

SCOPO Legislative Update

AB 310 (Santiago D) Trial Jury Selection and Management Act.

Current Text: Amended: 3/20/2019 [html](#) [pdf](#)

Introduced: 1/29/2019

Last Amend: 3/20/2019

Status: 3/21/2019-Re-referred to Com. on PUB. S.

Location: 3/20/2019-A. PUB. S.

Calendar: 4/23/2019 9 a.m. - State Capitol, Room 126 ASSEMBLY PUBLIC SAFETY, JONES-SAWYER, Chair

Summary: Current law generally requires the jury commissioner to randomly select jurors to participate in voir dire. Current law prohibits the selection of designated peace officers for voir dire in either criminal or both criminal and civil matters, as specified. This bill, until January 1, 2024, would additionally prohibit the selection of designated parole and correctional officers for voir dire in criminal matters. This bill would also require the Judicial Council to submit a report to the Legislature addressing the impact of exemptions from jury service, as specified.

Summary: Existing law generally requires the jury commissioner to randomly select jurors to participate in voir dire. Existing law prohibits the selection of designated peace officers for voir dire in either criminal or both criminal and civil matters, as specified. This bill, until January 1, 2024, would additionally prohibit the selection of designated parole and correctional officers for voir dire in criminal matters. This bill would also require the Judicial Council to submit a report to the Legislature addressing the impact of exemptions from jury service, as specified.

Position	Priority
Support	1

AB 314 (Bonta D) Public employment: labor relations: release time.

Current Text: Introduced: 1/30/2019 [html](#) [pdf](#)

Introduced: 1/30/2019

Status: 4/3/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 2.) (April 3). Re-referred to Com. on APPR.

Location: 4/3/2019-A. APPR.

Summary: Current law, including the Meyers-Milias-Brown Act, the Ralph C. Dills Act, the Trial Court Employment Protection and Governance Act, the Trial Court Interpreter Employment and Labor Relations Act, Judicial Council Employer-Employee Relations Act, and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act, as well as provisions commonly referred to as the Educational Employment Relations Act and the Higher Education Employer-Employee Relations Act, regulates the labor relations of the state, the courts, and specified local public agencies and their employees. These acts generally require the public entities in this context to grant employee representatives of recognized employee organizations reasonable time off without loss of compensation or benefits for certain purposes in connection with labor relations, commonly referred to as release time. This bill would prescribe requirements relating to release time that would apply to all of the public employers and employees subject to the acts described above and would generally repeal the provisions relating to release time in those acts.

Summary: Existing law, including the Meyers-Milias-Brown Act, the Ralph C. Dills Act, the Trial Court Employment Protection and Governance Act, the Trial Court Interpreter Employment and Labor Relations Act, Judicial Council Employer-Employee Relations Act, and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act, as well as provisions commonly referred to as the Educational Employment Relations Act and the Higher Education Employer-Employee Relations Act, regulates the labor relations of the state, the courts, and specified local public agencies and their employees. Existing law establishes other requirements relating to labor relations that are applicable to specified transit agencies. These acts grant specified public employees the right to form, join, and participate in the activities of employee organizations of their choosing and require public agency employers, among other things, to meet and confer with representatives of recognized employee organizations and exclusive representatives on terms and conditions of employment. These acts generally require the public entities in this context to grant employee representatives of recognized employee organizations reasonable time off without loss of compensation or benefits for certain purposes in connection with labor relations, commonly referred to as release time. This bill would prescribe requirements relating to release time that would apply to all of the public employers and employees subject to the acts described above and would generally repeal the provisions relating to release time in those acts. The bill would require these public employers to grant a reasonable number of employee representatives of the exclusive representative reasonable time off without loss of compensation or other benefits for specified activities. This requirement would apply to activities to investigate and process grievances or otherwise enforce a collective bargaining agreement or memorandum of understanding; to meet and confer with the public employer on matters within the scope of representation, including preparation for the activities specified in these provisions; to testify or appear as the designated representative of the exclusive

representative in conferences, hearings, or other proceedings before the Public Employment Relations Board or similar bodies, as specified; to testify or appear as the designated representative of the exclusive representative before the governing body of the public employer, or a personnel, civil service, or merit commission, among others, and to serve as a representative of the exclusive representative for new employee orientations. The bill would require the exclusive representative to provide reasonable notice requesting an absence in this connection. The bill would specify that its provisions prescribe minimum release time rights and would prescribe requirements regarding the relation of its provisions to other labor agreements that address release time. The bill would prohibit the Public Employment Relations Board from enforcing these provisions with regard to public transit workers that are not otherwise subject to the board's jurisdiction.

Position	Priority
Support	1

[AB 392](#) (Weber D) Peace officers: deadly force.

Current Text: Amended: 3/27/2019 [html](#) [pdf](#)

Introduced: 2/6/2019

Last Amend: 3/27/2019

Status: 4/10/2019-From committee: Do pass and re-refer to Com. on RLS. (Ayes 6. Noes 2.) (April 9). Re-referred to Com. on RLS.

Location: 4/9/2019-A. RLS.

Summary: Would redefine the circumstances under which a homicide by a peace officer is deemed justifiable to include when the killing is in self-defense or the defense of another, consistent with the existing legal standard for self-defense, or when the killing is necessary to prevent the escape of a fleeing felon whose immediate apprehension is necessary to prevent death or serious injury. The bill would additionally bar the use of this defense if the peace officer acted in a criminally negligent manner that caused the death, including if the officer's criminally negligent actions created the necessity for the use of deadly force.

Summary: Existing law authorizes a peace officer to make an arrest pursuant to a warrant or based upon probable cause, as specified. Under existing law, an arrest is made by the actual restraint of the person or by submission to the custody of the arresting officer. This bill would redefine the circumstances under which a homicide by a peace officer is deemed justifiable to include when the killing is in self-defense or the defense of another, consistent with the existing legal standard for self-defense, or when the killing is necessary to prevent the escape of a fleeing felon whose immediate apprehension is necessary to prevent death or serious injury. The bill would additionally bar the use of this defense if the peace officer acted in a criminally negligent manner that caused the death, including if the officer's criminally negligent actions created the necessity for the use of deadly force. This bill contains other related provisions and other existing laws.

Position	Priority
Oppose	1

[AB 597](#) (Levine D) Probation and mandatory supervision: flash incarceration.

Current Text: Amended: 3/21/2019 [html](#) [pdf](#)

Introduced: 2/14/2019

Last Amend: 3/21/2019

Status: 3/28/2019-Read third time. Passed. Ordered to the Senate. In Senate. Read first time. To Com. on RLS. for assignment.

Location: 3/28/2019-S. RLS.

Summary: Current law authorizes probation and mandatory supervision, which in each case is a period of time when a person is released from incarceration and is subject to specified conditions and supervision by county probation authorities. Current law, until January 1, 2021, allows a court to authorize the use of flash incarceration, as defined, to detain a person in county jail for not more than 10 days for a violation of the conditions of that person's probation or mandatory supervision, as specified. This bill would extend the authorization to use flash incarceration until January 1, 2023.

Summary: Existing law authorizes probation and mandatory supervision, which in each case is a period of time when a person is released from incarceration and is subject to specified conditions and supervision by county probation authorities. Existing law, until January 1, 2021, allows a court to authorize the use of flash incarceration, as defined, to detain a person in county jail for not more than 10 days for a violation of the conditions of that person's probation or mandatory supervision, as specified. This bill would extend the authorization to use flash incarceration until January 1, 2023.

Position	Priority
Support	1

[AB 901](#) (Gipson D) Juveniles.

Current Text: Introduced: 2/20/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 4/10/2019-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 4/10/2019-A. APPR. SUSPENSE FILE

Summary: Current law permits a probation department to engage in activities designed to prevent juvenile delinquency, including rendering direct and indirect services to persons in the community. Under current law, a probation department is not limited to providing services only to those persons who are on probation and under supervision, but is authorized to provide these services to any juveniles in the community. This bill would only authorize a probation department to render direct and indirect services to those persons in the community who are on probation and subject to supervision under the jurisdiction of the juvenile court system, as specified.

Summary: Existing law permits a probation department to engage in activities designed to prevent juvenile delinquency, including rendering direct and indirect services to persons in the community. Under existing law, a probation department is not limited to providing services only to those persons who are on probation and under supervision, but is authorized to provide these services to any juveniles in the community. This bill would only authorize a probation department to render direct and indirect services to those persons in the community who are on probation and subject to supervision under the jurisdiction of the juvenile court system, as specified. This bill contains other related provisions and other existing laws.

Position	Priority
Oppose	1

AB 1321 (Gipson D) Juvenile facilities: use of chemical spray.

Current Text: Amended: 3/27/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amend: 3/27/2019

Status: 4/10/2019-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 5. Noes 0.) (April 9). Re-referred to Com. on APPR.

Location: 4/10/2019-A. APPR.

Calendar: 4/24/2019 9 a.m. - State Capitol, Room 4202 ASSEMBLY APPROPRIATIONS, GONZALEZ, Chair

Summary: Would require the custodian of each juvenile facility to report quarterly to the Board of State and Community Corrections on the use of chemical agents in the facility. The bill would require the board to conduct inspections of juvenile facilities in the top quartile of chemical agent use. The bill would require the Legislative Analyst's Office to conduct a study on the use of chemical agents in juvenile facilities and report to the Legislature by June 1, 2021.

Summary: Existing law requires the Board of State and Community Corrections to adopt minimum standards for the operation and maintenance of juvenile halls for the confinement of minors. Existing law requires the judge of the juvenile court of the county to annually inspect any jail or juvenile hall that was used for the confinement of any minor and to notify the operator of the jail or juvenile hall of any observed noncompliance with the minimum standards of the juvenile facility adopted by the board. This bill would require the custodian of each juvenile facility to report quarterly to the board on the use of chemical agents in the facility. The bill would require the board to conduct inspections of juvenile facilities in the top quartile of chemical agent use. The bill would require the Legislative Analyst's Office to conduct a study on the use of chemical agents in juvenile facilities and report to the Legislature by June 1, 2021. By imposing the new reporting duty on local juvenile facilities, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position	Priority
Oppose	1

SB 230 (Caballero D) Law enforcement: use of deadly force: training: policies.

Current Text: Amended: 4/11/2019 [html](#) [pdf](#)

Introduced: 2/7/2019

Last Amend: 4/11/2019

Status: 4/12/2019-Set for hearing April 23.

Location: 2/21/2019-S. PUB. S.

Calendar: 4/23/2019 8:30 a.m. - Room 3191 SENATE PUBLIC SAFETY, SKINNER, Chair

Summary: Would require each law enforcement agency to maintain a policy that provides guidelines on the use of force, utilizing deescalation techniques and other alternatives to force when feasible, specific guidelines for the application of deadly force, and factors for evaluating and reviewing all use of force incidents, among other things. The bill would require each agency to make their use of force policy accessible to the public. By imposing additional duties on local agencies, this bill would create a state-mandated local program.

Summary: (1) Existing law requires each law enforcement agency to annually furnish specified information to the Department of Justice regarding the use of force by a peace officer. Existing law requires the Department of Justice, once per year, to update a summary of information contained in the reports received on its internet website. Existing law requires a department or agency that employs peace officers or custodial officers to establish a procedure to investigate complaints by members of the public against those officers. This bill would require each law enforcement agency to maintain a

policy that provides guidelines on the use of force, utilizing deescalation techniques and other alternatives to force when feasible, specific guidelines for the application of deadly force, and factors for evaluating and reviewing all use of force incidents, among other things. The bill would require each agency to make their use of force policy accessible to the public. By imposing additional duties on local agencies, this bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

Position	Priority
Support	1

SB 416 (Hueso D) Employment: workers' compensation.

Current Text: Introduced: 2/20/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 4/8/2019-April 8 hearing: Placed on APPR. suspense file.

Location: 4/8/2019-S. APPR. SUSPENSE FILE

Summary: Current law designates illnesses and conditions that constitute a compensable injury for various employees, such as California Highway Patrol members, firefighters, and certain peace officers. These injuries include, but are not limited to, hernia, pneumonia, heart trouble, cancer, meningitis, and exposure to biochemical substances, when the illness or condition develops or manifests itself during a period when the officer or employee is in service of the employer, as specified. This bill would expand the coverage of the above provisions relating to compensable injuries, to include all persons defined as peace officers under certain provisions of law, except as specified.

Summary: Existing law establishes a workers' compensation system to compensate employees for injuries sustained arising out of and in the course of their employment. Existing law designates illnesses and conditions that constitute a compensable injury for various employees, such as California Highway Patrol members, firefighters, and certain peace officers. These injuries include, but are not limited to, hernia, pneumonia, heart trouble, cancer, meningitis, and exposure to biochemical substances, when the illness or condition develops or manifests itself during a period when the officer or employee is in service of the employer, as specified. This bill would expand the coverage of the above provisions relating to compensable injuries, to include all persons defined as peace officers under certain provisions of law, except as specified. To the extent that the bill would apply the provisions to additional local peace officers, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position	Priority
Support	1

SB 694 (Stone R) Juvenile halls: wireless communication devices.

Current Text: Introduced: 2/22/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Status: 4/11/2019-Set for hearing April 23.

Location: 3/14/2019-S. PUB. S.

Calendar: 4/23/2019 8:30 a.m. - Room 3191 SENATE PUBLIC SAFETY, SKINNER, Chair

Summary: Would make it a misdemeanor, punishable by a fine of not more than \$1,000, for a person to knowingly bring or send into, or to knowingly assist in bringing into, or sending into, any county juvenile hall, ranch, camp, or forestry camp a wireless communication device, as specified, who is not authorized to possess that item. By creating a new crime, and by increasing the duties of local officials relating to the posting of a sign specifying the new crime, the bill would impose a state-mandated local program.

Summary: Existing law makes it a crime for a person in a local correctional facility to possess a wireless communication device who is not authorized to possess that item. This bill would make it a misdemeanor, punishable by a fine of not more than \$1,000, for a person to knowingly bring or send into, or to knowingly assist in bringing into, or sending into, any county juvenile hall, ranch, camp, or forestry camp a wireless communication device, as specified, who is not authorized to possess that item. By creating a new crime, and by increasing the duties of local officials relating to the posting of a sign specifying the new crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position	Priority
Oppose	1

Total Measures: 9

Total Tracking Forms: 9