

## Lobbying the California Legislature

### CNOA Legislative Update

4/1/2011

**AB 12 (Swanson [D] ) Abolition of Child Commerce, Exploitation, and Sexual Slavery Act of 2011.** (I-12/06/2010 [html](#) [pdf](#))

**Status:** 01/24/2011-Referred to Com. on PUB. S.

**Current Location:** 01/24/2011-A PUB. S.

**Summary:** Under existing law, any person who is convicted of pimping or procuring a minor under the age of 16 for prostitution may be ordered by a court to pay an additional fine not to exceed \$5,000 to be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs, as provided. This bill would enact the Abolition of Child Commerce, Exploitation, and Sexual Slavery Act of 2011, and would require that a person who is convicted of a crime involving substantial sexual conduct, as defined, with a victim who is under 16 years of age, or who seeks to procure or procures the sexual services of a prostitute, if the prostitute is a minor who is under 16 years of age, be ordered to pay an additional fine of \$25,000 to be deposited in the Victim-Witness Assistance Fund to be available for appropriation in the same manner as specified above.

**Position**

Support in  
Principle

**AB 45 (Hill [D] ) Charter-party carriers of passengers: alcoholic beverages: open containers.** (A-03/29/2011 [html](#) [pdf](#))

**Status:** 03/30/2011-Re-referred to Com. on U. & C.

**Current Location:** 03/30/2011-A U. & C.

**Calendar Events:** 04/04/11 3 p.m. - State Capitol, Room 437 ASM UTILITIES AND COMMERCE

**Summary:** The Passenger Charter-party Carriers' Act, with certain exceptions, prohibits a charter-party carrier of passengers from engaging in transportation services subject to regulation by the Public Utilities Commission without obtaining a specified certificate or permit, as appropriate, from the commission. The act, except as specified, requires the driver of any limousine for hire operated by a charter-party carrier of passengers (carrier) under a valid certificate or permit to comply with prescribed requirements relating to alcoholic beverages, including ascertaining whether any passenger is under the age of 21 years, reading to the passenger a statement that the consumption of any alcoholic beverage in the vehicle is unlawful, requiring such a passenger to sign the statement, and, if a minor passenger, after signing the statement, is found to be, or to have been, consuming any alcoholic beverage during the course of the ride, immediately terminating the contract of hire and returning the passenger to the point of origin. The act also subjects the carrier to specified civil penalties, based on the number of offenses, for conviction of a driver, or any officer, director, agent, or employee of the carrier, of a violation of the

Vehicle Code that prohibits storage of an opened container of an alcoholic beverage in a motor vehicle. This bill would expand the application of those alcoholic beverage provisions concerning passengers under the age of 21 years by applying those requirements to the driver of any vehicle used in the transportation of passengers for hire operated by a permitted or certificated carrier. The bill would make the 3rd or subsequent violation of the open container prohibition by a driver of any vehicle used in the transportation of passengers for hire operating under a valid certificate or permit a misdemeanor. The bill, by creating a new crime, would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**  
Support in  
Principle

**AB 60** **(Jeffries [R] ) Sentencing.** (A-01/31/2011 [html](#) [pdf](#))

**Status:** 03/29/2011-In committee: Set, first hearing. Hearing canceled at the request of author. (Refers to 4/5/2011 hearing)

**Current Location:** 02/01/2011-A PUB. S.

**Calendar Events:** 04/12/11 9 a.m. - State Capitol, Room 126 ASM PUBLIC SAFETY

**Summary:** Existing law, as amended by Proposition 21, adopted March 7, 2000, and by Proposition 83, adopted November 7, 2006, provides for a list of crimes called "violent felonies" and "serious felonies." Other existing law provides specified enhancements to the punishments of certain repeat, state-prison bound offenders with prior violent or serious felony convictions. The initiative statutes provide that any amendment of these provisions by the Legislature shall require a 2/3 vote of the membership of each house. This bill would add felony battery against the above-named persons to the list of "serious felonies" and to the list of "violent felonies." This bill contains other related provisions and other existing laws.

**Position**  
Support in  
Principle

**AB 66** **(Chesbro [D] ) Taxation: vehicle license fees.** (I-12/13/2010 [html](#) [pdf](#))

**Status:** 01/27/2011-Referred to Coms. on REV. & TAX. and PUB. S.

**Current Location:** 01/27/2011-A REV. & TAX

**Summary:** The Vehicle License Fee Law, in lieu of any ad valorem property tax upon vehicles, imposes an annual license fee for any vehicle subject to registration in this state in the amount of 1% of the market value of that vehicle, as provided, for a specified amount of time. Existing law also, until June 30, 2011, imposes an additional tax equal to 0.15% of the market value of specified vehicles, as determined by the Department of Motor Vehicles, to the vehicle license fee, to be deposited in the General Fund and transferred to the Local Safety and Protection Account, a continuously appropriated fund. This bill would repeal the provision relating to the sunset date and repeal of the additional 0.15% tax, thereby depositing additional moneys into a continuously appropriated fund. This bill contains other related provisions.

**Position**  
Support

**AB 67** **(Huber [D] ) Sentencing: methamphetamine.** (I-12/13/2010 [html](#) [pdf](#))

**Status:** 03/15/2011-In committee: Set, first hearing. Failed passage.

**Current Location:** 01/27/2011-A PUB. S.

**Summary:** Existing law provides that any person convicted of the unlawful sale of cocaine or heroin who is eligible for and granted probation shall, as a condition of that probation, be confined in a county jail for at least 180 days, except as provided. This bill would also provide that any person convicted of selling methamphetamine who is granted probation shall be confined in a county jail for at least 180 days as a condition of probation, except as provided. By requiring confinement in a county jail as a condition of probation, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**  
Support in  
Principle

**[AB 74](#) (Ma [D] ) Public events: event action plan.** (A-03/24/2011 [html](#) [pdf](#))  
**Status:** 03/31/2011-From committee: Be re-referred to Com. on AGRI. Re-referred. (Ayes 9. Noes 0.) (March 31). Re-referred to Com. on AGRI.  
**Current Location:** 03/31/2011-A AGRI.

**Summary:** Existing law generally authorizes state agencies, including district agricultural associations, to allow private individuals or corporations to hold events on state property. This bill would require that any state agency that seeks to hold an event with an expected attendance level over a specified amount on property that is either owned or operated by a state agency to, prior to the event, conduct a threat assessment that addresses specified topics. This bill would also require that if the state agency determines, based on the facts presented to it in the assessment, that there is a strong probability that loss of life or harm to the participants could occur, then the state agency must require the promoter to prepare an event action plan that includes specified information. This bill would also require the state agency to approve the event action plan before the promoter may hold the event.

**Position**  
Support

**[AB 90](#) (Swanson [D] ) Human trafficking: minors.** (I-01/06/2011 [html](#) [pdf](#))  
**Status:** 01/27/2011-Referred to Com. on PUB. S.  
**Current Location:** 01/27/2011-A PUB. S.

**Summary:** Existing law provides that any person who deprives or violates the personal liberty of another with the intent to effect or maintain certain felonies, or to obtain forced labor or services, is guilty of human trafficking. This bill would additionally provide that a person who deprives or violates another person's liberty with the intent to effect or maintain the felony of making available to another person a person under 16 years of age for the purpose of any lewd or lascivious act, or the felony of the procurement of minors in the preparation of material depicting sexual conduct by a minor, is guilty of human trafficking. This bill contains other related provisions and other existing laws.

**Position**  
Support in  
Principle

**[AB 223](#) (Ammiano [D] ) Compassionate Use Act of 1996.** (A-03/31/2011 [html](#) [pdf](#))  
**Status:** 03/31/2011-Referred to Coms. on PUB. S. and HEALTH. From committee chair, with author's amendments: Amend, and re-refer to Com. on PUB. S. Read second time and amended.  
**Current Location:** 03/31/2011-A PUB. S.

**Summary:** Existing law, the Compassionate Use Act of 1996, an initiative statute enacted

by the approval of Proposition 215 at the November 6, 1996, statewide general election, authorizes the use of marijuana for medical purposes. Existing law enacted by the Legislature requires the establishment of a program for the issuance of identification cards to qualified patients so that they may lawfully use marijuana for medical purposes, and requires the establishment of guidelines for the lawful cultivation of marijuana grown for medical use. This bill would make findings and declarations regarding medical marijuana, and provide that it is the intent of the Legislature to improve the Compassionate Use Act of 1996 and the state's medical marijuana program by establishing a comprehensive and multidisciplinary commission that is empowered to address issues regarding the legality and implementation of the Compassionate Use Act of 1996 and the state's medical marijuana law. This bill contains other related provisions and other existing laws.

**Position**

Watch

ASSIGNED:

GIL VAN

ATTENHOVEN

**[AB 472](#) (Ammiano [D] ) Controlled substances: overdose: punishment. (I-02/15/2011 [html pdf](#))**

**Status:** 03/23/2011-Read second time. Ordered to third reading.

**Current Location:** 03/23/2011-A THIRD READING

**Calendar Events:** 04/04/11 15 ASM ASSEMBLY THIRD READING FILE

**Summary:** Existing law, the California Uniform Controlled Substances Act, classifies controlled substances into 5 designated schedules, with the most restrictive limitations generally placed on controlled substances classified in Schedule I, and the least restrictive limitations generally placed on controlled substances classified in Schedule V. Existing law generally provides punishment for the unauthorized use, possession, and sale of controlled substances. This bill would provide that it shall not be a crime for any person who experiences a drug-related overdose, as defined, who, in good faith, seeks medical assistance, or any other person who, in good faith, seeks medical assistance for the person experiencing a drug-related overdose, to be under the influence of, or to possess for personal use, a controlled substance, controlled substance analog, or drug paraphernalia, under certain circumstances related to a drug-related overdose that prompted the seeking of medical assistance if that person does not obstruct medical or law enforcement personnel. The bill would provide that its provisions shall not affect laws prohibiting the selling, providing, giving, or exchanging of drugs for money, goods, or services, or laws prohibiting the forcible administration of drugs against a person's will. The bill would provide that it shall not affect liability for any offense that involves activities made dangerous by the consumption of controlled substances, as specified.

**Assigned      Position**

LOVELL      Watch

**[AB 507](#) (Hayashi [D] ) Pain management. (A-03/21/2011 [html pdf](#))**

**Status:** 03/22/2011-Re-referred to Com. on HEALTH.

**Current Location:** 03/22/2011-A HEALTH

**Calendar Events:** 04/26/11 1:30 p.m. - State Capitol, Room 4202 ASM HEALTH

**Summary:** Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacists and pharmacy technicians by the California State Board of Pharmacy. This bill would exempt from this provision any holder of a license who has a medical basis for furnishing dangerous drugs or prescription controlled substances, including for pain or a condition causing pain. This bill contains other related provisions and other existing laws.

**Position**  
Watch

**AB 639 (Norby [R] ) Controlled substances.** (A-03/31/2011 [html](#) [pdf](#))

**Status:** 03/31/2011-Referred to Com. on PUB. S. From committee chair, with author's amendments: Amend, and re-refer to Com. on PUB. S. Read second time and amended.  
**Current Location:** 03/31/2011-A PUB. S.

**Summary:** Existing law provides that in all cases where property used or intended to be used to facilitate any violation of specified controlled substance offenses is seized and forfeited to a state or local governmental entity and, where necessary, sold, the moneys forfeited or the proceeds of sale shall be distributed by the state or local governmental entity to specified persons or entities for specified purposes, including for the purpose of combating drug abuse. This bill would provide that property is deemed to be seized whenever any agency takes possession or control of it. The bill would add provisions that provide that seizing agencies or prosecuting attorneys authorized to bring civil forfeiture proceedings shall not directly or indirectly transfer seized property, including any property seized by state or local law enforcement officers who are detached to, deputized or commissioned by, or working in conjunction with, a federal agency to any federal agency or any governmental entity not created under and subject to state law, unless the court enters an order, as specified, authorizing the property to be transferred. The bill would provide that where a state or local agency transfers seized property to any federal agency for forfeiture in violation of these provisions, the state or local agency shall be liable to the state in an action brought by the Attorney General for 24% of the proceeds received by the state or local agency from the federal government and would provide that the funds would be required to be deposited in the General Fund for expenditure, upon appropriation by the Legislature, for drug prevention and treatment services. This bill contains other related provisions and other existing laws.

<b>Assigned</b>	<b>Position</b>
BIDOU	Watch

ASSIGNED:  
PIERRE  
BIDOU

**AB 702 (Swanson [D] ) Prostitution: human trafficking: expungement.** (I-02/17/2011 [html](#) [pdf](#))

**Status:** 03/07/2011-Referred to Com. on PUB. S.  
**Current Location:** 03/07/2011-A PUB. S.

**Summary:** Under existing law, after a person has reached 18 years of age, the person may petition a court to seal all records relating to the person's case in the custody of a juvenile court if he or she has not been subsequently convicted of a felony or misdemeanor involving moral turpitude, and if rehabilitation has been attained to the satisfaction of the court. Under existing law, a person may have a conviction for a misdemeanor set aside if the court, in its discretion and the interests of justice, determines that a defendant should be granted relief, provided that the petitioner is not then serving a sentence for any other offense, is not on probation for another offense, and is not being charged with any other offense. This bill would provide that a person who was adjudicated a ward of the court for the commission of a violation of specified provisions prohibiting prostitution may petition a court to have his or her records sealed as pertains to the prostitution offenses without showing that he or she has not been subsequently convicted of a felony or misdemeanor involving moral turpitude, or that rehabilitation has been

attained, as provided. This bill contains other related provisions.

**Position**  
Support in  
Principle

**[AB 730](#) (Grove [R] ) CalWORKs eligibility: periodic drug testing.** (I-02/17/2011 [html](#) [pdf](#))  
**Status:** 03/22/2011-In committee: Set, first hearing. Hearing canceled at the request of author.  
**Current Location:** 03/07/2011-A HUM. S.

**Summary:** Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program, using federal Temporary Assistance to Needy Families (TANF) program, state, and county funds. Under existing law, the county is required to annually redetermine eligibility for CalWORKs benefits. This bill would require a recipient of CalWORKs aid to undergo drug testing on a periodic basis, as a condition of continued eligibility. The bill would specify those substances for which drug testing would be conducted. The bill would require a recipient who fails a periodic drug test to successfully complete a one-year drug treatment program. The bill would discontinue the individual's aid under the CalWORKS program upon failure of the individual to participate in testing or to successfully complete the required drug treatment program. The bill would require the department to seek any federal approvals necessary for the implementation of the bill. This bill contains other related provisions and other existing laws.

**Position**  
Support in  
Principle

**[AB 776](#) (Mitchell [D] ) Controlled substances: unlawful use.** (I-02/17/2011 [html](#) [pdf](#))  
**Status:** 02/18/2011-From printer. May be heard in committee March 20.  
**Current Location:** 02/17/2011-A PRINT

**Summary:** Existing law classifies controlled substances into 5 schedules and places the greatest restrictions and penalties on the use those substances placed in Schedule I. Existing law provides that no person shall use, or be under the influence of, specified controlled substances including a narcotic drug classified in Schedule III, IV, or V, except when administered by or under the direction of a person licensed by the state to dispense, prescribe, or administer controlled substances. This bill would make technical, nonsubstantive changes to that provision.

<b>Assigned</b>	<b>Position</b>
LOVELL	Watch

**[AB 801](#) (Swanson [D] ) Code enforcement officers: training.** (I-02/17/2011 [html](#) [pdf](#))  
**Status:** 03/10/2011-Referred to Com. on PUB. S.  
**Current Location:** 03/10/2011-A PUB. S.  
**Calendar Events:** 04/12/11 9 a.m. - State Capitol, Room 126 ASM PUBLIC SAFETY

**Summary:** Existing law defines a code enforcement officer to include specified public employees whose duties include enforcement of any statute, rules, regulations, or standards, and who are authorized to issue citations or file formal complaints. That definition also includes specified public employees of the Department of Housing and Community Development who have enforcement authority for health, safety, and welfare requirements imposed pursuant to specified provisions of state law relating to housing. This bill would establish minimum training standards and a continuing education

requirement for code enforcement officers. The bill would require each of these employees to complete a certified basic training program within one year of his or her initial appointment, and to complete intermediate and advanced levels of certified training, as specified. The bill would require public entities that employ a code enforcement officer to adopt requirements for, and require all code enforcement officers to wear, apparel or a uniform that allows members of the public to recognize the person wearing the apparel or uniform as a public officer. This bill contains other related provisions and other existing laws.

**Position**  
Support in  
Principle

**[AB 828](#) (Swanson [D] ) Food stamps: eligibility: drug felonies.** (I-02/17/2011 [html](#) [pdf](#))

**Status:** 03/10/2011-Referred to Com. on HUM. S.

**Current Location:** 03/10/2011-A HUM. S.

**Calendar Events:** 04/05/11 1:30 p.m. - State Capitol, Room 437 ASM HUMAN SERVICES

**Summary:** Existing law provides for the Food Stamp Program, under which food stamps allocated to the state by the federal government are distributed to eligible individuals by each county. Existing law provides that a person convicted of a drug-related felony, with certain exemptions, is eligible for aid under the Food Stamp Program, if specified requirements are met. This bill would, instead, provide that a person convicted of a drug felony shall be eligible for aid under the Food Stamp Program, and would eliminate the above-referenced eligibility requirements. This bill contains other related provisions and other existing laws.

**Position**  
Oppose

**[AB 918](#) (Block [D] ) Crimes: felonies.** (A-03/25/2011 [html](#) [pdf](#))

**Status:** 03/29/2011-Re-referred to Com. on PUB. S.

**Current Location:** 03/29/2011-A PUB. S.

**Calendar Events:** 04/12/11 9 a.m. - State Capitol, Room 126 ASM PUBLIC SAFETY

**Summary:** Existing law, as amended by Proposition 21 as approved by the voters at the March 7, 2000, statewide primary election, provides that any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by members of that gang, shall be punished, as specified. Existing law defines "a pattern of criminal gang activity" as the commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction of, 2 or more listed offenses. Proposition 21 may be amended by a statute passed by a 2/3 vote of the membership of each house of the Legislature. This bill would add pimping, pandering, and human trafficking as offenses that may be used to establish a pattern of criminal activity for those purposes. Because this bill would amend Proposition 21 it therefore requires a 2/3 vote. This bill contains other related provisions and other existing laws.

**Position**  
Support in  
Principle

**[AB 972](#) (Butler [D] ) Substance abuse: treatment facilities.** (I-02/18/2011 [html](#) [pdf](#))

**Status:** 03/10/2011-Referred to Com. on HEALTH.

**Current Location:** 03/10/2011-A HEALTH

**Calendar Events:** 04/26/11 1:30 p.m. - State Capitol, Room 4202 ASM HEALTH

**Summary:** Existing law provides for the licensure, certification, and regulation of alcoholism or drug use recovery or treatment facilities serving adults, administered by the State Department of Alcohol and Drug Programs. These facilities are defined to mean any premises, place, or building that provides 24-hour residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services. This bill would, until January 1, 2014, revise this definition to also include any premises, place, or building that provides a program, accredited by a nationally recognized accrediting organization, that uses a multidisciplinary team, as specified, to provide medical services within a residential facility that does not require a health facility license, to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

Assigned	Position
LOVELL	Watch

**[AB 996](#) (Donnelly [R] ) Criminal gangs and drug cartels.** (1-02/18/2011 [html](#) [pdf](#))

**Status:** 03/10/2011-Referred to Com. on PUB. S.

**Current Location:** 03/10/2011-A PUB. S.

**Calendar Events:** 04/12/11 9 a.m. - State Capitol, Room 126 ASM PUBLIC SAFETY

**Summary:** Existing law, as amended by Proposition 21 of the March 7, 2000, primary election, the Gang Violence and Juvenile Crime Prevention Act of 1998, provides that any person who participates in any criminal street gang with knowledge that its members engage in a pattern of criminal street gang activity and who promotes felonious criminal conduct shall be punished, as specified. Existing law defines a pattern of criminal gang activity as the commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction of 2 or more listed offenses, as specified. Existing law places specified enhancements on persons convicted of a felony committed in association with any criminal street gang, as specified. The act authorizes the Legislature to amend these provisions with a 2/3 vote of each house concurring. This bill would provide that if the finder of fact makes a finding that the defendant was, at the time the defendant committed a crime, a member of, affiliated with, or associated with a criminal street gang or a drug cartel, as defined, the court shall, after making a determination of the punishment that would otherwise be imposed, automatically double all fines, restitutions, and terms of imprisonment otherwise applicable to the defendant. Because this bill would change the punishment for conviction of a crime in association with a criminal street gang, it would amend Proposition 21 and therefore require a 2/3 vote of the membership of each house. This bill contains other related provisions and other existing laws.

Position
Support in Principle

**[AB 1017](#) (Ammiano [D] ) Marijuana cultivation: reduced penalty.** (1-02/18/2011 [html](#) [pdf](#))

**Status:** 03/14/2011-Referred to Com. on PUB. S.

**Current Location:** 03/14/2011-A PUB. S.

**Summary:** Existing law requires that every person who plants, cultivates, harvests, dries, or processes any marijuana, or any part thereof, except as otherwise provided by law, be

punished by imprisonment in the state prison. This bill would make that crime punishable by imprisonment in a county jail for a period of not more than one year or by imprisonment in the state prison. By changing the penalty for this crime to authorize imprisonment in a county jail, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**

Oppose

**[AB 1153](#) (Torres [D] ) Alcoholism and drug abuse recovery or treatment facilities.** (I-02/18/2011 [html](#) [pdf](#))

**Status:** 02/20/2011-From printer. May be heard in committee March 22.

**Current Location:** 02/18/2011-A PRINT

**Summary:** Existing law provides for the licensure and regulation by the State Department of Alcohol and Drug Programs of alcoholism and drug abuse recovery and treatment facilities for adults. This bill would declare the intent of the Legislature to establish standards for the operation of adult alcoholism or drug abuse recovery or treatment facilities.

**Position**

Watch

ASSIGNED

TO: LOVELL

**[AB 1270](#) (Ammiano [D] ) Peace officers: citizen review commissions.** (I-02/18/2011 [html](#) [pdf](#))

**Status:** 02/22/2011-From printer. May be heard in committee March 22.

**Current Location:** 02/18/2011-A PRINT

**Summary:** Existing law requires each agency that employs peace officers to establish a procedure to investigate complaints by members of the public against the personnel of these agencies and to make a written description of the procedure available to the public. This bill would declare the intent of the Legislature to enact legislation to establish guiding principles for the development and operation of citizen peace officer review commissions.

**Position**

Oppose

**[AB 1300](#) (Blumenfield [D] ) Medical marijuana.** (A-03/31/2011 [html](#) [pdf](#))

**Status:** 03/31/2011-Referred to Coms. on PUB. S. and HEALTH. From committee chair, with author's amendments: Amend, and re-refer to Com. on PUB. S. Read second time and amended.

**Current Location:** 03/31/2011-A PUB. S.

**Summary:** Existing law establishes the Medical Marijuana Program to exempt certain qualified patients who hold an identification card issued pursuant to the program, and the caregivers of those persons from certain state criminal sanctions related to the possession, cultivation, transportation, processing, or use of limited amounts of marijuana, as specified. The program prohibits certain entities, including a medical marijuana cooperative or collective, from being located within a 600-foot radius of a school. Existing law also specifically provides that these provisions governing the program do not prevent a city or other local governing body from adopting and enforcing laws consistent with the program. This bill would define a cooperative or collective for purposes of the program. The bill would also revise the latter provision described above to additionally provide that these provisions shall not prevent a city or other local governing body from adopting local

ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective, or from the civil or criminal enforcement of those local ordinances.

**Position**  
Watch

ASSIGNED:  
GIL VAN  
ATTENHOVEN

**AB 1306** (Donnelly [R] ) **Abortion.** (A-03/31/2011 [html](#) [pdf](#))

**Status:** 03/31/2011-Referred to Com. on HEALTH. From committee chair, with author's amendments: Amend, and re-refer to Com. on HEALTH. Read second time and amended.

**Current Location:** 03/31/2011-A HEALTH

**Summary:** Existing law provides for the implementation of a community-based system of perinatal care for eligible women and infants administered by the State Department of Public Health. This bill would define "woman" for all of the above purposes as an adult female human. By expanding the scope of an existing crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Assigned**      **Position**  
ALLEN              Watch

**ABX1 9** (Chesbro [D] ) **Taxation: vehicle license fees.** (I-12/13/2010 [html](#) [pdf](#))

**Status:** 01/03/2011-Read first time.

**Current Location:** 12/13/2010-A PRINT

**Summary:** The Vehicle License Fee Law, in lieu of any ad valorem property tax upon vehicles, imposes an annual license fee for any vehicle subject to registration in this state in the amount of 1% of the market value of that vehicle, as provided, for a specified amount of time. Existing law also, until June 30, 2011, imposes an additional tax equal to 0.15% of the market value of specified vehicles, as determined by the Department of Motor Vehicles, to the vehicle license fee, to be deposited in the General Fund and transferred to the Local Safety and Protection Account, a continuously appropriated fund. This bill would repeal the provision relating to the sunset date and repeal of the additional 0.15% tax, thereby depositing additional moneys into a continuously appropriated fund. This bill contains other related provisions.

**Position**  
Support

**ACA 4** (Blumenfield [D] ) **Local government financing: voter approval.** (I-12/06/2010 [html](#) [pdf](#))

**Status:** 12/07/2010-From printer. May be heard in committee January 6.

**Current Location:** 12/06/2010-A PRINT

**Summary:** The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit for a rate imposed by a city, county, city and county, or special district, as defined, to service bonded indebtedness incurred to fund specified public improvements and facilities, or buildings used primarily to provide sheriff, police, or fire protection services, that is approved by 55% of the voters of the city, county, city and county, or special district, as applicable. This bill contains other

related provisions and other existing laws.

**Position**  
Support in  
Principle

**SB 27** **(Simitian [D] ) Public retirement: final compensation: computation: retirees.** (A-03/03/2011 [html](#) [pdf](#))

**Status:** 03/22/2011-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 0. Page 416.) (March 21). Re-referred to Com. on APPR.

**Current Location:** 03/22/2011-S APPR.

**Calendar Events:** 04/11/11 11 a.m. - John L. Burton Hearing Room (4203) SEN APPROPRIATIONS

**Summary:** The State Teachers' Retirement Law (STRL) establishes the Defined Benefit Program of the State Teachers' Retirement System, which provides a defined benefit to members of the system based on final compensation, credited service, and age at retirement, subject to certain variations. STRL also establishes the Defined Benefit Supplement Program, which provides supplemental retirement, disability, and other benefits, payable either in a lump-sum payment, an annuity, or both to members of the State Teachers' Retirement Plan. STRL defines creditable compensation for these purposes as remuneration that is payable in cash to all persons in the same class of employees, as specified, for performing creditable service. This bill would revise the definition of creditable compensation for these purposes and would identify certain payments, reimbursements, and compensation that are creditable compensation to be applied to the Defined Benefit Supplement Program. The bill would prohibit one employee from being considered a class. The bill would revise the definition of compensation with respect to the Defined Benefit Supplemental Program to include remuneration earnable within a 5-year period, which includes the last year in which the member's final compensation is determined, when it is in excess of 125% of that member's compensation earnable in the year prior to that 5-year period, as specified. The bill would prohibit a member who retires on or after January 1, 2013, who elects to receive his or her retirement benefit under the Defined Benefit Supplemental Program as a lump-sum payment from receiving that sum until 180 days have elapsed following the effective date of the member's retirement. This bill contains other related provisions and other existing laws.

**Position**  
Oppose in  
Principle

**SB 41** **(Yee [D] ) Hypodermic needles and syringes.** (I-12/07/2010 [html](#) [pdf](#))

**Status:** 03/15/2011-Set for hearing April 6.

**Current Location:** 01/20/2011-S HEALTH

**Calendar Events:** 04/06/11 1:30 p.m. - John L. Burton Hearing Room (4203) SEN HEALTH

**Summary:** Existing law regulates the sale, possession, and disposal of hypodermic needles and syringes, and requires, with certain exceptions, a prescription to purchase a hypodermic needle or syringe for human use. Existing law prohibits any person from possessing or having under his or her control any hypodermic needle or syringe, except in accordance with those regulatory provisions. This bill would delete the prohibition against any person possessing or having under his or her control any hypodermic needle or syringe, except in accordance with the aforementioned regulatory provisions. This bill contains other related provisions and other existing laws.

**Position**  
Oppose

**SB 49** (Strickland [R] ) **Local government: emergency response: fees.** (I-12/15/2010 [html](#) [pdf](#))

**Status:** 02/10/2011-Referred to Com. on PUB. S.

**Current Location:** 02/10/2011-S PUB. S.

**Summary:** Existing law authorizes public agencies, as defined, to hold liable any person who is under the influence of an alcoholic beverage, any drug, or the combination of an alcoholic beverage and any drug, whose negligent operation of a motor vehicle, a boat or vessel, or a civil aircraft caused by that influence proximately causes any incident resulting in an appropriate emergency response, and any person whose intentionally wrongful conduct proximately causes an incident resulting in an appropriate emergency response, for the expense of that emergency response. This bill would prohibit a city, including a charter city, county, district, municipal corporation, or public authority from charging a fee to any person, regardless of residency, for the expense of an emergency response, as specified, except where a fee is otherwise authorized. This bill contains other related provisions.

**Position**  
Oppose in  
Principle

**SB 61** (Pavley [D] ) **Wiretapping: authorization.** (I-12/22/2010 [html](#) [pdf](#))

**Status:** 03/22/2011-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0. Page 417.) (March 22). Re-referred to Com. on APPR.

**Current Location:** 03/22/2011-S APPR.

**Calendar Events:** 04/11/11 11 a.m. - John L. Burton Hearing Room (4203) SEN APPROPRIATIONS

**Summary:** Existing law establishes a procedure for the application for, and issuance of, an order authorizing the interception of a wire, electronic pager, or electronic cellular telephone communication, as those terms are defined, and, among other things, establishes additional provisions regarding those interceptions for purposes of criminal proceedings. Existing law requires the Attorney General to prepare and submit an annual report to the Legislature, the Judicial Council, and the Director of the Administrative Office of the United States Court regarding these interceptions, as specified. Existing law provides that a violation of these provisions is punishable as a misdemeanor with specified penalties, or as a felony. Existing law further provides that all of these provisions shall remain in effect until January, 1, 2012. This bill would extend the operation of these provisions until January 1, 2015. This bill contains other related provisions and other existing laws.

**Position**  
Support

**SB 129** (Leno [D] ) **Medical marijuana: qualified patients and primary caregivers: employment discrimination.** (I-01/27/2011 [html](#) [pdf](#))

**Status:** 03/31/2011-Set for hearing April 5.

**Current Location:** 03/29/2011-S JUD.

**Calendar Events:** 04/05/11 1:30 p.m. SPECIAL ORDER OF BUSINESS @ 3:00 P.M. TO 3:45 P.M. SEN JUDICIARY

**Summary:** Existing law, the Compassionate Use Act of 1996, provides that a patient or a

patient's primary caregiver who possesses or cultivates marijuana for personal medical purposes of the patient upon the written or oral recommendation or approval of a physician is not subject to conviction for offenses relating to possession and cultivation of marijuana. This bill, notwithstanding existing law, would declare it unlawful for an employer to discriminate against a person in hiring, termination, or any term or condition of employment or otherwise penalize a person, if the discrimination is based upon the person's status as a qualified patient or a positive drug test for marijuana, except as specified. The bill would authorize a person who has suffered discrimination in violation of the bill to institute and prosecute a civil action for damages, injunctive relief, reasonable attorney's fees and costs, any other appropriate equitable relief, as specified, and any other relief the court may deem proper. The bill would not prohibit an employer from terminating the employment of, or taking other corrective action against, an employee who is impaired on the property or premises of the place of employment, or during the hours of employment, because of the medical use of marijuana. This bill contains other existing laws.

**Position**  
Oppose

**SB 260** (Cannella [R] ) **Controlled: substances ephedrine or pseudoephedrine.** (A-03/22/2011 [html](#) [pdf](#))  
**Status:** 03/31/2011-Re-referred to Com. on PUB. S.  
**Current Location:** 03/31/2011-S PUB. S.

**Summary:** Existing law makes it a felony punishable by imprisonment in the state prison for 2, 4, or 6 years to, with intent to manufacture methamphetamine or any of its analogs, as specified, or by imprisonment in the state prison for 16 months, 2 years, or 3 years to, with the intent to sell, transfer, or otherwise furnish those chemicals, substances, or products to another person with the knowledge that they will be used to manufacture methamphetamine or any of its analogs, as specified, possess ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or pseudoephedrine. This bill would make it a felony punishable by imprisonment in the state prison for 2, 4, or 6 years to possess, without regard to intent, 1/2pound or more of ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or pseudoephedrine, or 1/2pound or more of a substance containing ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or pseudoephedrine. This bill contains other related provisions and other existing laws.

**Position**  
Watch

ASSIGNED:  
BOB  
ELSBURG

**SB 315** (Wright [D] ) **Ephedrine and pseudoephedrine.** (1-02/14/2011 [html](#) [pdf](#))  
**Status:** 03/31/2011-Set for hearing April 12.  
**Current Location:** 03/15/2011-S PUB. S.  
**Calendar Events:** 04/12/11 9:30 a.m. - Room 3191 SEN PUBLIC SAFETY

**Summary:** Existing law classifies controlled substances into 5 schedules, with the most restrictive limitations placed on controlled substances classified in Schedule I, and the least restrictive limitations placed on controlled substances classified in Schedule V. A controlled substance in any of the schedules may be possessed or dispensed only upon a lawful prescription, as specified. Existing law does not classify ephedrine,

pseudoephedrine, and specified related drugs within any of these 5 schedules, but provides that it is a crime, punishable as specified, for a person in this state who engages in specified transactions involving those drugs to fail to submit a report to the Department of Justice of all of those transactions, or to fail to submit an application to, and obtain a permit for the conduct of that business from, the Department of Justice, as specified. This bill would provide, in addition, that any person who obtains ephedrine, pseudoephedrine, phenylpropanolamine, and specified related drugs without a prescription, as specified, shall be guilty of an infraction or a misdemeanor. The bill would make conforming changes to related provisions. By creating new crimes or revising the penalties for existing crimes involving ephedrine, pseudoephedrine, and specified related drugs, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**  
Support

**[SB 332](#) (Padilla [D] ) Smoking: rental dwellings.** (I-02/15/2011 [html](#) [pdf](#))  
**Status:** 02/24/2011-Referred to Com. on JUD.  
**Current Location:** 02/24/2011-S JUD.

**Summary:** Existing law regulates the terms and conditions of residential tenancies. Existing law authorizes the creation of antitobacco use programs for school-age populations and prohibits any person from smoking a cigarette, cigar, or other tobacco-related product, or from disposing of cigarette butts, cigar butts, or any other tobacco-related waste, within a playground. This bill would authorize a landlord of a residential dwelling unit to prohibit the smoking of tobacco products on the property, in a dwelling unit, in another interior or exterior area, or on the premises on which the dwelling unit is located. The bill would make certain requirements on notices and leases executed on and after, and on and before, January 1, 2012, in this regard. The bill would require that a landlord give notice of a change in a rental agreement to prohibit smoking at an unspecified date prior to the change.

**Assigned**  
LOVELL

**[SB 360](#) (DeSaulnier [D] ) Controlled Substance Utilization Review and Evaluation System.** (A-03/22/2011 [html](#) [pdf](#))  
**Status:** 03/31/2011-Re-referred to Com. on PUB. S.  
**Current Location:** 03/31/2011-S PUB. S.

**Summary:** Existing law classifies certain controlled substances into designated schedules. Under existing law, unlawful possession of specified controlled substances is either a misdemeanor or a felony. Existing law requires the Department of Justice, contingent upon the availability of adequate funds from various funds related to health care, as specified, to maintain the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances by all practitioners authorized to prescribe or dispense these controlled substances. This bill would revise Schedule I and Schedule II to add additional opiates, revise Schedule III to add additional depressants, anabolic steroid products, and materials, compounds, mixtures, or preparations containing chorionic gonadotropin, a hormone, and Schedule IV to add additional depressants and stimulants. By revising the definition of crimes, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**  
Watch

ASSIGNED;  
BOB  
ELSBERG

**SB 420** (Hernandez [D] ) **Synthetic cannabinoid compounds.** (I-02/16/2011 [html](#) [pdf](#))

**Status:** 03/31/2011-Set, first hearing. Further hearing to be set.

**Current Location:** 02/24/2011-S PUB. S.

**Calendar Events:** 04/12/11 9:30 a.m. - Room 3191 SEN PUBLIC SAFETY

**Summary:** Existing law, the California Uniform Controlled Substances Act, classifies controlled substances into 5 designated schedules, with the most restrictive limitations generally placed on controlled substances classified in Schedule I, and the least restrictive limitations generally placed on controlled substances classified in Schedule V. Under existing law, the sale or distribution of specified intoxicating substances is a crime, punishable by imprisonment or a fine or both. Existing law makes the possession of not more than 28.5 grams of marijuana an infraction, and the possession of more than 28.5 of marijuana a misdemeanor, as specified. Existing law makes possession of marijuana for sale a felony. This bill would make the possession of not more than 28.5 grams of any synthetic cannabinoid compound an infraction and the possession of more than 28.5 of any synthetic cannabinoid compound a misdemeanor, as specified. The bill would make possession of any synthetic cannabinoid compound for sale a felony. Because this bill would create a new crime it would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

<b>Assigned</b>	<b>Position</b>
ALLEN	Oppose Unless Amended

**SB 472** (Correa [D] ) **Early intervention services: assessments.** (I-02/17/2011 [html](#) [pdf](#))

**Status:** 03/03/2011-Referred to Coms. on HUMAN S. and RLS.

**Current Location:** 03/03/2011-S HUM. S.

**Summary:** Existing law, the California Early Intervention Services Act, is administered jointly by the Secretary of the Health and Human Services Agency and the Superintendent of Public Instruction, with the State Department of Developmental Services as the lead agency responsible for administration and coordination of the statewide system of services for the enhancement of the development of children who have disabilities or who are at risk of having disabilities and to minimize the potential for delays in their development. Under existing law, these provisions are in effect only until the state terminates its participation in prescribed components of the federal Individuals with Disabilities Education Act. This bill would require the secretary and the superintendent to develop either an integrated assessment instrument or a process to consolidate assessments to be used to coordinate multiple agency assessments, and to report to the Legislature by January 1, 2013.

ASSIGNED: JOHN LOVELL

**SB 514** (Simitian [D] ) **Dextromethorphan: sale to minors prohibited.** (I-02/17/2011 [html](#) [pdf](#))

**Status:** 03/26/2011-Hearing postponed by committee. (Refers to 3/17/2011 hearing)

**Current Location:** 03/03/2011-S PUB. S.

**Summary:** Existing law prohibits a manufacturer, wholesaler, retailer, or other person from

selling, transferring, or otherwise furnishing a specified substance, including ephedrine and pseudoephedrine, to a person under 18 years of age, except as specified. A first violation of this provision is a misdemeanor. Existing law further regulates the sale of nonprescription drugs, as specified. This bill would, in addition, make it an infraction for any person in an over-the-counter sale to, without a prescription, willfully and knowingly deliver to a person under 18 years of age a nonprescription drug containing dextromethorphan. The bill would further provide that a retail clerk who fails to require and obtain proof of age from the purchaser shall not be guilty of an infraction, subject to any civil penalties, or subject to any disciplinary action or discharge by his or her employer, unless the retail clerk is a willful participant in an ongoing criminal conspiracy to violate the provisions prohibiting the sale of dextromethorphan to minors. By creating new crimes, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**  
Support

**[SB 626](#)** (Calderon [D] ) Cannabis and cannabis product: certificate: taxation. (I-02/18/2011 [html](#) [pdf](#))

**Status:** 03/16/2011-Set for hearing April 27.

**Current Location:** 03/03/2011-S G. & F.

**Calendar Events:** 04/27/11 9:30 a.m. - Room 112 SEN GOVERNANCE AND FINANCE

**Summary:** Existing law provides for the licensure by the State Board of Equalization of manufacturers, distributors, wholesalers, importers, and retailers of cigarettes or tobacco products that are engaged in business in California, and prohibits retailers, manufacturers, distributors, and wholesalers from distributing or selling those cigarette and tobacco products unless they are licensed. Existing law also imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property purchased from a retailer for storage, use, or other consumption in this state. This bill would create the Cannabis Certification and Regulation Act of 2011 and provide for the certification by the State Board of Equalization of growers, wholesalers, retailers, and transporters of cannabis or cannabis products that are engaged in business in California. The bill would require these certificated growers, wholesalers, retailers, and transporters to keep records of every sale, transfer, or delivery of cannabis or cannabis products, as specified. The bill would authorize any peace officer and specified employees of the board to conduct inspections, as provided. It would prohibit growers, wholesalers, retailers, and transporters from selling or purchasing cannabis or cannabis products without a certificate. This bill contains other related provisions and other existing laws.

**Position**  
Oppose

**[SB 676](#)** (Leno [D] ) Industrial hemp. (A-03/31/2011 [html](#) [pdf](#))

**Status:** 03/31/2011-From committee with author's amendments. Read second time and amended. Re-referred to Com. on AGRI.

**Current Location:** 03/31/2011-S AGRI.

**Calendar Events:** 04/05/11 9:30 a.m. - Room 113 SEN AGRICULTURE

**Summary:** Existing law makes it a crime to engage in any of various transactions relating to marijuana, as defined, except as otherwise authorized by law, such as the Medical Marijuana Program. For the purposes of these provisions, marijuana is defined as not including the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, and fiber, oil, or

cake, or the sterilized seed of the plant which is incapable of germination. This bill would revise the definition of "marijuana" so that the term would exclude industrial hemp, as defined, except where the plant is cultivated or processed for purposes not expressly allowed. The bill would define industrial hemp as a fiber or oilseed crop , or both, that is limited to the nonpsychoactive types of the plant Cannabis sativa L. and the seed produced therefrom, having no more than 3/10 of 1% tetrahydrocannabinol (THC) contained in the dried flowering tops, and that is cultivated and processed exclusively for the purpose of producing the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin or flowering tops extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. This bill contains other related provisions and other existing laws.

**Position**

Oppose

**SB 786 (Dutton [R] ) Controlled substances.** (I-02/18/2011 [html](#) [pdf](#))

**Status:** 03/10/2011-Referred to Com. on RLS.

**Current Location:** 03/10/2011-S RLS.

**Summary:** Existing law makes it felony to transport, import into this state, sell, furnish, administer, or give away specified controlled substances, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state. This bill would make a technical, nonsubstantive change to this provision.

**Assigned Position**

ALLEN Watch

**SB 847 (Correa [D] ) Medical Cannabis Licensing Act.** (I-02/18/2011 [html](#) [pdf](#))

**Status:** 03/22/2011-Set for hearing April 27.

**Current Location:** 03/17/2011-S G. & F.

**Calendar Events:** 04/27/11 9:30 a.m. - Room 112 SEN GOVERNANCE AND FINANCE

**Summary:** Existing law, the Compassionate Use Act of 1996, an initiative measure, prohibits prosecution, pursuant to provisions of law relating to the possession or cultivation of marijuana, of a patient or a patient's primary caregiver who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or oral recommendation or approval of a physician. This bill would establish the Medical Cannabis Licensing Act, to require a producer, distributor, or seller to be licensed by the State Department of Public Health to engage in the production, distribution, or sale of medical marijuana, and would require the license to be renewed every 12 months. This bill would require an applicant for a license to provide specified information. This bill would require establishment of an indicia program, to be administered by the State Board of Equalization, to require traceable, secure indicia of licensure to be placed on medical marijuana, would require establishment of a product testing program and a facilities inspection program administered by the department, and would authorize assessment of related fees. This bill contains other related provisions.

**Assigned Position**

ALLEN Watch

**SB 853 (Runner [R] ) Penalty enhancements: alcohol and drugs.** (I-02/18/2011 [html](#) [pdf](#))

**Status:** 03/10/2011-Referred to Com. on PUB. S.

**Current Location:** 03/10/2011-S PUB. S.

**Summary:** Existing law provides sentence enhancements for specified conduct, including

sex offenses involving minors, crimes against the blind, and impersonating an officer. Existing law specifies certain crimes as serious crimes, including, among others, murder, mayhem, and lewd and lascivious acts on a child under 14 years of age. This bill would require that any person convicted of any serious felony, as specified, receive a one-year sentence enhancement if at the time of the offense that person was under the influence of alcohol or a controlled substance, as specified. The bill would require that the enhancement imposed be served consecutive to the punishment imposed for the underlying felony. By changing the punishment for certain crimes, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position**  
Support in  
Principle

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