



CALIFORNIA PROBATION, PAROLE AND CORRECTIONAL ASSOCIATION

To: All CPPCA Members

From: Danielle Higgs, Legislative Representative, Danielle@warnerandpank.com

Date: May 1, 2013

Re: Legislative Update

LEGISLATIVE UPDATE

The legislative session is now well underway and policy and fiscal committees are meeting daily to hear and take action on hundreds of bills. Policy committees and fiscal committees will conclude business in the first house in the coming weeks. May 31st is the “house of origin” deadline which is the last day for each house to pass bills introduced in that house. Bills that have not passed their house of origin by this date will essentially be dead for the year.

Below is a list of bills with active positions that we are tracking and engaged in on behalf of CPPCA. We continue to closely monitor amended bills daily to ensure that we are tracking all relevant bills and that our positions reflect the most current version of amended bills. You can view the full list of bills at: <http://www.cppca.org/government/legislation>.

Bill	Summary & Client Info	Latest Action
CA AB 20 Waldron (R)	Obscene Matter: Minors Provides every person who is convicted of a violation of specified offenses relating to obscene matter involving minors in which violation is committed on, or via, a government-owned computer or network, or in which the production, or control of government-owned property shall be punished by a specified maximum fine, unless the court determines the defendant does not have the ability to pay. Requires fine moneys to be spent on specified training, human traffic victim services, and child abuse prosecution. <i>Position: Support</i>	04/04/2013: <ul style="list-style-type: none">Passed Assembly. To SENATE Committee on PUBLIC SAFETY.
CA AB 25 Campos (D)	Employment: Social Media Applies existing law that prohibits a private employer from requiring or requesting an employee or applicant for employment to disclose a username or password for the purpose of accessing personal social media, to access personal social media in the presence of the employer, or to divulge any personal social media to public employers. Provides that these provisions apply to public employers generally, including charter cities and counties. <i>Position: Oppose Unless Amended</i>	04/24/2013: <ul style="list-style-type: none">From ASSEMBLY Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY: Do pass to APPROPRIATIONS.



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<p>CA AB 36 Dahle (R)</p>	<p>Probation Officer: Appointments Relates to the office of adult probation officer. Requires the board of supervisors to appoint and authorizes the board to remove, for good cause, the adult probation officer. Allows certain counties to effect that removal. Provides new nomination and appointment procedures. Relates to deputy and assistant probation officer termination. Provides termination only by the board. <i>Position: Oppose</i></p>	<p>03/12/2013:</p> <ul style="list-style-type: none"> In ASSEMBLY Committee on PUBLIC SAFETY: Not heard. 2 Year Bill
<p>CA AB 63 Patterson (R)</p>	<p>Electronic Monitoring: Removing or Disabling Provides that unauthorized removal of an electronic, global positioning device, or other monitoring device affixed as a condition of postrelease supervision or parole is an offense that is subject to specified punishment. Provides that a person on postrelease community supervision or parole who is ordered pursuant to a revocation hearing to serve a term of imprisonment, incarceration or confinement for such violation shall serve that term in state prison. <i>Position: Support-in-Concept</i></p>	<p>04/30/2013:</p> <ul style="list-style-type: none"> In ASSEMBLY Committee on PUBLIC SAFETY: Failed passage.
<p>CA AB 65 Achadjian (R)</p>	<p>Crimes: Sex Crimes Amends existing law that provides various circumstances that constitute specified sex crimes against an individual's will, including acts accomplished with an individual who is not the spouse of the perpetrator where the individual submits under the belief that the individual committing the act is the victim's spouse. Provides that these types of sex crimes occur where the person submits under the belief that the person committing the act is someone other than the accused. <i>Position: Support</i></p>	<p>04/18/2013:</p> <ul style="list-style-type: none"> Passed ASSEMBLY. To SENATE. (76-0)
<p>CA AB 68 Maienschein (R)</p>	<p>Parole Requires the Department of Corrections and Rehabilitation to give notice of any medical parole hearing and any medical parole release to both the county of commitment and the county of proposed release, prior to a medical parole hearing or a medical parole release. <i>Position: Support</i></p>	<p>04/18/2013:</p> <ul style="list-style-type: none"> Passed ASSEMBLY. To SENATE. (76-0)
<p>CA AB 134 Logue (R)</p>	<p>Public Records Act: Licenses to Carry Firearms Provides that the Public Records Act shall not be construed to require the disclosure of the names, home addresses, and telephone numbers of applicants that are set forth in applications to carry firearms or of licensees that are set forth in licenses to carry firearms. <i>Position: Support</i></p>	<p>04/23/2013:</p> <ul style="list-style-type: none"> In ASSEMBLY Committee on JUDICIARY: Heard, remains in Committee. 2 Year Bill



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<p>CA AB 176 Campos (D)</p>	<p>Family Law: Protective and Restraining Orders Requires, if more than one order has been issued and one of the orders is a no-contact order, an officer to enforce the no-contact order. <i>Position: Support</i></p>	<p>04/16/2013:</p> <ul style="list-style-type: none"> From ASSEMBLY Committee on JUDICIARY: To APPROPRIATIONS.
<p>CA AB 216 Stone (D)</p>	<p>High School Graduation Requirements: Foster Care Pupils Requires a school district to exempt a foster youth who transfers between schools any time after the completion of the pupils 2nd year of high school from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide coursework requirements, unless the school district makes a related finding. <i>Position: Support</i></p>	<p>04/18/2013:</p> <ul style="list-style-type: none"> Passed ASSEMBLY. To SENATE. (76-0)
<p>CA AB 353 Brown (D)</p>	<p>Parole: Medical Parole Exempts from medical parole eligibility a prisoner who was convicted of the murder of a peace officer. <i>Position: Support</i></p>	<p>02/28/2013:</p> <ul style="list-style-type: none"> To ASSEMBLY Committee on PUBLIC SAFETY. 2 Year Bill.
<p>CA AB 406 Torres (D)</p>	<p>Child Abuse Reporting Extends existing law that authorizes counties to establish a child abuse multidisciplinary personnel team to allow provider agencies to share confidential information in order to investigate reports of suspected child abuse or neglect or for the purpose of child welfare agencies making detention determinations. <i>Position: Support</i></p>	<p>04/25/2013:</p> <ul style="list-style-type: none"> Passed Assembly. To SENATE.
<p>CA AB 438 Mitchell (D)</p>	<p>Juveniles: Dual-status Minors Deletes the prohibition on the filing of a petition or the entry of an order to make a minor simultaneously both a dependent child and a ward of the court. <i>Position: Further Study</i></p>	<p>04/02/2013:</p> <ul style="list-style-type: none"> In ASSEMBLY Committee on JUDICIARY: Not heard. 2 Year Bill.
<p>CA AB 492 Quirk (D)</p>	<p>Probation: Nonviolent Drug Offenses Deletes provisions of existing law that requires the sentencing court, whenever a person is granted probation for nonviolent drug possession offense, to transfer jurisdiction of the entire case, upon a finding by the receiving court of the person's permanent residency in the receiving county, unless there is a determination on the record that the transfer would be inappropriate. <i>Position: Support</i></p>	<p>04/18/2013:</p> <ul style="list-style-type: none"> Passed Assembly. To SENATE.



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<p>CA AB 651 Bradford (D)</p>	<p>Convictions: Expungement Authorizes a court to allow a defendant sentenced to county jail for a felony to withdraw his or her plea of guilty or plea of nolo contendere and enter a plea of not guilty, after the lapse of one year following the defendant's completion of the sentence, provided that the defendant is not under supervision as specified, and is not serving a sentence for, on probation for, or charged with the commission of any offense. <i>Position: Oppose</i></p>	<p>04/04/2013:</p> <ul style="list-style-type: none"> In ASSEMBLY. Read second time. To third reading.
<p>CA AB 723 Quirk (D)</p>	<p>Postrelease Community Supervision: Release on Bail Allows a person on postrelease supervision who has a revocation petition filed against him or her to file an application for bail with the superior court. Provides that bail pending revocation of postrelease community supervision is a matter within the sole discretion of the court. Requires a bail application made pursuant to these provisions to be governed by the procedures set forth in existing law. <i>Position: Oppose</i></p>	<p>04/10/2013:</p> <ul style="list-style-type: none"> In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.
<p>CA AB 752 Jones-Sawyer (D)</p>	<p>Work Furlough: County Jails Makes a change to the work furlough provision. Authorizes a person sentenced to county jail for a felony to participate in a work furlough program. Makes a technical change to the provision describing job training for purposes of these provisions. <i>Position: Support</i></p>	<p>04/25/2013:</p> <ul style="list-style-type: none"> Passed Assembly. To SENATE.
<p>CA AB 1006 Yamada (D)</p>	<p>Juvenile Court Records: Sealing and Destruction Requires that each court and probation department to ensure that information regarding the eligibility for and the procedures to request the sealing and destruction of records is provided to each person for whom a petition has been filed, on or after January 1, 2015, to adjudge the person a ward of the juvenile court and to specified other minors who are taken in temporary custody and brought before a probation officer. <i>Position: Oppose</i></p>	<p>04/25/2013:</p> <ul style="list-style-type: none"> Passed Assembly. To SENATE.
<p>CA AB 1108 Perea (D)</p>	<p>Sex Offenders: Foster Care Homes: Prohibitions Prohibits any person who is required to register as a sex offender, based upon the commission of an offense against a minor, from residing, working, or volunteering in specified foster homes or facilities. Provides that a violation is a misdemeanor. <i>Position: Support</i></p>	<p>04/29/2013:</p> <ul style="list-style-type: none"> In ASSEMBLY. APPROPRIATIONS.
<p>CA AB 1321 Jones (R)</p>	<p>Serious Felonies Adds certain felonies, including threatening a witness and human trafficking, to the definition of a serious felony. <i>Position: Support-in-Concept</i></p>	<p>04/09/2013:</p> <ul style="list-style-type: none"> In Committee on PUBLIC SAFETY: Failed passage.



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<p>CA SB 59 Evans (D)</p>	<p>Crimes: Sex Crimes Provides that specified types of rape, sodomy, oral copulation and sexual penetration occur where the individual submits under the belief that the individual committing the act is the victim's sexual partner. Defines a sexual partner to include any individual with whom the victim has had consensual sexual contact. <i>Position: Support</i></p>	<p>04/22/2013:</p> <ul style="list-style-type: none"> Passed SENATE. To ASSEMBLY.
<p>CA SB 61 Yee (D)</p>	<p>Juveniles: Solitary Confinement Provides that a minor or ward who is detained in, or sentenced to, any juvenile facility or other secure state or local facility shall not be subject to solitary confinement, unless the minor or ward poses an immediate and substantial risk of harm to others or to the security of the facility, and all other less-restrictive options have been exhausted. Requires a suicide crisis intervention plan before using solitary confinement. Specifies the maximum number of hours in such confinement. <i>Position: Oppose</i></p>	<p>04/30/2013:</p> <ul style="list-style-type: none"> In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
<p>CA SB 130 Corbett (D)</p>	<p>Witnesses Expands the list of offenses that a prosecution witness is entitled to support to include kidnapping with the intent to commit robbery or specified sex offenses, human trafficking, certain sex offenses involving a minor under 10 years of age, criminal threats and stalking. <i>Position: Support</i></p>	<p>04/29/2013:</p> <ul style="list-style-type: none"> Passed SENATE. To ASSEMBLY
<p>CA SB 140 Leno (D)</p>	<p>Firearms: Prohibited Persons Appropriates a specified amount of funds from the Dealers Record of Sale Special Account to the Department of Justice to address the backlog in the Armed Prohibited Persons System that cross-references persons who have ownership or possession of a firearm with those who are prohibited from owning or possessing a firearm. Requires the department to report to the Joint Legislative Budget Committee regarding ways the backlog in the system has been reduced or eliminated. <i>Position: Support</i></p>	<p>05/1/2013:</p> <ul style="list-style-type: none"> Signed By Governor
<p>CA SB 199 De Leon (D)</p>	<p>Probation: Community Corrections Relates to local community corrections partnerships. Adds a rank-and-file deputy sheriff or a rank-and-file police officer and a rank-and-file probation officer or a deputy probation officer to the membership of a community corrections partnership. <i>Position: Oppose</i></p>	<p>04/23/2013:</p> <ul style="list-style-type: none"> In SENATE Committee on PUBLIC SAFETY: Not heard. 2 Year Bill.
<p>CA SB 210 Hancock (D)</p>	<p>Criminal Procedure: Release on Own Recognizance Authorizes a court to determine, at the time of arraignment in any case that is before a court concerning the commission of a felony punishable by imprisonment in a county jail, whether a defendant who is still in custody</p>	<p>02/21/2013:</p> <ul style="list-style-type: none"> To SENATE Committees on



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	<p>may be released on his or her own recognizance. Provides that in making this decision, the bill requires the court to determine whether the release will compromise public safety.</p> <p>Position: <i>Fiscal Concerns</i></p>	<p>PUBLIC SAFETY and APPROPRIATIONS.</p>
<p>CA SB 287 Walters (R)</p>	<p>Prison: Community Supervision: Eligibility Require any person who has a prior conviction for a serious or violent felony, a prior conviction for an offense for which the person was classified as a High Risk Sex Offender at the time he or she was eligible for release from prison, or a conviction for an offense for which a person was required, as a condition of parole, to undergo treatment by the Department of State Hospital, to be subject to parole supervision by the department and the jurisdiction of the court in the county released or residing.</p> <p>Position: <i>Support-in-Concept</i></p>	<p>04/23/2013:</p> <ul style="list-style-type: none"> In SENATE Committee on PUBLIC SAFETY: Failed passage.
<p>CA SB 313 De Leon (D)</p>	<p>Public Safety Officers Procedural Bill of Rights Act Prohibits a public agency from taking punitive action, or denying promotion on grounds other than merit, against a public safety officer, because the officer's name was placed on a Brady list. Prohibits the introduction of any evidence in an administrative appeal of a punitive action that the officer's name was placed on a Brady list.</p> <p>Position: <i>Oppose</i></p>	<p>04/29/2013:</p> <ul style="list-style-type: none"> Withdrawn from SENATE Committee on JUDICIARY.
<p>CA SB 342 Yee (D)</p>	<p>Foster Children: Social Worker: Visits Requires that the visits to foster homes occur in the group home or foster home. Requires the social worker or probation officer to advise the foster child that he or she has the right to request that the private discussion occur outside the group home or foster home. Provides that if a foster child requests to have a private discussion outside the group home or foster home, that private discussion outside the group home or foster home shall not replace the visit in the group home or foster home.</p> <p>Position: <i>Further Study</i></p>	<p>04/22/2013:</p> <ul style="list-style-type: none"> In SENATE Committee on APPROPRIATIONS: To Suspense File.
<p>CA SB 419 Block (D)</p>	<p>Supervised Persons: Flash Incarceration Specifies that nothing in certain provisions authorizing a probation officer, parole officer, or peace officer to, without warrant, rearrest a supervised person, affects the authority of a supervising agency to impose intermediate sanctions, including flash incarceration, not only to persons supervised on parole or postrelease community supervision, but also to persons on probation or mandatory supervision. Sets forth requirements regarding such incarceration.</p> <p>Position: <i>Support</i></p>	<p>04/30/2013:</p> <ul style="list-style-type: none"> From SENATE Committee on PUBLIC SAFETY: Do pass as amended.
<p>CA SB 473 Block (D)</p>	<p>Human Trafficking Adds pimping, pandering, and human trafficking as offenses that may be used to establish a pattern of criminal activity for specified purposes. Requires that any person convicted of a human trafficking offense or a</p>	<p>04/23/2013:</p> <ul style="list-style-type: none"> From SENATE Committee on



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	<p>specified sex trafficking offense where any part of the violation takes place upon the grounds of, or within 1,000 feet of, a public or private elementary school, vocational, junior high, or high school during the hours that the school is open for classes or school-related programs.</p> <p><i>Position: Support</i></p>	<p>PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS.</p>
<p>CA SB 706 Correa (D)</p>	<p>County Prisoners: Community Reintegration</p> <p>Requires an individual released from a county jail after servicing part or all of a sentence for a felony to be placed on Community Reintegration and Transitional Status. Prohibits an individual on this status from being returned to county jail or subject to any revocation unless arrested or convicted of a new offense. Makes the individual subject to search or seizure by a peace officer at any time with or without a warrant.</p> <p><i>Position: Oppose</i></p>	<p>04/30/2013:</p> <ul style="list-style-type: none"> • In SENATE Committee on PUBLIC SAFETY: Failed passage.

AB 109 FUNDING LEVELS AND GROWTH

CSAC issued the attached informational memorandum that outlines the AB 109 funding levels and estimated growth for 2012-13 and 2013-14. The basic county-by-county allocation has two parts, one for the programmatic aspects of AB 109 and another targeted specifically to district attorneys and public defenders for revocation activities. The increase from this fiscal year to next matches expected caseload growth. This fiscal structure was codified last year by SB 1020, and the statute is effective through next fiscal year (2013-14).

THREE JUDGE PANEL UPDATE

On April 11, 2013, the Three-Judge Panel denied the State of California's motion to vacate or modify the order to reduce the prison population to 137.5 percent of design capacity. The Court also issued a ruling ordering the State to submit within 21 days details of a plan for complying with the population reduction order. The State is still planning to appeal the order and will be asking for a stay; however, CDCR will still submit a plan as requested by the Court. Attached is a Fact Sheet with additional information. We will continue to keep you updated on the State's actions.