



## CALIFORNIA PROBATION, PAROLE AND CORRECTIONAL ASSOCIATION

To: All CPPCA Members

From: Danielle Sanchez, Legislative Representative, [Danielle@wpssgroup.com](mailto:Danielle@wpssgroup.com)

Date: December 6, 2016

Re: 2017-18 Legislative Session Underway

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The 2015-16 legislative session adjourned sine die at midnight on Wednesday, November 30. On Monday, December 5, the California Legislature convened for the 2017-18 legislative session. The newly elected legislative class includes nine new Senators and twenty-two new Assembly Members. Their meeting was largely ceremonial in nature as new Members got sworn in, with some introducing their very first bill. On the first day, 136 bills and resolutions were introduced on topics ranging from immigration, bail reform, and transportation. In fact, there was considerable discussion about immigration matters and California's role with the federal government as the new President takes office in January. However, the majority of legislative work will begin, in earnest, in January. The focus of convening in December is mostly operational and serves as an opportunity for new legislators to attend trainings, hire and finalize staffing, and coordinate other logistics in preparation for January.

With Legislative Democrats gaining back their two-thirds majority they held in 2014, they have the capability, theoretically, to enact new taxes, pass urgency measures, and send constitutional amendments to the ballot. In spite of this, it's unclear whether with an increased number of Democrats considered to be part of the moderate caucus, the Democratic Leadership will have the compulsory sway to move a progressive agenda.

### **Projected Fiscal Outlook**

As reported in November by the Legislative Analyst's Office (LAO), it is estimated that "the state would end the 2017-18 fiscal year with \$11.5 billion in total reserves. This total includes \$2.8 billion in discretionary reserves, which the Legislature can appropriate for any purpose, and \$8.7 billion in required reserves, which will be available for a future budget emergency."

For the longer term, LAO estimates the condition of the state budget under two different economic scenarios. "They are: (1) an economic growth scenario, which assumes the economy continues to grow, and (2) a mild recession scenario, which assumes the state experiences a mild economic downturn beginning in the middle of 2018. Under the growth scenario, LAO estimates the budget remains in surplus over the outlook period. Under the recession scenario, LAO finds that the state would have enough reserves to cover almost all of its operating deficits through 2020-21."



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The LAO notes that, “these estimates assume the state does not make any changes in any year during the outlook period to its current policies and programs. In addition, the outlook also assumes no new changes in federal policy, even though the recent election results suggest some such changes are now likely. Any such state or federal policy changes could have a significant impact on the state’s “bottom line.”

Conversely, Department of Finance officials are taking a much more cautious view of the state’s fiscal outlook. Despite the LAO’s optimistic revenue projections, state revenues are significantly below expectations. Uncertainty at the federal level adds to the hazy outlook some have forecasted. Despite reports of good financial times ahead, the Governor is likely to return to his fiscal frugality when it comes to crafting his proposed 2017-18 budget.

### Key Legislative Dates

- January 4 – Legislature reconvenes
- January 10 – Budget must be submitted by the Governor
- January 20 – Last day to submit bill ideas to the Office of Legislative Counsel
- February 17 – Last day for bill ideas to be introduced

### Introduced Bills

Measure	Topic	Status	Summary
<a href="#">AB 2</a> <a href="#">Obernolte</a> R	Hate crimes: peace officers.	12/5/2016- Read first time. To print.	Current law defines “hate crime” as a criminal act committed, in whole or in part, because of actual or perceived characteristics of the victim, including, among other things, race, religion, disability, and sexual orientation. Under current law, that definition applies unless an explicit provision of law or the context clearly requires a different meaning. This bill would add the status as a peace officer to the list of actual or perceived characteristics necessary to determine whether a criminal act qualifies as a hate crime.
<a href="#">AB 6</a> <a href="#">Lackey</a> R	Driving under the influence: drug testing.	12/5/2016- Read first time. To print.	Current law authorizes an officer to use a preliminary alcohol screening test that indicates the presence or concentration of alcohol based on a breath sample as a further investigatory tool in order to establish reasonable cause to believe the person was driving a vehicle in violation of certain prohibitions against driving under the influence of alcohol or drugs. This bill would authorize an officer to use a preliminary oral fluid screening test that indicates the presence or concentration of a drug or controlled substance as a further investigatory tool in order to establish reasonable cause to believe the person was driving a vehicle in violation of certain prohibitions against driving under the influence of drugs.
<a href="#">AB 7</a> <a href="#">Gipson</a> D	Firearms: open carry.	12/5/2016- Read first time. To print.	Current law, subject to exceptions, makes it an offense to openly carry an exposed and unloaded handgun on the person outside a vehicle, or inside or on a vehicle, in or on a public place or public



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			street, in an incorporated city or city and county or in a prohibited area of an unincorporated area of a county or city and county. Current law provides that the offense is punishable as a misdemeanor, or as a misdemeanor with specified penalties if certain conditions apply. This bill would make a technical, nonsubstantive change to those provisions.
<a href="#"><u>AB 16</u></a> <a href="#"><u>Cooper</u></a> <b>D</b>	Criminal law: DNA evidence.	12/5/2016- Read first time. To print.	Would expand specified provisions of the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, Proposition 69 to require persons convicted of specified misdemeanors to provide buccal swab samples, right thumbprints, and a full palm print impression of each hand, and any blood specimens or other biological samples required for law enforcement identification analysis. By imposing additional duties on local law enforcement agencies to collect and forward these samples, this bill would impose a state-mandated local program.
<a href="#"><u>AB 27</u></a> <a href="#"><u>Melendez</u></a> <b>R</b>	Violent felonies: sex offenses.	12/5/2016- Read first time. To print.	Would define as violent felonies rape, sodomy, penetration with a foreign object, or oral copulation, if the victim was unconscious, if the victim was incapable of giving consent due to intoxication, if the victim was incapable of giving legal consent because of a mental disorder or developmental or physical disability, if the victim submitted to the act under the belief that the person committing the act was someone known to the victim other than the accused, or if the act was accomplished against the victim's will by threatening to use the authority of a public official, thereby amending Proposition 36 by adding to the list of violent felonies that can be prosecuted as a 3rd strike. By changing the definition of a crime, this bill would impose a state-mandated local program.
<a href="#"><u>AB 41</u></a> <a href="#"><u>Chiu</u></a> <b>D</b>	DNA evidence.	12/5/2016- Read first time. To print.	Would require law enforcement agencies to report information regarding rape kit evidence, within 120 days of the collection of the kit, to the Department of Justice through a database established by the department. The bill would require that information to include, among other things, the number of kits collected, if biological evidence samples were submitted to a DNA laboratory for analysis, and if a probative DNA profile was generated. The bill would additionally require a public DNA laboratory, or a law enforcement agency contracting with a private laboratory, to provide a reason for not testing a sample every 120 days the sample is untested, except as specified.
<a href="#"><u>AB 42</u></a> <a href="#"><u>Bonta</u></a> <b>D</b>	Bail reform.	12/5/2016- Read first time. To print.	Would state the intent of the Legislature to enact legislation to safely reduce the number of people detained pretrial, while addressing racial and economic disparities in the pretrial system, to ensure that people are not held in pretrial detention simply because of their inability to afford money bail.
<a href="#"><u>AB 43</u></a> <a href="#"><u>Thurmond</u></a> <b>D</b>	Taxation: prison contracts:	12/5/2016- Read first time. To print.	Would impose a tax on the privilege of contracting with a state prison, the Department of Corrections and Rehabilitation, or the Department of General Services to provide a state prison with



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	goods and services.		goods and services in the amount of ___ percent of the final contract price for contracts entered into on or after January 1, 2018. The bill would require all amounts paid, less refunds, to be deposited into the State Incarceration Prevention Fund, which this bill would establish in the State Treasury, and would continuously appropriate those moneys for the purposes of providing services to prevent people from being incarcerated and providing early intervention programs, less the amount needed to reimburse the State Board of Equalization and the Attorney General for costs incurred in administering these provisions.
<a href="#"><u>SB 8</u></a> <a href="#"><u>Beall D</u></a>	Diversion: mental disorders.	12/5/2016-Introduced. Read first time. To Com. on RLS. for assignment. To print.	Would authorize a court, with the consent of the defendant and a waiver of the defendant's speedy trial right, to postpone prosecution of a misdemeanor or a felony punishable in a county jail, and place the defendant in a pretrial diversion program if the court is satisfied the defendant suffers from a mental disorder, that the defendant's mental disorder played a significant role in the commission of the charged offense, and that the defendant would benefit from mental health treatment. The bill would allow the defense to arrange, to the satisfaction of the court, for a program of mental health treatment utilizing existing inpatient or outpatient mental health resources.
<a href="#"><u>SB 10</u></a> <a href="#"><u>Hertzberg D</u></a>	Bail: pretrial release.	12/5/2016-Introduced. Read first time. To Com. on RLS. for assignment. To print.	Would declare the intent of the Legislature to enact legislation that would safely reduce the number of people detained pretrial, while addressing racial and economic disparities in the pretrial system, and to ensure that people are not held in pretrial detention simply because of their inability to afford money bail.
<a href="#"><u>SB 12</u></a> <a href="#"><u>Beall D</u></a>	Foster youth: postsecondary education: financial aid assistance.	12/5/2016-Introduced. Read first time. To Com. on RLS. for assignment. To print.	Would require the Student Aid Commission to work cooperatively with the State Department of Social Services to develop an automated system to verify a student's status as a foster youth to aid in the processing of applications for federal Pell Grants. This bill contains other related provisions and other existing laws.
<a href="#"><u>SB 18</u></a> <a href="#"><u>Pan D</u></a>	Bill of Rights for Children and Youth in California.	12/5/2016-Introduced. Read first time. To Com. on RLS. for assignment. To print.	Would declare the intent of the Legislature to expand and codify the Bill of Rights for Children and Youth of California to establish a comprehensive framework that governs the rights of all children and youth in California, outlines the research-based essential needs of California's children, and establishes standards relating to the health, safety, well-being, early childhood and educational opportunities, and familial supports necessary for all children to succeed.
<a href="#"><u>SB 21</u></a> <a href="#"><u>Hill D</u></a>	Law enforcement agencies: surveillance:	12/5/2016-Introduced. Read first time. To Com.	Would, beginning July 1, 2018, require each law enforcement agency, as defined, to submit to its governing body at a noticed hearing, open to the public, a proposed plan for the use of all surveillance technology and the information collected, as



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	policies.	on RLS. for assignment. To print.	specified. The bill would require that the law enforcement agency submit an amendment to the surveillance plan, pursuant to the same open meeting requirements, for each new type of surveillance technology sought to be used. This bill contains other related provisions and other existing laws.
<a href="#"><u>SB 22</u></a> <a href="#"><u>Hill D</u></a>	Firearms: law enforcement agencies: agency firearm accounting.	12/5/2016- Introduced. Read first time. To Com. on RLS. for assignment. To print.	Would require a law enforcement agency, as defined, to adopt a written procedure to account for firearms that are owned, acquired, maintained, sold, loaned, lost, stolen, or in any way possessed by that agency or by an employee of that agency if used or carried for purposes of carrying out the official duties of his or her employment, as specified. The bill would require that the acquisition of firearms by an agency employee for use within the course of his or her employment be entered into the AFS, and would require that a record of firearms that are lost, stolen, or otherwise disposed of be entered into the AFS.
<a href="#"><u>SB 26</u></a> <a href="#"><u>Leyva D</u></a>	Sex offenders: access to schools.	12/5/2016- Introduced. Read first time. To Com. on RLS. for assignment. To print.	Would make it a misdemeanor for a registered sex offender to come into any school building or upon any school grounds under any circumstance by removing the provision allowing for entry by such an offender with lawful business and the written permission from the chief administrative official of the school. By changing the definition of a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.
<a href="#"><u>SB 40</u></a> <a href="#"><u>Roth D</u></a>	Domestic violence.	12/5/2016- Introduced. Read first time. To Com. on RLS. for assignment. To print.	Current law makes it a crime, punishable by a fine, by imprisonment, or by both a fine and imprisonment, for a person to willfully inflict corporal injury, including, but not limited to, by strangulation or suffocation, resulting in a traumatic condition upon a person with whom the defendant has been in a specified domestic relationship. This bill would recognize state law to separately establish the felony offense of domestic violence where the corporal injury is caused by strangulation or suffocation, as specified.
<a href="#"><u>SB 54</u></a> <a href="#"><u>De León D</u></a>	Law enforcement: sharing data.	12/5/2016- Introduced. Read first time. To Com. on RLS. for assignment. To print.	Current law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters. This bill would repeal those provisions. This bill contains other related provisions and other current laws.