

New Laws for 2010

For criminal law practitioners.

Corrected Version

California Criminal–law Statutes,
Rules of Court, and Official Forms

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December 31, 2009

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Highlights and Lowlights

For the first time in at least a decade, the new laws that one might consider detrimental to defendants are outweighed by those that one might consider beneficial. This is largely due to three major sets of amendments enacted at the 2009 Third Extraordinary Session of the Legislature, all in SBx3 18 (Ducheny), Stats. 2009, 3rd Ex. Sess., Ch. 28. *These three new laws are effective Jan. 25, 2010.*

1. The dollar amount or value for determining if certain thefts, or certain other property crimes, are, or can be, punishable as felonies or not (or if the person is liable for other increased punishment) is increased. For example, receiving stolen property formerly could be charged as a misdemeanor if the property's value was under \$400; now it can be charged as a misdemeanor if the value is under \$950. **See “Increased Value–Thresholds For the Charging Levels of Certain Thefts, or Related Offenses.”**
2. Sentence reduction credits (“time credits”) are increased for most inmates of prisons and of county jails! **See “Sentence Reduction Credits”**
3. Low risk, less serious offenders can no longer be sent back to prison for parole violations. **See “Parole”**

NOTE: These changes are not shown in the newly issued West’s California Penal and Evidence Codes 2010 Desktop Edition. (The publisher plans a Supplementary Pamphlet in February.) These changes are shown on Westlaw, and in the newly issued Lexis–Nexis *Standard California Codes Penal Code 2010 Edition*.

A new Deferred Entry of Judgment Reentry Program (see the entry in that name) for “first time nonviolent drug offenders” can be establishment by the local court, but state funds cannot be sought.

The legislature continued to enact few new crimes and punishments, because of the expense.

Misdemeanor penalties for Internet publication of protected witness information expands Internet crime past crimes against children and theft–related offenses. Public officials’ contact information can also be protected. **See “Electronic and Digital–Age Crimes.”**

The Legislature continues to increase the types of jobs for which criminal background checks are required. This time it's custodians of records of agencies that receive DOJ criminal background checks. **See: Collateral Consequences: Background Checks**

Search Warrants can now be issued for firearms of persons arrested for domestic violence involving threats or assaults, of persons detained for mental examinations, and of persons subject to certain restraining or protective orders. **See: Search Warrants.**

Many court fees are increased. **See "Local Fees in Criminal Cases."**

Avoid Late Filing:

- Pre-trial motions must now be filed 10 *court* days. Response-time is also increased to 5 *court* days. Amended Calif. Rule of Court 4.111. **See "Rules of Court."**
- Supreme Court filings can no longer be done at any Court of Appeal.. The Los Angeles Clerk's Office of the Supreme Court of California is closed.. All "petitions for review, writs, and legal briefs" must be filed the court's San Francisco Office. **See "Supreme Court Filing Restrictions"**

Online Membership Account, Including Email, With State Bar: Required.

New Rule of Court 9.7 is effective Feb. 1, 2010. **See "Rules of Court."**

Abbreviations:

SB = Senate Bill, 2009 – 2010 regular session
SBx3 = Senate Bill, 2009 3rd extraordinary session
AB = Assembly Bill, 2009 – 2010 regular session
Stats. 2009 = Statutes and Amendments to the Codes, 2009
Stats. 2009 3x = Stats. 2009, 3rd Extraordinary Session
Ch = Chapter number (assigned by the Sec. of State)

All Statutes, Rules, and Forms are effective January 1, 2010, unless noted. The laws enacted or amended by SBx3 18 are operative January 25, 2010.

Many of the criminal law bills that could not be included here are found in the Assembly Committee on Public Safety's" 2009 Bill Summary."

Increased Value–Thresholds For the Charging Levels of Certain Thefts, or Related Offenses

Enacted by SBx3 18 (Duchenev); Stats. 2009, 3x Ch. 28.

Statutes affected: listed in the chart, below.

Operative January 25, 2010.

This value increase may be found by the courts to be retroactive for clients whose conviction is not yet final on appeal. See, e.g., *People v. Nasalga* (1996) 12 Cal.4th 784 (applying an increase in the loss–amount required for an enhancement retroactively to those whose convictions were not final when the increase became effective).

See the note in *Highlights and Lowlights*, above. These changes are not shown in West’s Penal and Evidence Codes 2010 Desktop Edition.

The Legislative Counsel’s Digest summarized this portion of the Bill as follows:

“Existing law establishes certain values for determining if theft or certain other property crimes are punishable as felonies or not. Existing law provides that for many of these crimes, the threshold is \$400, while the thresholds for certain other crimes are \$100, \$200, and \$1,000, as specified.

“This bill would increase certain of those thresholds, for example, by increasing certain \$400 thresholds to \$950.”

There is no increase for most thefts, under Pen. C. § 487, subd. (a), such as theft of currency or jewelry.

But for receiving stolen property (Pen. C. §496, the charge could formerly could be a misdemeanor if the amount was below \$400; this can now be filed as a misdemeanor if the amount is below \$950). For non–sufficient funds checks (Pen. C. §476a, the threshold for the difference between a misdemeanor and a felony is increased from \$200 to 400). Similar changes are made for over 30 other types of theft and property crimes, the amounts are increased.

Chart: Increase in Dollar Amounts To Determine Charge—Levels

See the NOTE in *Highlights and Lowlights*, above. These changes are not shown in West's Penal and Evidence Codes 2010 Desktop Edition. West will issue a supplemental pamphlet in February

<u>Code and Section</u>	<u>Old \$ Amount</u>	<u>New \$ Amount</u>
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Other Codes

Bus.& Prof § 14491	400	950
Bus & Prof. § 17550.19 (amt for all persons)	1,000	2,350
Bus & Prof. § 17550.19 (amt for any person)	400	950
Bus & Prof § 21653	400	950
Financial § 5305	100	250
Military and Veterans § 421	400	950
Public Resources § 14591, subd. (b)	..400	950
Pub. Res. § 41955 (misd; if below, can be infrc.)	400	950
Vehicle § 10851.5	400	950
Welf. & Inst. § 10980	400	950
Welf. & Inst § 15656	400	950

Penal Code

§ 154	100	250
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§ 155	100	250
§ 337.4 (amount to also violate Sec. 487)	400	950
§ 368, subs. (d) and (e)	400	950
§ 422.7 (amount needed for violation)	\$400	950
§ 476a	200	450
§ 484b	1,000	2,350
§ 484g	400	950
§ 484h	400	950
§ 487, subd. (a) [general, e.g., theft of currency]	400 [unchanged]	400
§ 487, subs. (b)(1) & (b)(2)	100	250
§ 487, subd. (b)(3)	400	950
§ 487b	100	250
§ 487c	100	250
§ 487e and § 487f	400	950
§ 487h (SB 607; Stats. '09 Ch. 24; Eff. 1/1/10)	400	950
§ 496	400	950
§ 498	400	950
§ 500	400	950
§ 502, subd. (c)(3), generally, subd. (d)	400	950
§ 502, subd. (c)(3), by employee, subd. (h)(2)	100	250
§ 537	400	950
§ 537e	400	950

§ 550	400	950
§ 551	400	950
§ 565	400	950
§ 566	400	950
§ 592	400	950
§ 594.4 (value determines max. amt of fine)	400	950
§ 641.3 (amount. needed for Sec. to apply)	100	250
§ 4600	400	950

Sentence Reduction Credits [Time Credits]

See the NOTE in *Highlights and Lowlights*, above. These changes are not shown in West's Penal and Evidence Codes 2010 Desktop Edition.

County Jail

Enacted by SBx3 18; Stats. 2009, 3 Ex, Ch. 28

Statute effected: Pen. C. § 4019.

Operative January 25, 2010.

These reduction-increases may be found by the courts to be retroactive. See *In re Kapperman* (1974) 11 Cal.3d 542 (holding newly enacted Pen. C. § 2900.5, awarding presentence custody credits, retroactive to those incarcerated or on parole regardless of date of commitment).

See the NOTE in *Highlights and Lowlights*, above. These changes are not shown in West's Penal and Evidence Codes 2010 Desktop Edition.

The time credits for most, but certainly not all, county jail inmates are increased.

Formerly, for every four days served in county jail, most inmates were deemed to have served six.

Now, for every two days served, most inmates are deemed to have served four. This is an increase, for every 4 days served, from 6 days deemed, up to 8 days.

Excepted from this increase in reduction–credits are

(1) those convicted of violent felonies, who are still limited to the 15% reduction–credit as required by Pen. C. §2933.1

(2) those required to register as sex offenders under Pen. C. §290,

(3) those convicted of serious felonies, and

(4) those with prior serious felonies.

For (2), (3), and (4), the old formula remains, which requires 4 days service to get 6 days credit.

State Prison

Enacted by SBx3 18; Stats. 2009, 3 Ex, Ch. 28

Statutes Affected: Pen. C. §§ .2932, 2933, 2933.05 (newly enacted), 2933.2, 2933.3, 2933.4 (moved to § 3050), 2933.5, and 2933.6.

Operative: January 25, 2010.

These reduction–increases may be found by the courts to be retroactive. See *In re Kapperman* (1974) 11 Cal.3d 542 (holding newly enacted Pen. C. § 2900.5, awarding presentence custody credits, retroactive to those incarcerated or on parole regardless of date of commitment).

See the NOTE in *Highlights and Lowlights*, above. These changes are not shown in West’s Penal and Evidence Codes 2010 Desktop Edition.

Up to 6 weeks of additional credit can now be earned by most prisoners for successful completion of certain prison programs.

These credits cannot be earned by persons in for (1) serious felonies, (2) violent felonies, (3) offenses requiring registration as sex offenders under Pen. C. §290, (4) parole violations, (5) repeated recidivist offenses as defined, or (6) currently in segregation for misconduct.

An existing program for extra time credits for inmates assigned to conservation camps is expanded to apply to inmates who are assigned to correctional institutions as inmate firefighters and to inmates who have completed the training for either of those assignments.

The statutory provisions for work, education and training programs are eliminated, and *CDCR is to write regulations*; while this gives CDCR more flexibility, the amount of change, if any, from the work, education, training system of credit-earnings remains to be seen. When written, they are likely to amend or replace Cal. Code Regs., tit. 15, §§ 3040 to 3047.

Parole:

Restriction on Return to Prison for Violations

Enacted by SBx3 18; Stats. 2009, 3 Ex, Ch. 28

New statute: Pen. C. § 3000.03.

.See the NOTE in *Highlights and Lowlights*, above. These changes are not shown in West's Penal and Evidence Codes 2010 Desktop Edition.

Here is the Legislative Counsel's Digest of this portion of SBx318:

"Under existing law, the department is authorized to return a parolee to prison if the Board of Parole Hearings determines that the parolee violated the terms of his or her parole, as specified.

"This bill would prohibit the department from returning certain parolees to prison, placing a parole hold on the parolee, or reporting the parolee to the Board of Parole Hearings for a violation of parole, as specified."

And here is the text of SBx18, sec. 48 [note the phrase “notwithstanding any other provision of law” that begins new § 3000.03]:

SEC. 48. Section 3000.03 is added to the Penal Code, to read:

3000.03. Notwithstanding any other provision of law, the Department of Corrections and Rehabilitation shall not return to prison, place a parole hold on pursuant to [Pen. C. §] 3056, or report any parole violation to the Board of Parole Hearings regarding any person to whom all of the following criteria apply:

(a) The person is not required to register as a sex offender [under Pen. C. §§ 290 et seq.].

(b) The person was not committed to prison for a serious felony as defined in Sections 1192.7 and 1192.8, or a violent felony, as defined in Section 667.5, and does not have a prior conviction for a serious felony... or a violent felony, as defined in [those Sections].

(c) The person was not committed to prison for a sexually violent offense as defined in subdivision (b) of Section 6600 of the Welfare and Institutions Code [Sexually Violent Predators] and does not have a prior conviction for [such an offense].

(d) The person was not found guilty of a serious disciplinary offense, as defined in regulation by the department [see Cal. Code Regs., tit. 15, § 3315], during his or her current term of imprisonment.

(e) The person is not a validated prison gang member or associate, as defined in regulation by the department. [See Cal. Code Regs., tit. 15, § 3000.]

(f) The person did not refuse to sign any written notification of parole requirements or conditions, including, but not limited to, the written notification of requirements pursuant to [Pen. C. §] 3067 [consent to warrantless search and seizure].

(g) The person was evaluated by the department using a validated risk assessment tool and was not determined to pose a high risk to reoffend. [What that instrument will be is not determined as of this writing. GB]

The New “Parole Reentry Accountability Program”

Enacted by SBx3 18; Stats. 2009, 3 Ex, Ch. 28

New statute: Pen C. § 3015.

Operative January 25, 2010.

.See the NOTE in *Highlights and Lowlights*, above. These changes are not shown in West’s Penal and Evidence Codes 2010 Desktop Edition.

Here are excerpts from the new statute:

3015. (a) [CDCR] shall establish a parole reentry accountability program

(b) [CDCR] shall employ a parole violation decision making [PDVI] instrument to determine the most appropriate sanctions for these parolees who violate their conditions of parole.

(1) ... [A] “[PDVI]” means a standardized tool that provides ranges of appropriate sanctions for parole violators given relevant case factors, including

(2) [CDCR] shall adopt emergency regulations to implement this section initially, and ... subsequently ... permanent regulations....

(c) [CDCR can] establish additional tools and standards

(d) Parolees subject to this program with a history of substance abuse or mental illness who violate their ... parole may be referred by [CDCR] to a reentry court program

(1) A parolee ... deemed eligible by [CDCR] to participate in a reentry court program may be referred by [the] parole officer [to] ... the program. The court ... ha[s] discretion to determine if the parolee will be admitted ... and ... shall consider ... whether the parolee will benefit..., the risk ... to the community, and ... the committing offense.

(2) If the court [admits] the parolee ..., the court, with the assistance of the ... parole agent, shall have exclusive authority to determine the ... conditions of parole, order rehabilitation and treatment services ..., determine ... incentives, order ... sanctions, lift parole holds, ... [and] determine ... responses to ... violations, [and] terminate[] ... enrollment in the program ...

(3) A reentry court program plan shall include, but not be limited to, all of the following:

(A) The anticipated number of parolees [in] the program.

(B) The method by which each [eligible] parolee ... shall be referred to the program.

(C) The method by which each parolee is ... individually assessed as to ... treatment and rehabilitative needs and the level of community and court monitoring required....

(D) The criteria for continued participation in, and successful completion of, the program, [and] the criteria for termination from the program and referral to the parole revocation process.

(E) A description of how the program shall be administered

(F) [The] method by which to report outcome measures

(G) The development of a program team, [and] a plan for ongoing training in ... the drug court and collaborative court nonadversarial model.

(e)(1) Subject to funding ... [CDCR] shall enter into a memorandum of understanding with the Administrative Office of the Courts for ... establishment and operation of parolee reentry court programs.

Only courts with existing drug and mental health courts or courts that otherwise demonstrate leadership and a commitment to conduct the reentry court ... may participate

These parolee reentry court programs shall, with the assistance of the parolee's parole agent, direct the treatment and supervision of parolees who would benefit from community drug treatment or mental health treatment.

The purpose ... is to promote public safety, hold parolees accountable, and reduce recidivism.

The program shall include key components of drug and collaborative courts using a highly structured model, including close supervision and monitoring, dedicated calendars, nonadversarial proceedings, frequent drug and alcohol testing, and close collaboration between the respective entities involved to improve the parolee's likelihood of success

(2) The Judicial Council, in collaboration with [CDCR] shall ... evaluat[e] the program [to] assess its effectiveness in reducing recidivism ... and reducing parole revocations.

(3) The Judicial Council, in collaboration with [CDCR], shall submit a final report of the findings ... no later than 3 years after the establishment of a reentry court

It is not stated if the “sanctions” in this new program can include county jail, or return to state prison.

The role of counsel, if any, is not stated. Sec. 3015, subd. (d)(3)(G) states there must be a “program team,” but does not state its composition. The new program does not state if private attorneys can appear. The program does not state if the court must, or may, appoint county public defenders, county contract attorneys, or other counsel. The program does not state if the county public defender can appear upon the request of the defendant. If the sanctions can include custody, counsel may be required.

See Gov. C. §27706, subd. (g) (Upon the order of the court or ... the request of the person ..., the public defender may represent any [indigent] person ... in a proceeding of any nature relating to the nature or conditions of detention or of ... punishment resulting from criminal ... proceedings.

Probation

Transfer of Supervision and the Case to County of Residence: Previously Optional, Now Often Mandatory.

This is another new law that most affected defendants will find beneficial. Previously, transfer was often difficult, and not granted.

Enacted by: SB 431; Stats. 2009 Ch. 588

Statute affected: Pen. C. § 1203.9.

Here are excerpts from the Legislative Counsel's Digest for this bill:

[Previous] law provide[d] that whenever any person is released upon probation, the case may be transferred to any court ... in any other county in which the person resides

This bill ... provide[s] that the transfers [are] mandatory, unless there is a determination ... that the transfer would be inappropriate.... [A] noticed motion for the transfer for certain cases [is required].... [T]he Judicial Council [must] promulgate rules of court [for this].

The New California Community Corrections Performance Incentives

Two very similar versions of this new program have been enacted. Presumably, the later-chaptered program is the effective one, so it is that program that is discussed here. The first-chaptered program was enacted by SBx318, Stats 2009, 3x, Ch. 28. (That version is not found in West's Calif. Penal and Evidence Codes, 2009 Desktop Ed., but is found in Lexis-Nexis's Standard California Codes Penal Code 2010 Ed. See the Note in Highlights and Lowlights; that version is not found in West's California Penal and Evidence Codes, 2010 Desktop Edition.

The later-chaptered program is SB 678; Stats. 2009, Ch. 608.

New statutes enacted: Pen. C. §§ 1228 – 1233.8

Here are excerpts from the Legislative Counsel's Digest:

This bill ... authorize[s] each county to establish a Community Corrections Performance Incentives Fund (CCPIF) and ... authorize[s] the state to annually allocate money into a State Corrections Performance Incentives Fund to be used for specified purposes relating to improving local probation supervision practices and capacities, as specified.... [T]he calculation [of the amounts allocated to each county are] based on costs avoided by [CDCR] because of a reduction in the percentage of adult probationers sent to prison for a probation failure, as specified.

This bill ... require[s] each county using CCPIF funds to identify and track specific outcome-based measures, as specified, and report to the Administrative Office of the Courts on the effectiveness of the programs paid for by the CCPIF.

This bill ... require[s] the community corrections programs to be developed and implemented by the chief probation officer, as advised by a Community Corrections Partnership. This bill would require specified local officials to serve as part of that Community Corrections Partnership.

This program sunsets (automatically repealed) January 1, 2015, unless earlier legislatively deleted or extended

Deferred Entry of Judgment Reentry Program

Enacted by: AB 750

New Statutes: Pen. C. §§ 1000.8 to 1000.10. Also affected: Pen. C. §§ 851.90, and previously-existing Pen. C. § 1000.8 (part of the already-existing D.E.J.) is amended and renumbered.

Note: At this writing, the new statutes and program can be found in Westlaw by searching by statute number; but they cannot be located by other finding tools such as Westlaw's Penal Code's "Table of Contents."

This program is for first time drug offenders. Clearly this can be structured to include people who might not be eligible for the existing PC 1000 D.E.J. program, or for Proposition 36's program.

Here are excerpts from new Pen. C. §§ 1000.8 to 1000.10:

Penal Code section 1008:

A superior court, with the concurrence of the prosecuting attorney ..., may create a "Back on Track" deferred entry of judgment reentry program aimed at preventing recidivism among first-time nonviolent felony drug offenders.

No defendant who has been convicted of a violation of [an offense requiring mandatory registration as a sex offender

under Pen. C. §] 290 or [of a serious felony listed] in [Pen. C. §] 1192.7 shall be eligible

[T]his program [requires agreement among], the prosecuting attorney, ... the presiding judge and a [selected] representative of the criminal defense bar

The agreement shall specify which low-level nonviolent felony drug offenses ... will be eligible The program shall have the following characteristics:

(a) A dedicated calendar.

(b)

(c) Clearly defined eligibility criteria to enter the program and clearly defined criteria for completion of the program.

(d) ... [I]ncentives ... to ... complete the program, including dismissal or reduction of criminal charges upon successful completion

(e) Close supervision ..., including ... graduated sanctions [... return to custody] and frequent ... [court] appearances....

(f) ... [T]ransitional programming ... [that] may include, but is not limited to, any of the following:

(1) Vocational training, readiness, and placement.

(2) Educational training...

(3) Substance abuse treatment.

(4) Assistance with obtaining identification cards and driver's licenses.

(5) Parenting skills training and assistance in becoming compliant with child support obligations.

(g) The program may develop a local, public-private partnership between law enforcement, government agencies, private employers, and community-based organizations [to] creat[e] meaningful employment opportunities for participants

Penal Code section 1000.9:

The prosecuting attorney shall determine whether a defendant is eligible

(a) Th[e] notification [to the defendant of eligibility] shall include the following:

(1) A full description of the procedures

(2) A general explanation of the role and authority of the prosecuting attorney, the program, and the court

(3) A clear statement that in lieu of trial, the court may grant deferred entry of judgment ... if the defendant pleads guilty ... waives time for ... judgment, and that, upon the defendant's successful completion ... and the motion of the prosecuting attorney, the court will dismiss the ... charges....

(4) A ... statement that failure to comply with ... the program may result in ... judgment, ... [and] sentencing

(5)

(b). [It] is intended to allow the court to set the hearing for deferred entry of judgment at the arraignment.

(c) If the prosecuting attorney determines that the defendant is ineligible ..., the prosecuting attorney shall state for the record the grounds The sole remedy of a defendant who is found ineligible ... is a postconviction appeal.

(d)....

Penal Code section 1000.10

(a) A ... plea of guilty shall not constitute a conviction for any purpose unless a judgment of guilty is entered....

(b) Counties that ... create [this] program ... shall not seek state reimbursement

(c)

(d) Local law enforcement agencies and counties ... may seek federal or private funding

Criminal Procedure

Release on Citation No Longer Permitted for Certain Misdemeanors; Booking At the Scene

Enacted by: AB 688; Stats. 2009, Ch. 465

Affected Statute: Pen. C. § 853.6

Penal Code section 853.6, subdivision (a), provides that generally people arrested on misdemeanors must be released on a citation and written promise to appear. The main exceptions had been the nine listed in Subd. (i), for such things as lack of identification, indications of failure to appear, drunkenness, and danger.

This bill also prohibits release on a citation for certain misdemeanors.

Here is an excerpt from Pen. C. § 853.6, subdivision (a), as amended:

(3) This subdivision [subd. (a), release, for misdemeanor, on citation and written promise to appear] shall not apply to the crimes specified in [Pen. C. §] 1270.1, including crimes defined in each of the following:

(A) Paragraph (1) of subdivision (e) of Section 243.

(B) Section 273.5.

(C) Section 273.6, if the detained person made threats to kill or harm, has engaged in violence against, or has gone to the residence or workplace of, the protected party.

(D) Section 646.9.

Penal Code section 1270.1, referred to above, contains most felonies. The offenses listed above are the primary misdemeanors currently listed in § 1270.1.

And here is an excerpt from Pen. C. § 853.6, subd. (g), with the amendment underlined:

The officer may book the arrested person at the scene or at the arresting agency prior to release or indicate on the citation that the arrested person shall appear at the arresting agency to be booked or indicate on the citation that the arrested person shall appear at the arresting agency to be fingerprinted prior to the date the arrested person appears in court.

“Booking” is defined at Pen. C. § 7, item 21:

To “book” signifies the recordation of an arrest in official police records, and the taking by the police of fingerprints and photographs of the person arrested, or any of these acts following an arrest.

Search Warrants: Firearms.

Enacted by: AB 532; Stats. 2009 Ch. 473

Statute Amended: Pen. C. § 1524

Penal Code section 1524, subdivision (a), had listed eight grounds for issuance of a search warrant. This bill adds three more grounds.

Here is an excerpt from added grounds (9), (10), and (11):

Pen. C. § 1524, subd. (a) A search warrant may be issued upon any of the following grounds:

....

(9) When the ... things to be seized include a firearm or any other deadly weapon at the scene of, or at the premises occupied or under the control of the person arrested in connection with, a domestic violence incident involving a threat to human life or a physical assault as [defined]

(10) When the ... things to be seized include a firearm or any other deadly weapon that is owned by, or in the possession of, or in the custody or control of, a person [who was “detained ... for [mental] examination” as] described in [Welf. & Inst. C. §] 8102 [subd. (a)].

(11) When the ... things to be seized include a firearm that is owned by, or in the possession of, or in the custody or control of, a person who is subject to the prohibitions regarding firearms pursuant to ... Family Code [§] 6389 [or § 6218] [these pertain to certain restraining or protective orders – GB], [if] ... the person has been lawfully served with that order, and ... has failed to relinquish the firearm as required....

General Time Waiver Revocation Can Now Only Be Done “in Open Court.”

This abrogates *Arias v. Superior Court* (2008) 167 Cal.App.4th Supp. 1, which had permitted a general time waiver to be revoked by a written pleading. That resulted in dismissal of the case when neither the district attorney nor the court set a new trial date until too late.

Enacted by: AB 250; Stats. 2009, Ch. 424

Statute Affected: Pen. C. §1382

Here is an excerpt from the Legislative Counsel’s Digest for this bill:

This bill ... require[s] the withdrawal of a time waiver to be done in open court.... The bill [also requires] that in the absence of an express general time waiver ..., or upon the withdrawal of a general time waiver, the court shall set the trial date, as specified, and shall notify all parties of that date.

When the Defendant Places Mental State in Issue, a Prosecution Exam Can Now be Ordered

This “responds to” *Verdin v. Superior Court* (2008) 43 Cal.4th 1096, which had held that when the defendant presented the mental–state defense of “diminished actuality,” the court could not order him to submit to a prosecution mental exam; the court held that is a form of discovery that is not permitted under then–existing law, and that only the legislature can authorize such discovery.

Enacted by: AB 1516; Stats. 2009, Ch. 297

Statute Affected: Pen. C. § 1054.3

Here is an excerpt from Pen. C. § 1054.3, new subdivision (b):

(b)(1) Unless otherwise specifically addressed by an existing provision of law, whenever a defendant in a criminal action or a minor in a juvenile proceeding ... places in issue his or her mental state ... through the proposed testimony of any mental health expert, upon timely request by the prosecution, the court may order that the defendant or juvenile submit to examination by a prosecution-retained mental health expert.

(A) The prosecution shall bear the cost of any such ... examination and testimony....

(B) The prosecuting attorney shall submit a list of tests proposed to be administered by the prosecution expert At the request of the defendant ... or [the] minor ..., a hearing shall be held to consider any objections raised to the proposed tests.... [T]he trial court must make a threshold determination that the proposed tests bear some reasonable relation to the mental state placed in issue.... [T]he term “tests” shall include any and all assessment techniques such as a clinical interview or a mental status examination....

Presumably, the opening phrase in the above, “Unless otherwise specifically addressed by an existing provision of law...” refers to such statutorily–established procedures as Pen. C. § 1367 et seq., and Pen. C. § 1026 et

seq., providing for court appointment of mental health experts in mental incompetency and insanity proceedings. Presumably, the new procedure does not apply in such cases. In *Verdin, supra*, 43 Cal.4th 1096, there is no established procedure for mental examinations in defenses of “diminished actuality.”

Conditional Exams Now Permitted in Certain Domestic Violence Cases When There is Witness Dissuasion

A “conditional examination” is a pretrial deposition.

Enacted by: SB 197; Stats. 2009, Ch. 567.

Statute Affected: Pen. C. § 1335

Here is an excerpt from Pen. C. § 1335, new Subdivision (d):

(d) If a defendant has been charged with ... domestic violence [as defined] and there is evidence that a victim or ... witness has been or is being dissuaded by the defendant or any person acting on behalf of the defendant, by intimidation or a physical threat, from cooperating with the prosecutor or testifying ..., the people or the defendant may ..., have a witness examined conditionally....

Local Fees in Criminal Cases.

Enacted by: SB 676; Stats. 2009, Ch. 606

Statutes Amended: C.C.P. § 2103; Gov. C. 27361 and 54985; Pen. C. §§ 987.5, 1203.1, 1203.1b, 1203.4, 1203.45, 1205, and 13300; and Welf. & Inst. C. §§ 903 and 903.3

This bill increases a number of criminal and civil fees. This excerpt from the Legislative Counsel's Digest covers the criminal fees:

... [E] defendant, when represented by appointed counsel, is required [upon adoption of a resolution by the Bd. of Supervisors] to be assessed a registration fee [that was previously] not to exceed \$25, but the fee is not required of any defendant that is financially unable to pay it.

This bill would increase the maximum amount for that registration fee to \$50.

[Previous] law limits the fees that a court, county, or city ... may charge for various costs related to the judgment and execution of criminal matters, including certain administrative costs, costs related to collecting restitution or to probation supervision, certain costs of conducting a criminal investigation, and costs related to providing specified court services, such as a petition for changing a plea or for an order sealing a record....

This bill ... increase[s] the maximum fee for administrative costs of collection from 10% to 15%, and for other fees would delete those limits on the maximum fees that may be charged for providing those services pursuant to those provisions, as specified. This bill ... also establish[es] a fee to process installment payments, which would not exceed the administrative and clerical costs, and shall not exceed \$75, as provided. Additionally, the bill ... increase[s] the maximum fee for changing a plea or setting aside a verdict from \$120 to \$150.

Existing law authorizes a county to levy charges for the reasonable costs of support of a minor against the father, mother, spouse, or other person, while the minor is placed, ... or committed to, any ... place, or pursuant to an order of the juvenile court. Existing law limits the costs of support to actual costs ... for food and food preparation, clothing, personal supplies, and medical expenses, not to exceed a maximum cost of \$15 per day, ... adjusted every 3rd year to reflect the percentage change in ... California Consumer Price Index, as specified.

This bill ... increase[s] that amount to \$30 per day.

Existing law authorizes the county board of supervisors or the court ... to require reimbursement for the actual cost of services rendered for a petition to seal or expunge a criminal record of a minor, not to exceed \$120.

This bill ... raise[s] that limit to \$150.

Crimes and Punishments.

Boating and Vessels: Clarified, and Some Increased, Penalties (Not Alcohol or Drug Related)

Enacted by: SB 717; Stats. 2009, Ch. 610.

Statutes Added: Harb. and Nav. C. §§ 309 and 310.

Statutes Amended: Harb. and Nav. §§ 70, 70.2, 70.4, 70.8, 71.2, 71.4, 71.8, 72, 72.2, 76, 76.3, 76.5, 76.6, 86, 131, 133, 264, 300, 301, 302, 304, 305, 306, 307, 308, 505.5, 571, 652, 654.5, 658.3, 668.1, 738, and 780

Statutes Repealed: Harb. & Nav. Section 660.2 and Div. 1.5, Ch. 2.5, §§ 110 et seq.

The misdemeanor penalties for second and third offenses of throwing objects at a vessel or occupant, violating Harb. and Nav.. 654.5, are increased.

New Sections 309 and 310 are added to the Harbors & Navigation Code defining general misdemeanor and felony punishments.

Selected other Sections affected include (1) Sec. 131 (obstructing navigation); (2) Sec. 133 (improper discharge of oil); (3) Sec. 264 (improper breaking of boilers endangering life); (4) Secs. 300 to 305, (maliciously setting adrift, injuring, sinking, or other tampering of, or with, vessels); (5) Secs. 307 and 308 (improper mooring); (6) Secs. 306, 505.5, and 571 (offenses concerning liens on, or goods stored on, vessels); (7) Sec. 780 (sanitation and sanitation devices)

“Composite Knuckles” Replaces Plastic Knuckles.

Enacted by: AB 714; Stats. 2009, ch. 121.

Statute Affected: Pen. C. § 12020.1

Originally, “brass knuckles” were outlawed. Then it was broadened to “metal knuckles.” Then a separate statute was enacted for “plastic knuckles.” Now that is broadened to “composite knuckles.”

Cow Tail Docking

Enacted by: SB 135; Stats 2009, Ch. 344

Statute Amended: Pen. C. § 597n

From the Legislative Counsel’s Digest for this bill:

[It is already] a misdemeanor ... to cut the solid part of the tail of any horse in the operation known as "docking."

This bill ... likewise prohibit[s] the docking of cattle, as defined, but would exclude ... emergency veterinary treatment performed, as specified.

Controlled Substances: Nitrous Oxide Sale

Enacted by: AB 1015; Stats 2009 Ch. 266

Added Statute: Pen. C. § 381c

From the Legislative Counsel’s Digest for this bill:

This bill ... provide[s] ... that it is a misdemeanor to sell or give away a [container] exclusively containing nitrous oxide, or exclusively containing a chemical compound mixed with nitrous oxide, to a person under 18 years of age....

... [I]t is a defense ... that the defendant honestly and reasonably believed that the minor ... was at least 18 years of age.

The bill ... require[s] a court to suspend the business license of a repeat offender ..., except as specified.

Th[is] ... do[es] not apply to the sale of nitrous oxide contained in food products for ... a propellant or to the administration of nitrous oxide by licensed medical and dental practitioners or those they supervise, as specified....

Driving Under the Influence of Alcohol or Drugs: Ignition Interlock Devices, and Driver's License Consequences.

This bill becomes operative on July 1, 2010.

Enacted by: SB 598; Stats. 2009 Ch. 193

Affected statutes: Veh. C. §§ 13352, 13352.5, 23109, 23550, 23550.5, 23552, 23566, and 23568

From the Legislative Counsel's Digest:

This bill ... require[s] [DMV] to advise a person, who was [DUI, alcohol-only], and convicted of a first or second offense within 10 years], that he or she may apply for a restricted driver's license after ... 90 days of [a suspended license] period, under certain circumstances.

....

This bill ... [also] require[s] [DMV] to advise a person, who was [DUI, alcohol-only], and convicted of a third offense within 10 years], of [the] ability to apply for a restricted driver's license after completion of 6 months of the revocation period, subject to certain conditions, including [for] specified offense[s] that person subsequently ... [proves] enrollment in an 18-month or 30-month [DUI] program, as prescribed.

This bill [also] require[s] that a person convicted of [DUI – drugs or drugs and alcohol] without ... injury ..., within 10 years of ... a separate ... specified [DUI] offense[], [have the] driving privilege ... revoked for 2 years.

This bill ... authorize[s] [DMV] to reinstate the privilege provided certain conditions are met.

This bill ... require[s] [DMV] to advise the person that he or she may apply for a restricted driver's license after ... 12 months ..., subject to certain conditions including ... that the person ... pro[ves] enrollment in an 18-month or 30-month [DUI] program.....

This bill ... also require[s] a person convicted of [DUI – drugs or drugs and alcohol], without ... injury to another, [with 2 separate violations within 10 years of specified DUI] offenses, [have the] driving privilege ... revoked for 3 years.

This bill [also] authorize[s] [DMV] to reinstate the privilege provided certain conditions are met.

This bill [also] require[s] [DMV] to advise the person that he or she may apply for a restricted driver's license after ... 12 months ... subject to certain conditions, including ... that the person has satisfactorily completed the initial 12 months of an 18-month or 30-month [DUI] program as prescribed.

Electronic and Digital–Age Crimes.

Prohibition of Publication of Certain Information About Persons in the Witness Protection Program.

Enacted by: SB 748, Stats. 2009 Ch 613

Added Statute:: Pen. C. § 14029.5

Here are excerpts from the new statute:

(a) (1) No person or private entity shall post on the Internet the home address, the telephone number, or personal identifying information that discloses the location of any witness or witness' family member participating in the Witness

Relocation and Assistance Program (WRAP) with the intent that another person imminently use that information to commit a crime involving violence or a threat of violence against that witness or witness' family member.

(2) A violation ... is a misdemeanor punishable by ... up to ... \$2,500 ..., or ... up to six months in a county jail, or by both....

(3) A violation ... that leads to the bodily injury of the witness, or of any ... family members who are participating in the program, is a misdemeanor punishable by ... up to ... \$5,000 ... or ... up to one year in a county jail, or by both....

(b) Upon admission to WRAP, local or state prosecutors shall give each participant a written opt-out form for submission to relevant Internet search engine companies or entities. This form shall notify entities of the protected person and prevent the inclusion of the participant's addresses and telephone numbers in public Internet search databases.

(c) [Anyone] that receives the opt-out form ... shall remove the participant's personal information from public display on the Internet within two business days

[(d), (e), and (f), concern civil remedies.]

(g) Nothing in this section shall preclude prosecution under any other provision of law.

Prohibition of Publication of Certain Personal Information of Public Officials.

Enacted by: AB 32; Stats. 2009 Ch. 403.

Affected Statute: Government Code § 6254.21.

From the Legislative Counsel's Digest:

This bill ... require[s] a person ... upon receiving the written demand of an elected or appointed official, to remove the official's home address or telephone number from public display on the Internet within 48 hours of the delivery of the demand....

[A] public official is authorized to petition a court for injunctive or declarative relief if [the] home address and telephone number are publicly posted despite a written demand....

. This bill ... authorize[s] a court to also impose a fine not exceeding \$1,000 for violation of an order for an injunction or declarative relief.

Computer Hacking: Financial Institutions.

Enacted by: AB 22; Stats. 2009 Ch. 70.

Statute Affected: Pen. C. 502.

This bill increases the fines for this crime.

Gangs: Registrants Loitering On or Near School Grounds

Enacted by: SB 492; Stats. 2009 Ch. 592

Statute amended: Pen. C. § 653b

From the Legislative Counsel's Digest for this bill:

[It was already] a misdemeanor ... to loiter after being asked to leave ... about any school or public place at or near which children attend or normally congregate. [There were already] enhanced misdemeanor penalties ... if the person is required to register as a sex offender.

This bill ... provide[s] enhanced penalties ... if the person is required to register [under Pen. C. § 186.30] ... for committing any of specified criminal street gang offenses.

Hate Crimes: Nooses

Enacted by: AB 412; Stats 2009 Ch. 106

Statute Amended: Pen. C. § 11411

Penal Code section 11411 already outlaws hate crimes using certain symbols such as a swastika. This bill adds hate crimes using nooses.

Excerpt from Pen. C. §11411, new Subdivision (a):

Any person who hangs a noose, knowing it to be a symbol representing a threat to life, on the property of another, without authorization, for the purpose of terrorizing the owner or occupant ... or in reckless disregard of the risk of [terrorizing], or who hangs a noose, [with such knowledge], on the property of a ... school, ... college campus, public park, or place of employment, for the purpose of terrorizing any person who attends or works [there], or who is ... associated with the ... place ..., shall be punished by ... county jail [up to] one year, or by a fine [up to] ... \$5,000 ... , or by both... for the first conviction, [for any subsequent conviction the fine can be up to] ... \$15,000....

Human Trafficking: Abduction or Fraudulent Inducement For Prostitution; Minors

Enacted by AB 17; Stats. 2009, Ch. 211

Statutes Amended: Pen. C. §§ 186.2, 186.8, 266k, and 13837

From the Legislative Counsel's Digest for this bill:

This bill ... include abduction or procurement by fraudulent inducement for prostitution within the definition of criminal profiteering activity....

This bill ... [also] increase[s] the maximum amount of additional authorized fine to \$20,000 for any person convicted of procurement of a child under 16 years of age, as specified. The bill would also authorize the court to order a defendant convicted of abducting a person under 18 years of age for the purpose of prostitution to pay an additional fine of \$20,000.

Mortgage Fraud

Enacted by: SB 239; Stats 2009 Ch. 174

Statute Affected: Pen. C. § 532f: completely rewritten.

From the Legislative Counsel's Digest for this bill:

This bill ... [creates] the offense of mortgage fraud, as defined, ... [a wobbler]...

Sports Betting Pools: Partial Reduction in Penalty

Enacted by: AB 58; Stats 2009 Ch. 72

Statutes Added and Amended: Pen. C. §§ 336.9 and 337a.

From the Legislative Counsel's Digest for this bill:

[It was] either a misdemeanor or a felony ... [to], whether or not for gain ... to make a betting pool or place a bet ... on the result of any contest or event, including a sporting event, as specified.

This bill ... create[s] an exception ..., making it an infraction, punishable by [up to] \$250, for a person, not for gain, hire, or reward,

other than that at stake under conditions available to every participant, to participate in a bet, wager, or betting pool with another person or group of persons who are not acting for gain, hire, or reward other than that at stake under conditions available to every participant, on the result of any contest or event, including a sporting event, as specified.

This exception [does] not apply to any bet, bets, wager, wagers, or betting pool or pools made online or to betting pools with more than \$2,500 at stake.

Weapons on School Grounds : Added Prohibited Items

Enacted by: AB 870; Stats 2009 Ch. 258

Statute Amended: Pen. C. § 626.10

From the Legislative Counsel's Digest for this bill:

[It was already] a misdemeanor or a felony for a person, subject to exceptions, to bring or possess any of [several] specified weapons ... upon the grounds of, or within, any public or private school
....

This bill ..., in addition, make[s] it a misdemeanor to bring or possess a razor blade or box cutter upon those school grounds, except as provided.

Forfeiture and Property Disposition

Dog Fighting

Enacted by: SB 318; Stats. 2009, Ch. 302

Statute Added: Pen. C. § 598.1

From the Assembly Committee on Public Safety's *2009 Bill Summary*, 19:

“[This bill] provides that any property interest ... acquired through the commission of any specified dog fighting crimes [is] subject to forfeiture, including both personal and real property, profits, proceedings, and the instrumentalities acquired ... or used by dog fighting participants, organizers, [and] transporters of animals and equipment, breeders and trainers of fighting dogs, and persons who steal or illegally obtain dogs or other animals for fighting, including bait and sparring animals.”

Counterfeit Goods: Donating to Charity

Enacted by: SB 324; Stats. 2009, Ch. 581

Statute Amended: Pen. C. § 350.

From the Legislative Counsel's Digest of this bill:

... [It is already] a misdemeanor or a felony ... to willfully manufacture, intentionally sell, or knowingly possess for sale any counterfeit registered trademark, as specified.... [T]he court, [after] any conviction ... order the forfeiture and destruction of all ... matter bearing the marks

This bill ... authorize[s] the court, upon law enforcement request and consent from the specific registrants, to consider a motion to have the goods, not including recordings or audiovisual works, as defined, donated to a nonprofit organization for the purpose of distributing the goods to persons living in poverty at no charge to the persons served by the organization.

Restitution

Enhanced Collection from Prisoners

Enacted by: SB 432; Stats. 2009, Ch. 49.

Statute Amended: Pen. C. § 1203c

From the Legislative Counsel's Digest for this bill:

This bill ... authorize[s] the probation officer ... to send to [CDCR] a victim's contact information, if the victim consents, when the court has ordered the defendant to pay restitution ..., as specified... [T] victim's contact information [must] remain confidential...."

Tax Refund Withholding To Collect Restitution Fines.

Enacted by: SB 314; Stats. 2009 Ch. 578

Statutes Amended: Government Code §§ 12419.3 and 13957

From the Legislative Counsel's Digest for this bill:

... [T]he Controller [was already required] to offset [i.e., withhold] specified financial obligations ..., against ... a personal income tax refund.

This bill ... include[s] the nonpayment of penalties to the Restitution Fund.

Vandalism

Enacted by: AB 576; Stats. 2009, Ch. 454

Statutes Amended: Pen. C. § 1202.4 and Welf. & Inst. C. § 730.6

From the Legislative Counsel's Digest for this bill:

This bill ... add[s] to th[e] [statutory] definitions of victim [for restitution purposes] any governmental entity that is responsible for repairing, replacing, or restoring public or privately owned property that has been defaced with graffiti or other inscribed material, as specified, and that has sustained an economic loss

Collateral Consequences: Background Checks

Enacted by: SB 447; Stats 2009 Ch. 50

Added Statute: Pen. C. § 11102.2

This bill is phased in, "commencing" January 1, 2011.

From the Legislative Counsel's Digest for this bill:

This bill [will], commencing January 1, 2011, require [DOJ] to ... process fingerprint-based criminal record background clearances on individuals designated by an agency as a custodian of records. The bill would require agencies to designate a custodian of records, and to annually notify the department as to the identity of the agency's custodian of records.

From Pen. C. §11102.2, as now amended:

(a) (1) ... "[C]ustodian of records" means the individual designated by an agency as responsible for [handling] ... the criminal records furnished to the agency and who serves as the primary contact for [DOJ] for [this].

(2) ... "[A]gency" means any public or private entity that receives criminal history information from [DOJ].

Juvenile Delinquency

Re-entry Services For Those “Aged-out” or Timed-out from DJJ

Enacted by: AB 1053; Stats 2009 Ch 268.

Statute Added: Welf. & Inst. 1766.2

According to the Assembly Committee on Public Safety’s *2009 Bill Summary*, p. 72, “Youth who age out from DJJ ... are not entitled to receive any services or supervision ... You who age out from DJJ ... are not eligible for parole and cannot receive the reentry services attached to parole.... Additionally, parole officers provide little, if any, assistance to youth who have reached maximum confinement time.

This bill seeks to remedy that. Excerpts from the Legislative Counsel’s Digest for this bill:

This bill ... require[s] [DJJ] to place all applicable wards, as defined, in its custody on supervised parole within the period of 120 to 90 days prior to the date of release from custody, as specified, or within the period of 120 to 90 days prior to completion of the maximum period of confinement, as specified, whichever comes first.

... [T]hese provisions do not apply when a petition or order for further detention has been requested, as provided.

... [A]lso ... a ward who has been released under these provisions shall be subject to revocation of parole for alleged violations committed during the release period.

A New Interstate Compact for juveniles.

Enacted by: AB 1053; Stats 2009 Ch 268.

Statutes Affected: Welf. & Inst. C., Div. 2, Pt. 1, Ch. 4, §§ 1300 et seq.: completely rewritten.

According to the Assembly Committee on Public Safety’s *2009 Bill Summary*, p. 72, “California is not a member of the new Interstate Compact for

juveniles, replacing the compact that has been in place in California since 1955. Thirty–nine states have adopted this new compact to date.

This bill adopts the updated Compact for California.

Evidence Code: Only Technical, or Very Minor, Changes.

Technical, Nonsubstantive, or Minor Changes to Sections 795, 1010, 1118, and 1294.

Enacted by: SB 33; Stats. 2009, Ch. 26 [amending Evid. C. § 1010]; and by SB 176; Stats. 2009, Ch. 88 [amending Evid. C. §§ 795, 1118, 1294].

These sections concern, respectively, hypnosis, psychotherapist–definition, mediation, and prior inconsistent statements.

The change to Sec. 1010 concerns qualifications of psychotherapist trainees.

Lawyer–Client Privilege: These Changes Only Affect Decedent’s Estates.

Enacted by: AB 1163; Stats. 2009, Ch. 8

Sections Amended: Evid. C. §§ 953 and 957.

These sections are amended only to clarify that when the client is deceased, a personal representative who is appointed for estate administration is the holder of the privilege.

Rules of Court

[Time for Filing] Pre-Trial Motions in Criminal Cases: Rule 4.111

The time lines are changed from calendar days to court days, thus increasing the time in advance of the hearing that moving and responding papers must be filed and served:

(a) Time for filing papers and proof of service

Unless otherwise ordered or specifically provided by law, all pretrial 43 motions, accompanied by a memorandum, must be served and filed at least 10 ~~calendar~~ court days, all papers opposing the motion at least 5 ~~calendar~~ court days, and all reply papers at least 2 court days before the time appointed for hearing....

Juvenile Appellate Rules.

The new Rules listed below are adopted, effective July 1, 2010:

Rule 8.403 Right to appointment of appellate counsel and prerequisites for appeal

Rule 8.404. Stay pending appeal

Rule 8.405. Filing the appeal

Rule 8.406. Time to appeal

***Online Membership Account, Including Email, With State Bar:
Required.***

This new rule is effective February 1, 2010:

Rule 9.7. Online reporting by attorneys

(a) Required information

... [E]ach [State Bar] member must use an online membership account ... [with] the State Bar to report a current:

(1) Office address and telephone number, or if none, another address; and

(2) An e-mail address not to be disclosed on the State Bar's Web site or otherwise to the public without the member's consent.

(b) Optional information

A member may also use an online membership account to:

(1) Provide an e-mail address for disclosure to the public on the State Bar Web site; and

(2) Provide additional information as authorized by statute, rule or Supreme Court directive, or as requested by the State Bar.

(c) Exclusions

... [T]he State Bar may not use e-mail [to] provid[e] a notice required to initiate a State Bar disciplinary or regulatory proceeding or to ... change a member's status involuntarily.

(d) Exemption

A member who does not have online access or an e-mail address may claim an exemption from the reporting requirements of this rule....

Judicial Council Forms

Changes have been made to the following forms:

- (1) CR-101, Plea Form, With Explanations and Waiver of Rights-Felony
- (2) CR-120, Notice of Appeal-Felony (Defendant)
- (3) CR-180 Petition for Dismissal [Pen. C. §§ 17, 1203.4, 1203.4a]
- (4) MC-275 Petition for Writ of Habeas Corpus
- (5) JV-365 Termination of Dependency Jurisdiction – Child Attaining Age of Majority
- (6) (Forthcoming, July 1, 2010) Order for Dismissal [Pen. C. §§ 17, 1203.4, 1203.4a].

For those court that permit electronic filing and service (see Calif. Rules of Court 2/250 to 2.261), there is a new set of forms for this purpose, EFS-005, and -010, and POS-050(D)/EFS-050(D), et seq.

Supreme Court Filing Restrictions

From the Judicial Council's web site, Supreme Court's page
<http://www.courtinfo.ca.gov/courts/supreme> (accessed Dec. 31, 2009.)

EFFECTIVE JANUARY 1, 2010, the Los Angeles Clerk's Office of the Supreme Court of California will be closed. The Supreme Court will no longer accept filings at Court of Appeal locations. All petitions for review, writs, and legal briefs must be filed at:

Supreme Court of California, Office of the Clerk, First Floor, 350 McAllister Street, San Francisco, CA 94102.

Local Ordinances on Drug Abatement Permitted

Enacted by: AB 530, Stats. 2009, Ch. 244

Affected Statute: New Section 11571.1 of the Health and Safety Code, replaces a limited, former Section 11571.1, that concerned only tenants and pilot programs in such places as Los Angeles.

Here is an excerpt from new §1157.1

Nothing in this article [concerning statewide drug abatement] shall prevent a local governing body from adopting and enforcing laws, consistent with this article, relating to drug abatement. Where local laws duplicate or supplement this article, this article shall be construed as providing alternative remedies and not preempting the field.

Damage Claims for Erroneous Conviction

Enacted by: AB 316; Stats. 2009, Ch. 432

Statutes Affected: Amends C.C.P. § 340.6 and Pen. C. §§ 851.8, 4901, 4903, and 4904. Add Pen. C. § 851.86.

From the Assembly Committee on Public Safety's *2009 Bill Summary*:

[This bill] amends the time for filing a claim with the Victim Compensation and Government Claims Board [VCGCB] from six months to two years....

[This bill also] provides that a judicial finding of factual innocence [is] admissible as evidence at the VCGCB hearing.

- * -