

New Laws for 2025

**The most important new
statutes, rules, instructions, and forms,
for
California Criminal Law
and Juvenile Justice**

Selected and edited by

Garrick Byers

Statute Decoder

gbyerslaw@comcast.net

December 9, 2024

GUIDE TO THIS MATERIAL

Each bill number is also a link to its full official text and Legislative Counsel's Digest, with links to Bill Analyses (Committee Reports) and others.

Many new statutes and rules fit in two or more categories but are included in only one. There are many cross references. Only the most important new laws, and others, are included. Editorial features, are added to texts, for ease of reading. When two bills have identical amendments or additions, usually only the last one signed is included.

A complete list of new bills is online at "California Legislative Information," "Publications," "New Laws Report." All new Rules and Forms are at the Calif. Courts web site. See also the annual list of bills passed by the Public Safety Committees of both the Senate the Assembly. Both the Calif. Courts and the DMV have pages for new legislation affecting them.

This compendium is for information only and is not legal advice.

New statutory or rule text is in this font. Existing statutory or rule text is in this font. ~~Deleted statutory or rule text is in this font.~~

Selected Abbreviations:

AB = Assembly Bill

CCP = Code of Civil Procedure

CDCR = CA Dept. of Correct. and Rehab. Def = Defendant or Defense.

DOJ = CA Dept. of Justice.

DV = Domestic Violence.

FC = Family Code.

GC = Government Code.

HS = Health and Safety Code.

IST = Incompetent to Stand Trial

M = Minor.

MHD = Mental Health Diversion.

PC = Penal Code.

P = The People, Prosecution

P.O. = Probation Officer or Dep't.

SB = Senate Bill.

Stats = Statutes and Amendments to the Codes (pub'd yearly)

VC = Vehicle Code

V = The Victim or Alleged Victim

WI = Welfare and Inst. Code

W = Witness.

Garrick Byers, certified as a Criminal Law Specialist by the State Bar's Board. of Legal Spec., was a Public Defender for 35 years, was a CPDA President, and is currently a member of CPDA's Legislative Committee. He is currently in private practice. He frequently speaks and writes for CEB, CPDA, Public Defender offices, and others. © G. Byers 2024.

HIGHLIGHTS AND LOWLIGHTS

- Remote appearances modified; most sunset dates extended. (Crim. Proc.)
- AI generated sexual images PC 647, SB 1414 (cf. SB 926) (Crimes)
- Military Diversion extended to most felonies. PC 1001.80 (Diversion)
- The substantive provision of Prop. 36 from the Nov. 5 election, are in the “Crimes,” Controlled Substances and Alcohol,” and “Firearms” sections.
- PC 1171 creates a procedure for postconviction proceedings (Crim. Proc.)
- Corporations: Rest. Fines & “White Collar Criminal Enhancement” (Fines)
- Statute of Limitations for DV extended from 5 to 7 years. (Stat. of Limits)
- Increased authority to take arrested person to specified social services, and arrest thereafter deemed a detention only. PC 849 (Arrest & Detent.)
- Bills to improve prison and release conditions. (State Prisons.)
- Courts can grant immunity for relinquishing firearms or ammo pursuant to certain relinquishment and restraining orders. (DV & Crim Proc)
- Vocabulary changes in many HS and WI statutes to avoid stigmatization in mental health, alcohol, or drug matters. (Control. Sub. & Mental H.)
- The Bar Exam goes remote or to small test centers. (Attorneys)
- The California Indian Child Welfare Act expanded. (Juvenile Justice)
- Police can make warrantless arrests of shoplifters for crimes not committed in their presence under specified circumstances. (Arrests)
- Legislature emphasizes that (with 5 exceptions) children under 12 must not be in juvenile court. (Juvenile Justice)

Early Notices and Warnings.

Speed Safety Systems, aka Speed Safety Cameras: so far, civil pilot programs only; are criminal laws coming? (Early Warnings)

Three new generative AI sex-offense misdemeanors. See Crimes.

Driver Monitoring Defeat Devices in autonomous vehicles and autonomous technology in vehicles. (Early Warnings)

Modification of PC 273.5 restraining orders generally require 15-days’ written notice effective 1/1/26 (See Domestic Violence and Elder Abuse)

Auto expungement of Juvenile arrest-only records 7/1/27 (Juvenile Justice)

Trivia Question: What is the “Centralized List of Disapproved Publications?” (See last pages.)

TABLE OF CONTENTS

GUIDE TO THIS MATERIAL	2
HIGHLIGHTS AND LOWLIGHTS	3
TABLE OF CONTENTS	4
APPEALS and APPELLATE COURT PROCEEDINGS	13
<i>More actions the juvenile court can take while the case is on appeal without affecting the appellate court's jurisdiction.</i>	<i>13</i>
<i>Remote appearances in the Supreme Court and Court of Appeal .</i>	<i>13</i>
ARREST and DETENTION.....	14
<i>Police may release an arrested person to a public health or social services organization and the even is deemed a detention only.</i>	<i>14</i>
ATTORNEYS.....	15
<i>MCLE deadline for last names A-G extended to March 29, 2025. ...</i>	<i>15</i>
<i>The Bar Exam Goes Remote or to Small Test Centers, at the applicant's choice, beginning February 2025.</i>	<i>16</i>
<i>Kaplan Exam Services, LLC will write the Bar Exam questions....</i>	<i>17</i>
<i>A lawyer's ethical obligations to engage in succession planning. .</i>	<i>17</i>
BAIL AND RELEASE	18
CONTROLLED SUBSTANCES (drugs) AND ALCOHOL.....	18
<i>Proposition 36 Purposes and Intent; Findings and Declarations..</i>	<i>18</i>
<i>HS sections added by Prop. 36 at the Nov. 5 election:.....</i>	<i>18</i>
HS 11369 (§ 4 of P36): Murder warning, & “Hard Drug” defined.	19
HS 11370.4 (§ 6 of P36) Weight enhancements	20

[HS 11395 (§ 7 of P36): “Treatment-Mandated Felony”	21
PC 12022.7, new subd. (f)(2): GBI by providing drugs (P36, § 13).....	23
<i>Vocabulary changes in HS and WI statutes “to avoid stigmatization.”</i>	24
<i>“Controlled Substance Checking Services” authorized.....</i>	25
COUNTY JAIL	29
<i>Feminine hygiene products available without request.....</i>	29
CRIMES	30
<i>Solicitation of minors for prostitution: Def. must be over 18; some punishments increased; and repeat offenses are registerable.....</i>	30
<i>Three bill target generative AI (Gen AI) “image-based sexual abuse” and “child sexual assault material.”</i>	32
<i>Gen AI nonconsensual deepfake pornography.....</i>	32
<i>“Child sexual assault material” generated by A: AB 1831</i>	34
<i>“Child sexual assault material” generated by AI: SB 1381</i>	38
<i>Assault and battery in an emergency department.....</i>	40
<i>Theft crimes added by P36</i>	40
PC § 490.3 (P 36, § 8) Aggregating loss from thefts or shopliftings.....	40
PC 666.1 (P36 § 9) Petty theft or shoplifting with two or more priors is a wobbler.	41
PC 12022.6 (P36 § 11) enhancements for great damage to property or receiving stolen property of great value; (see also AB 1920)	42
PC 12022.65 (P36, § 12) Property taking or damaging in concert	43
Theft From a Vehicle.	43
Automotive property acquired by theft for resale.....	45
Possessing stolen merchandise with intent to resell; a.k.a. “unlawful deprivation of a retail business opportunity.”	46
When theft amounts can be aggregated to elevate the crime.	48

Organized Theft: Sunset Date Removed.	49
Arson within a merchant’s premises to facilitate organized theft is an aggravating factor.....	49
Retail crime restraining orders.....	49
PC 12022.6 enhancements for great damage to property or receiving stolen property of great value; (see Prop. 36 § 11).....	52
Enhancement for selling property of great value obtained by theft.....	53
CRIMINAL PROCEDURE.....	54
<i>Uniform resentencing procedures for resentencing pursuant to, inter alia, PC 1170.18, 1172.1, 1172.6, 117872.7, 1172.75.....</i>	<i>54</i>
<i>Race-Blind Charging Procedures required by Prosecution Agencies.....</i>	<i>57</i>
<i>Remote Court Appearances.....</i>	<i>59</i>
DIVERSION	61
<i>Felonies, (with exceptions) allowed for Military Diversion; eligibility is easier to prove.....</i>	<i>61</i>
<i>Misdemeanants found Incompetent to Stand Trial (IST) charged with DUI may receive Mental Health Diversion (MHD).....</i>	<i>65</i>
DOMESTIC VIOLENCT AND ELDER ABUSE	66
<i>DV Restraining Orders Have Beefed-up Firearm Restrictions.....</i>	<i>66</i>
<i>Effective 1/1/2026, PC 273.5, will require 15 days’ written notice to modify protective orders entered pursuant to that section.</i>	<i>69</i>
EVIDENCE	69
<i>No new Evidence Code provisions affecting criminal law.</i>	<i>69</i>
FINES, FEES, AND PENALTIES.....	70
<i>The “Corporate White Collar Criminal Enhancement,” in addition to a restitution fine, Enacted.....</i>	<i>70</i>

FIREARMS AND RELATED MATTERS	72
<i>Added by P36 at the November 5, 2024, election.</i>	<i>72</i>
Possession of certain drugs while armed: HS § 11370.1 (P36 § 5).....	72
Gun enhancement under PC 12022, subd. (c)(1) (P36, § 10) amended: sentence now must be served in prison, not jail.	73
Grounds for gun violence restraining orders (red flag laws) expanded....	73
<i>Animal cruelty results in a 10-year ban on guns</i>	<i>74</i>
<i>If Def. refuses to relinquish guns pursuant to PC 29810 [required gun relinquishment after certain convictions] on 5th Amend, grounds, the court can offer use immunity to force relinquishment; Eff. 1/1/26.</i>	<i>75</i>
FORMS	75
HABEAS CORPUS	76
JURISDICTION AND VENUE	76
<i>Certain theft offenses in multiple jurisdictions can be brought in one with agreement of the district attorneys in the other ones.....</i>	<i>76</i>
JURY AND JURY INSTRUCTIONS.....	77
<i>From the Cal. Courts website; CALCRIM Supplement, Sept. 2024 .</i>	<i>77</i>
<i>Mental health advisement following a trial on a violent felony. ...</i>	<i>79</i>
JUVENILE JUSTICE LAW	80
<i>Juvenile restitution fines repealed; restitution liability must be several not joint and several. Uncollectable after 10 years.....</i>	<i>80</i>
<i>Juvenile Interrogation by Law Enforcement Limited, July 1, 2024 </i>	<i>82</i>
<i>California’s Indian Child Welfare Act is expanded.</i>	<i>84</i>

<i>The right to behavioral health services added to Youth Bill of Rights.....</i>	<i>88</i>
<i>The Legislature clarifies that juvenile courts have no jurisdiction over minors under 12 years old.</i>	<i>89</i>
<i>Services under WI 654 in lieu of a petition alleging specified violations can include referral to youth court as specified.</i>	<i>90</i>
<i>Remote appearances in Juvenile cases.....</i>	<i>91</i>
<i>Authority to seal a record of arrest of a minor, with no conviction or adjudication, expanded from misdemeanor to felony.</i>	<i>92</i>
<i>Petitions by the [P.O.] to seal certain juvenile court records after the person turns 18.</i>	<i>93</i>
<i>Automatic sealing of eligible arrest records not resulting in sustained charges, oper. July 1, 2027, subject to appropriation. ...</i>	<i>96</i>
<i>[Minors] get equal consideration for informal probation regardless of whether M lives in the county where the offense occurred.</i>	<i>96</i>
MENTAL HEALTH including IST.....	97
<i>Vocabulary changes in WI statutes to put the person first.....</i>	<i>97</i>
<i>The State Hospital must help a patient being released in applying to DMV for an identification card.</i>	<i>98</i>
NATIVE AMERICANS	100
<i>Specified law enforcement reports must identify whether an incident occurred in Indian country as defined. Law enforcement DV reports must [state] whether it took place in Indian country.</i>	<i>100</i>
PEACE OFFICERS and Law Enforcement Agencies.....	101
<i>Warrantless arrests allowed, as specified, for shoplifting not committed in the officer's presence.</i>	<i>101</i>

<i>Agencies can disclose termination for cause of a formerly employed peace or custodial officer as specified.</i>	<i>102</i>
PROBATION	103
<i>Probation can last 2 years, and a program may be required, for misdemeanor shoplifting and petty theft.</i>	<i>103</i>
<i>For Def's granted probation for drug offenses, a specified drug treatment program is required if it is available.....</i>	<i>104</i>
RACIAL JUSTICE ACT (RJA)	104
RECALL OF SENTENCE	105
REGISTRATION: PC 290, others	105
<i>Certain solicitation of minors for prostitution: elements changed, punishment increased, and repeat offenses are registerable.</i>	<i>105</i>
RESTITUTION and RESTITUTION FINES.....	106
<i>Restitution Fines Uncollectible After 10 Years.....</i>	<i>106</i>
<i>Corporate Restitution Fines.</i>	<i>107</i>
RULES OF COURT (CALIFORNIA)	107
<i>Changes to criminal and delinquency rules eff. Jan. 1, 2025:.....</i>	<i>108</i>
<i>Selected changes to rules eff. Sept. 1, 2024.....</i>	<i>110</i>
SEARCH AND SEIZURE	111
<i>"Wiretaps" are authorized upon finding probable cause of felony distribution of obscene matter depicting a person under 18.</i>	<i>111</i>
<i>PC 1524 now authorizes a search warrant for ammunition possessed by a person prohibited from having ammo. by WI 8103.</i>	<i>112</i>
SENTENCES	113

<i>Rape of an Intoxicated Person is now a “violent felony,” if it is pled and proven that D caused the intoxication as specified, with intent.....</i>	<i>113</i>
<i>Penalty for violation of PC 422.6 – hate crime interference with civil rights – raised from misdemeanor to wobbler.....</i>	<i>114</i>
<i>Penalty for violation of PC 423.3 (violation of the Freedom of Access to Clinic and Church Entrances (FACE) Act) – raised from misdemeanor to wobbler.....</i>	<i>115</i>
<i>Penalty for certain internet posts meant to incite violence or threats against reproductive health patients or providers (GC 6218.01) increased to a wobbler.....</i>	<i>115</i>
STATE PRISONS, including Parole and PRCS.....	116
<i>Pregnant persons at CDCR get to see a social worker within 7 days; postpartum persons get bonding time and expedited visitation.</i>	<i>116</i>
<i>Pregnant persons in CDCR get bottled water, high nutrition meals, can’t be put in solitary and can have a support person.....</i>	<i>118</i>
<i>“Accountability Letter Bank” and “Victim Offender Dialogue” programs at CDCR get statutory authorization.....</i>	<i>119</i>
STATUTE OF LIMITATIONS.....	121
<i>The limitations period is tolled for up to 3 years while a person is out of state to evade prosecution for hit and run with death or injury.</i>	<i>121</i>
<i>Limitations period for PC 273.5 (DV) extended from 5 to 7 years.</i>	<i>122</i>
<i>If the limitations period has expired for certain sex crimes, P can still provide victim assistance including support pursuing restorative justice.</i>	<i>122</i>
VEHICLES.....	123

<i>Lifetime ban from operating a commercial motor vehicle if convicted of human trafficking using one.</i>	<i>123</i>
<i>A warrant can authorize impounding a vehicle used in a speed contest or exhibition of speed.</i>	<i>124</i>
<i>Vehicle impoundment allowed for reckless driving or exhibition of speed in an offstreet parking facility.....</i>	<i>125</i>
<i>It is an infraction to interference with monitoring systems for automated vehicles that ensure drivers are paying attention.....</i>	<i>125</i>
<i>Sideshows (a.k.a. street takeovers) can result in CDL suspension for 90 days to 6 months, starting July 1, 2025.....</i>	<i>128</i>
<i>Erasing or painting over the reflective coating of, or alter, a license plate to avoid capture of the plate or its characters: an infraction.</i>	<i>129</i>
OTHER EARLY WARNINGS and NOTICES	130
<i>“Speed safety systems pilot programs”: civil penalties only, so far.</i>	<i>130</i>
<i>Starting 1/1/2028, the “Culturally Competent Hair Care Act” will require CDCR and, if they have a store, county jails, to provide sulfate-free shampoos and conditioners, curl creams, and gel. ...</i>	<i>131</i>
BRIEFLY NOTED	131
<i>An administrative review of a parking ticket can be by mail or in person, and now, if, offered by the issuing agency, by telephone or electronic means.</i>	<i>131</i>
<i>Amendments in the Racial Justice Act, and habeas corpus statute, made by SB 1518 correct erroneous cross references.....</i>	<i>131</i>
<i>Fenfluramine removed from the California Uniform Controlled Substances Act.</i>	<i>132</i>
<i>Traffic tickets for driverless cars.</i>	<i>132</i>

<i>When a juvenile dies in custody the law enforcement agency must post specified information on its web site.</i>	<i>132</i>
<i>Another exception to releasing misdemeanants on citations.</i>	<i>133</i>
<i>Diversion or deferred entry of judgment for Theft or Repeat Theft (PC 1001.82); sunset date extended from 1/1/26 to 1/1/31.</i>	<i>133</i>
<i>POST training on gun violence restraining orders, and hate crimes, including concerning LGBTQ and Jewish communities.</i>	<i>133</i>
<i>Bereavement leave from job for incarcerated persons, with pay..</i>	<i>134</i>
<i>Board of Parole Hearings must translate specified blank templates of notices and forms into the 5 most common languages spoken by incarcerated persons eligible for parole hearings.</i>	<i>134</i>
<i>Access to juvenile records expanded to include the subject's subsequent attorney.</i>	<i>134</i>
<i>When an M's records are sealed pursuant to WI 781 and 786, the court can't order M's defense attorney's records also sealed.</i>	<i>135</i>
<i>WI 8103 gun prohibitions in mental disorder cases</i>	<i>135</i>
<i>Capacity hearings to refuse antipsychotics in LPS cases.....</i>	<i>135</i>
<i>Options for misdemeanor ISTs under PC 1370.01 are changed.</i>	<i>135</i>
ANSWER TO THE TRIVIA QUESTION	136

APPEALS and APPELLATE COURT PROCEEDINGS

See also: Cal. Rules of Court, rules 8.200, 8.320, 8.385.

More actions the juvenile court can take while the case is on appeal without affecting the appellate court's jurisdiction.

SB 1161 (Stats 2024 Ch. 782)

Amends, among others, WI 800

(g) The juvenile court may transfer jurisdiction to another county, terminate its jurisdiction, or seal the . . . records of the youth under [WI] 781 or 786 while an appeal is pending. The transfer . . . , termination . . . , or sealing . . . does not affect the jurisdiction of the appellate court.

If the appellate court remands the matter to the juvenile court after jurisdiction [was] terminated or the record . . . sealed . . . , the juvenile court shall access its records and assume jurisdiction to the extent necessary to follow the directions of the appellate court.

If the matter returns to the juvenile court after jurisdiction has been transferred to another county, the matter shall return to the juvenile court that last exercised jurisdiction.

////////////////////////////////////

Remote appearances in the Supreme Court and Court of Appeal

In the Supreme Court, “counsel . . . have the option to appear in person . . . , or remotely via video.” Administrative Order 2023-05-11 (May 11, 2023.)

In the Court of Appeal, check with each district and division.

////////////////////////////////////

ARREST and DETENTION

Police may release an arrested person to a public health or social services organization and the even is deemed a detention only.

AB 2215 (Stats. 2024, Ch. 954)

Amends PC 849

From the LEGISLATIVE COUNSEL'S DIGEST

[Before this bill, PC 849,] provide[d] . . . circumstances [in] which a person arrested without a warrant may be released . . . [without being taken to jail and without a citation or ticket] including . . . when the arresting officer believes that insufficient grounds exist [for] a criminal complaint . . . or when the arrest[] [is] for intoxication . . . and no further proceedings are desirable.

This bill . . . authorize[s] an arresting officer to release an arrested person from custody . . . if the person is . . . delivered or referred to a public health or social service organization [providing] services including . . . housing, medical care, treatment for alcohol or [drug] disorders, psychological counseling, or employment training and education, the organization agrees to accept the delivery or referral, and no further proceedings are desirable. . . .

[The arrest of a person thus released is then deemed only a detention.]

[PC] 849 is amended to read:

(a) When [a warrantless] arrest is made . . . , the person . . . , if not otherwise released [e.g., on a citation or ticket], shall . . . be taken before [a] . . . magistrate . . . , and a complaint stating the charge . . . shall be laid.

(b) A peace officer may release . . . , instead of taking the person [to] a magistrate [or, e.g., giving a citation], a person arrested without a warrant [when]:

(1) . . . [T]here are insufficient grounds for making a criminal complaint against the person. . . .

(2) The person . . . was arrested for intoxication only, and no further proceedings are desirable.

- After [this], each group returns to a standard 36-month cycle

The reason for the extension is not stated. Perhaps it was because of the new MCLE requirements that became effective last year in the areas of Technology and others. See

<https://www.calbar.ca.gov/Attorneys/MCLE-CLE/Requirements>

The Bar Exam Goes Remote or to Small Test Centers, at the applicant's choice, beginning February 2025.

From the “February2025 Bar Exam FAQs” at <https://www.calbar.ca.gov/Portals/0/documents/admissions/Examinations/February-2025-Bar-Exam-FAQs.pdf> (last accessed Oct. 30,2024)

These FAQs . . . will be . . . updated as needed.

.... [T]he ... Supreme Court approved administering the ... Bar Exam in two modalities, remotely and in person at vendor-run test centers. Applicants [can] elect their preferred method ... between remote and in-person, when submitting the bar exam application. ¶ ¶

... Measure Learning[a private vendor] has testing locations [in 27 cities] throughout California and [more in] the [U.S.]... . ¶

Those testing in-person at Measure Learning testing centers will be provided with a computer for the examination. ¶ ¶

EXAM INTEGRITY While you are logged into an exam session, the remote-proctored exam will be continuously recorded (audio and video), and you will be monitored by a human proctor. ¶

For more information on the bar exam choices, see <https://www.calbar.ca.gov/Admissions/Examinations/California-Bar-Examination/Notice-to-2025-Bar-Exam-Takers>

////////////////////////////////////

From the State Bar's News Release of August 13, 2024, at <https://www.calbar.ca.gov/About-Us/News/News-Releases/state-bar-kaplan-sign-five-year-california-bar-exam-development-contract>

The multiple-choice questions will replace the National Conference of Bar Examiners' (NCBE) Multistate Bar Examination (MBE) in time for the February and July 2025 exams. . . . ¶ ¶

A lawyer's ethical obligations to engage in succession planning.

From the Conclusion:

This opinion . . . is advisory only.

New Laws for 2025, p. 17

BAIL AND RELEASE

See “Domestic Violence and Elder Abuse,” AB 2907.

See “Controlled Sub.” Prop. 36, HS 1395, Treatment-Mandated Felonies.

See “Crimes,” Prop. 36, PC 666.1; and Arson; and AB 3209.

CONTROLLED SUBSTANCES (drugs) AND ALCOHOL

See also “Probation” for a program required, if available, for persons granted probation for certain drug crimes.

Proposition 36 Purposes and Intent; Findings and Declarations

These are in §§ 2 and 3 of P36 but are not codified; keep your Voter's Guide or go to the Calif. Sec. of State's elections web site to find them.

In § 2 are eight “Purposes and Intent.” In § 3 there are three main Findings and Declarations, each one with several subcategories.

Here §3(a)(4) (Compare HS 11395, subd. (d)(2), below.):

Along with hard drug and mental health treatment, [those] charged with a treatment-mandated felony would be offered shelter, . . . , and other services . . . to break the cycle of addiction and homelessness.

////////////////////////////////////

HS sections added by Prop. 36 at the Nov. 5 election:

HS 11369 (§ 4 of P36): Murder warning, & “Hard Drug” defined.

[HS] 11369 is added . . . to read:

(a) (b) The court shall advise a person . . . convicted of, or who pleads guilty or no contest to, a violation of [HS] 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, or 11379.6 involving a hard drug, [that]:

“You are hereby advised that it is extremely dangerous and deadly to human life to illicitly manufacture, distribute, sell, furnish, administer, or give away any drugs in any form, including real or counterfeit drugs or pills. You can kill someone by engaging in this conduct. All drugs and counterfeit pills are dangerous to human life. These substances alone, or mixed, kill human beings in very small doses. If you illicitly manufacture, distribute, sell, furnish, administer, or give away any real or counterfeit drugs or pills, and that conduct results in the death of a human being, you could be charged with homicide, up to and including the crime of murder, within the meaning of Section 187 of the Penal Code.”

(c) [That] statement shall . . . in writing, . . . on . . . a plea form, if used . . . , or at sentencing, and[it] shall be . . . on the record.

(d) (1) Except as provided in para[.] (2), . . . , “hard drug” means a [drug] . . . in [HS] 11054 or 11055, including . . . fentanyl, heroin, cocaine, cocaine base, methamphetamine, or phencyclidine, and [their] analogs

(2) . . . “[H]ard drug” does not include cannabis, . . . , peyote, [LSD], other psychedelic drugs, including mescaline and psilocybin . . . , any other[s] . . . listed in [HS 11054, subds.] (d) and (e) . . . , [and those in HS 11055, subd. (d) except meth[.]].

+++++

For P36, § 5, possession of certain drugs while armed, see “Firearms.”

HS 11370.4 (§ 6 of P36) Weight enhancements

[HS] 11370.4 . . . is *amended* to read:

(a) (1) A person convicted of a violation of, or of a conspiracy to violate, [HS §] 11351, 11351.5, or 11352 with respect to . . . heroin, fentanyl, cocaine base as [defined], or cocaine as [defined], ~~when the person knew of the substance's nature or character as a controlled substance~~, shall receive an additional state prison term as follows:

[These enhancements, ranging from 5 years for over 4 kilograms, to 25 years for over 80 kilograms, are not changed.]

(b) (1) A person convicted of a violation of, or of conspiracy to violate, [HS §] 11378, 11378.5, 11379, or 11379.5 with respect to . . . methamphetamine, amphetamine, [PCP], and its analogs shall receive an additional state prison term as follows:

[These enhancements, ranging from 3 years for over one 4 kilogram or 30 liters, to 15 years for over 20 kilograms or 400 liters, are not changed.]

(c) (1) A person convicted of a violation of, or of a conspiracy to violate, [HS] 11351 or 11352 with respect to . . . fentanyl shall receive an additional state prison term as follows:

(A) If the substance exceeds 28.35 grams (one ounce) by weight, the person shall receive an additional term of three years.

(B) If [over] 100 grams . . . an additional . . . five years.

(C) If [over] 500 grams . . . seven years.

(D) If [over] one kilogram . . . 10 years.

[(E) to (I) provide higher terms for higher weights, up to 25 yrs for 80 kg.]

(2)

~~(e)~~ *(d)* [These] additional terms . . . shall not be imposed unless the [weight] allegation . . . is [pled] and admitted or [proved]

(e) These enhancements are served in state prison].

~~(d)~~ (f) [These] . . . [are] in addition to any other punishment[s]

~~(e)~~ (g) [The] court may strike the[se] additional punishment[s] . . . if [it] determines that there are circumstances in mitigation. . . .

+++++

[HS 11395 (§ 7 of P36): “Treatment-Mandated Felony”

11395. (a) This . . . [is] . . . the Treatment-Mandated Felony Act.

(b) (1) . . . [E]xcept as provided in subd[.] (d), a person described in subd[.] (c) who possesses a hard drug, unless upon [a] written prescription . . . , shall be punished by . . . county jail for [up to] one year or [by PC § 1170, subd. (h)]. A second or subsequent conviction. . . is punishable by . . . county jail [up to] one year or by . . . state prison.

(2) A [Def] shall not be sentenced to jail or prison [under] this section unless a court determines that the [Def] is not eligible or suitable for treatment or [a] circumstance. . . in [subd. (d)(4)] applies

(c) Subd[.] (b) applies to a person who has two or more prior convictions for a felony or misdemeanor violation of [HS §] 11350, 11351, 11351.5, 11352, 11353, 11353.5, 11353.7, 11370.1, 11377, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, or 11395, including [one from] before [this §’s]effective date Prior[s] shall be [pled and proved].

(d) (1) (A) In lieu of a jail or prison sentence, or . . . probation with jail . . . , a [Def] charged with a [listed] violation . . . may elect treatment by pleading guilty or no contest[.] . . . admitting the [priors], waiving time for sentencing . . . , and agreeing to . . . a . . . treatment program developed by a drug addiction expert and approved by the court. [Def’s] plea . . . [is not] a conviction . . . unless judgment is entered pursuant to [subd. (d)(4)]

[(d)(1)](B) Upon or [after] arraignment . . . , and at the [Def’s . . .] request or . . . consent . . . , the court shall order a drug . . . expert to conduct a substance abuse and mental health evaluation. . . .

[N]either the . . . interview or evidence [from it] may be used against [Def] at any subsequent trial for the instant offense except for . . . impeachment should [Def] testify inconsistently. . . .

[(d)(1))(C) . . . [With Def's] consent, the court shall also order . . . [a determination of] whether [Def] is eligible [for] Medi-Cal, Medicare, or any other . . . benefits for any programs or evaluations under this section. . . .

[(d))(2) A treatment program may include, but is not limited to, drug treatment, mental health treatment, job training, and . . . other conditions related to treatment or a successful outcome The court must hold regular [review] hearings The court shall make referrals to programs [providing] services at no cost to the participant and have been deemed by the court, the drug addiction expert, and the parties to be credible and effective. [Def] may also . . . pay for a [court approved] program [

[NB: 1. P36 § 3(a)(4), above, states Def. "would [also] be offered shelter"

2. This § does not specify the program's length. GB]

[(d))(3) Upon [Def's] successful completion . . . , the . . . [program's] recommendation . . . , and [Def's, P's, the court's or P.O.'s] motion . . . , the court shall dismiss this charge . . . [PC 1000.4 applies, and] the arrest . . . [is] deemed to have never occurred. [The] dismissal . . . [is not] a conviction for any purpose. . . .

[(d))(4) If . . . [Def] is performing unsatisfactorily . . . , not benefiting . . . , not amenable . . . , refused treatment, or has been convicted of a crime . . . committed since starting treatment, [P], the court . . . , or . . . [P.O.] . . . may [move] for entry of judgment and sentencing. . . . [T]he court shall hold a hearing Judgment shall be imposed and [Def] sentenced if the court finds true [any] of the foregoing circumstances. [But], except when [Def] has been . . . convicted of a [new] crime . . . , the court may rerefer [Def] to treatment if . . . that . . . is in the interest of justice . . . , [Def] is currently amenable . . . , and [Def] agrees .

[(d))(5) For . . . residential treatment, [Def] may earn only actual credits Time . . . in any other . . . program . . . is not eligible for any credits.

(e) [This subd. has the same definition (and exceptions) of "Hard Drugs" as in HS 11369 (§ 4 of P36), above.]

(f) . . . [An] arrest for a violation of this [§], . . . require[s] judicial review prior to release [for a] . . . determination of risk to public safety and likelihood [of] to return to court. . . .

Funding for Treatment-Mandated Felony programs

[GC] 7599.200. (a) This [§ is] the Funding for the Homelessness, Drug Addiction, and Theft Reduction Act.

(b) From moneys disbursed to the Board of State and Community Corrections [BSCC] pursuant to [GC 7599.2, subd. (a)(3)] and [PC] 6046.2. . . , [BSCC] may allocate . . . funds to counties and local governments for programs . . . in [HS] 11395. [Funding from other sources is allowed, e.g.], the Local Revenue Fund 2011 . . . under [GC] 30025 and other funds . . . for substance abuse and mental health treatment.

(c) A [Def] charged with a treatment-mandated felony is eligible for any appropriate Medi-Cal or Medicare programs or services. . . .

A county or local government may contract . . . with the State Department of Health Care Services or any other . . . state agency to provide for . . . applicable Medi-Cal or Medicare treatment programs.

+++++

PC 12022.7, new subd. (f)(2): GBI by providing drugs (P36, § 13).

PC 12022.7 provides various enhancements for causing various types of great bodily injury. Subd. (f) defines GBI. A new Subd. (f)(2) is added:

[PC] 12022.7 . . . is amended to read:

¶ . . . ¶

(f) (1) As used in this section, “great bodily injury” [GBI] means a significant or substantial physical injury.

(2) . . . [A] person who sells, furnishes, administers, or gives away a controlled substance is deemed to have personally inflicted [GBI] when the person to whom the substance was sold [etc.] suffers a significant or substantial physical injury from using the substance.

[End of Prop. 36 §§ in Crimes. See also “Drugs and Alcohol” and “Firearms.”]

~~includes, but is not limited to, persons referred to as “alcoholics” and “drinking drivers.”~~ These problems may be evidenced by substantial impairment to the person’s physical, mental, or social ~~well-being, which impairment adversely affects his or her abilities~~ *ell-being in a manner that adversely affects their ability* to function in the community.

(j) ~~“Drug abuser”~~ *“Individual with a substance use disorder”* means anyone who has a problem related to the consumption of ~~illicit~~, illegal, legal, or prescription drugs . . . in a manner other than prescribed, whether or not it is of a periodic or continuing nature. ~~This definition includes, but is not limited to, persons referred to as “drug addicts.”~~ The drug-consumption-related problems of these persons may be evidenced by substantial impairment to the person’s physical, mental, or social ~~well-being, which impairment adversely affects his or her abilities~~ *well-being in a manner that adversely affects their ability* to function in the community.

(k) “Alcohol and other drug service” *or “substance use disorder service”* means a service . . . designed to encourage recovery from the ~~abuse of~~ *misuse of, or addiction to,* alcohol and other drugs ~~and~~ *with a goal* to alleviate . . . problems in the individual, ~~his or her~~ *their* family, and the community.

(I) “Alcohol and other drug ~~abuse program~~—*program*” or “*substance use disorder program*” means a collection of alcohol and other drug services that are coordinated to achieve the specified objectives of this part.

“Controlled Substance Checking Services” authorized.

AB 2136 (Stats. 2024, Ch. 701)

Amends HS 11014.5, 11364, 11364.5, and 11364.7;

Adds Art. 5 (commencing with [HS] 11300) to Ch. 5 of Div. 10 [the Uniform Controlled Substances Act] of the HS Code.

From the Senate Committee on Public Safety Rpt. for June 18, 2024:

[This bill] authorize[s] drug checking services and provide[s] immunity from . . . prosecution and civil liability to a person . . . providing or using [them]. . . .

From the Assembly Floor Analysis for August 23, 2024:

. . . . This bill seeks to reduce the number of overdoses and overdose deaths by authorizing access to controlled substance checking services, giving [drug users] . . . information about the contents of the substances they consume.

. . . . Drug checking refers to the use of technology to gain insight into the chemical composition of a controlled substance in order to determine whether the substance contains contaminants. . . .

From the Legislative Counsel’s Digest:

¶ ¶ The bill . . . authorize[s] specified entities to provide controlled substance checking services and . . . define[s] those services as the process of identifying or analyzing a substance to determine its chemical composition.

The bill . . . provide[s] a person . . . providing or using those services immunity from detention, arrest, criminal prosecution, and civil liability, among other things [e.g., reports to ICE are not allowed. GB]. ¶ ¶

From the text of AB 2136:

HS 11300. . . [Definitions]:

(a)

(b) “Controlled substance checking” means the process of identifying, analyzing, or testing a substance . . . [including] residue on drug paraphernalia or . . . packaging, to determine its chemical composition to assist in determining whether the substance contains contaminants, toxic substances, hazardous compounds, or other adulterants

(c) “Controlled substance checking equipment” [defined at length].

(d) “Controlled substance checking service provider” means an eligible entity that provides the service of controlled substance checking. . . .

[T]he following . . . are eligible entities:

(1) An entity that provides syringe exchange services as defined

(2) A research institution, college, or university.

(3) A community-based . . . or nonprofit organization . . . in collaboration with public health departments, entities that provide syringe exchange services, or research institutions, colleges, and universities

(e) “Controlled substance packaging” [defined; limited to small amounts]

HS 11301. . . . [I]t is not a violation of [HS Div. 10, the Uniform Controlled Substances Act] for a [drug] checking service . . . to do any of the following solely for . . . providing [drug] checking services:

(a) Receive voluntarily provided samples of substances

(b) Possess, transport, [etc.] . . . a controlled substance . . . [to analyze it].

(c) . . . [A]nalyze . . . samples

(d) Provide results . . . to the person requesting [those] services.

(e). . . . (f) Disseminate data [about analysis results]

(g) [Transport a sample to] a laboratory for secondary verification. . . .

(h) Purchase, [etc. and use] controlled substance checking equipment.

(i) Provide training [etc.] . . . concerning . . . equipment. . . .

(j) Work in collaboration with a local health officer, the State Department of Public Health, or a research institution [as] . . . authorized. . . .

HS 11302. . . . [P]ersonally identifiable information may be collected from a service user . . . only . . . to communicate . . . checking results. . . .

11303. (a) A program, employee, . . . , volunteer, . . . , or other[s] acting in the good faith provision of [drug] checking services . . . in accordance with established protocols shall not be subject to any of the following:

(1) Detention, arrest, or prosecution for a violation of [HS Div. 10, the Uniform Controlled Substances Act], [as specified].

(2) Forfeiture of property.

(3) Any civil or administrative penalty or liability . . . , including disciplinary action by a . . . licensing board, credentialing restrictions, [and others].

(4) Denial of a right or privilege for actions, conduct, or omissions relating to the operation of a controlled substance checking [as authorized].

(b) . . . [T]his section shall not apply to a party acting as a controlled substance checking service in a negligent manner or in bad faith.

HS 11304. (a) An individual possessing a controlled substance or . . . obtaining [these] services . . . shall not be subject to any criminal or civil penalty or investigation based solely on [that] utilization . . . or [to] . . . :

(1) Detention or arrest.

(2) Criminal prosecution, including a violation [etc.] . . . of . . . supervision.

(3) Civil, disciplinary, or administrative action.

(4) Forfeiture of property.

(5) Referral or transfer to, or detention or investigation for . . . referral or transfer to, . . . Immigration and Customs Enforcement or any immigration authority or joint law enforcement task force

(b) Th[is] exemption . . . shall not apply to any party utilizing a [drug] checking service in bad faith.

HS 11305. Utilizing a [drug] checking service shall [not contribute] to . . . reasonable suspicion or probable cause for a . . . search or seizure.

HS 11306. (a) A government agency, [or] [drug] checking service provider . . . shall not . . . disclose any personal information [on] an individual from whom the agency receives a [drug] . . . for checking or disposal . . .

(b) . . . [C]ollection and disclosure of aggregate information . . . not linked to an individual and .[without] a personal identifier may be released to clinicians, public health officials, researchers, or . . . local and state agencies . . . and may be stored or uploaded [on a] . . . website.

[HS] 11364 . . . is amended to read:

(a) It is unlawful to possess [specified drug paraphernalia] (b)

(c) This . . . does not apply to [a person getting drug] checking services.

////////////////////////////////////

COUNTY JAIL

Feminine hygiene products available without request.

AB 1810 (Stats. 2024, Ch. 939) Amends PC 3409 & 4023.5, and WI 221.

From the Legislative Counsel's Digest

[Before this bill, the] law require[d] a person who is incarcerated in state prison or . . . a local [jail], or a . . . juvenile facility, and who menstruates or experiences uterine or vaginal bleeding to, upon request, have access to . . . materials necessary for personal hygiene

punishable by . . . county jail for a . . . minimum of 2 days and [up to] one year, by a fine [up to] \$10,000, or by both.

This bill . . . make[s] this . . . applicable only to a[Def] who is 18 . . . or older.

[I]f the person solicited was under 16 years of age, or if the person . . . was under 18 . . . [and] was a [V] of human trafficking, [this bill] make[s] the offense punishable as a wobbler by . . . county jail for [up to] 1 year and a fine [up to] \$10,000 or . . . county jail for 16 months or 2 or 3 years.

For a 2nd or [later] offense under those conditions, the bill . . . require[s] that [the is] punishable as a felony by . . . county jail for 16 mo[.] or 2 or 3 years.

¶. . . . ¶

This bill . . . require[s] a person . . . 18 . . . or older, on or after Jan[.] 1, 2025, . . . who has a prior . . . for, [this][to] . . . register as a sex offender for . . . 10 years if . . . the person was more than 10 years older than the solicited minor.

From PC 647 as amended by SB 1414, § 2.7:

[With exceptions], every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor:

(a). . . .

(b)(1) An individual who solicits, or who agrees to engage in, or who engages in, any act of prostitution

(2) An individual who solicits, or who agrees to engage in, or who engages in, any act of prostitution with [a] person who is 18 years . . . or older

(3) An individual who solicits, or who agrees to engage in, or who engages in, ~~any~~*an* act of prostitution with another person who is a minor in exchange for compensation, money, or anything of value to the minor. . . .

(4)

(5) Notwithstanding . . . (1) to (3) . . . this subd[.] does not apply to a child under 18 years . . . who . . . engaged in conduct to receive money or other consideration that would, if committed by an adult, violate this subd[.]

[(c) to (k)]

~~(2)~~ **(B)** The court may, in unusual cases, [in] the interests of justice . . . ,
reduce or eliminate the mandatory two days of imprisonment

(i) 1 . . . [C]ounty jail [up to] one year and a fine [up to] \$10,000).

(B) A second or subsequent violation . . . is . . . a felony [punishable] pursuant to [PC 1170, subd. (h)].subdivision (h) of Section 1170.

Three bill target generative AI (Gen AI) “image-based sexual abuse” and “child sexual assault material.”

SB 1414 (Stats 2024, Ch. 617)

The main legislative history for this aspect of SB 1414 is found at [SB 926 \(Stats 2024, Ch. 289\)](#); both bills passed the same new law.

New Laws for 2025, p. 32

From the Assembly Committee on Privacy and Consumer Protection for SB 926, report for July 2, 2024:

As generative artificial intelligence (GenAI) becomes more accessible it is . . . being adopted for . . . nefarious purposes, including scamming, . . . political disinformation, and the generation of nonconsensual deepfake pornography.

Nonconsensual deepfake pornography is . . . damaging to individuals and to society. Teenage males in . . . middle and high schools can now use cheap, phone-based “nudification” applications to digitally undress their underage female classmates, and the likenesses of female celebrities and public figures are . . . being adapted into high-resolution, fake pornographic scenarios.

Existing law makes it a misdemeanor to intentionally distribute intimate imagery of another identifiable person without that person’s consent. This [is] commonly known as “revenge porn.”

This bill . . . expand[s] . . . revenge porn laws to include fake digital imagery. ¶ . . . ¶ [S]exual assault experts call this image-based sexual abuse.”

From PC 647 as amended by SB 1441 Section 2.7:

. . . . [E]very person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor:

¶ ¶

(j)(4)(A) *(i)* A person who intentionally distributes . . . the image of the intimate body part . . . of another identifiable person, or an image of the person . . . engaged in an act of sexual intercourse, sodomy, oral copulation, sexual penetration, or [masturbation]., ~~under circumstances in which the persons agree . . . that the image shall remain private, the person distributing the image knows or should know that distribution . . . will cause serious emotional distress, and the person depicted suffers that distress.~~ *when subclauses (I) to (III), inclusive, are all true:*

(I) The person distributing the image knows or should know that the distribution . . . will cause serious emotional distress.

(II) The person depicted suffers serious emotional distress.

(III) One of the following has occurred:

(ia) The person depicted . . . and the person distributing the image had agreed or had an understanding that the image shall remain private.

(ib) The image was . . . recorded . . . or . . . obtained by the person distributing [it] without the authorization of the person depicted, and the image was . . . captured under circumstances in which the person depicted had a reasonable expectation of privacy.

(ic) . . . [T]he person distributing the image [is] exceeding authorized access from the property, . . . messages, [etc.] of the person depicted.

(ii) A person who intentionally creates and distributes . . . any photo realistic image, digital image, electronic image, computer image, computer-generated image, or other pictorial representation of an intimate body part . . . of another identifiable person, or an image of the person . . . engaged in . . . sexual intercourse, sodomy, oral copulation, sexual penetration, or . . . masturbation . . . that was created in a manner that would cause a reasonable person to believe the image is an authentic image . . . under circumstances in which the person distributing the image knows or should know . . . will cause serious emotional distress, and the person depicted suffers that distress.

This clause shall not apply to a person who was under 18 years of age at the time the person committed the offense.

(B). . . (C) . . . (D) (5) . . . (6) . . .

+++++

“Child sexual assault material” generated by A: AB 1831

AB 1831 (Stats 2024, Ch. 926) Amends PC 311, 311.2, 311.11, & 311.12

This bill is coordinated with SB 1381, below, which makes similar amendments to other statutes in this same PC 311 to 312.7 series.

From the Legislative Counsel’s Digest:

Existing law prohibits the production, . . . , distribution, or possession, as specified, of matter, in specified formats, that depicts a person under 18 years of age engaging in or simulating sexual conduct, as defined. Existing law separately prohibits this . . . where it is done for consideration or where [this] is shared with a minor [and] . . . [increases] punishment when these are committed [with] government property.

This bill . . . expand[s] the scope of certain of these provisions to include matter that is digitally altered or generated by the use of artificial intelligence, as such matter is defined.

From uncodified section 1 of AB 1831:

(a)

(b) Child sexual assault material (CSAM) is a visual depiction of the sexual abuse and exploitation of children

(c) (d)

(f) The creation of CSAM using AI is inherently harmful to children because the machine-learning models utilized by AI have been trained on datasets containing thousands of depictions of known CSAM victims, revictimizing these real children by using their likeness to generate AI CSAM images into perpetuity.

(g). . . .

(h) CSAM that incorporates, in any manner, an image of a real child is not protected by the First Amendment. The First Amendment does not protect obscenity, even if that obscenity was created entirely by AI.

(i) Federal law already prohibits obscene visual representations of the sexual abuse of children, even if it is created without using a real child.

(j) (k)

From PC 311 as amended by AB 1831:

(b) “Artificial intelligence” means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit

objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments.

[The rest of PC 311 does not have any substantive changes.]

From PC 311.2 as amended by AB 1831:

(a)

(b) Every person who knowingly sends . . . , or brings . . . into this state for sale or distribution, or in this state possesses, prepares, publishes, [etc.] any representation of information, data, or image, including, but not limited to, any film, . . . , photograph, . . . , photocopy, videotape, video laser disc, computer hardware [or] software, [etc.] or computer-generated equipment or any other computer-generated image that contains . . . in any manner, any ~~film . . .~~, *film, . . . , or any digitally altered or artificial-intelligence-generated matter*, with intent to distribute or to exhibit to, or to exchange with, others for commercial consideration. . . any obscene matter, knowing that the matter depicts a person under ~~the age of~~ 18 years *of age* personally engaging in or personally simulating sexual conduct, as defined . . . *or that it contains a digitally altered or artificial-intelligence-generated depiction what appears to be a person under 18 years of age engaging in such conduct*, is guilty of a felony and shall be punished by . . . state prison for two, three, or six years, or by a fine not exceeding [\$100,000] . . . [unless Def. could not pay] that fine, or by both that fine and imprisonment.

(c) *(1)* Every person who knowingly sends . . . , or brings . . . into this state for sale or distribution, or in this state possesses, prepares, publishes, [etc.] any representation of information, data, or image, including, but not limited to, any film, . . . , photograph, . . . , photocopy, videotape, video laser disc, computer hardware [or] software, [etc.] or computer-generated equipment or any other computer-generated image that contains . . . in any manner, any ~~film . . .~~, *film, . . . , or any digitally altered or artificial-intelligence-generated matter*, with intent to distribute or exhibit to, or to exchange with, a person 18 years of age or older . . . knowing that the matter depicts a person under ~~the age of~~ 18 years *of age* personally engaging in or personally simulating sexual conduct, as defined . . . , *or any obscene matter that contains a digitally altered or artificial-intelligence-generated depiction of what appears to be a person under 18 years of age engaging in such conduct*, shall be punished by

imprisonment in the county jail for up to one year, or by a fine [of up to \$2,000), or by both that fine and imprisonment, or by imprisonment in the state prison. ~~It is not necessary to prove commercial consideration or that the matter is obscene . . . to establish a violation of this subdivision.~~ If a person has [a prior] violation of this subdivision, ~~he or she is~~ *they are* guilty of a felony.

(2) It is not necessary to prove commercial consideration in order to establish a violation of this subdivision.

(3) It is not necessary to prove that matter that depicts a real person under 18 years of age is obscene or lacks serious literary, artistic, political, or scientific value . . . to establish a violation of this subdivision.

(d) *(1)* Every person who knowingly sends . . . , or brings . . . into this state for sale or distribution, or in this state possesses, prepares, publishes, [etc.] any representation of information, data, or image, including, but not limited to, any film, . . . , photograph, . . . , photocopy, videotape, video laser disc, computer hardware [or] software, [etc.] or computer-generated equipment or any other computer-generated image that contains . . . in any ~~manner,~~ *manner* any ~~film . . . ,~~ *film, . . . , or any digitally altered or artificial-intelligence-generated matter,* with intent to distribute or exhibit to, or to exchange with, a person under 18 years of age, . . . , knowing that the matter depicts a person under ~~the age of~~ 18 years *of age* personally engaging in or personally simulating sexual conduct, as defined . . . , ~~is guilty of a felony. It is not necessary to prove commercial consideration or that the matter is obscene . . . to establish a violation of this subdivision.~~ *or any obscene matter that contains a digitally altered or artificial-intelligence-generated depiction of what appears to be a person under 18 years of age engaging in such conduct, is guilty of a felony.*

(2) It is not necessary to prove commercial consideration . . . to establish a violation of this subdivision.

(3) It is not necessary to prove that matter that depicts a real person under 18 . . . is obscene or lacks serious literary, artistic, political, or scientific value . . . to establish a violation of this subdivision.

From PC 311.11 as amended by AB 1831:

(a) *(1)* Every person who knowingly sends . . . , or brings . . . into this state for sale or distribution, or in this state possesses, prepares, publishes, [etc.] any representation of information, data, or image, including, but not

limited to, any film, . . . , photograph, . . . , photocopy, videotape, video laser disc, computer hardware [or] software, [etc.] or computer-generated equipment or any other computer-generated image that contains . . . in any ~~manner,~~ *manner* any ~~film . . . ,~~ *film, . . . , or any digitally altered or artificial-intelligence-generated matter*, the production of which involves the use of a person under 18 . . . , knowing that the matter depicts a person under 18 . . . personally engaging in or simulating sexual conduct, as defined . . . , is guilty of a felony and shall be punished by i. . . state prison, or a county jail for up to one year, or by a fine [up to \$2,500], or by both the fine and imprisonment.

(2) Every person who knowingly possesses or controls any matter, representation of information, data, or image, including, but not limited to, any film,. . . , photograph, negative, . . . , videotape, video laser disc, computer hardware [or] software, [etc.] . . . that contains . . . in any manner, any film, . . . , or any digitally altered or artificial-intelligence-generated matter, knowing that the matter is obscene and depicts what appears to be a person under 18 . . . , or contains digitally altered or artificial-intelligence-generated data depicting what appears to be a person under 18 . . . , engaging in or simulating sexual conduct, as defined . . . , is guilty of a felony and shall be punished by i state prison, or imprisonment in a county jail for up to one year, or by a fine [up to \$2,500], or by both that fine and imprisonment.

+++++

“Child sexual assault material” generated by AI: SB 1381

SB 1381 (Stats 2024, ch. 929) Amends 311.1, 311.3, 311.4, and 312.3.

This bill is coordinated with AB 1831, above, which makes similar amendments to other statutes in this same PC 311 to 312.7 series.

From the Legislative Counsel’s Digest:

Existing law prohibits the production, development, duplication, distribution, or possession, as specified, of matter, in specified formats, that depicts a person under 18 . . . engaging in or simulating sexual conduct, as defined. Existing law separately prohibits this . . . where it is done for consideration or where [this] is shared with a minor.

Existing law also prohibits the employment or use of a minor, or the permitting by a parent or guardian of the employment or use of a minor for the production of such matter. Existing law authorizes the forfeiture and destruction of [this] regardless of whether a conviction is sought or obtained.

This bill . . . expand[s] the scope of certain of these provisions to include matter that is digitally altered or generated by the use of artificial intelligence, as . . . defined.

From PC 311.1 as amended by SB 1381:.

(a) Every person who knowingly sends . . . , or brings . . . into this state for sale or distribution, or in this state possesses, prepares, publishes, [etc.] any representation of information, data, or image, including, but not limited to, any film, . . . , photograph, . . . , photocopy, videotape, video laser disc, computer hardware [or] software, [etc.] or computer-generated equipment or any other computer-generated image that contains . . . in any ~~film or filmstrip, film, filmstrip, or any digitally altered or artificial-intelligence-generated matter,~~ with intent to distribute or to exhibit to, or to exchange with, others, or who offers to distribute, distributes, or exhibits to, or exchanges with, others, any obscene matter, knowing that the matter depicts a person under ~~the age of 18 years personally~~ *18 years of age, or contains digitally altered or artificial-intelligence-generated data depicting what appears to be a person under 18 years of age,* engaging in or ~~personally~~ simulating sexual conduct, as defined in Section 311.4, shall be punished either by . . . county jail for up to one year, by a fine [up to \$1,000], or by both . . . , or by . . . state prison, by a fine [up to \$10,000] or by [both].

(b) (c)

From PC 311.3 as amended by SB 1381:.

(a) A person is guilty of sexual exploitation of a child if ~~he or she that~~ *person* knowingly develops, duplicates, prints, or exchanges any representation of information, data, or image, including, but not limited to, any film, . . . , photograph, . . . , slide, photocopy, videotape, video laser disc, computer hardware [or] software, [etc.] or computer-generated equipment or any other computer-generated image that contains . . . in any manner, any ~~film . . . film, . . . , or any digitally altered or artificial-intelligence-generated matter~~ that depicts a person under ~~the age of 18~~ . . . engaged in an act of sexual conduct.

of property . . . stolen may be aggregated into a single count . . . , with the sum of the value . . . determining the degree of theft.

+++++

PC 666.1 (P36 § 9) Petty theft or shoplifting with two or more priors is a wobbler.

[PC] 666.1 is added . . . to read:

(a) (1) . . . [A] person who has two or more prior[s] for any . . . offenses . . . in [(a)](2), and who is convicted of petty theft or shoplifting, is punishable by . . . county jail [for up to] one year or [by PC 1170, subd. (h)]. A second or subsequent conviction . . . is punishable by . . . county jail [up to] one year or by . . . state prison.

(2) This . . . applies to the following . . . , including [one from] before [this section's] effective date . . . :

(A) Petty theft [PC] 488 or 490.2.

(B) Grand theft [PC 487, 487h, and any of 484 to 502.9].

(C) Theft from an elder or dependent adult [PC] 368.

(D) The theft or unauthorized use of a vehicle [VC 10851].

(E) Burglary [PC 459].

(F) Carjacking [PC 215].

(G) Robbery [PC 211].

(H) Receiving stolen property [PC 496].

(I) Shoplifting [PC 459.5]. (J) Identity theft and mail theft [PC 530.5].

(b) A person subject to . . . or . . . charged with this . . . may be referred by [P] or by . . . [P.O.] to a theft diversion or deferred entry of judgment program pursuant to [PC] 1001.81. . . . [or] . . . to a [drug] abuse . . . program.

(c) Upon an arrest for . . . this section, the court shall require judicial review [before] release to make an individualized determination of risk to public safety and likelihood to return to court. . . .

+++++

[For P36 § 10, see Firearms.]

PC 12022.6 (P36 § 11) enhancements for great damage to property or receiving stolen property of great value; (see also AB 1920)

[PC] 12022.6 is added . . . to read:

(a) When any person takes, damages, or destroys any property in the commission or attempted commission of a felony, or commits a felony violation of [PC] 496, the court shall impose a term . . . consecutive to the punishment . . . for the felony or attempted felony . . . , as follows:

(1) If the loss or . . . value exceeds [\$50,000], an additional . . . [1] year.

(2) If the loss or . . . value exceeds . . . [\$200,000], . . . [2 more years].

(3) If the loss or . . . value exceeds [\$1,000,000] . . . [3 more ears].

(4) If the loss or . . . value exceeds [\$3,000,000], . . . [4 more years]. . . .

(5) For every additional loss or property value of [\$3,000,000], . . . a term of one year in addition to the [four years] specified [(a)(4)].

(b) . . . [These] additional terms . . . may be imposed if the aggregate losses. . . or aggregate . . . values . . . exceed the amounts specified . . . and arise from a common scheme or plan. . . .

(c) . . . [The facts must be pled and proved].

(d) . . . [The] court may impose an enhancement pursuant to this section and another section on a single count, including an enhancement pursuant to [PC] 12022.65 [which is also added by P36].

[This is nearly identical to the version of PC 12022.6 enacted by AB 1960

(Stats 2024, Ch. 220) effective January 1, 2026. The main difference is that AB 1960 has an additional subdivision (e):

[(e) [The legislature intends] that . . . this section be reviewed within five years to consider the effects of inflation. . . . This section shall remain in effect only until Jan[.] 1, 2030, and as of that date is repealed, unless a . . . statute . . . enacted before Jan[.] 1, 2030, deletes or extends that date.

[Another difference is that Prop. 36's subd. (d) enacted and refers to PC 12022.65; AB 1960 did not enact that section and does not refer to it.

Because they are so nearly identical, if both are charged, it may not matter if only one version (or which one), or both, are operative.

+++++

PC 12022.65 (P36, § 12) Property taking or damaging in concert

[PC] 12022.65 is added . . . to read:

(a) Any person who acts in concert with two or more persons to take, attempt to take, damage, or destroy any property, in the commission or attempted commission of a felony shall be punished by an additional and consecutive term of . . . one, two, or three years.

(b) [This] additional term . . . shall not be imposed unless the [facts of the enhancement are pled and proved.]

(c) . . . [The] court may impose [this] enhancement . . . and another section on a single count, including [the one in] [PC] 12022.6 [also added by P36].

+++++

Theft From a Vehicle.

SB 905 (Stats 2024, Ch. 170)

Adds PC 465 and 496.5

For another part of SB 905, see “Automotive Property Theft for Sale,” below.

From the Sen. Rules Comm. Office of Senate Floor Analysis, for 8/9/24

Digest: This bill creates the new crime of forcibly entering a vehicle with the intent to commit theft or any other felony

According to the author:

[SB] 905 closes the “locked door loophole”, a . . . barrier to holding auto burglars accountable. . . .

[Before this bill], the fact that a car window was broken is insufficient to convict a suspect of auto burglary—prosecutors must prove that the door was locked, which requires victims to be physically present in court to testify

This requirement can sabotage clear cases of guilt, [e.g.] situations where someone [is] visiting a city for tourism and is unable to return just to testify that they locked their car door.

SB 905 . . . eliminates this. . . hurdle, [by making] forcible entry sufficient to prove the crime of auto burglary and makes California safer for everyone. . . .

From PC 465 as added by SB 905:

(a) A person who forcibly enters a vehicle . . . with the intent to commit a theft or any felony therein is guilty of unlawful entry of a vehicle.

(b) [This] is punishable by imprisonment in a county jail for [up to] one year or imprisonment pursuant to [PC 1170, subd. (h)].

(c) . . . [F]orcible entry of a vehicle means the entry . . . through . . . : use of a tool . . . manipul[at]ing the lock. . . , including, without limitation, a slim jim . . . , a shaved key, . . . lock pick, or an electronic device . . . , or force [to] the [vehicle’s] exterior. . . , including, but not limited to, breaking a window, cutting a convertible top, punching a lock, or prying open a door.

(d) A person may not be convicted both . . . this section and [PC 459].

+++++

Automotive property acquired by theft for resale.

SB 905 (Stats 2024, Ch. 170)

Adds PC 465 and 496.5

For another part of SB 905, see “Theft from a Vehicle,” above.

From the Sen. Rules Comm. Office of Senate Floor Analysis, for 8/9/24

Digest: This bill creates the new crime of . . . unlawfully possessing property acquired through theft from a vehicle with intent to sell where the value of the property . . . exceeds \$950.

According to the author . . . [the need for this bill is:]

[T]he bill . . . address[es] . . . organized resale of goods stolen from cars. . . . [Now], individuals [can] be prosecuted for holding more than \$950 of stolen goods intended for resale, whether those goods were stolen in one or multiple incidents, and whether the individual [was the] thief, middleman, or seller

From PC 496.5 as added by SB 905:

(a) A person who unlawfully possesses property that was acquired through one or more. . . theft[s] from a vehicle, unlawful entry of a vehicle, burglary of a locked vehicle, or vehicle tampering [VC 10852] . . . , whether or not the person committed the . . . theft, burglary, or vehicle tampering, is guilty of automotive property theft for resale when . . . :

(1) The . . . person has the intent to sell or exchange the property for value, or the intent to act in concert with one or more persons to sell or exchange the property for value.

(2) The value of the possessed property exceeds [\$950]. For . . . determining the value . . . , the property . . . can be considered in the aggregate with any of the following:

(A) Any other such property possessed by the person with such intent within the last two years.

(B) Any property possessed by another person acting in concert with the first person to sell or exchange the property . . . , when that . . . was acquired through . . . [vehicle] theft . . . unlawful entry of a vehicle, burglary of a locked vehicle, or vehicle tampering, regardless of the identity of the person committing the . . . theft, burglary, or . . . tampering.

(b) For . . . determining . . . whether [Def] [intended] to sell or exchange the property . . . , the trier of fact may consider any competent evidence, including, but not limited to . . . :

(1) Whether [Def] has in the past two years sold or exchanged . . . any property acquired through theft from a vehicle, burglary of a locked vehicle, or vehicle tampering, or through any related offenses, including . . . in other jurisdictions, if relevant to demonstrate a fact other than [Def's] disposition to commit the act

(2) Whether the property involved . . . is of a type or quantity that would not normally be purchased for personal use or consumption

(c) A violation . . . is punishable by . . . county jail for up to one year or pursuant to [PC 1170, subd. (h)].

(d) This . . . does not preclude . . . prosecution under any other law.

+++++

Possessing stolen merchandise with intent to resell; a.k.a. “unlawful deprivation of a retail business opportunity.”

AB 2943 (Stats 2024, Ch. 168)

Adds PC 496.6

For other aspects of AB 2943 see “clarifying when theft amounts can be aggregated,” amending PC 487, immediately below; see also “Probation,” “Peace Officers,” and “Briefly Noted” [sunset dates extended], all below.

From the Legislative Counsel’s Digest

This bill . . . make[s] it a crime for any person to possess property . . . that was acquired through one or more acts of shoplifting, theft, or burglary from a retail business, if the property is not possessed for personal use and the person [intends, individually or with one or more others] to sell, exchange, or return the merchandise for value, . . . , and the value . . . exceeds \$950.

From PC 496.6 as added by AB 2943

(a) Any person who possesses property unlawfully that was acquired through one or more acts of shoplifting, theft, or burglary from a retail business, whether or not the person committed [those acts], is guilty of the unlawful deprivation of a retail business opportunity when. . . :

(1) The property is not possessed for personal use and the person has the intent [either individually or in concert with one or more others] to sell, exchange, or return the merchandise for value. . . [and]

(2) The value . . . exceeds [\$950]. [To determine value], the property . . . can be considered in the aggregate with . . . [:]

(A) Any other such property possessed by the person with such intent within the prior two years.

(B) Any property possessed by another person acting in concert with the first person to sell, exchange, or return [it] . . . , when [it] was acquired through one or more acts of shoplifting, theft, or burglary from a retail business, regardless of [who did] the . . . shoplifting, theft, or burglary.

(b) [To determine] . . . whether [Def] has the intent to sell, exchange, or return the merchandise for value, the trier of fact may consider any competent evidence, including, but not limited to . . . :

(1) Whether [Def] has in the prior two years sold, exchanged, or returned for value merchandise acquired through shoplifting, theft, or burglary from a retail business, or . . . any related offense, including . . . in other jurisdictions, if relevant to demonstrate a fact other than [Def's] disposition to commit the act, as [per] [Evid. Code 1101, subd. (b)].

(2) The property involved . . . is of a type or quantity that would not normally be purchased for personal use or consumption . . .

(c) Th[is] is punishable by imprisonment in the county jail for up to one year or pursuant to [PC 1179, subd. (h)].

/+++++

When theft amounts can be aggregated to elevate the crime.

AB 2943 (Stats 2024, Ch. 168) Amends PC 487.

For other aspects of AB 2943 see For Possessing Stolen Merchandise with Intent to Resell (aka “Unlawful deprivation of a retail business opportunity.”)

For still other aspects of AB 2943 see “Probation,” “Peace Officers,” and “Briefly Noted” [sunset dates extended], all below.

From PC 487 as amended by AB 2943:

[(a) to (d), unchanged]

(e) If the value of the money, labor, real property, or personal property taken exceeds [\$950] over the course of distinct but related acts, **the** *including acts committed against multiple [Vs] or in counties other than the [current] county . . . , the* value of the money, [etc.] taken may . . . be aggregated to charge a count of grand theft, if the acts are motivated by one intention, one general impulse, and one plan. *Evidence that distinct acts are [so motivated] . . . may include, but is not limited to, evidence that the acts involve the same [Def or Defs], are substantially similar in nature, or occur within a 90-day period.*

+++++

Organized Theft: Sunset Date Removed.

SB 982 (Stats 2024, Ch. 171)

Amends PC 490.4

PC 490.4, enacted in 2021 was due to end (sunset) Jan. 1, 2026. That sunset date is repealed.

Organized theft is acting in concert with one or more others; or acting as an agent for another person or group; or recruiting others to steal, receive stolen property, or commit similar crimes. (PC 490.4 subd. (a).

+++++

Arson within a merchant's premises to facilitate organized theft is an aggravating factor.

SB 1242 (Stats 2024, Ch. 173)

Amends PC 452

From PC 452 as amended by SB 1242:

[(a) to (e), grammatical but no substantive changes]

(f) For purposes of sentencing for a violation of this section, the fact that the offense was carried out within a merchant's premises . . . to facilitate organized retail theft [PC 490.4] [is] a factor in aggravation.

+++++

Retail crime restraining orders

AB 3209 (Stats 2024, Ch. 169)

Amends FC 6380, Adds PC 490.8

From the Legislative Counsel's Digest

¶ ¶

This bill . . . authorize[s] a court, when sentencing a person for an offense involving theft from a retail establishment, vandalism of a retail establishment, or battery of an employee of a retail establishment, to issue a criminal protective order prohibiting a person from entering the retail establishment, including any parking lots and including other franchise or chain locations of the retail establishment, as specified.

The bill . . . also authorize[s] a [P], county counsel, or attorney representing a retail establishment to file a petition for the issuance of a criminal protective order of this type against a person who has been arrested, including, but not limited to, the issuance of a citation . . . , 2 or more times for any of the offenses at the same retail establishment, as specified. . . .

The bill . . . make[s] a violation of these orders . . . a misdemeanor. . . .

Existing law requires a person arrested for a misdemeanor to be issued a written notice to appear [citation or ticket] and to be released upon their signed promise to appear, [with exceptions].

This bill . . . exempt[s] a violation of a retail establishment restraining order from that [release] requirement.

From PC 490.8 as added by AB 3209:

(a) A court sentencing [Def] for any violation . . . in subd[.] (b) shall consider issuing an order restraining [Def] from entering the premises of the retail establishment, . . . for up to two years

(b) Subd[.] (a) shall apply to a person convicted of . . . :

(1) Shoplifting [PC 459.5]

(2) Any theft, including [PC 487 or 488] from a retail establishment.

(3) Organized retail theft in violation of [PC] 490.4.

(4) Any vandalism of a retail establishment in violation of [PC] 594.

(5) Any assault or battery of an employee of a retail establishment while that person is working . . . , including [PC] 240, 242, or 245.

(c)(1) [This] order . . . shall prohibit the restrained person from entering the retail establishment, or being present on the grounds of, or any parking lot adjacent to and used to service, the retail establishment.

(2) If the retail establishment is part of a chain or franchise, the court may include other retail establishments in that chain or franchise within a specified geographic range

(d) In determining whether to impose a retail crime restraining order . . . , the court shall consider whether the . . . establishment is the only place that sells food, pharmaceuticals, or other basic life necessities within one mile of where the individual resides, or otherwise creates undue hardship for the individual.

(e)(1) [P], county counsel, or attorney representing a retail establishment may file a petition requesting a retail crime restraining order for an individual who has been arrested, including, but not limited to, the issuance of a citation . . . two or more times for any of the offenses listed in subd[.] (b) within the same retail establishment.

(2) [This] order . . . shall be issued after a hearing.

(3) The respondent shall be personally served with notice of the hearing and shall be entitled to representation by court-appointed counsel.

(4) The petitioner shall bear the burden of proving, by a preponderance . . . , that the respondent, on two or more separate occasions, committed [a subd. (b)] offense . . . within the . . . establishment or on [its] grounds

(5) The court may issue an order restraining the respondent from entering the premises . . . for [up to] two years if the court finds by a preponderance . . . that both of the following are true:

(A) The respondent, on two or more separate occasions, committed [a subd. (b)] offense . . . within the . . . establishment or on [its] grounds. . . .

(B) There is a substantial likelihood that the individual will return

(6) [The order must be the same as in subd. (c)(1), above, and can be the same as in subd. (c)(2), above.]

(f) A violation of [this] order . . . is . . . a misdemeanor. . . . [P]rosecution under this section shall not preclude prosecution for any other offenses committed during a violation of this section.

(g) . . . [A]n officer arresting a person for a violation of this section is not required to release the person pursuant to a written notice to appear.

(h) . . . [A] court may offer an individual charged with a violation of this section an opportunity [for] a diversion program [if] they are eligible. . . .

(i) If [the restrained person] . . . was not . . . in court [when] the order was issued or renewed, the. . . order shall be . . . served on the . . . person by a law enforcement officer, or . . . as provided in [CCP 414.10].

(j). . . .

AB 3209 also amends Fam. Code 63801 to require notice of this order to DOJ in circumstances specified in that section.

+++++

PC 12022.6 enhancements for great damage to property or receiving stolen property of great value; (see Prop. 36 § 11)

AB 1960 (Stats 2024, Ch. 220)

Adds PC 12022.6

The version of PC 12022.6 is so nearly identical to the version of PC 12022.6 that it is discussed in the Prop. 36 section of this compendium.

+++++

Enhancement for selling property of great value obtained by theft.

SB 1416 (Stats 2024, Ch. 174)

Adds PC 12022.10

[PC] 12022.10 is added . . . to read:

(a) When a person sells, exchanges, or returns . . . , or attempts to [do the same], property acquired through one or more acts of shoplifting, theft, or burglary from a retail business, whether or not the person committed [them] the court shall impose an additional term as follows:

(1) If the . . . value exceeds [\$50,000], [a consecutive 1 year].

(2) If the . . . value exceeds [\$200,000]), [a consecutive 2 years].

(3) If the . . . value exceeds [\$1,000,000], [a consecutive 3 years].

(4) If the . . . value exceeds [\$3,000,000], [a consecutive 4 years].

(5) For each . . . value of [\$3,000,000), [a consecutive 1 year more].

(b) When a person acts in concert with another to sell, exchange, or return . . . , or attempts [these], property acquired through one or more acts of shoplifting, theft, or burglary from a retail business, whether or not the person committed [those acts], the court shall impose the additional term . . . in subd[.] (a) [above].

(c) In an accusatory pleading involving multiple charges of sales, exchanges, or returns for value, or attempts to do the same, the additional terms provided [here] may be imposed when the aggregate value of the property . . . exceeds the amounts specified [here] and arises from a common scheme or plan. . . .

(d) The additional terms . . . shall not be imposed unless the [relevant] facts . . . are charged . . . and admitted . . . or [proved].

(e) . . . [T]he court may impose [these] enhancement[s] and [those of] another section on a single count.

(f) [The Legislature intends] that . . . this section be reviewed within five years to consider . . . inflation [So], this section shall remain in effect

only until Jan[.] 1, 2030, and [then] is repealed unless a later . . . statute, . . . enacted before Jan[.] 1, 2030, deletes or extends that date.

+++++

This ends the Legislatively enacted theft and related new laws

//////

CRIMINAL PROCEDURE

Uniform resentencing procedures for resentencing pursuant to, inter alia, PC 1170.18, 1172.1, 1172.6, 117872.7, 1172.75.

AB 2483 (Stats 2024, Ch. 964) Adds PC 1171; amends PC 1213

Section 1 of AB 2483 [uncodified]

The Legislature finds and declares . . . :

(a) For the last decade, California has authorized thousands of incarcerated people to return to court to have their sentences reconsidered and reduced.

(b) . . . [T]he adoption of new ameliorative sentencing legislation on a regular basis has left courts and practitioners with little specific guidance for how to put the new laws into practice, resulting in wide variation and inefficiency across the state.

(c) Creating uniform resentencing procedures would help resolve cases efficiently and consistently . . . while reducing costly litigation.

From PC 1171 as added by AB 2483:

(a) For . . . this section, “postconviction proceeding” means a proceeding to modify a sentence or conviction pursuant to an ameliorative statute. Ameliorative statutes include, but are not limited to, Sections 1170.18, 1172.1, 1172.6, 1172.7, and 1172.75.

(b) On or before March 1, 2025, the presiding judge of each county . . . , shall convene a meeting to develop a plan for fair and efficient handling of postconviction proceedings. . . . [A] representative from [P], the public defender or . . . indigent defense services, and other entities . . . deem[ed] necessary . . . [for this] [must be invited]. At the meeting, the presiding judge . . . shall determine how postconviction proceedings will be assigned . . . , including whether they will [be] before the original . . . judge or designated judge. [Further meetings can be set.] . . .

(c) The following shall apply for all postconviction proceedings unless there is a conflict with a more specific [statutory] rule . . . :

(1) Upon receiving a request to begin [an authorized] postconviction proceeding . . . , the court shall consider whether to appoint counsel [for Def]. This . . . does not prevent the court from assigning counsel . . . later.

(2) The court shall consider any . . . circumstances that have arisen since the prior sentence was imposed and has jurisdiction to modify every aspect of [Def’s] sentence. . . .

(3) Any changes to a sentence shall not be a basis for [P] or court to rescind a plea agreement.

(4) The court shall state on the record the reasons for its decision to grant or deny the initial request to begin a postconviction proceeding and shall provide notice to [Def] of its decision.

(5) After ruling on a request, the court shall advise [Def] of their right to appeal and the necessary steps and time for taking an appeal.

(6) The parties may waive a hearing and proceed directly to the resentencing. [Def] may waive their personal presence . . . and may appear via remote technology. If a [V] wishes to be heard . . . , [V] shall notify [P] . . . within 15 days of being notified that resentencing is being sought and the court shall provide an opportunity for [V] to be heard.

(d)

Race-Blind Charging Procedures required by Prosecution Agencies.

AB 2778 (Stats. 2022, Ch. 806)

Adds PC 741

[This is a bill from 2022 that had delayed operative dates of 2024 and 2025]

From PC 741 as added in 2022 by AB 2778:

(a) Beginning Jan[.] 1, 2024, [DOJ] shall . . . publish “Race-Blind Charging” guidelines for a process whereby all prosecution agencies . . . shall [conduct] an initial review of a case for potential charging . . . based on information, including police reports and criminal histories . . . , from which direct means of identifying the race of the suspect, victim, or witness have been removed or redacted.

[DOJ has done this. See <https://oag.ca.gov/system/files/media/crim-guidelines-race-blind-charging-2024.pdf> .]

(b) Following [DOJ’s] guidelines, prosecution agencies shall independently develop and execute versions of this redaction and review process with the following general criteria:

(1) Beginning January 1, 2025, cases received from law enforcement . . . and suspect criminal history documentation shall be redacted, by [P] . . . for a race-blind initial charging evaluation, [before] the ordinary charging evaluation. This redaction may . . . be . . . hand performed by personnel not associated with the charging of the case, or by automation

(2) [This] initial charging evaluation . . . , shall determine whether the case should be charged Individual charges shall not be determined at this . . . stage. Other evidence may be considered . . . [that] does not reveal redacted facts. The initial charging evaluation shall be performed by a prosecutor who does not [know] the redacted facts

(3) After [the] race-blind initial charging evaluation, [there shall be] a second, complete review for charging using unredacted reports and all available evidence in which . . . individual charges and enhancements may be . . . charged . . . , or the case may be submitted to a grand jury.

(4)(A) . . . [T]he following . . . shall be documented . . . :

(i) The initial charging evaluation determined that the case not be charged and the second review determined that a charge shall be filed.

(ii) The initial charging evaluation determined that the case shall be charged and the second review determined that no charge be filed.

(B) The explanation for the charging decision change shall be documented as part of the case record.

(C) The . . . change between the result of the initial charging evaluation and the second review, [and] the explanation . . . , shall be disclosed, upon request, after sentencing . . . or dismissal of . . . the case, subject to [PC] 1054.6 [core work product] or any other applicable law.

[DOJ's Guidelines, at p. 6, says, "Responses to such requests shall be governed by the terms of the California Public Records Act (Government Code section 7920, et seq.). (§ 741, subd. (b)(4)(C).)" This suggests that disclosure requests can be framed as CPRA requests. GB]

(5) If [P] was unable to put a case through a race-blind initial charging evaluation, the reason . . . shall be documented and retained This . . . shall be made available . . . upon request.

(6) The county shall collect the data . . . from the race-blind initial charging evaluation process and make [this] available for research.

(c) . . . [P] may . . . exclude certain classes of crimes or factual circumstances from [this] evaluation. This . . . exclusions and the reasons . . . shall be available upon request to [DOJ] and . . . the public. . . . [T]he following crimes may be excluded . . . :

(1) Homicides. (2) Hate crimes.

(3) Charges . . . from a physical confrontation . . . captured in video.

(4) Domestic violence and sex crimes. (5) Gang crimes.

(6) Cases alleging . . . sexual assault or physical abuse or neglect where the charging decision relies upon . . . a forensic interview of a child or interviews of multiple [Vs] or multiple[Ds].

Existing law [PC 977.3] authorizes, until Jan[.] 1, 2025, a [W] . . . to testify using remote technology, except for felony trials, with the written or oral consent of the parties on the record and the consent of the court.

This bill . . . extend[s] these provisions until January 1, 2027. The bill . . . also authorize[s] a [Def] to withdraw, . . . upon finding of good cause, a waiver [letting W] testify in person on the record. The bill . . . specif[ies] the general form that a written waiver of [W's] physical presence at a misdemeanor jury trial must follow.

¶

(7) Existing law [PC 977] allows a defendant in a misdemeanor case to appear by counsel, except as specified. Until January 1, 2025, existing law allows a court to conduct all proceedings, except jury and court trials, remotely through the use of remote technology if a defendant agrees.

Existing law [PC 977] requires a [Def] in a felony case to be physically present at the time of plea, during the preliminary hearing, during those portions of the trial when evidence is taken before the trier of fact, and at the . . . imposition of sentence. Existing law, until Jan[.] 1, 2025, requires [Def] to be physically or remotely present at all other proceedings, unless [Def] waives their right to be physically or remotely present with leave of the court and approval by [Def's] counsel.

This bill . . . extend[s] these provisions until July 1, 2030. [January 1, 2027]. [NB: the Legislative Counsel's Digest has the wrong date, which is crossed out here. Sections 10 and 11 of this bill plainly state January 1, 2027. GB]

The bill . . . also require[s] the court to require any party, [W], or attorney who participates remotely . . . to conduct themselves as if they were appearing physically in the courtroom, and require[s] any person speaking on the record to have their name displayed or to state their name.

. . . .

Existing law, until Jan[.] 1, 2025, authorizes the court to allow a [P or Def's Atty.] to participate . . . through the use of remote technology, [permits] a court to require [P, Def, Def's Atty, or a W] to appear in person at a

proceeding under specified circumstances, . . . , and requires a reporter to be physically present in the courtroom when the court conducts a [recorded] remote proceeding

This bill . . . extend[s] these provisions until ~~July 1, 2030~~. January 1, 2027.

[NB: the Legislative Counsel’s Digest has the wrong date, which is crossed out here. Sections 10 and 11 of this bill plainly state January 1, 2027. GB]

¶ ¶

//

DIVERSION

See also HS § 11395 (P36 § 7) in “Drugs and Alcohol,” above for the new “Treatment-Mandated Felony.”

//

Felonies, (with exceptions) allowed for Military Diversion; eligibility is easier to prove.

SB 1025 (Stats 2024, Ch. 924) Amends PC 1001.80 and WI 8103.

From the Legislative Counsel’s Digest:

. . . . Existing law provides for a pretrial diversion program for a [Def] who was, or . . . is, a member of the . . . Armed Forces . . . , who may be suffering from sexual trauma, . . . brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of the . . . service. . . .

This bill . . . add[s] felon[ies], as specified [and with exceptions], to the pretrial diversion program

The bill . . . require[s] the court to find that [Def’s] condition was a significant factor in the commission of the offense unless there is clear and convincing

evidence otherwise and . . . authorize[s] the court to consider any relevant and credible evidence in making this determination. . . .

Existing law specifically authorizes a [Def] who has been convicted of certain misdemeanor [DUIs] to be placed in that diversion program.

This bill . . . prohibit[s] a [Def] who has been convicted of any other offense related to [DUIs] from being placed in that diversion program.

This bill . . . authorize[s] [P] to request an order . . . as specified, to prohibit a veteran [Def] in diversion from controlling, owning, [etc.] a firearm because they are a danger to themselves or others until they successfully complete diversion or their firearm rights are restored, as specified. . . .

From PC 1001.80 as amended by SB 1025:

(a) This [section] shall apply . . . on an accusatory pleading alleging the commission of a misdemeanor ~~offense if both of the following apply to the defendant: or~~ *felony . . . not . . . in subd[.] (o) to [an eligible Def] . . .*

(b) A [Def] charged with a misdemeanor is eligible for diversion if . . . :

(1) [Def] was, or currently is, a member of the [U.S.] military.

(2) (A) [Def] may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of his or her military service. The court may request, using existing resources, an assessment to aid in the determination that this paragraph applies to a defendant. their military service.

(B) The court may request . . . an assessment to aid in th[is] determination.

(c) A [Def] charged with a felony . . . not [listed] in subd[.] (o) is eligible if [:]

(1) [Def] was, or currently is, a member of the [U.S.] military.

(2)(A) [Def] may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or a mental health

problem as a result of their military service, and [Def's] condition was a significant factor in the commission of the . . . offense.

(B) The court shall find that [Def's] condition was a significant factor in the commission of the offense unless there is clear and convincing evidence that it was not a motivating factor, causal factor, or contributing factor to [Def's] involvement in the alleged offense.

(C) A court may consider any relevant and credible evidence, including, but not limited to, a police report, preliminary hearing transcript, witness statement, statement by [Def's] mental health treatment provider, medical record, or record or report by qualified medical expert, that [Def] displayed symptoms consistent with the condition at or near the time

(D) The court may request, . . . an assessment to aid in the determination.

~~(b)~~(d) If the court determines that a [Def] charged with an applicable offense . . . is a person described in subd[.] ~~(a)~~, ~~(b)~~ or ~~(c)~~, the court, with [Def's] consent . . . and a waiver of [Def's] speedy trial right, may place [Def] in a pretrial diversion ~~program~~, *program* as defined. . . .

~~(c)~~ ~~(e)~~ ~~(d)~~ ~~(f)~~ ~~(e)~~ ~~(g)~~ ~~(f)~~ ~~(h)~~

~~(g)~~ ~~(i)~~ The period during which criminal proceedings against the defendant may be diverted shall be no longer than two years. . . .

~~(i)~~ ~~(k)~~ ~~(i)~~ ~~(l)~~ ~~(k)~~ ~~(m)~~

~~(i)~~ ~~(n)~~ ~~(1)~~ Notwithstanding . . . [VC] 23640 . . . ~~a misdemeanor~~ *an* offense for which a [Def] may be placed in a pretrial diversion program in accordance with this section includes a misdemeanor violation of [VC] 23152 or 23153 . . . , *however*, this . . . does not limit the authority of [DMV] to take administrative action concerning [Def's] driving privileges

(2) A [Def] shall not be placed in a pretrial diversion program [under] this section for any[DUI] offense . . . other than those [listed above].

(o) A [Def] may not be . . . diver[ted] . . . for the following . . . [:]

(1) Murder or voluntary manslaughter.

(2) An offense . . . requir[ing] [PC 290 registration] except for [PC] 314.

(3) Rape. (4) Lewd or lascivious act on a child under 14 years of age.

(5) Assault [intending] to commit rape, sodomy, or oral copulation . . . [PC] 220.

(6) . . . [R]ape or sexual penetration in concert with another . . . [PC] 264.1.

(7) Continuous sexual abuse of a child in violation of [PC] 288.5.

(8) [V]iolation of [PC 11418, subd. (b) or (c) [weapon of mass destruction].

(p)(1) [P] may request an order . . . that [Def] be prohibited from controlling, owning, [etc.] a firearm until they successfully complete diversion . . . pursuant to [WI 8103. Subd. (i)].

(2) [P] shall bear the burden of proving . . . both of the following are true:

(A) [Def] poses a significant danger of causing personal injury to themselves or another by controlling, owning,[etc.] a firearm.

(B) The prohibition is necessary to prevent . . . injury to [Def] or another . . . because less restrictive alternatives either [are] ineffective or are inadequate or inappropriate for the circumstances

(3) (4) An order [prohibiting firearms] . . . shall be in effect until [Def] has successfully completed diversion or until their firearm rights are restored pursuant to [WI 8103, subd. (g)(4)].

////////////////////////////////////

Misdemeanants found Incompetent to Stand Trial (IST) charged with DUI may receive Mental Health Diversion (MHD).

SB 1400 (Stats 2024, Ch. 647)

Amends PC 1001.36 and 1370.01

See also “Mental Health including IST” for a related aspect of SB 1400.

From the Legislative Counsel’s Digest

[Before this bill, the] law prohibit[ed] a court from suspending . . . a prosecution on a charge of [DUI] [to] allow[] [Def] to participate in education, training, or treatment programs.

This bill . . . allow[s] for [an IST] [Def] . . . charged with misdemeanor driving under the influence to be placed in a mental health diversion program. . . .

From PC 1001.36 [MHD] as amended by SB 1400 § 1.5:

(a) (b) [eligibility requirements]

(c). . . . A [Def who is eligible per subd. (b), above] is [also] suitable for [MHD] if all of the following criteria are met:

(1) In the opinion of a qualified mental health expert, [Def’s] symptoms of the mental disorder causing, contributing to, or motivating the criminal behavior would respond to mental health treatment.

(2) [Def] consents to diversion and waives [Def’s] right to a speedy trial, **unless**

or a [Def] has been found to be an appropriate candidate for diversion in lieu of [an IST] commitment pursuant to *[specified IST laws in WI 1370 and 1370.01]* and, as a result of [Def’s] mental incompetence, cannot consent to diversion or give a knowing . . . waiver of the . . . right to a speedy trial.

(3) [Def] agrees to comply with treatment . . . , **unless**

or [Def] has been found to be an appropriate candidate for diversion in lieu of commitment for restoration of competency treatment pursuant to

[the IST laws in WI 1370 and 1370.01] and, as a result of [Def's] mental incompetence, cannot agree to comply with treatment.

(4) [Def] will not pose an unreasonable risk to public safety . . . as defined . . . if treated in the community. . . .

(d) to (m).

From PC 1370.01 [for misdemeanants] as amended by SB 1400.

(a) ...

~~(b) If the defendant is found [IST], the trial, judgment, or hearing . . . shall be suspended and the court may do either of the following:~~

(b)(1)(A) ~~Conduct~~ - *If [Def] is found [IST], the trial, judgment, or hearing on the alleged violation shall be suspended and the court shall conduct a hearing, pursuant [PC 1001.35, MHD], and, if the court deems [Def] eligible, grant [MHD] diversion for [up to] one year . . . or the maximum term . . . for the most serious offense charged. . . , whichever is shorter.*

(B) Despite [VC] 23640 . . . , a misdemeanor offense for which a [Def] may be placed [in MHD] . . . includes a misdemeanor violation of [VC] 23152 or 23153 However, . . . [DMV can] take administrative action concerning the [person's] driving privileges. . . .

////////////////////////////////////

DOMESTIC VIOLENCE AND ELDER ABUSE

DV Restraining Orders Have Beefed-up Firearm Restrictions

AB 2907 (Stats 2024, Ch. 538)

Amends PC 136.2, 273.5, 273.75, 368, 646.9, 1203.097, & 29825; and adds [PC] 273.76 and 29825.5.

From the Legislative Counsel's Digest

Existing law provides for the issuance of various temporary restraining orders, restraining orders, and injunctions. . . . [P]ersons . . . subject to these orders are prohibited from purchasing, [etc.] firearms or ammunition. . . . [A] restrained person . . . [must] relinquish [them] under specified timeframes pursuant to a prescribed procedure.

This bill. . . enact[s] similar restriction[s] and relinquishment procedures for persons who are the subject of specified [DV] criminal protective orders. . . .

This bill . . . also require[s] the arresting officer in [DV] cases to question the arrestee, [V], and other household members about any firearms or ammunition owned or possessed by the arrestee, to query a specified database [for this], and to ensure that any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search is taken into temporary custody.

¶ ¶

From AB 2907

Sec. 3. [PC] 273.75 is amended . . . to read:

(a) On any charge [of DV] as defined . . . [P] shall perform [as specified] a thorough investigation of [Def's] history. . . . This information *and the information provided by the arresting agency pursuant to [PC] 273.76* shall be presented [to] the court (1) when setting bond or when releasing [Def] on [O.R.] at the arraignment, if [Def] is in custody, (2) upon . . . any plea agreement, and (3) when issuing a protective order pursuant to ~~Section 136.2 of the Penal Code, in accordance with subdivision (h) of that section.~~ *[PC 136.2, 273.5. 646.9. or 1203.97]. . . .*

(b) [Listing at least five databases that P must consult per subd. (a).]

(c) . . .

(d) If the info[.] provided . . . indicates that [Def] owns or possesses a firearm, or if the court otherwise receives [such evidence, including about ammunition], the court shall provide info[.] to [Def] on how to comply with the firearm and ammunition prohibition.

If evidence of compliance . . . is not provided within 48 hours of [Def] being served with the . . . order or after a [specified] review hearing. . . , the court shall order the clerk . . . to notify . . . [P] and . . . law enforcement [They] . . . shall take all actions necessary to obtain those and any other [guns or ammo] owned, possessed, or controlled by [Def] and to address any violation of the order with respect to [guns or ammo]

Sec. 4: [PC] 273.76 is added to . . . read:

(a) The arresting officer for an offense involving . . . [DV] as defined . . . shall . . . :

(1) Query the Automated Firearms System [AFS]. . . for any firearms owned or possessed by the arrestee.

(2) Ask the arrestee, [V], and any other household members . . . about any firearms owned or possessed by the arrestee.

(3) Ensure that . . . any firearm or . . . deadly weapon in plain sight or discovered [by] a . . . search is taken into temporary custody. (4) . . .

(b)

Sec. 9. [PC] 29825.5 is added . . . to read:

(a) A person subject to a protective order issued pursuant [PC 273.5, 368, or 646.9] shall relinquish any firearm they possess or control

(b) . . . [T]he court shall order the restrained person to relinquish any firearm in that person's immediate possession or control . . . within 24 hours [in the manner specified]. . . . The court shall provide the person with info[.] [on how to do this]

(c) If a person refuses to relinquish a firearm or amm[o] based on . . . the right against self-incrimination [in] the Fifth Amendment to the [U.S.]

[This use immunity is not mentioned in the Legislative Counsel's Digest.]

(f) At the [order's end], . . . law enforcement . . . shall return [the] firearm to the restrained person, [as specified, with listed exceptions].

////////////////////////////////////

AB 2308 (Stats 2024, Ch. 649)

Amends PC 273.5

(j)(2) Upon a written petition by the [P, D, or V], the issuing court may modify or terminate a protective order for good cause provided the [P, D, and V] are notified at least 15 days before the hearing on the petition.

EVIDENCE

No new Evidence Code provisions affecting criminal law.

However, two affect Civil Law, [SB 1386 \(Stats 2024, ch. 993\)](#), effecting EC 1106; and [AB 2225 \(Stats 2024, ch. 329\)](#) effecting EC 1157).

SB 2432 (Stats 2024, Ch. 651.) Amends PC 1202.4 & adds PC 1398.

SB 2432 also adds a corporate restitution fine. See “Restitution and Restitution Fines”

¶ . . . ¶

The . . . court [can] determine the amount of the fine [within] specified limits. The . . . court [must] consider certain factors . . . including, among other things, the nature and seriousness of the offense and the corporation's assets, liabilities, and net worth, as specified. ¶ . . . ¶

PC 1389 as added by SB 2432:

(a) In addition to any other penalty or fine . . . , if a corporation is convicted of a misdemeanor or felony . . . , the court may order [it] to pay an additional fine, . . . the corporate white collar criminal enhancement

(b) The court may determine the amount . . . [which] shall not exceed the greater of either of the following:

(1) Two times the value of the taking or loss, whichever is greater, if the offense resulted in the taking of, or loss to, another person's or entity's money, labor, or real or personal property.

(2) Twenty-five million dollars (\$25,000,000).

(c) In determining the amount . . . the court shall consider . . . :

(1) The nature and seriousness of the offense.

(2) The number of offenses committed.

(3) The persistence of the criminal conduct.

(4) The length of time over which the criminal conduct occurred.

(5) The willfulness of the corporation's criminal conduct.

(6) The corporation's assets, liabilities, and net worth, if available

(d) . . . [T]he judge . . . shall state [its reasoning] on the record.

(e) Any moneys collected [are] deposited into the California Crime Victims Fund established under Section 13839.

(f) For purposes of this section, a “corporation” means a firm, association, organization, partnership, business trust, company, corporation, limited liability company, public entity, or any other legal entity.

////////////////////////////////////

FIREARMS AND RELATED MATTERS

See “Domestic Violence and Elder Abuse” for AB 2907 (Stats. 2024 Ch. 538) and AB 2308 (Stats 2024, Ch. 649).

Added by P36 at the November 5, 2024, election.

For other P36 §§ see “Controlled Substances and Alcohol,” and “Crimes,” above

See Controlled Substances for uncodified purposes and intent of P36.

Possession of certain drugs while armed: HS § 11370.1 (P36 § 5).

[HS] 11370.1 . . . is amended to read:

(a) Notwithstanding Section 11350 or 11377 or any other provision of law, every person who unlawfully possesses any . . . cocaine base, . . . cocaine, . . . heroin, . . . methamphetamine, . . . *fantanyl*, . . . or . . . [PCP] while armed with a loaded, operable firearm is guilty of a felony punishable by . . . state prison for two, three, or four years.

(b) Subdivision (a) does not apply to any person lawfully possessing fentanyl, including with a valid prescription.

(c) ... “[A]rmed with” [defined for this §]

~~(b)~~ (d) Any person . . . convicted under this section shall be ineligible for diversion or deferred entry of judgment under [PC] 1000. . . .

+++++

*Gun enhancement under PC 12022, subd. (c)(1) (P36, § 10) amended:
sentence now must be served in prison, not jail.*

PC 12022 has several different firearm enhancements. One is at subd. (c).

(c)(1) . . . [A] person who is personally armed with a firearm in . . . violation . . . or attempted violation of [HS] 11351, 11351.5, 11352, 11366.5, 11366.6, 11378, 11378.5, 11379, 11379.5, or 11379.6 . . . shall be punished by an additional and consecutive term . . . *in the state prison* pursuant ~~to subdivision (h) of Section 1170~~ for [3, 4, or 5] years.

+++++

The ends the P36 §§ dealing with guns.

////////////////////////////////////

Grounds for gun violence restraining orders (red flag laws) expanded

AB 2917 (Stats 2024 Ch. 539)

Amends PC 18155

From the Legislative Counsel's Digest:

Existing law authorizes a court to issue a gun violence restraining order to prohibit a person from purchasing or possessing a firearm or ammunition for a period of one to 5 years [and renewable as specified]

Existing law requires the court . . . to consider evidence of, among other things, a recent threat of violence or act of violence by the subject toward another [person][:] a past history of those . . . within the last 12 months[; and] . . . the unlawful and reckless use . . . or brandishing of a firearm

This bill. . . require[s] the court to additionally consider a recent threat of violence or act of violence directed toward another group or location, or a past history of those threats or acts.

SB 902 (Stats. 2024 ch. 545)

From the Legislative Counsel's Digest:

[PC 597], with certain exceptions, makes it a crime to maliciously and intentionally maim, mutilate, torture, wound, or kill a living animal.

[PC] 29805 . . . is amended to read:

////////////////////////////////////

Amended “Petition for Writ of Habeas Corpus,” HC-001

From PC 786.5 as amended by AB 1779:

(a) [The used to be the only part of PC 786.5. It has complex jurisdictional provisions for certain theft offenses for “stolen merchandise” brought by the Attorney General that occurred in multiple jurisdictions.]

(b) The jurisdiction . . . for theft . . . in [PC 484, subd. (a)] or a [for] [PC] 490.4 or 496, shall also include the county where an offense involving the theft or receipt of the stolen merchandise occurred, the county in which the merchandise was recovered, or the county where any act was done by [Def.] in instigating, procuring, promoting, or aiding in [their] commission .

If multiple offenses of theft or violations of [PC] 490.4 or 496, either all involving the same [Def or Defs] and the same merchandise, or all involving the same [Def or Defs] and the same scheme or substantially similar activity, occur in multiple jurisdictions, then any of those . . . are a proper jurisdiction for all of the offenses. . . . [P] shall present written evidence that all [Ps] in counties with jurisdiction . . . agree [O]ffenses from jurisdictions where there is not a written agreement . . . shall be returned to that jurisdiction.

Jurisdiction also extends to all associated offenses connected . . . in their commission to the underlying theft[s] . . . or violations of [PC] 490.4 or 496.

////////////////////////////////////

JURY AND JURY INSTRUCTIONS

Finding tool: CALCRIMs are free online at the Calif.

Courts website, at “Resources for Judges, Attorneys, Court Staff, and the Public,” <https://www.courts.ca.gov/24354.htm> .

From the Cal. Courts website; CALCRIM Supplement, Sept. 2024

Changes only to bench notes and other commentaries.

CALCRIM 320; CALCRIM 520; CALCRIM 522; CALCRIM 562;
CALCRIM 852A; CALCRIM 1191A; CALCRIM 1193; CALCRIM 1202;
CALCRIM 1301; CALCRIM 2140; CALCRIM 2141; CALCRIM 2142;
CALCRIM 2160; CALCRIM 2303; CALCRIM 3425; CALCRIM 3426;
CALCRIM 3427 CALCRIM 3621.

Changes to the instruction's actual text:

CALCRIM 510 Excusable Homicide: Accident.

CALCRIM 570 Voluntary Manslaughter: Heat of Passion—Lesser Included
Offense (Pen. Code, § 192(a))

CALCRIM 640. Deliberations and Completion of Verdict Forms: For Use
When Defendant Is Charged With First Degree Murder and Jury Is
Given Not Guilty Forms for Each Level of Homicide

CALCRIM 641. Deliberations and Completion of Verdict Forms: For Use
When Defendant Is Charged With First Degree Murder and Jury Is
Given Only One Not Guilty Verdict Form for Each Count . . .

CALCRIM 642. Deliberations and Completion of Verdict Forms: For Use
When Defendant Is Charged With Second Degree Murder and Jury Is
Given Not Guilty Forms for Each Level of Homicide

CALCRIM 643. Deliberations and Completion of Verdict Forms: For Use
When [Def] Is Charged With Second Degree Murder and Jury Is Given
Only One Not Guilty Verdict Form for Each Count . . .

CALCRIM 736. Special Circumstances: Killing by Street Gang Member (Pen.
Code, § 190.2(a)(22))

CALCRIM 938. Sexual Battery: Misdemeanor (Pen. Code, § 243.4(e)(1))

CALCRIM 960. Simple Battery (Pen. Code, § 242)

CALCRIM 1243. Human Trafficking (Pen. Code, § 236.1(a) & (b))

CALCRIM 1400. Active Participation in Criminal Street Gang (Pen. Code, §
186.22(a))

CALCRIM 2542. Carrying Firearm: Active Participant in Criminal Street Gang (Pen. Code, §§ 25400(c)(3), 25850(c)(3))

CALCRIM 2600. Giving or Offering a Bribe to an Executive Officer (Pen. Code, § 67)

CALCRIM 2603. Requesting or Taking a Bribe (Pen. Code, §§ 68, 86, 93)

CALCRIM 2651. Trying to Prevent an Executive Officer From Performing
Duty (Pen. Code, § 69)

CALCRIM 2652. Resisting an Executive Officer in Performance of Duty (Pen. Code, § 69)

CALCRIM 2701. Violation of Court Order: Protective Order or Stay Away
(Pen. Code, §§ 166(c)(1), 273.6)

////////////////////////////////////

AB 2985 (Stats 2024, ch. 204)

Adds CCP 242

From the Legislative Counsel's Digest

This bill . . . require[s] the court, in a criminal [case] alleging a violent felony [PC 667.5, subd. (c)]; after the receipt of a verdict or where a jury did not render a verdict, but before discharging the jury, to provide written information to the trial jurors, and distribute, in a manner determined by the court, information to the discharged alternate jurors, about mental health awareness, including information about stress relief and symptoms that may be experienced following exposure to trauma.

The bill [also] authorize[s] the court to provide this information to jurors or alternate jurors in other criminal proceedings.

////////////////////////////////////

New Laws for 2025, p. 80

¶

(d) . . . 10 years after the . . . imposition of a restitution fine [under] [WI] 730.6 . . . , any outstanding balance, including any collection fees, is vacated and [is] unenforceable and uncollectable.

From WI 730.6 as amended by AB 1186:

(a)(1) ¶¶

(2) Upon [an M] being found to be a person described in [WI] 602, the court . . . shall order [M] to pay . . . , ~~both of the following: restitution to [V or Vs], if any, in accordance with subd[.] (b). The court shall not impose a separate and additional restitution fine against [each M]. . . .~~

~~[Subd. (a)(2)(A) and (B) are repealed.] [Subds. (b) to (g) are repealed.]~~

~~(h)(b)~~(1) Restitution ordered pursuant to ~~subpara[.] (B) of~~ [subd. (a)(2)] shall be . . . [in] the amount of the losses. . . .

(2) [M] [has] the right to a hearing . . . to dispute the . . . amount of restitution. . . . ~~If feasible, the court shall also identify . . . any co-offenders who are jointly and severally liable for [V] restitution.~~

(3) . . . [E]ach [M] shall be held severally liable, and . . . not . . . jointly and severally liable as co-offenders. The court shall apportion liability based on each [M's] . . . responsibility . . . for all economic losses. . . . The aggregate . . . for all [Minors] [shall] not exceed 100[%]. . . .

~~(i)(c)~~ A restitution order imposed pursuant to ~~subpara[.] (B) of~~ [subd. (2)(a)] shall identify the losses to which it pertains, and shall be enforceable as a civil judgment pursuant to subd[.] ~~(r)(k)~~. . . .

~~(i)(d)~~ [“Victim” is defined, at length] ¶¶ ~~(k)(e)~~ ¶¶

~~(f)(i)~~. . . [T]he court shall require, as a condition of probation, the payment of restitution fines and orders . . . under this section. Any portion of a

restitution order that remains unsatisfied after [M] is no longer on probation shall continue to be enforceable by [V] . . . until the obligation is satisfied in ~~full~~ *full or is vacated and unenforceable and uncollectable*.

$(m)(g) \vdash \dots \vdash$ $(n)(h) \vdash \dots \vdash$ $(o)(i) \vdash \dots \vdash$ $(p)(j) \vdash \dots \vdash$ $(q) \vdash \dots \vdash$

~~(r)~~**(k)** If the judgment is for a restitution ~~fine ordered pursuant to [subd. (a)(2)(A)], or a restitution~~ order imposed pursuant to ~~subpara[.] (B) of~~ [subd. (a)(2)], the judgment may be enforced [under] [PC 1214].

////////////////////////////////////

Juvenile Interrogation by Law Enforcement Limited, July 1, 2024

AB 2644 (Stats. 2022, Ch. 289)

Adds WI 625.7

This became operative no later than July 1, 2024 (added WI 624.7, subd. (e).

From the Legislative Counsel's Digest

Existing law authorizes a peace officer to take a minor into temporary custody when that officer has reasonable cause to believe that the minor has committed a crime or violated an order of the juvenile court.... [E]xisting law requires the peace officer to advise [M of *Miranda* rights].

Existing law requires that [an M] consult with legal counsel in person, by telephone, or by video conference prior to a custodial interrogation and before waiving any of the above-specified rights.

This bill prohibit[s] [peace] officers from employing threats, physical harm, deception, or psychologically manipulative interrogation tactics, as specified, during a custodial interrogation of [an M].

From Added WI 625.7.

(a) During a custodial interrogation of a person 17 years of age or younger . . . , [an] officer shall not employ threats, physical harm, deception, or psychologically manipulative interrogation tactics.

(b) [Definitions]:

(1) “Deception,” includes, but is not limited to, the knowing communication of false facts about evidence, misrepresenting the accuracy of the facts, or false statements regarding leniency.

(2) “Psychologically manipulative interrogation tactics” include, but are not limited to the following:

(A) Maximization and minimization and other interrogation practices that rely on a presumption of guilt or deceit.

(i) ... [M]aximization includes techniques to scare or intimidate [M] by repetitively asserting [that M] is guilty despite [M’s] denials, or exaggerating the ...charges or the strength of the evidence, including suggesting the existence of evidence that does not exist.

(ii) ... [M]inimization involves minimizing the moral seriousness of the offense, a tactic that falsely communicates that the conduct is justified, excusable, or accidental.

(B) Making direct or indirect promises of leniency, such as indicating [M] will be released if [M] cooperates.

(C) Employing the “false” or “forced” choice strategy, where the person is encouraged to select one of two options, both incriminatory, but one is characterized as morally or legally justified or excusable.

(c) Subd[.] (a) does not apply to interrogations of [M] if ...:

(1) The ... officer who questioned [M] reasonably believed the information ... was necessary to protect life or property from an imminent threat. And]

(2) The questions ... were limited to those ... that were reasonably necessary to obtain information related to the imminent threat.

////////////////////////////////////

Effective Sept. 27, 2024.

(1) . . . (2). . . .

(3) This bill . . . require[s] that any placement of an Indian child complies with specified placement preferences. The bill . . . require[s] a case plan to include . . . that the county welfare agency ma[k]e active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and . . . require[s] the agency to make active efforts . . . to reunite an Indian child with their family. . . .

(4) The bill . . . require[s] a court [in a] juvenile proceeding that could result in placement of an Indian child with someone other than a parent or Indian custodian, to inquire at the first hearing . . . whether the child is, or may be, an Indian child

(5) (6) (7)

(8) This bill . . . require[s] the court to appoint counsel for the parent or Indian custodian when . . . a parent or Indian custodian in an Indian child custody proceeding cannot afford to hire [but desires] counsel

(9) This bill . . . authorize[s] a federally recognized tribe or tribal organization to approve homes for . . . emergency placement of an Indian child. . . .

From AB 81:

[WI] 224 . . . is amended to read:

(a) The Legislature finds and declares the following:

(1) It is [California's] policy to support . . . and uplift . . . tribal sovereignty. . . . California is committed to protecting essential tribal relations and the political status of federally recognized tribes by recognizing a tribe's right to protect the health, safety, and welfare of its members or citizens

¶ . . . ¶

(c) [T]he Legislature [intends] to create a comprehensive act to protect and preserve Indian families in California

¶ . . . ¶

[T]he California Indian Child Welfare Act . . . include[s] all provisions in [WI, FC, HS], and the Probate Code involving an Indian child to maintain clarity and consistency in provisions [applying to] Indian children

Existing provisions, and any future amendments . . . , applicable to Indian children in [WI], [FC], [HS], or the Probate Code, or amending or creating programs . . . to support tribes or tribal organizations, Indian children, and parents or Indian custodians of Indian children . . . in their participation in Indian child custody proceedings shall be considered part of the California Indian Child Welfare Act

¶ . . . ¶

[WI 224.1] is amended to read:

(a) . . . [U]nless the context requires otherwise, the ~~terms "Indian," "Indian child," "Indian custodian," "Indian tribe," "reservation," and "tribal court"~~ shall be defined as provided [25 U.S.C. Sec. 1901 et seq.]. following definitions shall apply:

(1) “Indian” means any person who is a member or citizen of an Indian tribe, as defined. . . , or who is an Alaska Native and a member or citizen of a Regional Corporation as defined in [43 USC § 1606].

(2) “Indian custodian” means any Indian person [with] legal custody of an Indian child under tribal law or custom or . . . state law or to whom temporary . . . care, custody, and control have been transferred by the parent

(3) “Indian organization” means any group . . . partnership, corporation, or other legal entity owned or controlled by Indians, or a majority of whose members are Indians.

(4) “Indian tribe” means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska Native village. . . .

(5) “Reservation” [is broadly defined].

(6) “Tribal court” means a court with jurisdiction over child custody proceedings, and that is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe that is vested with authority over child custody proceedings.

(b) . . . [T]he term “Indian child” means all of the following:

(1) Any unmarried person . . . under 18 . . . and who is

(A) A member or citizen of an Indian tribe. [Or]

(B) Eligible for membership or citizenship in an Indian tribe and is a biological child of a member or citizen of an Indian tribe.

~~(b)~~ *(2). . . [T]he term “Indian child” also means an unmarried person . . . 18 . . . or over, but under 21 . . . who is a member or citizen of an Indian tribe or eligible for membership or citizenship in an Indian tribe and is the biological child of a member or citizen of an Indian tribe, and who is under the jurisdiction of the dependency juvenile court, unless that person or their attorney elects not to be considered an Indian child*

[WI] 224.2 . . . is amended to read:

(a) The court, county welfare department, and the [P.O.] have an affirmative and continuing duty to inquire whether a child for whom a petition under [WI] 300, 601, or 602 may be or has been filed, is or may be an Indian child. ~~The duty to inquire begins with the initial contact, including . . . asking the party reporting child abuse or neglect whether the . . . the child may be an Indian child.~~

(b)(1) The duty to inquire begins for a county when first contacted [about] a child, including . . . asking a [reporting] party . . . whether the party has any information that the child may be an Indian child, and upon a county department's first contact with the child or the . . . family, including extended family members At the first contact with [each] . . . the county welfare department or . . . [P.O.] [must] inquire whether that child is or may be an Indian child.

~~(b)~~ *(2) If a child is placed into the temporary custody of a county probation department . . . or received and maintained in temporary custody of a county welfare department [as specified] [those] department[s] [must] inquire whether that child is an Indian child. Inquiry includes . . . asking the child, parents, . . . guardian, Indian custodian, extended family members, others . . . , and the [reporting] party . . . , whether the child is, or may be, an Indian child and where the child, the parents, or Indian custodian is domiciled.*

~~(c) At the first appearance in court of each party,~~ *For a court presiding over any juvenile proceeding that could result in placement of an Indian child with someone other than a parent or Indian custodian, including . . . where the parents or Indian custodian have . . . consented to [that] placement . . . , the duty to inquire begins at the first hearing At the [hearing's] commencement . . . , the court shall ask each participant . . . whether the participant knows or has party . . . and all other interested persons present whether the child is, or may be, an Indian child, whether they know or have reason to know that the child is an Indian child, and where the child, the parents, or Indian custodian are domiciled . . . Inquiry shall also be made at the first appearance . . . of each party or interested person who was not . . . at the first hearing The inquiry and responses shall [be] on the record. The court shall instruct the parties and*

persons present to inform the court if they subsequently receive information that provides reason to know the child ~~is~~ *is, or may be*, an Indian child. ¶...¶

[WI] 361.31 . . . is amended to read:

(a) If an Indian child is removed from the physical custody of ~~his or her~~ *their* parents or Indian custodian . . . , the . . . placement shall comply with this [§]. [This] shall be analyzed each time there is a change in placement.

(b) . . . (c) . . .

(d) Notwithstanding the . . . preferences . . . in subd[s.] (b) and (c), if a different order of placement preference is established by the child's *Indian* tribe, the court ~~or~~ *shall give full faith and credit to the [tribe's] preference . . . , as they would to the laws of another state under [the U.S.] Constitution, and the* agency effecting the placement shall follow ~~the~~ *that* . . . ~~preference established by the tribe, preference,~~ [if] the placement is the least restrictive setting appropriate to the . . . needs of the child . . .

(e) (f)

(g) Any ~~person or court~~ *person, county welfare agency, or [P.O.]* involved in the placement . . . shall . . . *search for placements that meet the . . . preferences and* use the services of the Indian child's tribe *The responsibility for seeking a placement consistent with subd[s.] (b), (c), and (d) shall remain with the person, county welfare agency, or [P.O.].*

The right to behavioral health services added to Youth Bill of Rights.

SB 1353 (Stats 2024, Ch. 163)

Amends WI 224.71

It is [CA's] policy . . . that all youth confined in a juvenile facility shall have the following rights, which are established by existing law and regulation:

¶ . . . ¶

(d) To receive adequate, appropriate, and timely medical, reproductive, dental, vision, *behavioral health*, and mental health services . . . by qualified professionals . . . consistent with . . . professional standards . . .

¶ . . . ¶

The Legislature clarifies that juvenile courts have no jurisdiction over minors under 12 years old.

SB 1484 (Stats 2024, Ch. 193) Amends WI 256, 257, and 660.5

[The uncoded “find[ings] and declar[at]ions” of the Legislature are as, or more, important than the coded statutory amendments.]

The actual text of WI 256, 257 and 660.5 are clarified by deleting from WI 256, WI 257, subd. (a), and 660.5, subd. (f)(1), the text ~~under the age of 18 years~~ and substituting the text, *who is between 12 years of age and 17 years of age, inclusive*

Here is an extended excerpt from SB 1484's uncodified Section 1:

The Legislature finds and declares all of the following:

(a) In 2018, . . . [SB] 439 [was signed] into law. . . . amend[ing] [WI] 601 and 602 . . . to remove the juvenile court’s delinquency jurisdiction for youth under 12 years of age, with five limited exceptions

(b) (c) (d)

(e) . . . [Yet] informal or expedited procedures for adjudicating youth under . . . 12 charged with nonviolent crimes still persist in California.

(f) [The Legislature intends to . . .] ensure that young children are protected from the negative impacts of . . . justice system involvement and

(g) The Legislature reaffirms its support for utilizing research- and evidence-based, trauma-informed, community-based programs that include alternatives to arrest, incarceration, and formal involvement with the juvenile justice system, and which aim to deflect or divert youth from justice system engagement at the earliest possible point. . . .

(h) The Legislature reaffirms . . . “that truancy and other status offenses be diverted from citation, arrest, and court.” . . .

(j) The Legislature reaffirms . . . that schools [must] use “a research-based framework . . . that improve[s] behavioral and academic outcomes, that are age appropriate and . . . address . . . the pupil’s specific misbehavior,” including . . . “participation in a restorative justice program.” ([Educ. Code 48900, subd. (v) and 48900.5].

Amends WI 654

From the Legislative Counsel's Digest

New Laws for 2025, p. 90

[This can include providing or contracting] for services including sheltered-care facilities, crisis resolution homes, or counseling and educational centers.

From WI 654 as amended by SB 1005:

(d) Further, a [P.O.] with consent of [M and M's] parent or guardian may provide the following services in lieu of filing a petition:

(4) Refer an offense to a youth, peer, or teen court established . . . by the [P.O.] or by a community-based organization, Indian tribe, tribal court, or private or public agency, to implement restorative justice practices . . . to enable peer youth jurors to hear cases and make dispositions for offenses committed by youths.

... [O]ffenses may include, but are not limited to, infractions or misdemeanors [in Education Code 48900, subs. (a) to (v)] or ... other violation[s] the [P.O.] ... determine[s] [are] appropriate ... This ... shall be implemented consistent with [Educ. C. 49800, subd. (w)].

Remote appearances in Juvenile cases

Amends WI 679.5

Effective July 2, 2024

From the Legislative Counsel's Digest.

¶ . . . ¶

(9) . . . Existing law authorizes the use of remote technology in juvenile . . . proceedings, as defined, except in specified circumstances, until [1/1/ 2026].

Existing law requires, beginning July 1, 2024, and until January 1, 2026, that when the court conducts proceedings that will be reported by an official reporter . . . , that the reporter be physically present in the same room as the judicial officer if the court cannot provide specified technology standards.

This bill . . . extend[s] these provisions until January 1, 2027.

Authority to seal a record of arrest of a minor, with no conviction or adjudication, expanded from misdemeanor to felony.

SB 1611 (Stats 2024 Ch. 782)

Amends, among others, PC 851.7

PC 851.7, subd. (a), as amended by SB 1611:

(a) Any person who has been *cited or* arrested for a ~~misdemeanor,~~ *misdemeanor or felony*, with or without a warrant, while a minor, may, during or after minority, petition the court in which the proceedings occurred or, if there were no court proceedings, the court in whose jurisdiction the *citation or* arrest occurred, for an order sealing the records in the case, including any records of ~~arrest~~ *citation, arrest,* and detention, if any of the following occurred:

(1) The person was released pursuant to [PC 849 subd. (b)(1)].

(2) Proceedings . . . were dismissed, or the person was discharged, without a ~~conviction~~. *conviction or adjudication.*

(3) The person was acquitted.

////////////////////////////////////

Petitions by the [P.O.] to seal certain juvenile court records after the person turns 18.

[SB 1877 \(Stats 2024, Ch. 811\)](#)

Amends WI 786.5, 787, & 827.95; adds WI 781.2 and 788

From WI 788 as added by SB 1877.

(a) . . . [I]f a petition has been filed with a juvenile court to . . . adjudge a person a ward of the court, the county [P.O.] shall do either of the following once the person has reached 18 . . . :

(1) If the person will not remain under the juvenile court's delinquency jurisdiction, the . . . [P.O.] shall petition the court to seal the records [as broadly defined] relating to the person's case The [P.O.] shall provide a copy . . . to [M and M's Atty] at least 30 days prior to filing the petition.

(2) If the person will remain under the juvenile court's delinquency jurisdiction, the . . . [P.O.] shall petition the court . . . no later than one year after the termination of the . . . delinquency jurisdiction.

(b) . . . [T]he following shall not be sealed [under] this section:

(1) . . . [J]uvenile court records [in] a case that was transferred from juvenile court to [adult] court . . . under [WI] 707.1 if the person was convicted [there]. . . .

(2). . . [J]uvenile court records relating to an offense listed in [WI 707, subd. (b)] . . . committed when the person was 14 years. . . or older, unless that offense was dismissed or reduced to a misdemeanor or a lesser offense that is not listed in [WI 707, subd. (b)].

(3) . . . [J]uvenile court records [of] an offense for which the person is required to register pursuant to [PC 290.008].

(c) If . . . the person has not been convicted of a felony or a misdemeanor involving moral turpitude after the juvenile court's jurisdiction was terminated, [the court] shall order sealed all records . . . in the . . . case The person's [Atty.] shall not be ordered to seal their records. The court shall send a copy of the order to each agency named in the order. Each agency shall seal [its] records . . . , [notify] the court that it has complied . . . , and seal . . . the order.

(d) . . . [Proceedings thus sealed] . . . [are] deemed never to have occurred and the person may properly reply accordingly to any inquiry

(e) When the [P.O.] does not file a petition . . . , the [P.O.] shall notify, in writing, the person and their counsel of the reason.

(f)(1) A record that has been ordered sealed . . . may be accessed, inspected, or utilized only under any of the following circumstances:

(A) If . . . the subject . . . petitions the court to permit inspection of the records and the court grants inspection.

(B) By the court [to] verify[] the prior jurisdictional status of a ward who is petitioning the court to resume its jurisdiction pursuant to [WI 388].

(C)(i) By [P] . . . to meet a statutory or constitutional obligation to disclose favorable or exculpatory evidence to a [Def] in a criminal case [P] shall submit a request to the juvenile court [for this] The juvenile court shall notify the subject of the . . . records and their attorney of [P's] request and provide them [an] opportunity to respond. . . . If the juvenile court approves [P's] request, the court shall state on the record . . . limits on the access, inspection, and utilization of the sealed records . . . to protect the confidentiality of the subject of [them]

(ii) (iii) (2)

(h)(1) This section does not apply to records . . . of [DMV] relating to [specified] conviction[s]. . . .

(2) [Provisions are made for limited disclosure by DMV to qualified insurance companies for limited purposes.]

(j)(1) A person is not relieved from the obligation to pay victim restitution, a restitution fine, or a court-ordered fine because their records are sealed.

(k) A court shall not grant [this] relief . . . unless [P] has been given 15 days' notice of the petition. . . . The [P.O.] shall notify [P] when a petition is filed. If [P] fails to appear or object to the petition after . . . notice, [P] shall not move to set aside or otherwise appeal the grant of that petition.

(1) If the subject of the record was alleged or adjudged to be a person described by [WI] 601, the court shall order the destruction five years after the record was ordered sealed.

(3) The court shall order any other agency in possession of sealed records to destroy [them] five years after the records were ordered sealed. . . .

////////////////////////////////////

New Laws for 2025, p. 96

From the Legislative Counsel's Digest

(2) Existing law authorizes a probation officer who concludes that [M] is within the jurisdiction of the juvenile court or would come within [that] jurisdiction . . . if a petition was filed, [to,] in lieu of filing a petition to declare a minor a ward of the court or requesting that [such] a petition be filed . . . , to refer [M] to services provided by a health agency, community-based organization, local educational agency, . . . or the probation department.

This bill . . . specif[ies] that[M] is eligible for informal probation . . . regardless of whether [M] lives in the county where the offense occurred.

From WI 654.2 as amended by SB 1161.

(c) [M] shall be given equal consideration for informal probation pursuant to Section 654.3 regardless of whether [M] lives in the county. . . .

////////////////////////////////////

MENTAL HEALTH including IST

See also “Briefly Noted” for misdemeanor IST options.

////////////////////////////////////

Vocabulary changes in WI statutes to put the person first.

AB 2119 (Stats 2024, Ch. 948)

Amends over 50 WI sections, including some within the LPS Act, including 5020.1, 5120, 5326.2, 5346, 5348, 5349.1, and the heading of Article 1 (commencing with Section 5150) of Chapter 2 of Part 1 of Division 5 of WI.

See also AB 2995 in “Controlled Substances” for similar vocabulary changes.

From the Legislative Counsel's Digest

Existing law makes various references to the descriptive terms “persons with a mental health disorder,” “minors with a mental health condition,” and “children and adolescents with serious emotional disturbance” in various provisions of the Welfare and Institutions Code.

This bill would make . . . changes to these provisions. . . . to, . . . put the person first. . . . [Note: “person first” is not “first person.”]

[An example of these changes, from the LPS Act, is the heading of the Article with WI 5150 in it. That article (WI Div. 5, part 1, Ch. 2, Art. 1) was formerly titled “**Detention of Mentally Disordered Persons for Evaluation and Treatment [5150 - 5155].**”

[It is now titled *Detention of Persons with a Mental Health Condition for Evaluation and Treatment*

[The changes are that “persons” now comes before the malady, and that was called “Mentally Disorder” and now is “Mental Health Condition.”

////////////////////////////////////

The State Hospital must help a patient being released in applying to DMV for an identification card.

SB 159 (Stats 2024, Ch. 40)

Adds, among others, WI 7296

See Briefly Noted for other aspects of SB 159.

From the Legislative Counsel's Digest

(12) Existing law authorizes [DMV] to issue an identification card (ID) to an eligible applicant, as specified. Existing law provides a procedure for a person being released from . . . a county jail, federal correctional facility,

or state hospital facility to obtain a replacement ID. Existing law also provides a procedure for a person being released from a state [prison] to obtain an original or replacement ID.

This bill . . . provide[s] a procedure for a patient being released from a state hospital . . . to . . . obtain an original ID.

The bill . . . remove[s] the requirement[s] that an applicant for a replacement ID have no outstanding ID card fees[;] and . . . that an applicant for a replacement ID have a usable photo on file with the DMV if the applicant has a new photo taken.

The bill . . . require[s] the . . . State Hospital[] to assist the applicant in applying for an ID . . . including . . . with obtaining qualifying documentation.

(a) To the extent administratively feasible and within available resources, the State Department of State Hospitals shall. . . :

(1) Provide any eligible patient with assistance in obtaining an original or replacement identification card [ID] pursuant to [VC 14902, subd. (i)].

(2) Facilitate the process between a patient and those entities holding documentation, such as a birth certificate or social security card, required for a patient to obtain an [ID]. This assistance shall include, without limitation, the provision of any necessary notary services, assistance with obtaining forms, and any required correspondence.

(3) Provide an eligible patient with the verification . . . in [VC 14902].

(b) . . . “[E]ligible patient” means a patient who is currently housed in a facility described in [WI] 4100, is preparing to be discharged unconditionally or through a conditional release program, and who qualifies to obtain an original or replacement [ID] pursuant [VC 14902].

////////////////////////////////////

NATIVE AMERICANS

See “Juvenile Justice Laws” “for The California Indian Child Welfare Act.”

Specified law enforcement reports must identify whether an incident occurred in Indian country as defined. Law enforcement DV reports must [state] whether it took place in Indian country.

AB 2695 (Stats 2024 Ch. 662)

Adds PC 13020.5

From the Assembly Committee on Public Safety for March 18, 2024.

This bill seeks to improve reporting surrounding the Missing and Murdered Indigenous Persons Crisis by requiring law enforcement records and data submitted to the AG to be disaggregated by whether an incident occurred in Indian Country, and similarly requires law enforcement domestic violence incident reports to include a notation of whether the incident took place in Indian country. . . .

From PC 13020.5 as added by AB 2695:

(a) Records and data reported in alignment with the federal National Incident-Based Reporting system, pursuant to [PC] 13010 and 13020, shall be disaggregated by whether an incident occurred in Indian country.

(b) . . . [T]he term “Indian country” [is defined] in [18 U.S.C. 1151].

////////////////////////////////////

PEACE OFFICERS and Law Enforcement Agencies

Warrantless arrests allowed, as specified, for shoplifting not committed in the officer's presence.

AB 2943 (Stats 2024, Ch. 168)

Amends PC 836.

More AB 2943: "Crimes," "Probation," "Peace Officers," and "Briefly Noted."

From PC 836 as amended by AB 2943:

[(a) to (e) are unchanged]

(f) In addition to the authority to make an arrest without a warrant pursuant to [subd. (a)(1) and (a)(3), above, . . . a peace officer may, without a warrant, arrest a person for a violation of [PC] 459.5 when the violation was not committed in the officer's presence if all of the following conditions are met:

(1) The officer has probable cause to believe the person . . . violat[ed].

(2) The arrest is made without undue delay after the violation.

(3) Any of the following takes place:

(A) The officer obtains a sworn statement from a person who witnessed the person to be arrested committing the alleged violation.

(B) The officer observes video footage that shows the person to be arrested

committing the alleged violation.

(C) The person to be arrested possesses a quantity of goods inconsistent with personal use and the goods bear security devices affixed by a retailer that would customarily be removed upon purchase.

(D) The person to be arrested confesses . . . to the arresting officer.

(d) Participation in a collaborative court or a rehabilitation program . . . shall not exceed the maximum period . . . of probation specified in subd[.] (a), except with the consent of [Def].

Adds PC 1203.044

(b) . . . “[D]rug treatment program” [is defined].

New Laws for 2025, p. 104

See Cal. Rules of Court, rule 8.386 for H C in the reviewing court that requires an evidentiary hearing.

RECALL OF SENTENCE

See “Criminal Procedure” for “*Uniform resentencing procedures promulgated for resentencing . . .*”

REGISTRATION: PC 290, others

Certain solicitation of minors for prostitution: elements changed, punishment increased, and repeat offenses are registerable.

SB 1414 (Stats, Ch. 617).

Amends PC 290 and 647

See “Crimes” above for discussion of this new law.

For another aspect of SB 1414, see *Crimes*, for certain AI generated images.

From the Legislative Counsel's Digest

¶ . . . ¶ This bill . . . require[s] a person . . . 18 . . . or older, [who] on or after Jan[.] 1, 2025, is convicted of, and . . . has a prior . . .for, soliciting a minor for prostitution, as specified, to . . . register as a sex offender for . . . 10 years if, . . . the person was more than 10 years older than the solicited minor.

From PC 290 as amended by SB 1414, § 2.7:

[(a) to (b), unchanged]

(c)(1) [Text unchanged]

(c)(2)(B) This . . . does not preclude the court from requiring a person to register pursuant to Section 290.006 [discretionary registration].

////////////////////////////////////

Restitution Fines Uncollectible After 10 Years.

For Restitution Fines against corporations, see this category, below

From the Legislative Counsel's Digest:

This bill . . . make[s] the outstanding balance of any restitution fines, including any collection fees, unenforceable and uncollectible 10 years after the . . . order for a restitution fine.

From PC 1465.9 as amended by AB 1186.

(d) Upon the expiration of 10 years after the date of imposition of a restitution fine pursuant to [PC] 1202.4, the balance, including any collection fees, shall be unenforceable and uncollectible and any portion of a judgment imposing those fines shall be vacated.

SB 2432 (Stats 2024, Ch. 651.) Amends PC 1202.4 & adds PC 1398.

PC 1202.4 is amended by SB 2432 by adding a new subd. (r):

(2) The court may determine the amount . . . commensurate with the seriousness of the offense. [For] a felony, the fine [can be up to \$100,000]. [For] a misdemeanor, the fine [can be up to \$1,000].

RULES OF COURT (CALIFORNIA)

New Laws for 2025, p. 107

////////////////////////////////////

Rule 5.632, which is new, is titled “Civil harassment, workplace violence prevention and [DV] prevention orders.”

A proceeding for the following orders initiated by or brought against a child who has previously been adjudged a dependent child or a ward of the juvenile court and who remains under juvenile court jurisdiction must be heard in the juvenile court . . . as required by [CCP] 374.5:

(1) An order prohibiting harassment under [CCP] 527.6;

(2) An order prohibiting violence in the workplace under [CCP] 527.8;

(3) A protective order under [FC Div. 10 (§§ 6200 ff.)].

(4) A protective order under [FC] 7710 and 7720.

Rule 5.676, “Requirements for detention” has some revisions. One is an added paragraph 10 to subdivision (d), that detention reports for Indian children must also include *“The steps taken to consult and collaborate with the tribe and the outcome of that consultation and collaboration.”*

Rule 5.678, “Findings in support of detention . . .” subdivision (d), “Orders of the court. . .” is substantially rewritten particularly concerning the placement of Indian children as per WI 319 (which was amended by SB 81.)

Rule 5.92, “Request for court order . . .” is substantially rewritten concerning restraining orders.

Rule 8.200 has new provisions and new due dates for an amicus curiae brief is due when no respondent’s brief is filed.

Rule 8.320 “Normal record [in criminal cases]; exhibits.

A new subdivision (g) is added: “Additional clerk’s transcript materials required by local rule.

In addition to the items listed in (b) and (d)(1), the reviewing court may, by local rule, require the clerk's transcript to include any or all additional court records contained in the superior court file.

(1) For purposes of this provision, "court records" has the meaning provided in rule 2.502(3).

(2) The reviewing court's local rule may require the clerk's transcript to include copies of exhibits admitted into evidence, refused, or lodged.

(Subd. (e), on transferring exhibits, now refers to subdivision (g)(2).

Advisory Committee Comment:

Subdivision (g). . . . authorizes the Courts of Appeal to adopt local rules that require additional court records, . . . to be included in the clerk's transcript, up to all court records in the superior court file.. . . [I]tems excluded from the definition of "court records" under rule 2.502(3) are not considered part of the superior court file

Selected changes to rules eff. Sept. 1, 2024

Rule 4.553 Qualifications for appointed habeas corpus counsel under PC 1473(e) [non-capital cases raising Racial Justice Act issues.

Subdivisions are: (a) Purpose; (b) Qualifications; (c) Alternative Requirements; (d) Public Defender Appointments.

Rule 4.551 "Habeas Corpus Proceedings" is also amended extensively throughout concerning Racial Justice Act issues and appointment of counsel. Here is new subd. (d):

(d) Appointment of counsel

(1) On issuing an order to show cause, the court must appoint counsel for any unrepresented petitioner who desires but cannot afford counsel.

(2) When a petition raises a claim under [PC] 745(a) [the RJA] and requests appointment of counsel, the court must appoint counsel if the

petitioner cannot afford counsel and either the petition alleges facts that would establish a violation of [PC] 745(a) or the State Public Defender requests that counsel be appointed. Newly appointed counsel may amend a petition [that was] filed before their appointment.

Rules 7.2210, 7.2221, 7.2225, and 7.2230, CARE Act rules are amended.

Rules 8.385(f) and (g), and rule 8.386(f)(2) mainly concerning appointment of counsel and conduct of hearings in Racial Justice Act cases.

Note changes were also made effective July 1, 2024, April 1, 2024 (twice) and January 22, 2024. One of the April 1 changes was to Appendix F of the Rules, “Guidelines for the Juvenile Dependency Counsel Collections Program.”

////////////////////////////////////

SEARCH AND SEIZURE

“Wiretaps” are authorized upon finding probable cause of felony distribution of obscene matter depicting a person under 18.

AB 1892 (Stats 2024, Ch. 363

Amends PC 629.52

From the Legislative Counsel's Digest

Until Jan[.] 1, 2030, existing law [lets] a court . . . authoriz[e] interception of wire or electronic communications if the judge finds, . . . there is probable cause to believe an individual is committing, has committed, or is about to commit one of several specified offenses. . . .

This bill . . . additionally authorize[s] a court to issue an order authorizing interception of wire or electronic communications if the judge finds that there is probable cause to believe an individual is committing, has

committed, or is about to commit a felony violation of specified statutes relating to the distribution of obscene matter depicting a person under 18.

From PC 629.52 as amended by AB 1892

. . . [T]he judge may enter an ex parte order . . . authorizing interception of wire or electronic communications . . . if the judge determines, inter alia:

(a) There is probable cause to believe that an individual is committing, has committed, or is about to commit, one of the following offenses:

[(1) to (5), listing several different crimes or categories of crimes]]

(6) A felony violation of [PC 311.2, subd[.] (b) or (d) or [PC 311.4, subd. (b) or (c)].

(6)(7) An attempt or conspiracy to commit any of the above-mentioned crimes.

[(b) to (d) list other requirements before an interception order can issue.]

PC 1524 now authorizes a search warrant for ammunition possessed by a person prohibited from having ammo. by WI 8103.

SB 899 (Stats 2024, Ch. 544)

Amends PC 1524

For other aspects of SB 899 see “Advance Warnings,” and see Firearms. ,

From PC 1524 as amended by SB 899, § 10.5:

(a) A search warrant may be issued upon any of the following grounds:

[(1) to (20) are unchanged]

(21) If the property to be seized includes ammunition and all of the following criteria are satisfied:

(24) Rape as defined in [PC 261, subd. (a)(3)] wherein it is pleaded and proved that [Def] caused the intoxication by administering a controlled substance to [V] without their consent and with the intent to sexually assault [V].

[This appears narrower than PC 261, subd. (a)(3), which reads: “(a) Rape is an act of sexual intercourse accomplished under any of the following circumstances: . . . (3) If a person is prevented from resisting by an intoxicating or anesthetic substance, or a controlled substance, and this condition was known, or . . . should have been known by the accused.”]

Penalty for violation of PC 422.6 – hate crime interference with civil rights – raised from misdemeanor to wobbler.

AB 2099 (Stats 2024, ch. 821)

Amends PC 422.6

This bill raises 3 misdemeanors to wobblers. See the next two entries.

From the Legislative Counsel's Digest

[PC 422.6] makes it a misdemeanor to, by force or threat of force, willfully injure, intimidate, . . . , or threaten another person in the free exercise or enjoyment of a right or privilege secured by the [Calif. Const. or the U.S. Const.] in whole or in part because of one or more of specified actual or perceived characteristics of the victim [listed in PC 422.55], including disability, gender, religion, race, or sexual orientation

This bill would make a violation of this provision punishable either as a misdemeanor or as a felony.

Penalty for violation of PC 423.3 (violation of the Freedom of Access to Clinic and Church Entrances (FACE) Act) – raised from misdemeanor to wobbler.

AB 2099 (Stats 2024, ch. 821)

Amends PC 423.3

This bill raises 3 misdemeanors to wobblers. See the above and below entries.

From the Legislative Counsel's Digest:

. . . [The FACE Act, PC 423 to 423.6] prohibits specified actions that, by force, threat of force, or . . . obstruction, impede access to reproductive health services facilities, as defined. . . . [T]he penalties for a violation of the Act, including imprisonment as a misdemeanor and specified fines.

This bill would increase the penalties for violations of the Act, including making specified violations punishable as either a misdemeanor or as a felony.

[NB: this increase to a wobbler may cover some exercises of access to health care other than reproductive, and also some exercises of religious freedom]

////////////////////////////////////

Penalty for certain internet posts meant to incite violence or threats against reproductive health patients or providers (GC 6218.01) increased to a wobbler.

AB 2099 (Stats 2024, ch. 821)

Amends GC 6218.01

This bill raises 3 misdemeanors to wobblers. See the above two entries.

From the Legislative Counsel's Digest:

[GC 6218.01] makes it a crime to post personal information or an image of a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address with the intent that another

birthing, or lactating inmates; and that they be provided with a postpartum examination within one week, and as needed up to 12 weeks, postpartum.

This bill . . . require[s], within 7 days of arriving at a prison, each . . . pregnant person to be referred to a social worker to discuss options for parenting classes and other classes relevant to caring for newborns and options for placement and visiting the newborn.

The bill . . . require[s] a prenatal plan of care to include additional meals and beverages.

The bill . . . require[s] that the incarcerated mother and newborn child remain at a medical facility after delivery for as long as the medical provider determines is necessary for recovery and postpartum medical care.

The bill . . . require[s] the mother and child to be provided with bonding time, as specified. The bill . . . require[s] that the incarcerated mother be permitted to breastfeed the newborn at the medical facility, and pump breast milk to be stored and provided to the child.

¶ . . . ¶

This bill . . . require[s] [CDCR] to expedite a family visitation application process for incarcerated pregnant persons . . . to prevent delays for visitation for the incarcerated mother and newborn child following delivery. The bill . . . require[s] family visitation for the incarcerated mother to see their newborn child to be allowed as available, unless [CDCR] has made a case-by-case determination that the incarcerated mother would pose a threat of harm to their newborn child.

From AB 2740:

[PC] 3408.4 is added to read:

Within seven days of arriving at the prison, each . . . pregnant person shall be referred to a social worker who shall discuss . . . options for parenting classes and other classes . . . and options for visiting with the newborn. . . . [A] social worker shall discuss . . . the options to establish future placement for the child and to secure that placement for the child.

(a) A plan of care for [a] pregnant person . . . shall include a meal plan with add[ed] meals and beverages, in accordance with medical standards . . .

(c) The . . . mother shall be permitted to breastfeed the newborn while at the medical facility, and, while at the correctional facility, pump breast milk to be stored and provided to the child.

(a) [CDCR] shall expedite a family visitation application process for . . . pregnant persons to . . . prevent delays for visitation for the . . . mother and newborn child following delivery.

////////////////////////////////////

Amends PC 3408

Existing law requires [a] person in [CDCR] or county jail . . . to be offered a pregnancy test upon intake or request. A person confirmed pregnant must be scheduled for . . . exam[] with a [specified medical practitioner] within 7

days. They must [get] access to, among other things, prenatal vitamins. They cannot be tased, pepper sprayed, or exposed to . . . chemical weapons.

This bill . . . require[s] . . . pregnant persons in [CDCR] [get] free and clean bottled water and daily high-quality and high caloric nutritional meals. . . .

The bill . . . prohibit[s] . . . pregnant persons in [CDCR] from being placed in solitary confinement or restrictive housing . . . during . . . pregnancy . . . or for 12 weeks postpartum. . . .

Existing law, for a pregnant person [in CDCR], requires . . . provid[ing] access to community-based programs serving pregnant, birthing, or lactating incarcerated persons, and authorizes that person to elect to have a support person present during labor, childbirth, and during postpartum recovery while hospitalized. . . . [I]f that person's request for [these] is denied, the reason [must] be provided in writing to . . . person within 15 working days.

This bill . . . require[s] the [written] reasons for . . . denial . . . within 5 working days. . . .

////////////////////////////////////

“Accountability Letter Bank” and “Victim Offender Dialogue” programs at CDCR get statutory authorization.

SB 379 (Stats 2024 Ch 980)

Adds PC 5034 and 5035

From the Legislative Counsel's Digest

. . . . This bill . . . require[s] [CDCR] to establish and maintain an Accountability Letter Bank (ALB) program, [to provide] a voluntary opportunity for incarcerated persons [in CDCR] to be accountable for the harm they have caused and to express remorse to those they have harmed, and to allow [Vs], survivors, and next of kin to receive a letter of accountability from an incarcerated person when, and if, they choose to receive a letter . . . , as specified.

The program would require the letters to be reviewed by an ALB program facilitator to ensure they are not harmful to [V], survivor, or next of kin.

This bill [also] require[s] [CDCR] to establish and maintain a Victim Offender Dialogue program, [to provide] voluntary opportunities for restorative justice processes between [Vs], survivors, and next of kin and people who are incarcerated or on parole, facilitated by nonprofit, community-based restorative justice organizations.

[These statutes build on existing CDCR programs. See, e.g., Assembly Committee on Public Safety report for June 4 2024, and CDCR’s “Restorative Justice” web page at <https://www.cdcr.ca.gov/victim-services/rj-overview/> .]

From the text of SB 379:

[PC] 5034 is added . . . to read:

(a) [CDCR] shall establish and maintain an Accountability Letter Bank (ALB) program.

(b) The goals of the program shall be . . . :

(1) To allow [Vs], survivors, and next of kin to receive a letter of accountability from an incarcerated person when, and if, they choose to receive a letter that is addressed to them.

(2) To provide an opportunity for incarcerated persons [in CDCR] to express accountability and remorse for the harm they have caused.

(c) All letters submitted to the ALB shall be reviewed by an ALB program facilitator to ensure they are not harmful to [V], survivor, or next of kin.

(d) If a [V], survivor, or next of kin wishes to receive the offender’s letter, the ALB program facilitator shall make the letter available through . . . :

(1) By mail. (2) By email. (3) Upon request by the [V], survivor, or next of kin, an ALB program facilitator may read the letter with the [V], survivor, or next of kin in person or by telephone.

(e) . . . [T]he program shall be administered by a community-based nonprofit organization.

(f) Participation in the ALB program shall be voluntary.

(g) Incarcerated people [can] update letters . . . Letters . . . shall only be retained [to] provid[e] them to the person to whom it is addressed.

(h) Letters . . . shall not be . . . in an incarcerated person's central file.

(i) A letter . . . , and a person's participation in or lack of participation in the ALB program, shall not be considered in a parole suitability decision.

[PC] 5035 is added . . . to read:

(a) [CDCR] shall . . . maintain a Victim Offender Dialogue (VOD) program.

(b) The goal of the program is to provide opportunities for restorative justice processes between [Vs], survivors, and next of kin of [Vs] . . . and people who are incarcerated or on parole, which often culminate in a dialogue between those parties.

(c) The VOD program shall be administered and coordinated by [CDCR's] Office of Victim and Survivor Rights and Services and shall[use] nonprofit, community-based restorative justice organizations to facilitate [this].

(d) Participation in the VOD program shall be voluntary.

////////////////////////////////////

STATUTE OF LIMITATIONS

The limitations period is tolled for up to 3 years while a person is out of state to evade prosecution for hit and run with death or injury.

AB 2984 (Stats 2024 Ch. 750)

Amends PC 803

From PC 803 as amended by AB 2984

(2) If, after committing the crime described in paragraph (1), a person is out of the state [to] evad[e] prosecution, the statute of limitations may be tolled for up to 3 years during any [such] time.

(b) This section applies to crimes . . . committed on or after Jan[.] 1, ~~2020~~, 2025, and to crimes for which the statute of limitations that was in effect prior to Jan[.] 1, ~~2020~~, 2025, has not elapsed as of Jan[.] 1, ~~2020~~, 2025.

(2) Paragraph (1) shall only apply to crimes . . . committed on or after Jan[.] 1, 2015, or for which the statute of limitations that was in effect prior to Jan[.] 1, 2015, has not run as of Jan[.] 1, 2015.

[Statutes about restorative justice are found at PC 679.02 and 679.027, and WI 742; see also “State Prisons,” above discussing PC 5034 and 5035 as added SB 379 (Stats 2024 Ch. 980). An example of a county district attorney’s restorative justice programs is San Francisco’s at <https://sfdistrictattorney.org/policy/restorative-justice/>.]

VEHICLES

AB 2938 (Stats 2024, Ch. 226)

[PC] 236.1 is amended to add a subpart (k):

New Laws for 2025, p. 123

(a) A driver shall not operate a commercial motor vehicle for the rest of their life if convicted of using a commercial motor vehicle in . . . a felony involving . . . severe forms of human trafficking, . . . in [22 U.S.C. 7102].

////////////////////////////////////

AB 3085 (Stats 2024 Ch. 504)

From the Legislative Counsel's Digest

This bill . . . include[s] this crime [VC 23109, subd. (b) or (c)] in the list of offenses for which a peace officer may impound a vehicle pursuant to a warrant or order issued by a magistrate

(a)(1) A magistrate [given an] affidavit . . . establishing reasonable cause . . . that a [described] vehicle . . . was . . . used in the peace officer's presence in violation of [VC] 2800.1, 2800.2, 2800.3, ~~or 23103, 23103, or [VC 23109, subds, (a) or (c)]~~ shall issue a warrant or *court* order authorizing any peace officer to. . . seize and . . . remov[e] the vehicle. The warrant or court order may be entered into a computerized database. ~~A~~ *The* vehicle ~~so impounded~~ may be impounded for [up to] 30 days.

////////////////////////////////////

pay full attention . . . and perform the rest of the driving tasks. . . .

[M]anufacturers have developed . . . monitoring systems for automated vehicles . . . to ensure drivers are paying attention These . . . include cameras to monitor a driver's eyes, weight sensors to ensure a person is in the driver's seat, and sensors in the wheel to ensure the person is still holding it [while] the vehicle is performing the driving tasks.

Drivers are deceiving safety systems through the misuse and abuse of a [many] different driver monitoring manipulation devices. . . . “Entire online marketplaces exist . . . selling devices . . . designed to . . . to simulate a driver's hands on the wheel. There are dozens of . . . online forums offering guidance on crafting . . . techniques to deceive safety systems” The National Highway Traffic Safety Administration (NHTSA) issued a cease-and-desist order [against one such device] and issued a consumer advisory. . . .

. . . [T]his bill . . . prohibit[s] the use of devices that interfere with a vehicle's direct driver monitoring systems that are part of active driving assistance system (ADAS) technology. . . .

. . . . [This bill] . . . limit[s] the prohibition against using this technology, particularly [about] in-vehicle cameras, to those times when the ADAS technology is engaged. This . . . allow[s] drivers to use devices that cover cameras or other tools that limit the ability of car manufacturers and others to surveil them. . . . [P]roducts, like mirrored sunglasses, that can be . . . defeat devices but are not manufactured [for] that use . . . , are not prohibited.

¶ ¶

[This report discusses six levels, from 0 to 5, of automated vehicles promulgated by “SAE International, a U.S. based professional association of engineers.” Level 0 is “The human driver does all the driving.” Level 5 is “ADAS [automated driver assistance system] on the vehicle does all the driving in all circumstances. The human need not pay attention. . . .”]

“This bill addresses Level 2 features, which primarily control both steering and breaking acceleration simultaneously, as defined. . . .”

¶ ¶

. . . [N]othing [before this bill] in California law . . . allow[ed] law enforcement to stop or cite a driver who has tampered with a vehicle's safety features, thus allowing them to . . . disengage from driving. This results in dangerous inattentiveness and eliminates a vehicle's safety capabilities, thus endangering pedestrians, and motorists.

From VC 28155 as added by SB 1313.

(a) A vehicle shall not be equipped with a device specifically designed for, marketed for, or being used for . . . interfering with a driver monitoring system . . . engaged when drivers are [using] advanced driver assistance system [ADAS] features or autonomous technology, as defined . . .

(b) A person shall not use, buy, possess, manufacture, sell, advertise . . . , or . . . distribute a device that is specifically designed for . . . interfering with a driver monitoring system . . . engaged when drivers are [using] [ADAS] features or autonomous technology. . . .

(c) A violation of subdivision (a) or (b) is an infraction.

(d) All of the following are exempt from subd[.] (a) or (b):

(1) A manufacturer while operating under a testing permit

(2) . . . [C]onducting . . . diagnostic services, repairs, or enhancements consistent with the . . . manufacturer's . . . standards

(3) In connection with an update or enhancement of the driver monitoring system by the . . . manufacturer.

(4) In connection with a repair of a vehicle malfunction corrected by the manufacturer or manufacturer-approved third-party vendor.

(5) To remedy a defect corrected by the manufacturer or manufacturer-approved third-party vendor.

(6) For modifications or compliance pursuant to . . . the . . . Americans with Disabilities Act . . . (42 U.S.C. Sec. 12101 et seq.).

(e) For . . . this section, "[ADAS]" means Level 2 of SAE International's . . . Definitions for Terms Related to Driving Automation Systems"

(f) For . . . this section, a “direct driver monitoring system” [is defined].

(g) This section shall not be construed to do either of the following:

(1) Restrict or prohibit access to . . . onboard computer systems to conduct diagnostics, repairs, or enhancements consistent with the . . . manufacturer's safety standards. . . .

(2) Prevent a person from taking immediate steps to protect the life or physical safety of the driver or other people in the vehicle.

Sideshow (a.k.a. street takeovers) can result in CDL suspension for 90 days to 6 months, starting July 1, 2025.

AB 3 (Stats 2021, Ch. 611) Amends VC 23109, eff. July 1, 2025

AB 2000 (Stats 2022, Ch. 436) Further amended VC 23109

AB 2807 (Stats 2024, Ch. 503) Further amended VC 23109.

AB 3, in 2021, amended VC 23109 as follows:

(h)(2)(A). Commencing July 1, 2025, the court may order the privilege to operate a motor vehicle suspended for 90 days to six months for a person who violates subd[.] (c) [exhibition of speed on a highway or [aiding and abetting that] , as provided in [VC 13352, subd. (a)(8)(B), providing for this suspension] only if the violation occurred as part of a sideshow.

... “[S]ideshow” is defined [in VC 23109, subd. (h)(2)(A)(ii), below].

(B) The person's privilege to [drive] may be restricted for 90 days to six months to . . . travel to and from that person's [job and for job duties].

(C) . . . [T]he court shall also consider whether a medical, personal, or family hardship exists that requires a person to have a driver's license . . . to address the hardship. . . .

The amendment by AB 2000 added to VC 23109, subd. (h)(2)(A), that the sideshow can also occur in an **“offstreet parking facility.”**

The current amendment by AB 2807 rewrites VC 23109, subd. (h)(2)(A) and clarifies that a sideshow is also known as a street takeover.

From VC 23109, subd. (h)(2)(A):

(2)(A)(i). Commencing July 1, 2025, the court may order the privilege to operate a motor vehicle suspended for 90 days to six months for a person who violates subdivision (c), as [specified in AB 3, above] . . . only if the violation occurred as part of a sideshow. ~~For purposes of this section, “sideshow” is defined as an event in which two or more persons block or impede traffic on a highway or in an offstreet parking facility, [to perform] motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving, for spectators.~~

(ii) . . . “[S]ideshow” is . . . an event in which two or more persons block or impede traffic on a highway or in an offstreet parking facility for the purpose of performing motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving, for spectators. A sideshow is also known as a street takeover.

Erasing or painting over the reflective coating of, or alter, a license plate to avoid capture of the plate or its characters: an infraction.

AB 2111 (Stats 2024 Ch. 59)

Amends VC 5201.1

From the Legislative Counsel's Digest

Existing law prohibits a person from erasing [or painting over] the reflective coating of, or altering, a license plate to avoid visual or electronic capture of the plate or its characters by state or local law enforcement. [Violation is an infraction.]

AB 1875 (Stats 2024 Ch. 56) Amends PC 4025 (jails) and 5005 (CDCR)

[The Act also has uncodified findings and declarations.]

////////////////////////////////////

Fenfluramine removed from the California Uniform Controlled Substances Act.

[AB 2018 \(Stats. 2024, Ch. 98\)](#) Amends HS 11057 and 11375

Fenfluramine, a drug prescribed to treat seizures in patients with Dravet syndrome and LennoxGastaut syndrome, severe forms of epilepsy, which was, in 2022, removed from the federal Controlled Substances Act, is now removed from the California Uniform Controlled Substances Act.

////////////////////////////////////

Traffic tickets for driverless cars.

[AB 1777 \(Stats. 2024, Ch. 682\)](#)

From The Legislative Counsel's Digest

The bill . . . authorize[s] peace officers . . . to issue **notices of autonomous vehicle noncompliance** [for] an alleged violation of [the VC] or [for] an alleged violation of a local traffic ordinance . . . by an autonomous vehicle [as defined] while the autonomous technology [as defined] is engaged.

[The complete Leg. Counsel's Dig. is a good overview of these vehicle's rules.]

////////////////////////////////////

When a juvenile dies in custody the law enforcement agency must post specified information on its web site.

AB 2531 (Stats 2024, Ch. 968) Amends Pc 10008

From the Legislative Counsel's Digest

Under existing law, when a person who is in custody dies, the agency with jurisdiction over the state or local correctional facility [involved] [must] post specified information on its internet website within 10 days. . . .

////////////////////////////////////

////////////////////////////////////

New Laws for 2025, p. 133

Amends PC 2710

////////////////////////////////////

////////////////////////////////////

New Laws for 2025, p. 134

////////////////////////////////////

[illegible]

ANSWER TO THE TRIVIA QUESTION

AB 1986 (Stats. 2024, Ch. 620) Amends Adds PC 6132 and amends 6130.

Existing law grants [an incarcerated] person . . . the right to purchase, receive, and read any and all newspapers, periodicals, and books, as specified, subject to restrictions . . . related to . . . penological interests.

Existing law authorizes [CDCR] to prescribe . . . regulations for . . . determining which materials are a threat to legitimate penological interests.

Existing law creates the Office of the Inspector General [OIG] and grants [it] responsibility for oversight of [CDCR]

This bill . . . require[s] [OIG] to post [CDCR's] **Centralized List of Disapproved Publications** . . . on [OIG's] website, and . . . require[s] [CDCR] to notify the[OIG] each time a change is made to that list.

The bill . . . authorize[s] [OIG], upon request, to review publications on the list to determine if it concurs with [CDCR] . . . that the publication violates [CDCR] regulations[,] [and] require[s] [OIG] to notify [CDCR] if it does not concur

The bill . . . require[s] [OIG] to include information [on] those notifications in an annual report . . . to the Governor and Legislature.

[Finding tools: [OIG]: <https://www.oig.ca.gov/> . CLDP regulation: Cal Code Regs. CR title 15, § 3134.1. CLDP as of Aug. 1, 2017:

https://capitalandmain.com/wp-content/uploads/2019/02/Centralized_List.pdf
(accessed Nov. 15, 2024)]

[PC] 6130 is added . . . , to read:

(2) The [CLDP] shall include, but not be limited to,. . . the following information about each prohibited publication . . . : (A) The title. (B) The author. (C) The publisher. (D) The [publication year]. . . . (E) The . . . violation of [CDCR] regulations [involved].

(c) . . . “[P]ublication” means any newspaper, periodical, magazine, or book that can be mailed through the United States Postal Service.

(a) ~~(1)~~ [OIG] shall report annually to the Governor and the Legislature. . . .

Additional New Laws note about the OIG. OIG is at PC 6125 to 6141. [SB 1069 \(Stats 2024 ch. 1012\)](#) amends PC 6133 to (per the Leg. Counsel’s Dig.) “give the [OIG] investigatory authority over all staff misconduct cases that involve sexual misconduct with an incarcerated person and . . . authorize[s] the [OIG] to monitor and investigate a complaint that involves sexual misconduct with an incarcerated person, as provided. [OIG must], upon the completion of an investigation, compile and submit a report to the appropriate hiring authority, as specified.

— * —