

**CCBA Legislative Program Prospects for 2018
2017 Resolutions Adopted**

Resolution #	Title	Description	Sponsorin	Category	Final Action	Code Section(s)
11-01-2017	Commercial Code: Account Debtor - Affirmative Relief	Amends Commercial Code section 9404 to allow an account debtor to seek affirmative relief for overpayment, even if the debt has been assigned.	10 individuals	Business	AP	Commercial Code 9404
11-02-2017	Finance Code: Expand Definition of "Pro-Rater"	Amends Finance Code section 12002.1 to expand the definition of "pro-rater" to include factoring companies.	10 individuals	Business	AP	Finance Code 12002.1
11-05-2017	Corporations: Make Corporate Records Available in California or Electronically	Amends Corporations Code section 1601 to require corporations to produce corporate records to shareholders for in-person inspection in California, unless shareholders elect to receive the records by mail or electronically.	BANSDC	Business	AP	Corporations 1601
11-06-2017	Corporations: Permit a Suspended Corporation to Voluntarily Dissolve	Amends Corporations Code section 2205 and Revenue and Tax Code sections 23301 and 23301.5 to authorize a suspended corporation to file a certificate of dissolution.	BANSDC	Business	AP	Corporations 2205 R&T 23301 and 23301.5
11-07-2017	Non-Profit Corporations: Conforms Standards for Removal of Directors	Amends Corporations Code section 9223 to provide that directors of non-profit religious corporations can be removed for fraudulent or dishonest acts or for gross abuse of authority.	SCBA	Business	AP	Corporations 9223
11-10-2017	Cannabis Delivery: Ensuring Equal Access	Amends Business and Professions Code section 26200 to resolve any potential conflict with Business and Professions Code section 26090 and allow for equal access to cannabis.	BALIF	Business	AP	B&P 26200, 26090
02-06-2017	Judicial Districts: Deletion of Obsolete References	Amends Code of Civil Procedure section 38 to delete obsolete references to municipal courts.	BANSDC	CCP	AP	CCP 38

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02-07-2017	Appellate Division: Deletion of Obsolete and Redundant Reference	Amends Code of Civil Procedure section 77 to delete a redundant reference to city and county.	BANSDC	CCP	AP	CCP 77
02-10-2017	Judges: Judicial Disclosure and Ruling on Disqualification Motion	Adds Code of Civil Procedure section 170.10 to require judges to disclose personal connections and prohibit a challenged judge from ruling on disqualification.	BANSDC	CCP	AA	CCP 170.10
04-05-2017	Civil Procedure: Collection of Judgments From All Jurisdictions	Amends Code of Civil Procedure section 699.520 to clarify a discrepancy between Judicial Council Form EJ130 and the authorizing statute.	SCBA	CCP	AP	CCP 699.520
04-10-2017	Demur: Permit Meet and Confer By Letter	Amends Code of Civil Procedure section 430.41 to allow attorneys to meet and confer by letter prior to filing a demurrer.	BANSDC	CCP	AP	CCP 430.41
09-03-2017	Civil Procedure: Obsolete Reference Regarding Standing for Injury to Child	Amends CCP 376 delete obsolete reference to "illegitimate" children	BANSDC	CCP	AP	CCP 376
09-06-2017	Civil Procedure: Delete Cross-Reference to Repealed Statutes	Amends Code of Civil Procedure section 116.221 to delete a cross-reference to an obsolete code section.	BANSDC	CCP	AP	CCP 116.221
01-03-2017	Real Estate: Prohibits Dual Agency by Individual Real Estate Agents	Amends Civ. C. 2079.16, 2079.17 & 2079.21 prohibit real estate agents who are associate licensees from representing both seller and buyer in real estate transactions	BANSDC	Civil	AP	Civil Code 2079.16, 2079.17 and 2079.21
09-04-2017	Tort Law: Numbering Subdivisions to Aid in Citation	Amends Civ. C. 856 add subd. designations to aid in the citation thereof	BANSDC	Civil	AP	Civil Code 846
09-05-2017	Evidence Code: Include Ambulance Companies in Definition of Medical Provider	Amends Evidence Code section 1158 to add paramedic and ambulance service providers as "medical providers" obliged to make patient records available for inspection and copying upon signed patient authorization prior to filing a lawsuit.	BANSDC	Civil	AA	Evidence 1158
ELF-01-2017	Court Reporters: Right to Reporting of Proceedings	Amends California Rules of Court, rules 1.150 and 2.956 and Government Code sections 68086 and 70044 to preserve the right to have court proceedings reported.	BASF	Civil	AA	Gov't C. 70044, ROC 1.150 and 2.956

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06-01-2017	Military Diversion Reform: Clarifying Persons and Charges That Qualify for Military Diversion	Amends Penal Code section 1001.80 to clarify that military diversion includes non-combatants and encompasses misdemeanor charges of driving under the influence (DUI).	BALIF	Criminal	AA	Penal 1001.80
06-02-2017	Penal Code: Define "Sex" to Mean "Gender" in the California Penal Code	Amends Penal Code section 422.57 to globally define "sex" as meaning "gender" when used in the Penal Code.	BALIF	Criminal	AP	Penal 422.57
06-03-2017	Incarceration: Standards to Prevent, Detect and Respond to Prison Rape	Adds Penal Code sections 2635.5, 2644, 2645, and 2646, and amends sections 2635 and 2636 to require the adoption of DOJ's National Standards to Prevent, Detect, and Respond to Prison Rape.	BALIF	Criminal	AP	Penal 2635.5, 2644, 2645 and 2646, and amends sections 2635 and 2636
06-04-2017	Civil Rights: Protections for Protected Classes of Prisoners	Amends Penal Code section 2600 to prevent disparate treatment of prisoners based solely on one's status as a member of a protected class.	BALIF	Criminal	AP	Penal 2600
06-06-2017	Criminal Law: Repeal Bathhouse Ban	Amends Penal Code section 11225 to repeal the public nuisance ban on bathhouses	SDCBA	Criminal	AA	Penal 11225
06-07-2017	Criminal Law: First Degree Burglary to Include Recreational Vehicles	Amends Penal Code section 460 to include the burglary of an inhabited recreational vehicle or house car as first degree burglary.	BANSDC	Criminal	AA	Penal 460
06-10-2017	Child Prostitution: Eliminate Harmful Language Regarding Exploited Children	Amends Penal Code sections 261.9, 266, 266h, 267, 315, 653.20, and 11165.1 to remove statutory references to children as engaging in prostitution or being prostitutes.	QBBA	Criminal	AP	Penal Code 261.9, 266, 266h, 266i, 267, 315, 653.20, and 11165.1
06-11-2017	Prisoners: Credit for Good Behavior	Amends Penal Code Section 4019 to credit two days for every one day of time served.	SCBA	Criminal	AP	Penal 4019
10-04-2017	Unlawful Searches of Vehicles	Adds Evidence Code section 1110 to exclude evidence obtained from a vehicle search unless consent, a warrant, or imminent threat of harm exists.	BASF	Criminal	AP	Evidence 1110

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14-01-2017	Cannabis Violations: Remove Increased Penalties	Amends Health and Safety Code sections 11358, 11359 and 11360 to eliminate increased penalties for prior convictions of marijuana-related offenses.	BALIF	Criminal	AP	H&S 11358, 11359 and 11360
14-02-2017	Remove Penalties for Mere Possession of Cannabis Otherwise Lawful Under California Law	Amends Health and Safety Code section 11362.3 to remove penalties for possession of open marijuana containers while operating, or riding in, a vehicle in California.	BALIF	Criminal	AP	H&S 11362.3
15-01-2017	Facial Recognition Technology Act 2017 (FACE OFF)	Add Pen. C. 639, 639.01, 640, 640.01, 640.02, 640.03, 640.05, 640.06, 640.07, 640.08, 641, 641.01, limit facial recognition tech by law enforcement (FACE OFF)	BALIF	Criminal	AP	Penal Code 639 et seq. (add)
15-05-2017	Chokeholds: Ban on Police Use	Adds Penal Code section 835b to prohibit peace officers from applying carotid restraint holds and choke holds as control holds.	BASF	Criminal	AP	Penal 835b
15-07-2017	Peace Officers: Independent Investigation	Adds Penal Code section 11056 to require the Attorney General to appoint a special prosecutor when a peace officer uses force that results in death.	BASF	Criminal	AP	Penal 11056
16-02-2017	Juveniles: Juvenile Reentry Fund	Amends Welfare and Institutions Code section 1981 to make available Juvenile Reentry Fund allocations for reentry services that may be used up to two years after the youth is released from court supervision.	10 individu	Criminal	AP	W&I 1981
16-03-2017	Division of Juvenile Facilities: Retaining Jurisdiction Upon Release	Amends Welfare and Institution Code section 731 to modify the maximum confinement time at the juvenile facility to reflect the realignment to local supervision.	LACBA	Criminal	AP	W&I 731
16-05-2017	Criminal Law: Eliminate References to Gender	Amends Penal Code sections 266, 315 and 11160, and deletes section 1108, to remove sexist, gender-biased, discriminatory, and outdated language.	QBBA	Criminal	AP	Penal 266, 315 and 11160 (amend) and 1109 (repeal)
16-06-2017	Criminal law: Technical Cleanups Regarding Mandatory Reporting for Lost or Stolen Gun	Amends Pen. C. 16520 and 27535 to make changes to implement newAmends Penal Code sections 16520 and 27535 to make technical changes provisions requiring mandatory reporting of stolen guns	SDCBA	Criminal	AP	Penal 16520 and 27535

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16-09-2017	Convictions: Advisement of Ten-Year Firearms Ban	Amends Pen. C. 29805 to require courts notify a person/defendant they are subject to a 10-year firearm band and confiscate and destroy the firearm	WLALA	Criminal	AA	Penal 1050.2
16-10-2017	Criminal Procedure: Pitchess Motions	Amends Evidence Code section 1045 to expand Pitchess/Brady discovery in criminal cases	10 individuals	Criminal	AA	Evidence Code 1045
16-11-2017	Continuances: Child Birth as Good Cause	Adds Penal Code section 1050.2 to include childbirth as "good cause" for a continuance in criminal proceedings.	WLALA	Criminal	AP	Penal 1050.2
16-12-2017	Juvenile Dependency: Periodic Report for Dependent Minor Parents	Amends W&IC 366.1 require supplemental reports to include services provided to dependent teen parents	WLS	Criminal	AP	W&I 366.1
14-04-2017	Incarceration: Remove Title 15 Gender Transition Related Surgery Exclusion	Amends Code of Regs 3350.1 to remove gender transition related castration, vaginoplasty, and cosmetic breast reduction or enlargement from the list of treatments that may not be performed during incarceration.	BALIF	Criminal	AP	CCR 3350.1
13-04-2017	Education: Alternative Make-Up Policy for Missed Tests	Amends Education Code section 48205 to give teachers the discretion to have pupils take exams before a planned absence if the exam will be missed due to a planned absence.	SDCBA	Education	AP	Education 48205

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13-06-2017	Schools: Students' Rights to Privacy in Restrooms and Locker Rooms	Amends Education Code section 231 to allow student access to facilities, which correspond to their asserted gender identity, and to require accommodation of a student's desire for increased privacy in school restrooms and locker rooms for any reason.	BASF	Education	AP	Education 231
13-02-2017	Elections: Mandatory Risk-Limiting Audits	Adds Elections Code sections 15361 and 15362 to require risk limiting audits for all public elections.	SMCBA	Elections	AP	Elections Code sections 15361 and 15362 (add)
13-03-2017	Elections: Grouping Ballot Measures	Amends Election Code section 13115 and adds Election Code section 13115.5 to require that similar ballot measures be grouped together on the ballot.	SDCBA	Elections	AA	Elections Code 13115.5
05-01-2017	Family Code: Unilateral Waiver of Receipt of Financial Disclosures	Amends Family Code sections 2105 and 2107 to allow a complying party to unilaterally waive receiving disclosures from the other party in dissolution and legal separation matters.	SCCBA	Family	AA	Family 2105 and 2107
05-02-2017	Exception for Family Law Matters: Allow Unilateral Substitution of Attorney by Client	Amends Code of Civil Procedure section 285.1 to allow a client to discharge his/her attorney of record unilaterally in a family law proceeding.	SCCBA	Family	AP	CCP 285.1
05-03-2017	Family: Termination Of Parental Rights In Cases Of Severe Sexual Abuse	Amends Family Code sections 7822 and 7823 to add severe sexual abuse as grounds for termination of parental rights.	SCBA	Family	AA	Family 7822 and 7823

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05-04-2017	Family: Automatic Temporary Restraining Orders Contained in Summons	Amends Family Code section 2040 to include a prohibition against modifying or allowing insurance to lapse in Automatic Temporary Restraining Orders.	SCBA	Family	AP	Family 2040 (add)
05-05-2017	Children: Extended Reunification Period in Child's Best Interest	Amends Welfare and Institutions Code section 366.21 to allow the court to extend reunification services from the 18-month review to a 24-month review if the parent is likely to qualify within that extended period of time.	SDCBA	Family	AP	W&I 366.2
12-01-2017	Workers Compensation: Payment of Premiums	Amends Labor C. 3302 provide that factoring companies be responsible for individuals workers' comp premiums	10 individuals	Labor & Employment	AP	Labor Code 3302
12-02-2017	Employment: Limitations on Cannabis Testing	Amends Health & Safety C. 11362.45 allow equal treatment of all employees regardless of their use of cannabis as allowed by Calif law while employed	BALIF	Labor & Employment	AA	Health and Safety Code 11362.45
12-03-2017	Worker Death Prosecutions: Civil Penalty Alternative for Prosecutors	Adds Labor C. 6425.1 allow prosecutors to seek civil penalties for workplace death or serious injury caused by safety violations instead of criminal	OCBA	Labor & Employment	AP	Labor Code section 6425.1
12-04-2017	Equal Pay Act: Discovery Rule to Conform to Federal Law	Amends Labor Code section 1197.5 to make the statute of limitations on state and federal wage discrimination claims consistent, so that the claim accrues with each discriminatory paycheck instead of when the wages are initially established or the discriminatory practice is first adopted.	OCBA	Labor & Employment	AP	Labor Code section 1197.5
12-06-2017	Labor & Employment: Attorney Fees in Whistleblower Cases	Amends Labor Code section 1105 to authorize recovery of attorneys' fees by the prevailing employee in whistleblower retaliation lawsuits.	BANSDC	Labor & Employment	AP	Labor Code 1105
12-07-2017	Employment: Change of Definition of Employee Under FEHA	Amends Government Code section 12926 to change the definition of an employer under the Fair Employment and Housing Act to exclude a majority owner.	BANSDC	Labor & Employment	AA	Government 12926
12-08-2017	Employment: Employers Cannot Force Employees to Take Vacations	Amends Labor C. 227.3 prohibit employer forcing employee to use accrued vacation time	BANSDC	Labor & Employment	AP	Labor Code 227.3

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02-12-2017	Military: Approval Required for Acquisition of Federal Military Surplus Equipment	Amends Government Code section 54141 and adds sections 54145 and 54956.97 to prohibit a local agency from receiving federal surplus military equipment without an affirmative vote of the legislative body of the local agency.	BASF	Misc	AP	Government 54141, 54145 and 54956.97
07-06-2017	Foster Children: Address Difficulty in Obtaining Automobile Insurance	Amends Welfare and Institutions Code section 11460 to clarify the responsibility of the Department of Social Services to provide accessible means of obtaining car insurance for foster care children.	SDCBA	Misc	AP	Welfare and Institutions Code section 11460
07-02-2017	Environmental Quality Act: Subsequent and Supplemental CEQA Documents	Amends Public Resources Code section 21166 to codify the existing regulatory standards for further environmental review when the prior CEQA review resulted in a negative declaration.	BANSDC	Misc	AP	Public Resources Code section 21166
07-08-2017	Public Utilities Code: Definition of "Public Utility"	Amends Public Utility Code section 216 to include internet providers in the definition of a "public utility."	SDCBA	Misc	AP	Public Utility Code section 216
07-09-2017	Alcoholic Beverages: Increased Limit on Personal Use Importation	Amends Business and Professions Code section 23661 to increase the amount of alcohol California residents who are traveling either by vehicle, other than common carrier, or on foot, may bring into California from Mexico for personal use.	SDCBA	Misc	AP	Business and Professions Code section 23661
14-05-2017	Medical Marijuana: Increase Amount a Qualified Patient Can Possess	Amends H&S C. 11362.7 & 1136.77 allow a qualified patient to possess an amount of marijuana consistent w/ their needs and expand eligibility of primary caregiver	SDCBA	Misc	AP	H&S 11362.7 and 11362.77
08-01-2017	Involuntary Treatment: Add Substance Abuse in Relation to Mental Illness	Amends Welfare and Institutions Code section 5150.05 to include substance abuse, as it relates to mental illness, to determine if a person is gravely disabled and should be taken into custody.	10 individu	Probate	AP	W&I 5150.5
08-02-2017	Probate: Definition of Kindred	Adds Probate Code section 51 to codify a definition of "kindred."	BANSDC	Probate	AP	Probate 51
08-03-2017	Probate: Form of revocable transfer on death deed.	Amends Probate Code section 5642 to conform the RTODD form to changes in the Medi-Cal recovery/reimbursement law.	BANSDC	Probate	AP	Probate 5642
08-04-2017	Probate: Increase Value of Small Estates	Amends Probate Code section 2628 to increase the value of a small estate subject to a waiver of accounting in conservatorship and guardianship proceedings.	BANSDC	Probate	AP	Probate 2628

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08-05-2017	LPS Conservatorship: Definition of "Gravely Disabled"	Amends W&IC 5008 and 5350 clarify definition of "gravely disabled" to include chemical dependency	BANSDC	Probate	AA	W&I 5008, 5350, 5350.5, 5361
08-06-2017	Limited Conservatorship: Immediate Appointment Of Counsel	Amends Prob. C. 1471 allow for the apt of counsel upon filing of petition for limited conservatorship	CCCBA	Probate	AP	Probatee 1471
08-09-2017	Guardian ad Litem: Discretionary Appointment by Court	Amends Probate Code section 1003 to allow the court discretion in appointing a guardian ad litem without a finding that the person is incapacitated.	PASD	Probate	AA	Probate 1003
08-10-2017	Probate: Custody and Control of Financial Accounts After Death of Conservatee	Amends Probate Code section 1860 to clarify that the conservator still has authority to control financial accounts after the death of the conservatee.	SCBA	Probate	AP	Probate 1860
08-11-2017	Probate: Custody and Control of Financial Accounts After Death of Ward	Amends Probate Code section 1600 to clarify that the guardian still has authority to control financial accounts of the guardianship estate after the death of the ward.	SCBA	Probate	AP	Probate 1600
08-13-2017	Probate: Digital Assets	Amends Probate Code section 871 to include trusts within the definition of a "person" to whom the Fiduciary Access to Assets Act applies.	SCBA	Probate	AA	Probate 871
08-15-2017	Probate: Time Consistency - Notice of Proposed Action in Trust Proceedings	Amends Probate Code section 16502 to shorten time for someone to act on a Notice of Proposed Action from 45 days to 30 days, to provide consistent timing requirements in trust proceedings	SDCBA	Probate	AP	Probate 16502

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LF-02-2017	Guardianship: Process for creation and designation of standby guardian	Amends Probate Code section 2105 and Education Code section 48204 to create a process for a custodial parent to designate a standby guardian to care for their child when necessary.	BASF	Probate	AP	Probate 2105 Education 48204
07-05-2017	Taxation: Tax Credit for Interest Paid on Student Loans	Adds Revenue and Taxation Code section 17061.6 to create a new tax credit for interest paid for student loans.	SBCBA	Taxation	AA	Revenue and Taxation Code section 17061.6
07-10-2017	Taxpayers: Taxing Agencies to Contact Authorized Representative	Adds Revenue and Taxation Code section 21029 to provide that a taxpayer who files an executed Power of Attorney be contacted through the authorized representative.	CCCBA	Taxation	AP	R&T 21029
07-11-2017	Taxes: Tax Deferred Exchanges	Amends Revenue and Taxation Code section 24941 to provide that the intent to hold property as an investment controls over length of time for purposes of tax deferred exchanges.	CCCBA	Taxation	AP	R&T 24941
14-06-2017	Taxation: Exempt Medicines and Nutritional Supplements from Sales Tax	Amends Revenue and Taxation Code section 6359 to provide that over-the-counter medicines and nutritional supplements are not subject to the sales tax.	SMCBA	Taxation	AP	R&T 6359
10-01-2017	Misdemeanor: Dismissal of Drug Offense When Defendant in Prison	Amends Vehicle Code section 41500 to add non-felony violations of the Health and Safety Code to pending criminal prosecutions subject to dismissal due to the incarceration of the defendant.	LACBA	Vehicle	AP	Vehicle Code 41500
10-03-2017	Criminal Law: Driver's License Suspension for Vandalism Permissive not Mandatory	Amends Vehicle Code section 13202.6 to provide that the suspension of a driver's license for a vandalism conviction be permissive and not mandatory.	SCBA	Vehicle	AP	Vehicle 13202.6
10-05-2017	Repealing Suspension of Driver's Licenses for Habitual Truancy	Deletes Vehicle Code section 13202.7 to prohibit the suspension of a driver's license for habitual school truancy.	BASF	Vehicle	AP	Vehicle 13202.7
10-06-2017	Repeal Suspension of Driver's Licenses for Prostitution Offenses	Deletes Vehicle Code section 13201.5 and amends Penal Code section 647 to prohibit suspension of driver's licenses based on a conviction of prostitution related offenses.	BASF	Vehicle	AP	Vehicle Code 13201.5 Penal Code 647

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10-07-2017	Repeal Suspension of Driver's Licenses for Graffiti Offenses	Deletes Vehicle Code section 13202.6 to prohibit the suspension of a driver's license for vandalism offenses including graffiti.	BASF	Vehicle	AP	Vehicle Code section 13202.6
10-08-2017	Repealing Supplemental Fees for Vehicle Code Infractions	Amends Penal Code section 1464 to remove Vehicle Code infractions from those violations to which a penalty assessment is assessed.	BASF	Vehicle	AP	Penal Code 1464