants, including, but not limited to, the age, sex, race, ethnicity, disability, languages spoken, sexual orientation, gender identity, housing status, veteran status, immigration status, health coverage status, including Medi-Cal enrollment status, and county of residence, to the extent statistically relevant data is available.

(2) The services and supports ordered, the services and supports provided, and the services and supports ordered but not provided.

(3) The housing placements of all participants during the program and at least one year following the termination of the CARE plan, to the extent administrative data are available to report the latter. Placements include, but are not limited to, transition to a higher level of care, independent living in the person's own house or apartment, community-based housing, community-based housing with services, shelter, and no housing.

(4) Treatments continued and terminated at least one year following termination of the CARE plan, to the extent administrative data are available.

(5) Substance use disorder rates and rates of treatment among active CARE plan participants and former participants at least one year following termination of the CARE plan, to the extent administrative data are available to report the latter.

(6) Detentions and other Lanterman-Petris-Short Act involvement for participants with an active CARE plan and for former participants at least one year following termination of the CARE plan, to the extent administrative data are available to report the latter.

(7) Criminal justice involvement of participants with an active CARE plan and for former participants at least one year following termination of the CARE plan, to the extent administrative data are available to report the latter.

(8) Deaths among active participants and for former participants at least one year following termination of the CARE plan, along with causes of death, to the extent administrative data are available.

(9) The number, rates, and trends of petitions resulting in dismissal and hearings.

(10) The number, rates, and trends of supporters.

(11) The number, rates, and trends of voluntary CARE agreements.

(12) The number, rates, and trends of ordered and completed CARE plans.

(13) Statistics on the services and supports included in CARE plans, including court orders for stabilizing medications.

(14) The rates of adherence to medication.

(15) The number, rates, and trends of psychiatric advance directives created for participants with active CARE plans.

(16) The number, rates, and trends of developed graduation plans.

(17) Outcome measures to assess the effectiveness of the CARE Act model, such as improvement in housing status, including gaining and maintaining housing, reductions in emergency department visits and inpatient hospitalizations, reductions in law enforcement encounters and incarceration, reductions in involuntary treatment and conservatorship, and reductions in substance use.

(18) A health equity assessment of the CARE Act to identify demographic disparities based on demographic data in paragraph (1), and to inform disparity reduction efforts.

(f) (1) The report shall include, at a minimum, information on the effectiveness of the CARE Act model in improving outcomes and reducing disparities, homelessness, criminal justice involvement, conservatorships, and hospitalization of participants. The annual report shall include process measures to examine the scope of impact and monitor the performance of CARE Act model implementation, such as the number and source of petitions filed for CARE Court; the number, rates, and trends of petitions resulting in dismissal and hearings; the number, rates, and trends of supporters; the number, rates, and trends of voluntary CARE agreements; the number, rates, and trends of ordered and completed CARE plans; the services and supports included in CARE plans, including court orders for stabilizing medications; the rates of adherence to medication; the number, rates, and trends of psychiatric advance directives; and the number, rates, and trends of developed graduation plans. The report shall include outcome measures to assess the effectiveness of the CARE Act model, such as improvement in housing status, including gaining and maintaining housing; reductions in emergency department visits and inpatient hospitalizations; reductions in law enforcement encounters and incarceration; reductions in involuntary treatment and conservatorship; and

reductions in substance use. The annual report shall examine these data through the lens of health equity to identify racial, ethnic, and other demographic disparities and inform disparity reduction efforts.

(2) Data shall be stratified by age, sex, race, ethnicity, languages spoken, disability, sexual orientation, gender identity, housing status, veteran status, immigration status, health coverage source, and county, to the extent statistically relevant data is available. Information released or published pursuant to this section shall not contain data that may lead to the identification of respondents or information that would otherwise allow an individual to link the published information to a specific person. Data published by the department shall be deidentified in compliance with Section 164.514(a) and (b) of Title 45 of the Code of Federal Regulations.

(g) The outcomes shall be presented to relevant state oversight bodies, including, but not limited to, the California Interagency Council on Homelessness.

5986.

(a) An independent, research-based entity shall be retained by the department to develop, in consultation with county behavioral health agencies, county CARE courts, racial justice experts, and other appropriate stakeholders, including providers and CARE court participants, an independent evaluation of the effectiveness of the CARE Act. The independent evaluation shall employ statistical research methodology and include a logic model, hypotheses, comparative or quasi-experimental analyses, and conclusions regarding the extent to which the CARE Act model is associated, correlated, and causally related with the performance of the outcome measures included in the annual reports. The independent evaluation shall include results from a survey conducted of program participants. The independent evaluation shall highlight racial, ethnic, and other demographic disparities, and include causal inference or descriptive analyses regarding the impact of the CARE Act on disparity reduction efforts.

(b) The department shall provide a preliminary report to the Legislature three years after the implementation date of the CARE Act and a final report to the Legislature five years after the implementation date of CARE Act. The department shall post the preliminary and final reports on its internet website.

(c) Each county behavioral health department, each county CARE court, and any other state or local governmental entity, as determined by the department, shall provide the required data to the department, in a format and frequency as directed by the department.

(d) A report to be submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

5987.

A county, or an employee or agent of a county, shall not be held civilly or criminally liable for any action by a respondent in the CARE process, except when the act or omission of a county, or the employee or agent of a county, constitutes gross negligence, recklessness, or willful misconduct. This section does not limit any immunity provided under any other law.