



2006 Legislative Digest

Office of Legislation
California Department of Corrections and Rehabilitation

December 2006

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER
Governor

California Department of Corrections and Rehabilitation

James E. Tilton
Secretary

Kingston "Bud" Prunty
Undersecretary

Joyce Hayhoe
Assistant Secretary, Legislation

INTRODUCTION

This Legislative Digest is comprised of bills that were chaptered or vetoed during the second half of the 2005/2006 Legislative Session and that will have, or would have had, some impact on the California Department of Corrections and Rehabilitation (CDCR).

The brief summaries do not purport to provide a complete description of the legislation or go into details of the measures. The summaries provide a brief overview of the intent of the bill.

Copies of the legislation referenced in this Digest, along with information such as legislative committee analyses, are available from the website of the Legislative Counsel of California at www.leginfo.ca.gov.

The chaptered bills become effective January 1, 2007, unless they contain an urgency clause, in which case they became effective immediately upon the Governor's signature. Alternatively, some measures specify their effective date.

For additional information regarding these measures, please contact the Office of Legislation.

Office of Legislation
California Department of Corrections and Rehabilitation
P.O. Box 942883
Sacramento, CA 94283-0001
(916) 445-4737

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[AB 64](#)

Author: Cohn

Title: Recording Crimes

Status: 2/22/06 Chaptered by the Secretary of State, Chapter No. 9, Statutes 2006

Summary: Existing law provides that a person is guilty of failure to disclose the origin of a recording or audiovisual work if, for commercial advantage or private financial gain, he or she advertises, sells, rents, manufactures, or possesses for those purposes, a recording or audiovisual work that does not disclose the name of the manufacturer, author, artist, performer, or producer, as specified. Failure to disclose the origin of a recording or audiovisual work is punishable by imprisonment in a county jail, imprisonment in the state prison, and fine, or by both imprisonment and fine, as specified, depending on the number of articles of audio recordings or audiovisual works involved, and whether the offense is a first offense, or 2nd subsequent offense. This bill reduces the required number of audio recordings involved necessary to prosecute this offense as a felony. Because this bill increases the prosecutorial duties of local agencies, this bill imposes a state-mandated local program. This bill contains other related provisions and other existing laws.

[AB 146](#)

Author: Nuñez

Title: State Employees: Memorandum of Understanding: State Bargaining Unit 2

Status: 5/18/06 Chaptered by the Secretary of State, Chapter No. 28, Statutes Of 2006

Summary: Existing law provides that if any provision of a memorandum of understanding (MOU) reached between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the MOU shall not become effective unless approved by the Legislature in the annual Budget Act. This bill approves provisions that require the expenditure of funds of a MOU entered into between the state employer and State Bargaining Unit 2, the California Attorneys, Administrative Law Judges and Hearing Officers in State Employment, and provides that the provisions of any MOU that requires the expenditure of funds shall become effective even if the provisions of the MOU are approved by the Legislature in legislation other than the annual Budget Act. This bill contains other related provisions and other existing laws.

[AB 424](#)

Author: Calderon

Title: Identity Theft

Status: 2/24/06 Chaptered by Secretary of State - Chapter No. 10, Statutes of 2006

Summary: Existing law provides that every person who willfully obtains personal identifying information about another person, as defined, and uses that information for any unlawful purpose is

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guilty of a crime. Existing law provides a procedure for a person to initiate an investigation of potential identity theft. Existing law also provides that any person, upon discovering that in the person's name an unauthorized individual has made an application for certain services or has opened certain accounts, is entitled to receive the identifying information that was used by the unauthorized individual to apply for any service or open any account, upon the presentation of a copy of a police report and identifying information. This bill expands the definition of "personal identifying information" to include an equivalent form of identification. This bill provides that "person" as used in these provisions includes a firm, association, organization, partnership, business trust, company, corporation, limited liability company, or public entity. By expanding the scope of an existing crime, this bill imposes a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 546

Author: Garcia

Title: State Computers: Prohibited Use: Obscene Matter.

Status: 9/30/06 Chaptered by the Secretary of State, Chapter No. 848, Statutes of 2006

Summary: Existing law makes it unlawful and subject to a civil penalty for any elected state or local officer, appointee, employee, or consultant to use or permit others to use public resources for personal or other purposes that are not authorized by law. Existing law also provides that the incidental and minimal use of public resources is not subject to criminal prosecution. This bill, in furtherance of existing law, makes it unlawful for any elected state or local officer, including any state or local appointee, employee, or consultant, to knowingly use a state-owned or state-leased computer to access, view, download, or otherwise obtain obscene matter, as defined, except for specified purposes.

AB 699

Author: Chan

Title: Vaccines Influenza

Status: 9/28/06 Chaptered by the Secretary of State, Chapter No. 589, Statutes of 2006

Summary: Existing law requires the State Department of Health Services (DHS) to provide appropriate flu vaccine to local governmental or private, nonprofit agencies at no charge in order that the agencies may provide the vaccine, at a minimal cost, at accessible locations first for all persons 60 years of age or older in this state, and then to any other high-risk groups identified by the United States Public Health Service. The DHS and the California Department of Aging are required to prepare, publish, and disseminate information regarding the availability of the vaccine, and the effectiveness of the vaccine in protecting the health of older persons. This bill requires any manufacturer or distributor of the influenza vaccine, or nonprofit health care service plan that exclusively contracts with a single medical group in a specified geographic area, to provide, or arrange for the provision of, medical services to its enrollees to report specified information regarding the supply of the vaccine upon notice from the DHS. It requires that, within each county or city health jurisdiction, entities that have possession of, or have a legal right to obtain possession of, the

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influenza vaccine, or entities that are conducting or intend to conduct influenza clinics for the public, their residents, or their employees, with certain exceptions, shall cooperate with the local health officer in determining local inventories of influenza vaccine, including providing copies of invoices and distribution lists as specified.

AB 971

Author: Horton, Jerome

Title: Corrections: Superintendents

Status: 9/29/06 Chaptered by the Secretary of State, Chapter No. 709, Statutes of 2006

Summary: Existing law requires the Inspector General to review all candidates for warden and to advise the Governor as to their qualifications for the position. This bill requires the Inspector General to also review all candidates for appointment as superintendent of a juvenile correctional facility.

AB 1015

Author: Chu

Title: Sex Offender Management Board

Status: 9/20/06 Chaptered by the Secretary of State, Chapter No. 338, Statutes of 2006

Summary: Existing law requires persons convicted of certain sex offenses to register as a sex offender, as specified. Violations of certain of the registration requirements are crimes, as specified. This bill creates the Sex Offender Management Board, as specified, under the jurisdiction of the CDCR. The purpose of the board is to address any issues, concerns, and problems related to the community management of the state's adult sex offenders, with a goal of safer communities and reduced victimization. The board is required to conduct a thorough assessment of current management practices for adult sex offenders, and to submit a report to the Legislature on that assessment. The board also is required to develop recommendations to improve management practices for those offenders, as specified. The board also would serve as a resource for the Legislature and the Governor. This bill contains other related provisions and other existing laws.

AB 1302

Author: Horton, Jerome

Title: Office of Administrative Law Regulations

Status: 9/29/06 Chaptered by the Secretary of State, Chapter No. 713, Statutes of 2006

Summary: Existing law provides that, if a state agency makes a finding that the adoption of a regulation or order of repeal is necessary for the immediate preservation of the public peace, health and safety or general welfare, the regulation or order of repeal may be adopted as an emergency regulation or order of repeal. Under existing law, a regulation, amendment, or order of repeal adopted as an emergency regulation remains in effect no more than 120 days unless the adopting agency and

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the Office of Administrative Law comply with certain requirements. This bill requires an agency that is adopting an emergency regulation to send, at least 5 working days prior to submission of an emergency regulation to the office, a notice of proposed emergency action to every person who has filed a request for notice of regulatory action with the agency unless the emergency situation clearly poses such an immediate, serious harm that delaying action to allow public comment would be inconsistent with the public interest. This bill contains other related provisions and other existing laws.

AB 1369

Author: Nuñez

Title: State Employees: Memoranda of Understanding

Status: 9/06/06 Chaptered by the Secretary of State, Chapter No. 209, Statutes of 2006

Summary: Under existing law, a provision of a memorandum of understanding (MOU) reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act. This bill approves provisions that require the expenditure of funds of MOU entered into between the state employer and State Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20, and 21, and provides that these provisions will become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act. This bill contains other related provisions and other existing laws.

AB 1505

Author: La Suer

Title: Victim Restitution

Status: 9/28/06 Chaptered by the Secretary of State, Chapter No. 555, Statutes of 2006

Summary: Existing law prohibits deductions from being made from an inmate's wages and trust account for a restitution order if the victim has not filed an application with the Victim Compensation Program. This bill does not require a victim to file an application with the Victim Compensation Program in order to receive money from the program.

AB 1708

Author: Devore

Title: State Employees

Status: 7/21/06 Chaptered by the Secretary of State, Chapter No. 97, Statutes of 2006

Summary: Existing law requires the Director of the Department of Personnel Administration to determine the fair and reasonable value of maintenance, living quarters, housing, lodging, board, meals, food, household supplies, fuel, laundry, and other services furnished by the state as an employer of its employees. Existing law provides that the value so determined constitutes the charges to be made to the state employees for any such maintenance or services furnished by the state,

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unless the employee is entitled to these benefits as compensation for his or her services or as actual and necessary expenses incurred in the performance of the state's business. This bill revises that provision to specify that the director shall determine, by rule, the fair and reasonable value of these items and services. The bill further requires the director, by rule, to provide instruction for the administration of all lodging, maintenance, and other services furnished by the state as an employer to its employees. The bill also specifies that compliance with all the rules associated with these services is the responsibility of each director of each state department possessing lodging or supplying maintenance or other services to its employees. The bill makes other related changes to that provision.

AB 1801

Author: Laird

Title: Budget Act of 2006

Status: 6/30/06 Chaptered by the Secretary of State, Chapter No. 47

Summary: This bill makes appropriations for support of state government for the 2006-07 fiscal year. This bill contains other related provisions.

AB 1806

Author: Committee on Budget

Title: Budget Act of 2006

Status: 7/12/06 Chaptered by the Secretary of State, Chapter No. 69

Summary: The Enterprise Zone Act prescribes the duties and responsibilities of the Department of Housing and Community Development in connection with the establishment of enterprise zones and manufacturing enhancement areas and, until January 1, 2007, authorizes the department and local governments to charge and collect fees in connection with the act and to assess each enterprise zone a fee of not more than \$10 for each application it accepts for the issuance of a specified tax certificate issued by a local government. This bill deletes the January 1, 2007, inoperative date of the authority to establish, charge, and collect, and the requirement to assess, a fee pursuant to these provisions, thus making the authority and requirement permanent. This bill contains other related provisions and other existing laws.

AB 1810

Author: Committee on Budget

Title: Augmentations for Contingencies or Emergencies

Status: 7/07/06 Chaptered by the Secretary of State - Res. Chapter 55, Statutes of 2006

Summary: The Budget Act of 2005 appropriated specified amounts from the General Fund, unallocated special funds, and unallocated nongovernmental cost funds for augmentation of various

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items of appropriation for contingencies and emergencies upon written notification from the Director of Finance. This bill appropriates \$127,906,000 from the General Fund and unallocated nongovernmental cost funds, as scheduled, in augmentation of appropriations in this Budget Bill. This bill contains other related provisions.

AB 1811

Author: Laird

Title: Budget Act of 2006

Status: 6/30/06 Chaptered by the Secretary of State, Chapter No. 48

Summary: AB 1801, as proposed by Conference Report No. 1 on June 12, 2006, would make appropriations for the support of state government for the 2006-07 fiscal year. This bill amends and supplements the Budget Act of 2006 by revising items of appropriation for the judicial branch; the Secretary for Business, Transportation and Housing; the Office of Emergency Services; the Department of Transportation; the Department of Fish and Game; the San Francisco Bay Conservation and Development Commission; the Department of Water Resources; the State Water Resources Control Board; the State Department of Health Services; the Managed Risk Medical Insurance Board; the Department of Parks and Recreation; the State Air Resources Board; the Department of Toxic Substances Control; the CDCR; the State Department of Education; the University of California; the California State University; the Department of Veterans Affairs; local government financing; the repayment of state-mandated local costs; and the Deficit Reduction Reserve Account. This bill contains other related provisions.

AB 1848

Author: Bermudez

Title: Homeland Security: Interoperable Public Safety Communication Network

Status: 9/29/06 Chaptered by the Secretary of State, Chapter No. 728, Statutes of 2006

Summary: Existing law provides for the coordination of state and local public safety agencies and emergency response teams to respond to emergencies. Existing law administered by the Federal Communications Commission authorizes public safety agencies or entities to operate radio communication systems on specified frequencies of the radio spectrum and directs states to oversee the interoperability of the public safety spectrum. This bill designates the annual report to serve as the state strategic plan for establishing a statewide integrated interoperable public safety communications network and would require the report to include implementation strategies and timelines. This bill contains other existing laws.

AB 1849

Author: Leslie

Title: Sex Offenders

Status: 9/30/06 Chaptered by the Secretary of State, Chapter No. 886, Statutes of 2006

Summary: Existing law requires the Department of Justice (DOJ) to make information concerning certain persons who are required to register as sex offenders available to the public via an Internet Web site, including the offender's criminal history. This bill also requires that on or before July 1, 2010, the year of the conviction of the offender's last sexual offense, the year of release from incarceration for that offense, and whether he or she was subsequently incarcerated for any other felony, be posted on the Internet Web site, as specified. This bill also requires any state facility that releases a sex offender to provide the year of conviction and year of release for his or her most recent offense requiring registration as a sex offender to the DOJ, or that releases a person who is required to register as a sex offender from incarceration whose incarceration was for a felony committed subsequently to the offense for which he or she is required to register to advise the DOJ, as specified. This bill contains other related provisions and other existing laws.

AB 1900

Author: Lieu

Title: Sex Offenders: Registration

Status: 9/20/06 Chaptered by the Secretary of State, Chapter No. 340, Statutes of 2006

Summary: Existing law requires that persons convicted of certain sex-related offenses register with designated local officials in the county of their residence upon release from custody. This bill adds employers and independent contractors to this prohibition and makes other minor changes, as specified. This bill contains other related provisions and other existing laws.

AB 1942

Author: Nava

Title: Arrests

Status: 9/29/06 Chaptered by the Secretary of State, Chapter No. 729, Statutes of 2006

Summary: Existing law generally regulates the conditions of arrest. This bill expresses the intent of the Legislature regarding the development of protocols by law enforcement and other entities, pertaining to arresting caretaker parents or guardians of minors, to ensure the safety and well-being of the minor. The bill also states that the Legislature encourages the Department of Justice to apply for a federal grant to train local law enforcement agencies and assist them in developing protocols pertaining to child safety when a caretaker parent or guardian is arrested. This bill contains other related provisions and other existing laws.

AB 1998

Author: Chan

Title: Parole: Pre-Release Program: Alameda County

Status: 9/29/06 Chaptered by the Secretary of State, Chapter No. 732, Statutes of 2006

Summary: Existing law authorizes the CDCR to establish 3 pilot programs that provide training and counseling for female parolees to assist in their successful reintegration into the community. This bill requires the CDCR to contract for the establishment and operation of a 3-year prerelease parole pilot program in Alameda County for male and female offenders who were convicted of a nonviolent offense, in order to provide coordination between departmental and community service providers to ensure that offenders transition smoothly from services during incarceration through reentry programs. The bill requires the contractee to report to the Legislature and the Governor on the cost-effectiveness of the program by January 1, 2010.

AB 2005

Author: Emmerson

Title: Public Records: Confidentiality

Status: 09/26/06-Chaptered by the Secretary of State, Chapter No. 472, Statutes of 2006

Summary: The California Public Records Act prohibits, among other things, and makes punishable as a misdemeanor or felony, as specified, a person who knowingly posts certain information as to an elected or appointed official on the Internet or that of the official's residing spouse or child knowing that person is an elected or appointed official and intending to cause imminent bodily harm to that individual. For this purpose, an elected or appointed official is variously defined and includes specified public safety officials, as separately defined. This bill adds to the definition of a public safety official an employee of the Attorney General, a district attorney, or a public defender who submits verification from the Attorney General, district attorney, or public defender that the employee represents the Attorney General, district attorney, or public defender in matters that routinely place that employee in personal contact with persons under investigation for, charged with, or convicted of, committing criminal acts. This bill also adds to the definition of a public safety official an attorney employed by the United States Attorney or the Federal Public Defender, state and federal judges and court commissioners, a nonsworn employee of the Department of Justice or a police department or sheriff's office with certain specified duties in the course of his or her employment, a sworn employee who supervises inmates, and a probation officer, as specified. By expanding an existing crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 2041

Author: Nava

Title: Public Safety: Communications

Status: 9/30/06 Chaptered by the Secretary of State, Chapter No. 855, Statutes of 2006

Summary: Under existing law, the Public Safety Radio Strategic Planning Committee, comprised of 13 specified state entities, has primary responsibility in state government to develop and implement a statewide integrated public safety communication system for state government agencies that facilitates interoperability and other shared uses of public safety spectrum with local and federal agencies. This bill adds the Military Department, State Department of Health Services, and Department of Finance to, and removes the Department of the Youth Authority from, the committee and requires that a representative of the Office of Emergency Services serve as chairperson. It requires that interoperability be developed to include first response agencies, as defined, as the committee deems appropriate. It also requires the committee to meet at least twice a year, with one being a joint meeting with the California Statewide Interoperability Executive Committee. This bill contains other related provisions.

AB 2049

Author: Spitzer

Title: Sex Offenders: Parole

Status: 9/29/06 Chaptered by the Secretary of State, Chapter No. 735, Statutes of 2006

Summary: Existing law generally regulates the parole of sex offenders and the terms and conditions of parole that may be placed on those offenders upon release from prison. This bill provides that any person who has been convicted of an offense that requires him or her to register as a sex offender would, as determined to be appropriate by the CDCR, as a term of parole be prohibited from contacting or communicating with the victim, or victims or any of their immediate family members. The bill also provides that the district attorney of the prosecuting county may be available for assisting the victim in a determination of the appropriateness of imposing that condition of parole, as specified.

AB 2056

Author: Aghazarian

Title: Public Health: Exposure to Communicable Diseases

Status: 7/21/06 Chaptered by the Secretary of State, Chapter No. 102, Statutes of 2006

Summary: Existing law requires prehospital emergency medical care personnel, as defined, who have provided emergency medical or rescue services and have been exposed to a person afflicted with a disease or condition listed as reportable, which can, as determined by the county health officer, be transmitted through oral contact or secretions of the body, including blood, to be notified that they

have been exposed to the disease, in accordance with specified procedures. This bill makes technical clarifying amendments to the above provisions. This bill contains other existing laws.

AB 2067

Author: Oropeza

Title: Smoking: Enclosed Spaces of Buildings

Status: 9/29/06 Chaptered by the Secretary of State, Chapter No. 736, Statutes of 2006

Summary: Existing law prohibits smoking of tobacco products inside public buildings, as defined, but excludes covered parking lots from this prohibition. Existing law additionally prohibits smoking in all enclosed spaces of places of employment, as defined. This bill defines "covered parking lot," for purposes of the exclusion from the prohibition with respect to public buildings, to exclude lobbies, lounges, waiting areas, elevators, stairwells, and restrooms that are a structural part of the covered parking lot, thereby making these areas subject to the smoking prohibition. This bill contains other related provisions and other existing laws.

AB 2068

Author: Nava

Title: Workers' Compensation: Designation of Physician

Status: 09/30/2006-Chaptered by the Secretary of State, Chapter No. 819, Statutes of 2006

Summary: Existing workers' compensation law generally requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, or in the course of, employment. This bill, until December 31, 2009, provides that a personal physician includes a medical group that meets specified requirements. This bill also deletes the April 30, 2007, repeal date and the limit on the maximum percentage of employees that may be pre-designated. This bill contains other related provisions and other existing laws.

AB 2095

Author: Niello

Title: Employment Practices

Status: 9/29/06 Chaptered by the Secretary of State, Chapter No. 737, Statutes of 2006

Summary: Existing law makes certain specified employment practices unlawful, including the harassment of an employee directly by the employer or indirectly by agents of the employer with the employer's knowledge. Existing law additionally requires employers with 50 or more employees to provide, by January 1, 2006, at least 2 hours of training and education regarding sexual harassment to all supervisory employees, as specified, who have been employed as of January 1, 2005, unless

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the employer has provided that training and education to these employees after January 1, 2003. This training must be provided to all supervisory employees once every 2 years and to all new supervisory employees within 6 months of their assumption of supervisory duties. This bill limits the training requirement to supervisory employees within California. The bill also makes technical, nonsubstantive changes to these provisions. This bill contains other related provisions and other existing laws.

AB 2116

Author: Cohn

Title: Emergency Services: Disaster Assistance: Equipment

Status: 09/30/06-Chaptered by the Secretary of State, Chapter No. 903, Statutes of 2006

Summary: Existing law requires the Public Safety Radio Strategic Planning Committee to make recommendations for state agency purchase of communications equipment that will enable interoperability and other shared uses of the public safety spectrum with local and federal agencies. This bill specifies that the recommended equipment be public safety radio subscriber equipment that also conforms to governmental standards for interoperability and, as technology evolves, that the equipment or systems be nonproprietary and have open architecture and backward compatibility. The bill authorizes the committee to recommend this equipment to any other federal, state, regional, or local entity with responsibility for developing, operating, or monitoring interoperability of the public safety spectrum. This bill contains other related provisions.

AB 2241

Author: Committee on Public Employees Retirement and Social Security

Title: State Civil Service: Skills-Based Certification

Status: 9/07/06 Chaptered by the Secretary of State, Chapter No. 216, Statutes of 2006

Summary: Existing civil service law provides that eligible employment lists shall be established as a result of free competitive examinations open to persons who lawfully may be appointed to any position within the class for which these examinations are held and who meet the minimum qualifications, as specified. This bill permits the State Personnel Board to authorize the use of skills-based certification, as defined, for information technology classifications, if specified conditions are satisfied. The bill also requires the board to promulgate regulations specifying how skills-based certification shall be implemented.

AB 2263

Author: Spitzer

Title: Sex Offender: Working with Minors

Status: 9/20/06 Chaptered by the Secretary of State, Chapter No. 341, Statutes of 2006

Summary: Under existing law, a person who is required to register as a sex offender who applies or accepts a position as an employee or volunteer with any person, group, or organization where he or she

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would be working directly and in an unaccompanied setting with minor children on a regular basis, is required to disclose his or her registrant status. A violation of that provision is a misdemeanor. This bill requires every person required to register as a sex offender who applies for or accepts a position as an employee or volunteer with any person, group, or organization where the applicant would be working directly and in an accompanied setting with minor children, and the applicant's work would require him or her to touch the minor children on more than an incidental and occasional basis, to disclose his or her status as a registrant, upon application or acceptance of the position, to that person, group, or organization. This bill contains other related provisions and other existing laws.

AB 2280

Author: Leno

Title: Sexually Transmitted Diseases

Status: 9/29/06 Chaptered by the Secretary of State, Chapter No. 771, Statutes of 2006

Summary: Existing law permits a physician or nurse practitioner, who diagnoses a sexually transmitted chlamydia infection, to prescribe, dispense, furnish, or otherwise provide prescription antibiotic drugs to that patient's sexual partner or partners without examination of that patient's partner or partners. This bill extends these provisions to cover gonorrhea or other sexually transmitted disease infection, as determined by the department.

AB 2335

Author: Saldana

Title: Medical Waste

Status: 8/28/06 Chaptered by the Secretary of State, Chapter No. 166, Statutes of 2006

Summary: The existing Medical Waste Management Act prescribes procedures for the regulation, hauling away, and disposal of various types of medical waste. A violation of the act is a crime. This bill also specifies that the definition of "infectious agent" includes, but is not limited to, those organisms classified as Biosafety Level II, III, or IV by the federal Centers for Disease Control and Prevention. This bill contains other related provisions and other existing laws.

AB 2367

Author: La Suer

Title: Criminal Penalties

Status: 9/20/06 Chaptered by the Secretary of State, Chapter No. 347, Statutes of 2006

Summary: Existing law generally provides that a criminal offender shall, upon conviction, be subject to a determinate sentence, as specified. However, specified offenses relating to alcoholic beverage control, the price fixing of commodities, escrow agents, California desert native plants, oath or affirmations required of public officers and employees, the Elder California Pipeline Safety Act of

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1981, hazardous waste, vehicular air pollution control of used direct import vehicles, environmental laboratories, drinking water, military and veterans, public utilities, revenue and taxation, and water pollution provide for indeterminate sentences instead. This bill revises the above provisions providing for indeterminate sentences to make those sentences determinate, and, in some instances, explicitly providing that they are also punishable by imprisonment in a county jail, as specified. Because the provisions relating to hazardous waste were added by an initiative statute that may only be amended by the Legislature by a 2/3 vote, the bill requires that vote for enactment. This bill contains other existing laws.

AB 2436

Author: Ruskin

Title: Imprisonment: Parole: Programs

Status: 9/29/06 Chaptered by the Secretary of State, Chapter No. 779, Statutes of 2006

Summary: Existing law requires the CDCR to establish 3 pilot programs to provide intensive training and counseling to female parolees to help the parolees reintegrate into society. This bill requires the CDCR to establish a pilot program in East Palo Alto for parolees returning to East Palo Alto which would conduct needs-based assessments of the individual parolees, partner with East Palo Alto police officers, and blend enforcement and programming services, as specified. The bill requires the department to maintain information on the effectiveness of the program, as specified, and report to the Legislature on request. The bill states its operation is contingent upon consent by the City of East Palo Alto to participate in the pilot program. The bill also provides that these provisions will be repealed on January 1, 2010.

AB 2541

Author: Matthews

Title: Claims Against the State

Status: 9/30/06 Chaptered by the Secretary of State, Chapter No. 861, Statutes of 2006

Summary: Existing law requires a state agency that acquires property or services pursuant to a contract with a business to make payment to the person or business on the date required by the contract, and within 45 days of the state agency's receipt of an undisputed invoice, or be subject to a late payment penalty. This bill requires a state agency that awards a grant, as defined, to make payment to the person or business that is the recipient of the grant on the date required by the grant, and within 45 days of the state agency's receipt of an undisputed invoice, or be subject to a late payment penalty. The bill makes other conforming changes.

AB 2559

Author: Benoit

Title: Vehicles: Driving Under The Influence: Manslaughter

Status: 7/20/2006 Chaptered by the Secretary of State, Chapter No. 91, Statutes of 2006

Summary: Existing law defines as one type of vehicular manslaughter, the unlawful killing of a human being while driving a vehicle in violation of specified driving under the influence of alcohol or drugs (DUI) provisions and in the commission of an unlawful act, not amounting to a felony, but without gross negligence. Existing law defines as another type of vehicular manslaughter, the unlawful killing of a human being while driving a vehicle in violation of those specified DUI provisions and in the commission of a lawful act that might produce death, in an unlawful manner, but without gross negligence. This bill requires the killing to be the proximate result of the commission of the unlawful act or the proximate result of the commission of the lawful act. This bill contains other related provisions.

AB 2850

Author: Spitzer

Title: DNA Testing

Status: 8/28/06 Chaptered by the Secretary of State, Chapter No. 170, Statutes of 2006

Summary: Existing law requires persons who are arrested for, charged with, or convicted of specified crimes to provide biological samples for law enforcement identification, as specified. Existing law provides that these provisions shall apply retroactively to specified offenders and that collection of required specimens, samples, and print impressions shall occur regardless of when the crime charged or committed became a qualifying offense and regardless of when the person was convicted of the qualifying offense or a similar crime. This bill excludes from retroactive application the requirement to collect a sample from any person upon the conviction of the person for any felony offense and any juvenile upon the adjudication of the juvenile for any felony offense. This bill contains other related provisions and other existing laws.

AB 2870

Author: De La Torre

Title: Correctional Institutions: Communicable Diseases

Status: 9/29/06 Chaptered by the Secretary of State, Chapter No. 800, Statutes of 2006

Summary: Existing law provides for the confidential testing of inmates and other enumerated persons for HIV and AIDS under specified circumstances. The test is initiated by a request from a law enforcement employee, as defined, or another inmate, to the chief medical officer of the facility, when the requesting person has come into contact with the bodily fluids of an inmate or other specified persons in a correctional institution, as defined. This bill allows testing for hepatitis B and C as well as HIV and AIDS. This bill adds prosecutors and public defender staff to the list of persons who may

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request testing, and include court facilities in the locations where the contact with bodily fluids may be made. This bill further provides that the person making the request shall be informed of the results of the tests. Because the bill imposes additional duties on local agencies, the bill imposes a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 2886

Author: Frommer

Title: Crime

Status: 9/28/06 Chaptered by the Secretary of State, Chapter No. 522, Statutes of 2006

Summary: Existing law provides that every person who, with the intent to defraud, acquires, transfers, or retains possession of the personal identifying information of another person is guilty of a crime punishable by a fine, by imprisonment in a county jail not to exceed one year, or by both a fine and imprisonment. This bill instead provides that every person who, with the intent to defraud, acquires or retains possession of the personal identifying information of another person, and who has previously been convicted of a violation of provisions proscribing identity theft, or who, with the intent to defraud, acquires or retains possession of the personal identifying information of 10 or more other persons, shall be punished by a fine, by imprisonment in a county jail not to exceed one year, or by both a fine and imprisonment, or by imprisonment in the state prison. This bill also provides that any person who, with intent to defraud, sells, transfers, or conveys the personal identifying information of another person shall be punished by a fine, by imprisonment in a county jail not to exceed one year, or by both a fine and imprisonment, or by imprisonment in the state prison. This bill also provides that any person who, with actual knowledge that the personal identifying information of a specific person will be used in violation of identity theft provisions who sells, transfers, or conveys that personal identifying information shall be punished by a fine or by both a fine and imprisonment, or by imprisonment in the state prison. This bill contains other related provisions and other existing laws.

AB 2893

Author: Mountjoy

Title: Sex Offender: Child Custody and Visitation

Status: 9/06/06 Chaptered by the Secretary of State, Chapter No. 207, Statutes of 2006

Summary: Existing law requires a person convicted of certain sex offenses to register with the local law enforcement officer of the city or county where he or she resides or is located, as specified. This bill provides that the child may not be placed with the person unless the court states, in writing or on the record, the reasons for its finding that there is no significant risk to the child. This bill contains other existing laws.

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AB 2936

Author: Ridley-Thomas

Title: State Employees: Excluded Employees: Memorandum of Understanding: State Bargaining Unit 5

Status: 9/13/06 Chaptered by Secretary of State. Chapter 240, Statutes of 2006

Summary: Under existing law, a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act. This bill approves provisions that require the expenditure of funds of the memorandum of understanding entered into between the state employer and State Bargaining Unit 5, and provides that these provisions will become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act. This bill contains other related provisions and other existing laws.

AB 2951

Author: Goldberg

Title: Capital Facilities Fees

Status: 9/30/06 Chaptered by the Secretary of State, Chapter No. 866, Statutes of 2006

Summary: Existing law authorizes a public agency that provides public utility service, as defined, to impose a capital facilities fee on any school district, county office of education, community college district, the California State University, the University of California, or state agency, subject to certain restrictions. Existing law defines the terms "capital facilities fee" or "capacity charge" as any nondiscriminatory charge to pay the capital cost of a public utility facility, and defines the term "nondiscriminatory" for these purposes. This bill revises the definition of the term "public utility service." It revises the definition of the term "capital facilities fee" to mean a nondiscriminatory connection fee, as defined, or a nondiscriminatory capacity charge, as defined, or both. This bill contains other related provisions and other existing laws.

AB 3013

Author: Koretz

Title: Medical Information: Disclosures

Status: 9/30/06 Chaptered by the Secretary of State, Chapter No. 833, Statutes of 2006

Summary: The state Confidentiality of Medical Information Act prohibits a provider of health care, a health care service plan, contractor, or corporation and its subsidiaries and affiliates from intentionally sharing, selling, or otherwise using any medical information, as defined, for any purpose not necessary to provide health care services to a patient, except as expressly authorized by the patient, enrollee, or subscriber, as specified, or as otherwise required or authorized by law. This bill

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revised that latter provision to have it apply only to a general acute care hospital, as defined, in specified situations, and adds to the state Confidentiality of Medical Information Act, HIPAA provisions related to medical information disclosures to family members, relatives, or other persons identified by a patient, thereby requiring a provider of health care, health care service plan, or contractor to comply with those provisions, as specified. This bill contains other related provisions and other existing laws.

AB 3064

Author: Committee on Public Safety

Title: Corrections: Reentry Advisory Committee

Status: 9/29/06 Chaptered by the Secretary of State, Chapter No. 782, Statutes of 2006

Summary: Existing law authorizes the Secretary of the CDCR to contract for the establishment and operation of community correctional reentry centers and work furlough programs. This bill requires the secretary to establish a Reentry Advisory Committee, comprised as specified, to advise the secretary on matters related to the successful planning, implementation, and outcomes of all reentry programs and services in the department, with the goal of reducing recidivism. This requirement will be repealed on January 1, 2011.

Chaptered Bills—Senate Bills

[SB 144](#)

Author: Runner

Title: Retail Food

Status: 5/15/2006 Chaptered by Secretary of State, Chapter 23, Statutes of 2006

Summary: The California Uniform Retail Food Facilities Law (CURFFL) provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Health Services and is primarily enforced by local health agencies. CURFFL prohibits a food facility from opening for business without a valid permit issued by the local enforcement agency. A violation of any provision of CURFFL is a misdemeanor. This bill, commencing July 1, 2007, would repeal CURFFL and recasts and revises its provisions by creating the California Retail Food Code. By creating new crimes and enforcement responsibilities, this bill imposes a state-mandated local program. This bill contains other related provisions and other existing laws.

[SB 267](#)

Author: Romero

Title: California High School Exit Examination: Pupils with Disabilities

Status: 9/29/06 Chaptered by the Secretary of State, Chapter No. 629, Statutes of 2006

Summary: Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop a high school exit examination in English language arts and mathematics in accordance with state academic content standards. Existing law requires, commencing with the 2003-04 school year, each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school. Existing law requires that the high school exit examination be offered to individuals with exceptional needs, and that individuals with exceptional needs be administered the examination with appropriate accommodations, where necessary. This bill extends the above provisions relating to the granting or denial of a high school diploma by a school district or state special school to pupils with disabilities who are scheduled to graduate from high school in 2007, have not passed the high school exit examination or are eligible for a high school exit examination waiver, have not received a high school exit examination waiver, and meet other specified criteria. The bill repeals these extended provisions on December 31, 2007. The bill also requires the pupil, parent, or legal guardian of the pupil to be notified that the pupil is entitled to receive a free appropriate public education, as specified, no later than 30 days prior to the receipt of a diploma in 2007. By extending the date on which school districts and state special schools must comply with the above requirements, the bill imposes a state-mandated local program. This bill contains other related provisions and other existing laws.

SB 357

Author: Perata

Title: State Employees: Memoranda of Understanding: State Bargaining Units 12 and 13

Status: 9/06/06 Chaptered by the Secretary of State, Chapter No. 210, Statutes of 2006

Summary: Under existing law, a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act. This bill approves provisions that require the expenditure of funds of memoranda of understanding entered into between the state employer and State Bargaining Units 12 (Craft and Maintenance) and 13 (Stationary Engineer), and provides that these provisions will become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act. This bill contains other related provisions and other existing laws.

SB 517

Author: Romero

Title: High School Exit Examination: Pupils with Disabilities

Status: 1/30/06 Chaptered by the Secretary of State, Chapter No. 3, Statutes of 2006

Summary: Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education (BOE), to develop a high school exit examination in English language arts and mathematics in accordance with state academic content standards. Existing law requires, commencing with the 2003-04 school year, each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school. Existing law requires that the high school exit examination be offered to individuals with exceptional needs, and that individuals with exceptional needs be administered the examination with appropriate accommodations, where necessary. This bill requires a school district to report to the State BOE, in a manner and by a date determined by the Superintendent of Public Instruction, the number and characteristics of these waivers reviewed, granted, and denied and any additional information, as provided, thereby imposing a state-mandated local program. This bill contains other related provisions and other existing laws.

SB 532

Author: Torlakson

Title: BB Devices

Status: 8/28/06 Chaptered by the Secretary of State, Chapter No. 180, Statutes of 2006

Summary: Except as otherwise authorized by law, any person who willfully discharges a firearm in a grossly negligent manner that could result in injury or death to a person is guilty of a public offense punishable by imprisonment in a county jail not exceeding one year, or by imprisonment in the state

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prison. This bill expands the scope of that offense to include a BB device, as defined, and makes the offense involving a BB device punishable by imprisonment in a county jail, not exceeding one year. This bill contains other related provisions and other existing laws.

SB 699

Author: Soto

Title: AIDS: HIV Reporting

Status: 4/17/06 Chaptered by the Secretary of State, Chapter No. 20, Statutes of 2006

Summary: Existing law makes provisions for various programs relating to treatment of persons with human immunodeficiency virus (HIV) and the acquired immunodeficiency syndrome (AIDS). Existing law requires that public health records relating to AIDS, containing personally identifying information, that were developed or acquired by state or local public health agencies be confidential, and prohibits the disclosure of those records, except as otherwise provided for by law for public health purposes or pursuant to a written authorization by the person who is the subject of the record or by his or her guardian or conservator. This bill, to ensure knowledge of current trends in the HIV epidemic and to assure that California remains competitive for federal HIV and AIDS funding, requires health care providers and laboratories to report cases of HIV infection to the local health officer using patient names. It requires local health officers to report unduplicated HIV cases by name to the State Department of Health Services (DHS). The bill requires the DHS to promulgate specified emergency regulations, not later than one year from the effective date of those provisions, to conform existing administrative regulations to the provisions of the bill, and makes various other changes related to the disclosure of information on HIV cases to federal, state, and local health agencies, as provided. This bill contains other related provisions and other existing laws.

SB 739

Author: Speier

Title: Hospitals: Infection Control

Status: 9/28/06 Chaptered by the Secretary of State, Chapter No. 526, Statutes of 2006

Summary: Existing law provides for the licensure and regulation by the State Department of Health Services (DHS) of health facilities, including general acute care hospitals, as defined. A violation of these provisions by a health facility is a crime. Existing law requires health facilities to implement various measures to protect against the spread of infection in health facilities. This bill establishes the Hospital Infectious Disease Control Program, which requires the DHS and general acute care hospitals to implement various measures relating to disease surveillance and the prevention of health care associated infection (HAI). In that regard, the bill requires the DHS by July 1, 2007, to appoint a Healthcare Associated Infection (HAI) Advisory Committee, composed of specified members, that is required to make recommendations related to methods of reporting cases of hospital acquired infections occurring in general acute care hospitals, as provided. This bill contains other related provisions and other existing laws.

SB 1128

Author: Alquist

Title: Sex Offender Punishment, Control, and Containment Act of 2006

Status: 9/20/06 Chaptered by the Secretary of State, Chapter No. 337, Statutes of 2006

Summary: Existing law sets forth timelines for the retention of court records, depending upon the subject matter or criminal offense. Records relating to felonies are required to be kept for 75 years. This bill requires courts to keep all records relating to misdemeanor actions resulting in a requirement that the defendant register as a sex offender for 75 years. The bill also requires every district attorney's office and the Department of Justice to retain records relating to a registered sex offender for 75 years after disposition of the case. Because the bill imposes new responsibilities on local agencies, the bill imposes a state-mandated local program. This bill contains other related provisions and other existing laws.

SB 1134

Author: Committee on Budget and Fiscal Review

Title: Appropriation for Court Order

Status: 9/27/06 Chaptered by the Secretary of State, Chapter No. 511, Statutes of 2006

Summary: Existing law requires the CDCR to administer the state prison system. This bill appropriates \$35,446,000 from the General Fund to the CDCR to implement the Revised Program Guide for the Mental Health Services Delivery System as required by a specified court order. This bill contains other related provisions.

SB 1137

Author: Duchenev

Title: Drug Treatment

Status: 7/12/06 Chaptered by the Secretary of State, Chapter No. 63, Statutes of 2006

Summary: Existing law, the Substance Abuse and Crime Prevention Act of 2000, was enacted by the voters at the November 2000 general election. Amendment of the act by the Legislature requires a 2/3 vote of both houses of the Legislature. The act requires all amendments to it to further the act and be consistent with its purposes. The act defines "drug treatment program" for purposes of the act, and specifically excludes in-custody drug treatment from that definition. This bill specifies, in addition, that the moneys provided by the act cannot be used to fund in any way drug treatment courts or supervision associated with the drug treatment courts. This bill also provides for 3-, 2-year follow-up effectiveness and fiscal impact studies, instead of the annual studies and requires the department to submit annual reports on the people served as a result of this act. It also revises the items to be included in the study. This bill permits the department to require a county to undertake a corrective

action if a periodic audit determines the county has spent money provided by the act not in accordance with the act. This bill contains other related provisions and other existing laws.

SB 1154

Author: Committee on Budget and Fiscal Review

Title: Budget Act of 2005: Augmentation

Status: 5/31/06 Chaptered by the Secretary of State, Chapter No. 40, Statutes of 2006

Summary: The Budget Act of 2005 appropriated specified amounts from the General Fund for specified programs. This bill would appropriate \$202,496,000, from the General Fund, unallocated special funds, and unallocated nongovernmental cost funds, as scheduled, in augmentation of appropriations in this Budget Act. The bill would declare that it is to take effect immediately as an urgency statute providing for the usual current expenses of the state.

SB 1178

Author: Speier

Title: Sex Offenders: Continuous Electronic Monitoring

Status: 9/20/06 Chaptered by the Secretary of State, Chapter No. 336, Statutes of 2006

Summary: Existing law requires a person convicted of any specified sex offense to register as a sex offender. This bill requires every person required to register as a sex offender to be subject to assessment using the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO). The bill establishes the SARATSO Review Committee, as specified. Commencing January 1, 2008, the SARATSO for adult males is the STATIC-99 risk assessment scale. The committee may be required to research risk assessment tools for female and juvenile offenders, and to advise the Legislature and Governor of their recommendation. The committee will also develop and administer a training program for persons designated to administer the SARATSO to offenders. This bill contains other related provisions and other existing laws.

SB 1184

Author: Cedillo

Title: Crimes: Attempted Murder: Nonsworn Uniformed Employee of a Sheriff's
Department: Custody Assistant

Status: 9/26/06 Chaptered by the Secretary of State, Chapter No. 468, Statutes of 2006

Summary: Existing law defines a custodial officer as a public officer, not a peace officer, employed by a law enforcement agency of specified counties. The duties of the custodial officer may include the serving of warrants, court orders, writs, and subpoenas in a detention facility or under circumstances arising directly out of maintaining custody of prisoners and related tasks. This bill similarly defines a custody assistant as a person who is a full-time employee, not a peace officer, employed by a sheriff's

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department who assists peace officer personnel in maintaining order and security in a custody detention, court detention, or station jail facility of the sheriff's department, as specified; custody assistants would have specified powers and duties with respect to inmates under the jurisdiction of the sheriff's department; has to meet specified state and local training and selection requirements; but will not be conferred any authority except while on duty and will not be granted any additional retirement benefits. The provisions relating to custody assistants apply only in Los Angeles County, but are not be operative in that county until adopted by resolution of the board of supervisors. This bill contains other related provisions and other existing laws.

SB 1222

Author: Ackerman

Title: Crime: Criminal Gangs

Status: 9/29/06 Chaptered by the Secretary of State, Chapter No. 596, Statutes of 2006

Summary: Existing law, as amended by initiative, provides that any person who participates in any criminal street gang with knowledge that its members engage in a pattern of criminal 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, attempt to commit, conspiracy to commit, solicitation for, or conviction of 2 or more listed offenses, as specified. Existing law authorizes the Legislature to amend these provisions with a 2/3 vote of each house. This bill adds various crimes relating to prohibited possession of a firearm, carrying a concealed firearm, and carrying a loaded firearm, to those offenses which if committed by members of the criminal street gang establish a pattern of criminal gang activity for purposes of these provisions, as specified. This bill contains other related provisions and other existing laws.

SB 1301

Author: Alquist

Title: Health Facilities: Reporting and Inspection Requirements

Status: 9/29/06 Chaptered by the Secretary of State, Chapter No. 647, Statutes of 2006

Summary: Existing law provides for the inspection, licensure, and regulation of health care facilities by the State Department of Health Services (DHS), including, among other facilities, general acute care hospitals, acute psychiatric hospitals, special hospitals, and long-term health care facilities, some of which are collectively referred to as nursing homes. Existing law requires that all licensed general acute care hospitals maintain a medical records system, as specified, that organizes all medical records for each patient under a unique identifier, and develop and implement policies and procedures to ensure that relevant portions of patients' medical records can be made available within a reasonable period of time to respond to the request of a treating physician, other authorized medical professionals, authorized representatives of the DHS, or any other person authorized by law to make such a request, taking into consideration the physical location of the records and hours of operation of the facility where those records are located, as well as the interests of the patients. This bill requires that information on

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the number and timeliness of adverse event investigations related to reports of adverse events also be included in that analysis. This bill contains other related provisions and other existing laws.

SB 1318

Author: Cedillo

Title: Controlled Substances: Sales Near Drug Treatment Center or Homeless Shelter

Status: 9/29/06 Chaptered by the Secretary of State, Chapter No. 650, Statutes of 2006

Summary: Existing law makes it a felony, punishable by imprisonment in the state prison, to engage in specified unlawful activities involving heroin, cocaine, cocaine base, methamphetamine, or phencyclidine (PCP). This bill provides that any person who is convicted of trafficking, as defined, in any of these controlled substances, or of a conspiracy to traffic in any of these controlled substances, in addition to the punishment imposed for the conviction, shall be imprisoned in the state prison for an additional one year if the violation occurred upon the grounds of, or within 1,000 feet of, a drug treatment center, detoxification facility, or homeless shelter. The bill provides for exceptions to the imposition of this enhanced sentence under certain circumstances. The bill sets forth legislative findings, declarations, and intent relating to its provisions. By creating a new enhancement for existing crimes, this bill imposes a state-mandated local program upon local governments. This bill contains other related provisions and other existing laws.

SB 1422

Author: Margett

Title: Public Safety: Omnibus Bill

Status: 9/30/06 Chaptered by the Secretary of State, Chapter No. 901, Statutes of 2006

Summary: Existing law generally regulates public safety. This bill makes various technical, nonsubstantive changes to provisions related to, among other things, crime, firearms, child welfare, and controlled substance addiction. This bill contains other related provisions and other existing laws.

SB 1441

Author: Kuehl

Title: Discrimination: State Programs and Activities: Sexual Orientation

Status: 8/28/06 Chaptered by the Secretary of State, Chapter No. 182, Statutes of 2006

Summary: Existing law prohibits discrimination on the basis of, among other things, race, national origin, ethnic group identification, religion, age, sex, color, or disability, against any person in any program or activity conducted, operated, or administered by the state or by any state agency, or that is funded directly by the state, or that receives any financial assistance from the state. Existing law also requires, with respect to disability, that these programs and activities meet the protections and prohibitions contained in certain provisions of the federal Americans with Disabilities Act of 1990, and the federal rules and regulations implementing that act, or state law if the state protections and

prohibitions are stronger. This bill adds sexual orientation to these provisions and defines for these purposes "sex" and "sexual orientation." This bill contains other related provisions.

SB 1452

Author: Speier

Title: State Audits

Status: 9/25/06 Chaptered by the Secretary of State, Chapter No. 452, Statutes of 2006

Summary: Existing law requires that the Controller, the Director of Finance, and the respective staffs of all state agencies that have their own internal auditors or that conduct internal audits or internal audit activities, and all city, county, city and county, and district employees that conduct internal audits or internal audit activities of those respective agencies, utilize the general and specified standards of internal auditing specified in a publication of the Institute of Internal Audits. This bill, with respect to cities, counties, cities and counties, and district employees, deletes the references to internal auditors, internal audits, and internal audit activities, and instead refers to auditors, audits, and audit activities. It requires state and local entities to instead conduct their work under the general and specified standards prescribed by the Institute of Internal Auditors or the Government Auditing Standards issued by the Comptroller General of the United States, as appropriate, and except as specified. This bill contains other related provisions and other existing laws.

SB 1453

Author: Speier

Title: Participation in In-Prison Drug Treatment Program: Mandatory Aftercare

Status: 9/30/06 Chaptered by the Secretary of State, Chapter No. 875, Statutes of 2006

Summary: Existing law authorizes the CDCR to reduce the prison term of specified inmates for good behavior and participation, as specified. This bill provides that certain inmates under the custody of the CDCR, after successful completion of an in-prison drug treatment program, upon parole, shall, whenever possible, be entered into a residential aftercare drug treatment program. If the parolee successfully completes 150 days of residential aftercare, he or she shall be discharged from parole, as specified. The bill also requires the CDCR to report annually to the Joint Legislative Budget Committee and the State Auditor on the effectiveness of these provisions.

SB 1454

Author: Torlakson

Title: Crime: Hazing

Status: 9/29/06 Chaptered by the Secretary of State, Chapter No. 601, Statutes of 2006

Summary: Existing law codifies within the Education Code the definition of hazing and imposes criminal penalties on persons who haze. This bill repeals the Education Code hazing provisions and instead codifies within the Penal Code a new definition of hazing and prescribes misdemeanor and

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felony penalties, as specified. This bill also allows a person to bring a civil action for injury or damages against individuals who participate in the hazing or organizations who authorize, request, command, participate in, or ratify the hazing. This bill contains other related provisions and other existing laws.

SB 1536

Author: Cox

Title: State Property: City of Folsom

Status: 9/14/06 Chaptered by the Secretary of State, Chapter No. 255, Statutes of 2006

Summary: Existing law authorizes the director of General Services to dispose of state surplus property, subject to specified conditions, including authorization by the Legislature. This bill authorizes the director to sell, lease, convey, or exchange at current fair market value to the City of Folsom, subject to terms, conditions, reservations, and exceptions determined by the director, a specified part of the facility known as the California Department of Corrections, Correctional Facility, Folsom, and a specified part of the facility known as the California Department of parks and Recreation, Folsom Lake State Park. The net proceeds of the conveyance will be paid into the Deficit Recovery Bond Retirement Sinking Fund Subaccount, which is a continuously appropriated subaccount in the Budget Stabilization Account, thereby making an appropriation. The bill requires reimbursement to the Department of General Services for any cost or expense incurred in the disposition of the property from the net proceeds of the disposition. This bill contains other related provisions.

SB 1562

Author: Maldonado

Title: Inmates: State Hospital: Reimbursement of Costs

Status: 9/30/06 Chaptered by the Secretary of State, Chapter No. 812, Statutes of 2006

Summary: Existing law provides that a city, county, or superior court shall be entitled to reimbursement for reasonable and necessary costs connected with state prisons or prisoners in connection with any crime committed at a state prison, whether by a prisoner, employee, or other person. This bill provides that a city, county, or superior court shall also be entitled to reimbursement for reasonable and necessary costs connected with state prisons or prisoners in connection with any crime committed at a state hospital for the care, treatment, and education of the mentally disordered, as specified, whether by a prisoner, employee, or other person. This bill contains other related provisions and other existing laws.

SB 1592

Author: Romero

Title: Pupils: High School Exit Examination

Status: 9/29/06 Chaptered by the Secretary of State, Chapter No. 674, Statutes of 2006

Summary: Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop a high school exit examination in English language arts and

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mathematics in accordance with state academic content standards. Existing law requires, commencing with the 2003-04 school year and each school year thereafter, each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or graduation from high school. This bill requires the Superintendent of Public Instruction, by June 30, 2007, to report to the Legislature and the Governor on the number and percentage of pupils who failed to receive a diploma of graduation from high school in 2006 due to the failure of those pupils to pass the high school exit examination, disaggregated by ethnicity, English learner status, and other information as may be determined to be necessary to understanding the meaning and consequences of the failure to pass the high school exit examination.

SB 1742

Author: Maldonado

Title: Juvenile Justice

Status: 9/14/06 Chaptered by the Secretary of State, Chapter No. 257, Statutes of 2006

Summary: Existing law establishes the Youth Authority and requires it to accept a person committed to it if it believes that the person can be materially benefited by its reformatory and educational discipline and if it has adequate facilities to provide that care. This bill instead makes the Division of Juvenile Justice the entity responsible for these duties and makes related changes to that provision. This bill contains other related provisions and other existing laws.

Vetoed Bills

AB 96

Author: Cohn
Title: Parole High Risk Sex Offenders: Tracking
Status: 9/28/06 Vetoed by the Governor

Summary: Under existing law, the parole authority may require an inmate, as a condition of release on parole, or a parolee, as an intermediate sanction in lieu of being sent back to prison, to be subject to electronic monitoring. This bill would require the CDCR to provide a written report to the Governor and Legislature describing an action plan for employing global positioning satellite devices as part of the intensive and specialized parole supervision of high-risk sex offenders, as specified.

Governor's Veto Message: I am returning Assembly Bill 96 without my signature. While I understand the author's interest in encouraging the Department of Corrections and Rehabilitation (CDCR) to develop plans that will improve the monitoring of sex offenders in the community, this bill does not go far enough and would only require the CDCR to produce a report on one specific area of monitoring. Instead I believe that the CDCR should be tasked with the development of a comprehensive report that deals with all aspects of the management of adult sex offenders released into the community including their treatment, housing, supervision, and transition from prison. This is why I support and signed Assembly Bill 1015, which would establish a Sex Offender Management Board (SOMB) that will report on the best policies and practices, including the use global positioning satellite (GPS) devices, to improve the overall community supervision of sex offenders and ensure that the citizens of California live in the safest possible environment. For these reasons, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

AB 195

Author: Dymally
Title: Civil Service: Employment Discrimination
Status: 9/29/06 Vetoed by the Governor

Summary: The State Civil Service Act prohibits discrimination in public employment on the same bases as in the Fair Employment and Housing Act. Those bases are race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation. This bill would, additionally, authorize the board to award reasonable attorney's fees and costs to the employee. This bill contains other existing laws.

Governor's Veto Message: I am returning Assembly Bill 195 without my signature. This bill incorrectly presumes there is an unequal status between the parties in terms of expertise and resources in bringing actions before the State Personnel Board. This is simply not true since a significant majority of state employees who file appeals with the State Personnel Board are

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represented by their union or excluded employee organization. The bill shifts a major burden of litigation onto the State because it only allows for recovery by successful Plaintiffs and does not allow the State to recover its costs and attorneys fees in the event the complaint is determined to be without merit. The bill is duplicative because federal law and state law, under FEHA, already allow for the awarding of attorneys fees and costs in discrimination actions. Sincerely, Arnold Schwarzenegger

AB 1677

Author: Koretz

Title: Corrections: Condom Distribution

Status: 9/29/06 Vetoed by the Governor

Summary: Under existing law, the Director of Corrections is responsible for the administration of the state prisons. Existing regulation prohibits inmates from participating in illegal sexual acts. This bill would require the director to allow any nonprofit or health care agency to distribute sexual barrier protection devices, as specified. The bill would state that the distribution of those devices shall not be considered a crime nor shall it be deemed to encourage sexual acts between inmates. The bill would specify that possession of one of those devices shall not be used as evidence of illegal activity for purposes of administrative sanctions. The bill would require that these provisions be implemented in a manner that protects the health and safety of correctional officers.

Governor's Veto Message: I am returning Assembly Bill 1677 without my signature. The provisions of this bill would conflict with Penal Code Section 286(e) and 288(e). For this reason I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

AB 1897

Author: Dymally

Title: Civil Service: Employment Discrimination

Status: 9/29/06 Vetoed by the Governor

Summary: The State Civil Service Act prohibits discrimination in public employment on the same bases as in the Fair Employment and Housing Act. Those bases are race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation. This bill would, additionally, authorize the board to award reasonable attorney's fees and costs to the employee. This bill contains other existing laws.

Governor's Veto Message: I am returning Assembly Bill 1897 without my signature. This measure is nearly identical to a bill I vetoed last year. As I noted then, the majority of state employees are represented by their unions or excluded employee organizations in a pending matter before the State Personnel Board. Not providing attorneys fees does not appear to be a detriment to filing discrimination complaints. If it were, employees have the option of pursuing claims under federal law and state law, under FEHA, which already allow for the awarding of attorneys fees and costs in discrimination actions. Sincerely, Arnold Schwarzenegger

AB 2069

Author: Maze
Title: Public Employment: Applicant Qualifications
Status: 9/29/06 Vetoed by the Governor

Summary: Existing law establishes various requirements regarding the employment of public officers and employees. This bill would provide that if a requirement for a position with a public agency, as defined, is the possession of a particular degree, then that degree must be from an accredited or approved institution. The bill would also prohibit a public agency, if that agency's job description requires an applicant to furnish a diploma from an accredited or approved institution to the agency's hiring entity as a condition of employment, from hiring an applicant unless the applicant has provided the entity with his or her diploma from an accredited or approved institution, as specified. The bill would require an applicant with a foreign education to have his or her education evaluated by a private United States organization that specializes in credential evaluation service, as specified. The bill would remain in effect until January 1, 2009. By imposing additional duties on local agencies with respect to their employment practices, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Governor's Veto Message: I am returning Assembly Bill No. 2069 without my signature. No one wants to compete for a job that requires a college degree with someone who got their degree from a diploma mill. It is already the policy of the state to require that the degree be from an accredited institution, and to require verification of the degree prior to the appointment. It should be up to each local jurisdiction to set standards for degree verification similar to those found in the state policy and I assume they would do so to maintain the highest quality workforce. It is not the job of the state to set personnel policies at this level for local governments and school districts. In addition, the recordkeeping and verification procedures in the measure may be reimbursable mandates, which would increase costs to the state. Sincerely, Arnold Schwarzenegger

AB 2404

Author: Klehs
Title: State Government: Reports: Declarations
Status: 9/29/06 Vetoed by the Governor

Summary: Existing law generally sets out the requirements for the submission of written reports by public agencies to the Legislature, the Governor, the Controller, and state legislative and other executive entities. This bill would additionally require any of these written reports required to be submitted by any state agency, board, or commission and specified reports required to be submitted to the Controller by any city, county, city and county, or transit district, to include a signed statement by the head of the agency, the chair of the board or commission, or the officer of the local agency, except as specified, declaring that the contents of the report are true, accurate, and complete to the best of his or her knowledge. The bill would provide that this requirement applies to the head of every

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state agency, board, or commission, including elected officials of the state and any state official whose duties are prescribed by the California Constitution. This bill contains other related provisions.

Governor's Veto Message: I am returning Assembly Bill 2404 without my signature. Although I agree that the Legislature should base their decisions on sound information that is true, accurate and complete, I believe that this bill is the wrong approach. By requiring that only mandatory reports submitted to the Legislature and State Controller contain signed statements attesting to their accuracy, this bill would create an inconsistent system in which some of the information considered in the legislative process is subject to declarations of truth, while the majority of the written material used in the legislative process is accepted as truth without such verification. The Legislature already has the authority to question the accuracy of a report by requiring those responsible for submitting the report to attest to the accuracy of the report under oath. Given this legislative oversight and the fact that state law already makes it a misdemeanor for a state or local official to submit a written report containing false information to the State Controller, this measure is unnecessary. Sincerely, Arnold Schwarzenegger

AB 2499

Author: Ruskin

Title: Emergencies: State Computer Emergency Data Exchange Program

Status: 9/28/06 Vetoed by the Governor

Summary: Existing law provides that it is the duty of the State Computer Emergency Data Exchange Program established by the Office of Emergency Services to collect and disseminate data for emergency management. This bill would further specify that the duties include an inventory of state personnel and resources available to the state and the state's mutual aid regions in times of emergency. It would also require the office to develop policies and procedures governing the inclusion of private sector resources available to the state and the state's mutual aid regions in times of emergency, and would require the office to pursue all available federal grant funding to offset program costs. This bill contains other related provisions and other existing laws.

Governor's Veto Message: I am returning Assembly Bill 2499 without my signature. The Federal government is currently working with the Office of Emergency Services to develop a protocol that could be used by first response agencies when inventorying resources. This would allow incident managers and planners to effectively assess and report available resources in a standardized format. Developing an automated system and adding this information prior to completion and approval of these federal standards would be premature and could result in an incompatible or redundant system. For this reason I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

AB 2917

Author: Liu
Title: Inmates: Female Offenders
Status: 9/29/06 Vetoed by the Governor

Summary: Existing law establishes programs for female offenders. This includes a community treatment program under which certain female state prison inmates who have one or more children under 6 years of age are eligible for specified privileges, including the release of the mother and children to a facility in the community that is suitable for their needs. This bill would make legislative findings and declarations regarding the unique needs of female state prison inmates and their families. The bill would establish a commission for 3 years to evaluate the conditions of these inmates and make findings and recommendations to the Department of Corrections and Rehabilitation so that it may develop gender responsive strategies and programs, as specified.

Governor's Veto Message: I am returning Assembly Bill 2917 without my signature. I appreciate the author's interest in the correctional system and the challenges faced by females incarcerated in prison. However, this bill would duplicate the efforts of an existing commission. The Gender Responsive Strategies Commission (GRSC), which was established by my Administration, has been in existence since 2004. The GRSC has already developed and implemented a number of excellent recommendations and currently has a variety of stakeholders attending the regularly scheduled meetings, including academics, women's advocates, community groups and a bipartisan representation of legislative leaders. Female inmates present a unique opportunity for our State to successfully rehabilitate individuals, reunite them with their families, and transition them back into our communities as productive law-abiding citizens. Creating a duplicative commission that is more narrow in membership and scope than the existing commission would hinder the current efforts in addressing the necessary reforms for women inmates. For these reasons I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

AB 2927

Author: Leno
Title: Public Records
Status: 9/30/06 Vetoed by the Governor

Summary: The California Public Records Act requires state and local agencies to make their records available for public inspection and, upon request of any person, to provide a copy of any public record unless the record is exempt from disclosure. This bill would, as of January 1, 2008, require any state agency that publishes an Internet Web site to include on the homepage of that site specified information that is not exempt from disclosure under the act about how to contact the agency, how to request records under the act, and a form for submitting online requests for records. It would authorize any person to bring an action to enforce the duty of a state agency to post this information and would provide for penalties including monetary awards to be paid by the agency, with specified provisions to become operative on January 1, 2008. This bill contains other related provisions.

Governor's Veto Message: I am returning Assembly Bill 2927 without my signature. An open and accessible government is critical to instill confidence in the governed. Indeed the people recently voted overwhelmingly to amend California's Constitution to make access to public records a fundamental right. That is why I issued Executive Order S-03-06 which directs all state departments to post PRA request guidelines in a conspicuous public place at all office locations and to identify and designate staff to handle the requests and ensure appropriate training in PRA compliance for designated staff members. As a result of the order, all executive branch agencies have reviewed their public records procedures. They have been revamped to improve performance and compliance and extensive training has been provided to state agency staff. These efforts address the problem this bill is attempting to fix. In addition the provision allowing the Attorney General to review denials of public records requests is unduly burdensome. The Attorney General is the attorney for most State agencies and advises agencies on responding to such requests and thus this bill creates an inherent conflict of interest. I will continue to require the highest standards of compliance with the Public Records Act throughout the executive branch. Sincerely, Arnold Schwarzenegger

SB 171

Author: Alquist

Title: Interrogation: Recording

Status: 9/30/06 Vetoed by the Governor

Summary: Existing law provides that under specified conditions the statements of witnesses, victims, or perpetrators of specified crimes may be recorded and preserved by means of videotape. This bill would provide that (1) except as specified, any custodial interrogation conducted at a place of detention of an individual suspected of committing or accused of a homicide or a violent felony, as defined, shall be electronically recorded, as specified; (2) the interrogating entity shall not destroy or alter the electronic recording of a custodial interrogation, except as specified; and (3) if a court finds that a defendant was subjected to an unlawful custodial interrogation, the court shall, at the request of the defendant, provide the jury with an instruction, developed by the Judicial Council, as specified. By imposing these new requirements on local law enforcement when they are interrogating a defendant suspected of committing or accused of a homicide or violent felony, this bill would impose a state-mandated local program upon local government. This bill contains other related provisions and other existing laws.

Governor's Veto Message: I am returning Senate Bill 171 without my signature. Ensuring that all criminal confessions are reliable is a laudable goal. I understand that some recent studies have shown that false confessions are a growing problem in the United States. However, the language contained in this bill is flawed, which could result in the erroneous release of criminals guilty of murder or other violent crimes due to technicalities. This bill requires the electronic recording of all custodial interrogations of individuals that may have committed a homicide or violent felony. Yet the bill defines custodial interrogation differently than the definition used by the U.S. Supreme Court for giving Miranda rights and requires recording when someone is suspected of any one of the twenty-three violent crimes listed under Penal Code Section 667.5, but does not specify what suspected means. These drafting errors could lead to confusion for all involved parties and potential situations where law enforcement

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unknowingly fails to comply with the mandates of the bill. For example, at the time law enforcement is interrogating a suspect they may have good reason to think the suspect is guilty of a lesser crime not contained in Penal Code Section 667.5 and later after reviewing the evidence or hearing the individuals statements, the District Attorney may decide to charge the suspect with a violent felony. Since public safety is my top priority I cannot sign this flawed bill. I support the concept of this bill and I would encourage the Legislature to work with law enforcement in order to send me a bill that helps ensure the reliability of confessions while not creating opportunities for those guilty of violent crimes to avoid punishment because of a technical loophole. Sincerely, Arnold Schwarzenegger

SB 239

Author: Romero
Title: Corrections: Media Access
Status: 10/07/06 Vetoed by the Governor

Summary: Existing law grants certain rights to inmates in state prisons. Existing regulation allows media representatives access to state prisons with prior approval, and allows random interviews with inmates. This bill would require the Department of Corrections and Rehabilitation, upon reasonable notice, to permit representatives of the news media to interview prisoners in person, as specified, and would prohibit the interview of a prisoner or parolee against his or her will. The bill would forbid retaliation against an inmate for participating in a visit by, or communicating with, a representative of the news media.

Governor's Veto Message: I am returning Senate Bill 239 without my signature. I vetoed a bill last year, SB 1164, which would essentially accomplish the same purpose as this bill. I believe that open access by the press is an important component of ensuring efficiency and effectiveness of government programs. However, this bill is unnecessary because the media currently enjoys wide ranging access to both prisons and inmates, including the right to interview random inmates during tours and specific inmates during the visitation program. The California Department of Corrections and Rehabilitations current policy is modeled after policies that have been upheld by the U.S. Supreme Court. The policy strikes the important balance between media access and the appropriate correctional decisions that must take into account the orderly administration of prisons. Finally, it is important to avoid treating inmates as celebrities. Activities that would glamorize criminals at the expense of victims and the general public are unacceptable. A free flow of information from the prison environment into the outside world has taken place under the current policy as evidenced by the many published press accounts in the past year. For these reasons I am unable to support this measure. Sincerely, Arnold Schwarzenegger

SB 740

Author: Romero
Title: Public Agencies
Status: 9/30/06 Vetoed by the Governor

Summary: Existing law makes it unlawful for any elected state or local officer, including any state or local appointee, employee, or consultant, to use or permit others to use public resources for a campaign

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activity, or personal or other purposes that are not authorized by law. This bill would, notwithstanding any other provision of law, make it unlawful, except as specified under these provisions, for a state or local officer, including a state or local appointee, employee, or consultant, to use public resources for the creation of a video news release that advocates a position in a rulemaking proceeding in which the officer is exercising quasi-legislative authority to implement policies he or she will directly or indirectly implement through regulation adopted in the rulemaking procedures.

Governor's Veto Message: Bill 740 without my signature. A Sacramento County Superior Court ruled that state agencies must refrain from producing and distributing Video News Releases (VNRs) to support and advocate for adoption of proposed or emergency regulations. In light of the Courts ruling, this bill is unnecessary. Sincerely, Arnold Schwarzenegger

SB 795

Author: Romero
Title: Juvenile Facilities: Parole Violators
Status: 9/29/06 Vetoed by the Governor

Summary: Existing law authorizes the Chief Deputy Secretary of the Division of Juvenile Justice to enter into an agreement with a city, county, or city and county to permit the transfer of wards in the custody of the division to an appropriate facility of the city, county, or city and county if the official who has jurisdiction over the facility consents. This bill would require the Chief Deputy Secretary of the Division of Juvenile Justice to conclude an agreement with one or more counties on or before July 1, 2007, to provide services for parole violators. The bill would require the agreement to contain specified provisions.

Governor's Veto Message: I am returning Senate Bill 795 without my signature. I support the idea of rehabilitating wards in the most effective manner possible. However, by requiring the Division of Juvenile Justice (DJJ) to reach a final agreement by July 1, 2007, this bill could unduly favor certain counties or even force the State into a contract regardless of whether that contract is in the best interests of juvenile parole violators or has equitable terms based on program standards or cost. The State is already in the process of addressing parole deficiencies in the juvenile system. As part of the Farrell v. Tilton settlement remedial plans, the DJJ is currently working with communities to provide alternatives for parole violators. In addition the 2006-07 Budget includes an additional \$10 million for a new community reentry program that will award grants to provide juvenile parolees with services that help ensure that they are successful in the community. For these reasons, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

SB 814

Author: Romero
Title: Prisons: Segregation
Status: 9/28/06 Vetoed by the Governor

Summary: Existing law vests the supervision, management, and control of the state prisons in the Secretary of the Department of Corrections and Rehabilitation and he or she is responsible for

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prescribing the rules and regulations in the administration of the state prisons. This bill would require the Department of Corrections and Rehabilitation to eliminate segregation for male and female inmates based solely on race while ensuring the security of the inmates, the correctional facilities, and the public. The bill would require the department to educate staff regarding housing procedures, to develop a violence tracking system for reception centers and the general inmate population designed to record, track, and analyze violent incidents, and to develop a draft organizational plan addressing staff responsibilities and timeframes for goals and implementation of the elements described above, as specified.

Governor's Veto Message: I am returning Senate Bill 814 without my signature. This bill would create a statute that mirrors many provisions of the current Settlement and Release Agreement (SRA) for the California Department of Corrections and Rehabilitation (CDCR) in the case of Garrison Johnson v. California. By placing the language of the SRA in statute, the CDCR and the plaintiffs would be required to seek legislative approval for any subsequent changes, no matter how minor they may be. Consequently, this bill is unnecessary and could hinder the efforts of the department and the plaintiff to address the concerns in Mr. Johnson's case. For this reason I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

SB 1281

Author: Romero

Title: Public Contracts

Status: 9/28/06 Vetoed by the Governor

Summary: Existing law authorizes the Department of General Services to contract with suppliers to acquire goods and services for state agencies. This bill would prohibit a state agency from entering into a contract for the acquisition of goods or services with a contractor, as defined, who does not have and adhere to a written policy annually providing his or her full-time employees, as defined, with not less than 5 days of regular pay for actual jury service.

Governor's Veto Message: I am returning Senate Bill 1281 without my signature. While I am supportive of the policy goal of this bill, which would allow more prospective jurors the opportunity to participate in their civic responsibility, this bill will add to the statutory and regulatory burdens already placed on companies seeking to do business with the State. As I stated in my veto message of a substantively similar bill in a prior year, the overarching objective of improving the jury system is one that needs to be addressed, but this proposal is not the best mechanism to achieve that goal. In its contracting programs, the Department of General Services is charged with obtaining the best value for the taxpayer. This bill would impose an additional restriction on those contractors doing business with the State, restrict competition, and ultimately result in higher prices for goods and services. This is contrary to my Administrations goal of making California a good place to do business. For these reasons, I am unable to sign this measure. Sincerely, Arnold Schwarzenegger

SB 1373

Author: Romero
Title: Division of Juvenile Justice: Parole: Consideration Dates
Status: 9/28/06 Vetoed by the Governor

Summary: Existing law vests within the Division of Juvenile Justice all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the former Youth Authority. The Division of Juvenile Justice consists of the Division of Juvenile Facilities, the Division of Juvenile Programs, and the Division of Juvenile Parole Operations under the Chief Deputy of Juvenile Justice. This bill would require the Division of Juvenile Justice to have as a performance objective, the reduction of the average length of stay and a reduction of net time added to all ward parole consideration dates for disciplinary reasons. The bill would require the division to make specified reports to the Legislature with regard to that objective. This bill contains other existing laws.

Governor's Veto Message: I am returning Senate Bill 1373 without my signature. While the objectives contained in this bill will measure a change in the system, the objectives by themselves do not necessarily indicate that the State is providing wards with better services. Rather than increasing reporting requirements and placing random performance objectives in statute, the State should instead focus on improving the treatment, education and rehabilitation of the wards entrusted to its care so that they can return to their families and our communities as healthy, productive citizens. For this reason I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

SB 1471

Author: Kuehl
Title: Sex Education Programs: Requirements
Status: 9/29/06 Vetoed by the Governor

Summary: Existing law establishes requirements for the provision of sex education. This bill would enact the California Community Sexual Health Education Act, which would require any program that provides education to prevent adolescent or unintended pregnancy or to prevent sexually transmitted infections and that is conducted, operated, or administered by the state or any state agency, or is funded directly or indirectly by the state, or receives any financial assistance from state funds or funds administered by the state, including, but not limited to, public schools, to meet specified requirements. This bill contains other existing laws.

Governor's Veto Message: California has been a national leader in reducing the rate of teen pregnancy by implementing a multi-faceted sex education and pregnancy prevention program that includes mentoring, youth development, and the use of various sex education curriculums. I believe a key strength of California's program has been its ability to support organizations to design and implement programs that meet the needs of their local community. I am unable to support Senate Bill 1471 because it imposes new restrictions on California's community-based pregnancy prevention programs and their funding, thereby encroaching on local decision making. Sincerely, Arnold Schwarzenegger

SB 1521

Author: Romero
Title: Prison: Media Access
Status: 9/30/06 Vetoed by the Governor

Summary: Existing law grants certain rights to inmates in state prisons. Existing regulation allows media representatives access to state prisons with prior approval, and allows random interviews with inmates. This bill would require the Department of Corrections and Rehabilitation, upon reasonable notice, to permit representatives of the news media to interview prisoners in person, as specified. The bill would forbid retaliation against an inmate for participating in a visit by, or communicating with, a representative of the news media.

Governor's Veto Message: Last year I vetoed a similar measure because it would have allowed the media to glamorize murderers and thereby once again traumatize crime victims and their families. I am vetoing this bill for the same reason. I believe California must provide greater access to our prisons through the media, especially now as we address problems with overcrowding, medical care and high recidivism rates. There are portions of this bill that would facilitate greater media access and let the sun shine in; however I do not believe violent criminals should be able to traumatize their victims a second time by having unfettered access to the media. Therefore, I have directed the California Department of Corrections and Rehabilitation to immediately issue new regulations to implement the provisions of this bill to allow media access, but limit media access to specific violent criminals in order to protect crime victims and their families. Sincerely, Arnold Schwarzenegger

SB 1589

Author: Romero
Title: Division of Juvenile Justice: Specialized Programs
Status: 9/29/06 Vetoed by the Governor

Summary: The Division of Juvenile Justice is vested with all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the former Youth Authority. The Division of Juvenile Justice consists of the Division of Juvenile Facilities, the Division of Juvenile Programs, and the Division of Juvenile Parole Operations under the Chief Deputy of Juvenile Justice, each headed by a chief who is appointed by the Governor and subject to Senate confirmation. This bill would require the Division of Juvenile Justice to explore options to provide specialized programs outside of division facilities for female juvenile offenders, taking into account availability and the protection of the public. The bill would also require the division to provide programs either in division facilities or in secure facilities operated under the supervision of the division, as specified. The bill would further require the division to ensure that the requirements of the division's Safety and Welfare Remedial Plan, any subsequent remedial plan, or any subsequent legislative plan are met by outside contracting entities, if any, and would also require legislative approval for the transfer of the Ventura Youth Correctional Facility to the Division of Adult Institutions, if contemplated.

Governor's Veto Message: I am returning Senate Bill 1589 without my signature. In 2004, during the first year of my Administration, the State entered into a historic settlement agreement in the Farrell v. Hickman lawsuit. Since that time, the California Department of Corrections and Rehabilitation (CDCR), through the Division of Juvenile Justice (DJJ), has submitted several remedial plans to the court in order to address the long-standing deficiencies of that system. I appreciate the author's passion about this specific area of government and her interest in exploring reforms. However, as part of the Safety and Welfare Remedial Plan, which has already been submitted to the court, the DJJ is currently working on the development and implementation of gender-specific services, including the contracting provisions for female offenders included in this measure. As a result, this bill is unnecessary and would do nothing more than encourage the DJJ to conduct activities that they are already performing. I continue to believe that we can work together with all stakeholders to improve the juvenile system without duplicating existing efforts or removing flexibility in the ongoing settlement. I have consistently included significant resources in my proposed annual budget to allow the department to move forward with reforms. In the future, I look forward to continuing this work with the Legislature in order to forge a better system that will improve the lives of juveniles committed to our care. For these reasons I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

SB 1616

Author: Kuehl

Title: Juveniles: Incarceration: Medi-Cal: SSI: SSDI

Status: 9/29/06 Vetoed by the Governor

Summary: Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. The bill would require the Department of Corrections and Rehabilitation, Division of Juvenile Justice, to identify any ward with a disability who is likely to be eligible for the Medi-Cal program upon release, and ensure that he or she files an application for Medi-Cal within a specified period prior to his or her release. The bill would also require the division to notify the county welfare department of the county where the ward is likely to be released of each ward with a disability who is determined by the division to be likely to be eligible for Medi-Cal benefits upon release from incarceration, and would require the county welfare department to review the application to determine eligibility. These provisions would not apply if the ward is legally entitled to withhold consent, and does so, or if the parent or guardian of the ward opts out of the eligibility determination. The bill would require the division to ensure that each ward with a disability who has been determined to be eligible, or likely to be eligible, for Medi-Cal benefits upon release of incarceration, possesses a Medi-Cal eligibility document at the time of his or her release. This bill contains other related provisions and other existing laws.

Governor's Veto Message: I am returning Senate Bill 1616 without my signature. While I share the author's goal of ensuring youth receive health services and other assistance for which they are eligible when they are released from custody, I am unable to sign Senate Bill 1616 as it may result

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in costly, duplicative administrative activities, and as crafted, it likely cannot be properly implemented. Consistent with our shared goal, I signed Senate Bill 1469 to improve coordination between county facilities and county welfare departments and ensure youth have access to health coverage. While Senate Bill 1616 attempts to perform a similar process as Senate Bill 1469 for youth released from state facilities, as crafted it would require significant increases in duplicative administrative and training activities, and is dependent upon federal funds which are unlikely to materialize. I am also directing the Department of Corrections and Rehabilitation and the Health and Human Services Agency to work to encourage the author, counties and other stakeholders to develop effective strategies to ensure youth with disabilities can access cash assistance, health coverage and other services for which they are eligible upon their release. For these reasons, I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

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