

California Department of Corrections and Rehabilitation
Office of Legislation

2014 Legislative Digest



November 2014

STATE OF CALIFORNIA

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Governor

California Department of Corrections and Rehabilitation

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INTRODUCTION

This Legislative Digest is composed of bills that were chaptered or vetoed during the second half of the 2013/2014 Legislative Session 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 <http://leginfo.legislature.ca.gov>.

The chaptered bills become effective January 1, 2015, 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.

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AB 579

AUTHOR: Melendez
TITLE: Mandatory supervision
STATUS: 4/28/14-Chaptered by the Secretary of State, Chapter 12, Statutes of 2014

SUMMARY: Current law authorizes a court, when sentencing a person to county jail for a felony, to commit the person to county jail for either the full term in custody, as specified, or to suspend the execution of a concluding portion of the term selected at the court's discretion. Under current law, this period of suspended execution is supervised by the county probation officer and is known as mandatory supervision. This bill specifies that mandatory supervision begins upon release from custody. This bill contains other related provisions.

AB 928

AUTHOR: Olsen
TITLE: Personal information: privacy
STATUS: 9/30/14-Chaptered by the Secretary of State, Chapter 851, Statutes of 2014

SUMMARY: This bill requires each department and agency to conspicuously post, as defined, its privacy policy on its Internet Web site. The bill also makes related nonsubstantive changes.

AB 966

AUTHOR: Bonta
TITLE: Prisoner Protections for Family and Community Health Act
STATUS: 9/26/14-Chaptered by the Secretary of State, Chapter 587, Statutes of 2014

SUMMARY: This bill requires the California Department of Corrections and Rehabilitation to develop a five-year plan to extend the availability of condoms in all California prisons.

AB 1035

AUTHOR: Perez, John A.
TITLE: Workers' compensation: firefighters and peace officers
STATUS: 5/13/14-Chaptered by the Secretary of State, Chapter 15, Statutes of 2014

SUMMARY: This bill extends, only until January 1, 2019, the time period to commence proceedings to collect death benefits, if the proceedings are brought by, or on behalf of, a person who was a dependent on the date of death, from 240 weeks from the date of injury to no later than 420 weeks from the date of injury, not to exceed one year after the date of death. This provision only applies to a specified injury causing death, including cancer, tuberculosis, or a blood borne infectious disease or methicillin-resistant Staphylococcus aureus skin infections, and would apply only to specified deceased members, including peace officers and active firefighting members.

AB 1276

AUTHOR: Bloom
TITLE: Youth offenders: security placement
STATUS: 9/26/14-Chaptered by the Secretary of State, Chapter 590, Statutes of 2014

SUMMARY: This bill requires the California Department of Corrections and Rehabilitation to conduct a youth offender Institutional Classification Committee review at reception to provide special classification consideration for every youth offender.

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AB 1438

AUTHOR: Linder

TITLE: Sex offenders: certificates of rehabilitation

STATUS: 8/25/14-Chaptered by the Secretary of State, Chapter 280, Statutes of 2014

SUMMARY: This bill makes the provisions for obtaining a certificate of rehabilitation inapplicable to a person who is convicted of engaging in sexual intercourse, sodomy, oral copulation, or sexual penetration with a child who is 10 years of age or younger and would provide that such a person who has obtained a certificate of rehabilitation is not relieved of his or her duty to register as a sex offender. The bill also makes the provisions for obtaining a certificate of rehabilitation inapplicable to a person who is convicted of aggravated sexual assault of a child. This bill contains other related provisions and other existing laws.

AB 1443

AUTHOR: Skinner

TITLE: Harassment: unpaid interns

STATUS: 9/9/14-Chaptered by the Secretary of State, Chapter 302, Statutes of 2014

SUMMARY: This bill expands discrimination and harassment protections under the Fair Employment and Housing Act to include an unpaid internship or another limited duration program that provides unpaid experience for that person.

AB 1468

AUTHOR: Committee on Budget

TITLE: Public Safety

STATUS: 6/20/14-Chaptered by the Secretary of State, Chapter 26, Statutes of 2014

SUMMARY: This bill implements several statutory changes related to public safety necessary to enact the Budget Act of 2014.

AB 1512

AUTHOR: Stone

TITLE: Corrections: inmate transfers

STATUS: 6/23/14-Chaptered by the Secretary of State, Chapter 44, Statutes of 2014

SUMMARY: This bill extends the sunset date on provisions of law that allow a county, where adequate facilities are not available for prisoners in its adult detention facilities, to enter into agreements with one or more counties that have adequate facilities to transfer inmates to those facilities.

AB 1607

AUTHOR: Fox

TITLE: Sexually violent predators

STATUS: 9/30/14-Chaptered by the Secretary of State, Chapter 877, Statutes of 2014

SUMMARY: This bill provides that the designated attorney for the county of domicile of a conditionally released sexually violent predator patient – the county to which the person will be released – shall be determined by a newly defined process involving the court, the county of commitment, and each county that could be determined to be the county of domicile.

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AB 1629

AUTHOR: Bonta

TITLE: Crime victims: compensation: reimbursement of violence peer counseling expenses

STATUS: 9/25/14-Chaptered by the Secretary of State, Chapter 535, Statutes of 2014

SUMMARY: This bill requires the California Victim Compensation and Government Claims Board to reimburse a crime victim or derivative victim for outpatient violence-peer-counseling expenses incurred.

AB 1660

AUTHOR: Alejo

TITLE: Driver's licenses: nondiscrimination

STATUS: 9/19/14-Chaptered by the Secretary of State, Chapter 452, Statutes of 2014

SUMMARY: This bill makes it a violation of the California Fair Housing and Employment Act (FEHA) for an employer or other covered entity to discriminate against an individual because he or she holds or presents a specified driver's license or requires a person to present a driver's license, except as specified, and makes conforming changes to FEHA. This bill prohibits a governmental authority or its agent, from discriminating against an individual because he or she holds or presents a specified license. This bill makes the prohibition against using a driver's license issued under provisions of this bill as a basis for an investigation, arrest, or detention apply to citations and also applies regardless of whether the investigation, arrest, citation, or detention is criminal. This bill prohibits the Department of Motor Vehicles from disclosing to the public the information it obtains regarding the ineligibility of an applicant for a social security number as it is not a public record. The bill also makes driver's license information obtained by an employer exempt from disclosure under the California Public Records Act.

AB 1702

AUTHOR: Maienschein

TITLE: Professions and vocations: incarceration

STATUS: 9/18/14-Chaptered by the Secretary of State, Chapter 410, Statutes of 2014

SUMMARY: This bill specifies that an individual who has satisfied the requirements for licensure while incarcerated and who applies for licensure after being released from incarceration shall not have his/her application delayed or denied solely on the basis that some or all of the requirements were completed while the individual was incarcerated; and exempts the Board of Chiropractic Examiners (BCE) from these requirements.

AB 1711

AUTHOR: Cooley

TITLE: Administrative Procedures Act: economic impact assessment

STATUS: 9/29/14-Chaptered by the Secretary of State, Chapter 779, Statutes of 2014

SUMMARY: Current law requires every state agency subject to the Administrative Procedure Act to provide an initial statement of reasons for proposing the adoption, amendment, or repeal of a regulation. The act requires the initial statement of reasons to include a standardized regulatory impact analysis prepared by each agency that proposes to adopt, amend, or repeal any major regulation, as defined, on or after November 1, 2013. The bill requires an economic impact assessment to be included in the initial statement of reasons. This bill contains other related provisions and other existing laws.

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AB 1837

AUTHOR: Atkins

TITLE: Board of State and Community Corrections

STATUS: 9/29/14-Chaptered by the Secretary of State, Chapter 802, Statutes of 2014

SUMMARY: This bill establishes the Social Innovation Financing Program, administered by the Board of State and Community Corrections, which will provide grants to three counties for the purpose of utilizing pay-for-success contracts to reduce recidivism.

AB 1850

AUTHOR: Waldron

TITLE: Restraining orders

STATUS: 9/27/14-Chaptered by the Secretary of State, Chapter 673, Statutes of 2014

SUMMARY: This bill provides that a minor who is not a victim of an act of domestic violence, but was physically present at the time of the act, is deemed to have suffered harm for the purpose of using a protective order in a pending criminal case, as specified.

AB 1920

AUTHOR: Campos

TITLE: Board of State and Community Corrections

STATUS: 9/26/14-Chaptered by the Secretary of State, Chapter 601, Statutes of 2014

SUMMARY: This bill specifies that the Board of State and Community Corrections must include training and employment opportunities within the services to be delivered through regional partnerships and grant funds, and includes at-risk youth in the target population that would receive those services.

AB 2060

AUTHOR: Perez, V. Manuel

TITLE: Supervised Population Workforce Training Grant Program

STATUS: 9/17/14-Chaptered by the Secretary of State, Chapter 383, Statutes of 2014

SUMMARY: This bill, until January 1, 2021, establishes the Supervised Population Workforce Training Grant Program to be administered, as provided, by the California Workforce Investment Board and funded, upon appropriation by the Legislature. The bill provides grant program eligibility criteria for counties and that eligible uses for grant funds include, but are not limited to, vocational training, stipends for trainees, and apprenticeship opportunities for the supervised population, which would include individuals on probation, mandatory supervision, and postrelease community supervision. By January 1, 2018, the board is required to submit a report to the Legislature containing specified information, including an evaluation of the effectiveness of the grant program. This bill contains other existing laws.

AB 2121

AUTHOR: Gray

TITLE: Sex offenders: parole: disabling monitoring device

STATUS: 9/26/14-Chaptered by the Secretary of State, Chapter 603, Statutes of 2014

SUMMARY: This bill expands the prohibitions placed on a parolee who is required to register as a sex offender, and has a Global Positioning System (GPS) device affixed as part of their parole supervision, from removing, disabling, or permitting another person to remove or disable that device. This bill prohibits

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rendering that device inoperable or knowingly circumventing its operation. This bill additionally requires those parolees to report to their parole officer within one working day of their release from custody in order to have a GPS device affixed, and mandate that such a violation will result in revocation of the person's parole and require that he or she be incarcerated in the county jail for a period of 180 days, unless the parole authority finds that in the interests of justice, such a penalty is not appropriate.

AB 2174

AUTHOR: Committee on Accountability and Administrative Review

TITLE: State property: surplus

STATUS: 9/15/14-Chaptered by the Secretary of State, Chapter 337, Statutes of 2014

SUMMARY: This bill authorizes the Director of the Department of General Services to dispose of seven surplus state properties. Specific to the California Department of Corrections and Rehabilitation, this bill contains a facility formerly used by the Department as the Fresno Female Offender Program in Fresno, California.

AB 2195

AUTHOR: Achadjian

TITLE: Juveniles: truancy

STATUS: 9/30/14-Chaptered by the Secretary of State, Chapter 898, Statutes of 2014

SUMMARY: This bill authorizes a juvenile hearing officer to hear cases in which a minor is alleged to come within the jurisdiction of the juvenile court on the basis of having four or more truantries, as defined, within one school year.

AB 2199

AUTHOR: Muratsuchi

TITLE: Mandatory supervision: costs

STATUS: 9/19/14-Chaptered by the Secretary of State, Chapter 468, Statutes of 2014

SUMMARY: This bill authorizes county probation departments to charge a defendant for all, or a portion of, the reasonable cost of mandatory supervision, subject to the defendant's ability to pay. By extending the application of supervision fees to mandatory supervision sentences, this bill authorizes a county probation officer to determine a defendant's ability to pay all or a portion of the reasonable cost of mandatory supervision. Under this measure, the defendant is entitled to counsel and a hearing to determine his or her ability to pay, as well as set payment amounts.

AB 2243

AUTHOR: Weber

TITLE: Elections: voting rights guide: incarcerated persons

STATUS: 9/30/14-Chaptered by the Secretary of State, Chapter 899, Statutes of 2014

SUMMARY: This bill requires the California Department of Corrections and Rehabilitation (CDR) to either establish and maintain on the Department's website a hyperlink to the Internet website at which the Secretary of State's voting rights guide for incarcerated persons may be found or post in each parole office a notice that contains the Internet website address for the guide.

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AB 2263

AUTHOR: Bradford

TITLE: Veterans' service advocate: correctional facilities

STATUS: 9/27/14-Chaptered by the Secretary of State, Chapter 652, Statutes of 2014

SUMMARY: This bill authorizes a veterans service organization to volunteer to serve as a veterans service advocate at each facility under the jurisdiction of the California Department of Corrections and Rehabilitation to assist veteran inmates with securing specified benefits upon their release.

AB 2308

AUTHOR: Stone

TITLE: Prisoners: identification cards

STATUS: 9/26/14-Chaptered by the Secretary of State, Chapter 607, Statutes of 2014

SUMMARY: This bill requires the California Department of Corrections and Rehabilitation and the Department of Motor Vehicles to ensure that all eligible inmates released from state prisons have valid identification cards.

AB 2309

AUTHOR: Brown

TITLE: Controlled substances: possession: deferred entry of judgment

STATUS: 9/19/14-Chaptered by the Secretary of State, Chapter 471, Statutes of 2014

SUMMARY: This bill provides that persons in unauthorized possession of specified prescription drugs, benzodiazepine anti-anxiety drugs, weight-control stimulants, pain management and attention deficit control drugs, are eligible for deferred entry of judgment or diversion and dismissal of the charges upon completion of a rehabilitation program.

AB 2357

AUTHOR: Skinner

TITLE: Parole: consideration of an inmate's military service

STATUS: 7/23/14-Chaptered by the Secretary of State, Chapter 184, Statutes of 2014

SUMMARY: This bill requires the California Department of Corrections and Rehabilitation to include data regarding an inmate's service in the United States military in its mandatory assessment of all inmates.

AB 2411

AUTHOR: Bonta

TITLE: Probation and parole

STATUS: 9/26/14-Chaptered by the Secretary of State, Chapter 611, Statutes of 2014

SUMMARY: This bill provides that participation in the sex offender management program is required by every probationer and parolee convicted of a crime requiring registration as a sex offender regardless of when the person's crime or crimes were committed.

AB 2499

AUTHOR: Bonilla

TITLE: Offenders: home detention programs

STATUS: 9/26/14-Chaptered by the Secretary of State, Chapter 612, Statutes of 2014

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SUMMARY: This bill provides that unless otherwise ordered by the court, mandatory supervision would commence upon release from physical custody or an alternative custody program, whichever is later. This bill contains other related provisions and other existing laws.

AB 2501

AUTHOR: Bonilla

TITLE: Voluntary manslaughter

STATUS: 9/27/14-Chaptered by the Secretary of State, Chapter 684, Statutes of 2014

SUMMARY: Current law defines voluntary manslaughter as the unlawful killing of a human being without malice upon a sudden quarrel or heat of passion. The crime of voluntary manslaughter is punishable by imprisonment in state prison for 3, 6, or 11 years. This bill states that for purposes of determining sudden quarrel or heat of passion, the provocation was not objectively reasonable if it resulted from the discovery of, knowledge about, or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression, or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance towards the defendant, or if the defendant and victim dated or had a romantic or sexual relationship. This bill contains other related provisions and other existing laws.

AB 2506

AUTHOR: Salas

TITLE: Peace officers

STATUS: 9/29/14-Chaptered by the Secretary of State, Chapter 820, Statutes of 2014

SUMMARY: This bill characterizes medical technical assistant series employees designated by the Secretary of the California Department of Corrections and Rehabilitation or designated by the Secretary and employed by the State Department of State Hospitals as peace officers authorized to carry a firearm while not on duty.

AB 2570

AUTHOR: Skinner

TITLE: Prisons: California Rehabilitation Oversight Board

STATUS: 9/29/14-Chaptered by the Secretary of State, Chapter 822, Statutes of 2014

SUMMARY: This bill requires the California Rehabilitation Oversight Board (C-ROB), commencing January 1, 2015, to examine efforts by the California Department of Corrections and Rehabilitation to assist inmates and parolees in obtaining postrelease health care coverage.

AB 2607

AUTHOR: Skinner

TITLE: Juveniles: detention

STATUS: 9/26/14-Chaptered by the Secretary of State, Chapter 615, Statutes of 2014

SUMMARY: This bill requires that a person be released from juvenile detention upon an out-of-home placement order unless the court determines that a delay in the release from detention is reasonable, as specified, and enumerates specific circumstances where such a delay is not reasonable.

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[AB 2675](#)

AUTHOR: Lowenthal

TITLE: State agency: public contracts

STATUS: 9/26/14-Chaptered by the Secretary of State, Chapter 617, Statutes of 2014

SUMMARY: This bill requires each state agency to ensure that at least 75% of reportable purchases are recycled products on and after January 1, 2020, except for paint, antifreeze, and tires, which would remain at the 50% requirement. This bill contains other related provisions and other existing laws.

[AB 2720](#)

AUTHOR: Ting

TITLE: State agencies: meetings: record of action

STATUS: 9/20/14-Chaptered by the Secretary of State, Chapter 510, Statutes of 2014

SUMMARY: The Bagley-Keene Open Meeting Act requires, with specified exceptions, that all meetings of a state body, as defined, be open and public and all persons be permitted to attend any meeting of a state body. The act defines various terms for its purposes, including "action taken," which means a collective decision made by the members of a state body, a collective commitment or promise by the members of the state body to make a positive or negative decision, or an actual vote by the members of a state body when sitting as a body or entity upon a motion, proposal, resolution, order, or similar action. This bill requires a state body to publicly report any action taken and the vote or abstention on that action of each member present for the action.

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[SB 419](#)

AUTHOR: Block

TITLE: Restitution: collection of fines, fees, and orders

STATUS: 9/20/14-Chaptered by the Secretary of State, Chapter 513, Statutes of 2014

SUMMARY: Current law requires the court to order criminal defendants to pay restitution to the victim or victims as well as a fine. Current law makes any portion of a restitution fine or restitution fee that remains unsatisfied after a defendant is no longer on probation, parole, postrelease community supervision, or mandatory supervision, or after the defendant has completed diversion enforceable by the California Victim Compensation and Government Claims Board, as specified, and authorizes a local collection program to continue to enforce restitution orders once a defendant is no longer on probation, postrelease community supervision, or mandatory supervision. This bill, in addition, makes restitution fines and fees and restitution orders that remain unsatisfied after a person has completed a term in custody in a county jail enforceable by the California Victim Compensation and Government Claims Board and would authorize a local collection program to continue to collect those fines, fees, and orders. This bill contains other related provisions and other existing laws.

[SB 445](#)

AUTHOR: Hill

TITLE: Underground storage tanks: hazardous substances: petroleum: groundwater and surface water contamination

STATUS: 9/25/14-Chaptered by the Secretary of State, Chapter 547, Statutes of 2014

SUMMARY: Current law provides for the regulation of underground storage tanks by the State Water Resources Control Board. Current law requires underground storage tanks that are used to store hazardous substances and that are installed after January 1, 1984, to meet certain requirements, including that the primary containment be product tight and that the tank's secondary containment meet specified standards. However, in lieu of these generally applied requirements, current law authorizes underground storage tanks for motor vehicle fuels installed before January 1, 1997, to be designed and constructed in accordance with alternative requirements. Current law imposes various monitoring, inspection, replacement, and upgrading requirements on underground storage tanks installed on or before January 1, 1984, and used for the storage of hazardous substances. This bill requires the owners or operators of these two types of underground storage tanks to permanently close them by December 31, 2025, and would authorize the board to adopt regulations to require the owner or operator to permanently close such an underground storage tank before December 31, 2025, if the underground storage tank poses a high threat to water quality or public health. This bill contains other related provisions and other existing laws.

[SB 785](#)

AUTHOR: Wolk

TITLE: Design-build

STATUS: 9/30/14-Chaptered by the Secretary of State, Chapter 931, Statutes of 2014

SUMMARY: This bill repeals existing law authorizing the Department of General Services (DGS), the California Department of Corrections and Rehabilitation (CDCR), and specified local agencies to use the design-build (DB) procurement process; and enacts more uniform provisions authorizing DGS, CDCR, and

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most local agencies to utilize the DB procurement process for specified public works projects.

[SB 828](#)

AUTHOR: Lieu

TITLE: Assistance to federal agencies

STATUS: 9/30/14-Chaptered by the Secretary of State, Chapter 861, Statutes of 2014

SUMMARY: This bill prohibits the State of California from helping a federal agency to collect the electronically stored information or metadata of any person if the state has actual knowledge that the request constitutes an illegal or unconstitutional collection of that information.

[SB 833](#)

AUTHOR: Liu

TITLE: Jails: discharge of prisoners

STATUS: 7/7/14-Chaptered by the Secretary of State, Chapter 90, Statutes of 2014

SUMMARY: This bill gives sheriffs the option of creating a program in which those in custody can voluntarily remain in jail for up to an additional 16 hours after their release date or until normal business hours, whichever is shorter, so that they may be discharged to a treatment center or during daytime hours.

[SB 838](#)

AUTHOR: Beall

TITLE: Juveniles: sex offenses

STATUS: 9/30/14-Chaptered by the Secretary of State, Chapter 919, Statutes of 2014

SUMMARY: This bill reduces confidentiality protections and makes ineligible for deferred entry of judgment juveniles who have committed or who are alleged to have committed specified sex crimes involving an unconscious or disabled victim, as specified.

[SB 852](#)

AUTHOR: Leno

TITLE: Budget Act of 2014

STATUS: 6/20/14-Chaptered by the Secretary of State, Chapter 25, Statutes of 2014

SUMMARY: This bill would make appropriations for the support of state government for the 2014-15 fiscal year. This bill contains other related provisions.

[SB 863](#)

AUTHOR: Committee on Budget and Fiscal Review

TITLE: Correctional facilities: construction

STATUS: 6/20/14-Chaptered by the Secretary of State, Chapter 37, Statutes of 2014

SUMMARY: This bill authorizes the California Department of Corrections and Rehabilitation to participate in the financing program with participating counties and the State Public Works Board for the acquisition, design, and construction of adult local criminal justice facilities, to enter into the required agreements, to borrow funds, and to enter into leases, contracts, or other agreements for these purposes, as specified. This bill contains other related provisions and other existing laws.

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[SB 875](#)

AUTHOR: Committee on Budget and Fiscal Review

TITLE: Public safety

STATUS: 9/27/14-Chaptered by the Secretary of State, Chapter 686, Statutes of 2014

SUMMARY: This bill authorizes the California Department of Corrections and Rehabilitation to, in specified situations, notify various local individuals and victims of a parole suitability hearing being set via regular United States mail rather than certified mail with return receipt requested. This bill also appropriates \$5 million from the Recidivism Reduction Fund to the Board of State and Community Corrections for the establishment of a social innovation financing program for counties, as specified.

[SB 877](#)

AUTHOR: Committee on Budget and Fiscal Review

TITLE: Correctional facilities: construction

STATUS: 9/27/14-Chaptered by the Secretary of State, Chapter 688, Statutes of 2014

SUMMARY: This bill addresses chaptering issues with Chapter 37, Statutes of 2014 (SB 863) and Chapter 26, Statutes of 2014 (AB 1468). Specifically, this bill repeals duplicative language to clarify that the total amount available for construction of adult local criminal justice facilities is \$500 million.

[SB 879](#)

AUTHOR: Committee on Budget and Fiscal Review

TITLE: State employees: memoranda of understanding

STATUS: 9/27/14-Chaptered by the Secretary of State, Chapter 690, Statutes of 2014

SUMMARY: This bill approves provisions of memoranda of understanding entered into between the state employer and State Bargaining Unit 2, the California Attorneys, Administrative Law Judges, and Hearing Officers in State Employment, on August 14, 2014, State Bargaining Unit 10, the California Association of Professional Scientists, on August 12, 2014, and State Bargaining Unit 13, the International Union of Operating Engineers, Stationary Engineers, on August 21, 2014. This bill contains other related provisions and other existing laws.

[SB 898](#)

AUTHOR: Cannella

TITLE: State government: state funds

STATUS: 9/17/14-Chaptered by the Secretary of State, Chapter 393, Statutes of 2014

SUMMARY: This bill requires each state agency, department and entity to provide the State Treasurer's office with its employer identification number to be used to monitor state money deposited outside the centralized State Treasury System; and requires a bank or financial institution to provide the State Treasurer's Office with specified account information related to employer identification numbers.

[SB 905](#)

AUTHOR: Knight

TITLE: Assault: force likely to produce great bodily injury

STATUS: 6/25/14-Chaptered by the Secretary of State, Chapter 51, Statutes of 2014

SUMMARY: Current law provides that, except as specified, every person confined in the state prison who

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commits an assault upon the person of another with a deadly weapon or instrument, or by any means of force likely to produce bodily injury, shall be guilty of a felony and punished by imprisonment in the state prison for 2, 4, or 6 years. This bill makes technical, nonsubstantive changes to these provisions.

SB 912

AUTHOR: Mitchell
TITLE: State property: vending machines
STATUS: 9/25/14-Chaptered by the Secretary of State, Chapter 571, Statutes of 2014

SUMMARY: This bill repeals the 2015 sunset date for existing law requiring operators of vending machines on state property to offer at least 35% of food, and approximately 66% of beverages, in a vending machine to meet accepted nutritional guidelines and other nutritional standards, as specified, and makes other technical or nonsubstantive changes.

SB 926

AUTHOR: Beall
TITLE: Crimes: statute of limitation: felony sex crimes
STATUS: 9/30/14-Chaptered by the Secretary of State, Chapter 921, Statutes of 2014

SUMMARY: This bill extends the statute of limitation for crimes of childhood sexual abuse from a victim's 28th birthday until the victim's 40th birthday.

SB 930

AUTHOR: Berryhill
TITLE: Arson
STATUS: 9/19/14-Chaptered by the Secretary of State, Chapter 481, Statutes of 2014

SUMMARY: This bill extends the January 1, 2014 sunset on the state's aggravated arson damage threshold to January 1, 2019, and increases the threshold amount of property damage required from \$6.5 million to \$7 million.

SB 950

AUTHOR: Torres
TITLE: Bribery: statute of limitations: tolling
STATUS: 8/15/14-Chaptered by the Secretary of State, Chapter 191, Statutes of 2014

SUMMARY: Current law establishes limitations on the time for commencing criminal actions, with certain exceptions. Under current law the limitation of time prescribed for certain specified crimes, including the acceptance of a bribe by a public official or public employee, does not commence to run until the discovery of the offense. This bill additionally tolls the limitation on the time for commencing an action for the crime of asking, receiving, or agreeing to receive a bribe by a public official or a public employee. The bill likewise tolls the limitation on the time for commencing criminal actions until the discovery of an offense of giving or offering a bribe to a public official or a public employee.

SB 952

AUTHOR: Torres
TITLE: Prohibited financial interests: aiding and abetting
STATUS: 9/19/14-Chaptered by the Secretary of State, Chapter 483, Statutes of 2014

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SUMMARY: This bill prohibits an individual from aiding or abetting a public officer or person in violating the law prohibiting financial conflicts of interest, and extends the penalties under existing law to apply to the individual who willfully aids or abets, as specified.

SB 980

AUTHOR: Lieu

TITLE: Prisoners: DNA testing

STATUS: 9/25/14-Chaptered by the Secretary of State, Chapter 554, Statutes of 2014

SUMMARY: This bill revises the process for obtaining a court order authorizing post-conviction forensic deoxyribonucleic acid (DNA) testing.

SB 1010

AUTHOR: Mitchell

TITLE: Cocaine base: penalties

STATUS: 9/28/14-Chaptered by the Secretary of State, Chapter 749, Statutes of 2014

SUMMARY: This bill reduces the penalty for possession for sale of cocaine base to be the same as that for powder cocaine; and revises the guidelines for probation eligibility for both the possession for sale of powder cocaine and cocaine base, as specified.

SB 1015

AUTHOR: Galgiani

TITLE: Inmates

STATUS: 8/15/14-Chaptered by the Secretary of State, Chapter 193, Statutes of 2014

SUMMARY: This bill repeals the January 1, 2015 sunset date on provisions of law that authorize the Secretary of the California Department of Corrections and Rehabilitation (CDCR) to temporarily remove an inmate from prison or any other CDCR institution for the purpose of permitting the inmate to assist with the gathering of evidence related to crimes.

SB 1054

AUTHOR: Steinberg

TITLE: Mentally ill offender crime reduction grants

STATUS: 9/18/14-Chaptered by the Secretary of State, Chapter 436, Statutes of 2014

SUMMARY: This bill extends a recommendations plan deadline for the California Juvenile Justice Data Working Group and makes changes to the Mentally Ill Offender Crime Reduction grant program.

SB 1063

AUTHOR: Block

TITLE: Voter registration: juvenile detention facilities

STATUS: 9/26/14-Chaptered by the Secretary of State, Chapter 624, Statutes of 2014

SUMMARY: Under current law, a person is entitled to register to vote if he or she is a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, and will be at least 18 years of age at the time of the next election. This bill requires state and local juvenile detention facilities to identify individuals housed in those facilities who are of age to register to vote and not in prison

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or on parole for the conviction of a felony, to provide affidavits of registration to eligible voters, to assist those individuals with the completion of the affidavits of registration, and to assist individuals in returning the completed cards to the county elections official or to transmit completed voter registration cards to the county elections official. This bill contains other related provisions and other existing laws.

SB 1074

AUTHOR: Knight

TITLE: State government: state funds

STATUS: 8/21/14-Chaptered by the Secretary of State, Chapter 221, Statutes of 2014

SUMMARY: This bill makes it a misdemeanor for a state employee to knowingly transfer or use state money outside of the State Treasury System, except as authorized by statute. This bill contains other related provisions and other existing laws.

SB 1135

AUTHOR: Jackson

TITLE: Inmates: sterilization

STATUS: 9/25/14-Chaptered by the Secretary of State, Chapter 558, Statutes of 2014

SUMMARY: This bill prohibits sterilization for the purpose of birth control of an individual under the control of the California Department of Corrections and Rehabilitation (CDCR). This bill also requires CDCR to publish data on its Internet website related to the number of sterilizations performed, as specified.

SB 1141

AUTHOR: Hancock

TITLE: Unemployment insurance: use of information

STATUS: 9/28/14-Chaptered by the Secretary of State, Chapter 751, Statutes of 2014

SUMMARY: This bill requires the Director of Employment Development to permit the use of any information in his or her possession to enable the California Department of Corrections and Rehabilitation (CDCR) to obtain quarterly wage data of former inmates who have been incarcerated within the prison system in order to assess the impact of rehabilitation services or the lack of these services on the employment and earnings of these former inmates. By requiring this information to be provided to CDCR for these purposes, this bill expands the crime of unauthorized access, use, or disclosure of this information, and would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

SB 1197

AUTHOR: Pavley

TITLE: Restitution: collection by counties

STATUS: 9/20/14-Chaptered by the Secretary of State, Chapter 517, Statutes of 2014

SUMMARY: This bill authorizes counties to collect restitution orders and restitution fines from persons on post release community supervision after the custody portion of a split felony jail term, as specified.

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[SB 1240](#)

AUTHOR: Anderson

TITLE: State civil service: employment procedures

STATUS: 8/22/14-Chaptered by the Secretary of State, Chapter 254, Statutes of 2014

SUMMARY: This bill requires employment forms used by a state agency to require a person applying for employment to disclose whether the person has entered into an agreement with the state regarding any previous employment with the state and that agreement prohibits that person from seeking or accepting any subsequent employment with the state.

[SB 1391](#)

AUTHOR: Hancock

TITLE: Community colleges: inmate education programs: computation of apportionment

STATUS: 9/27/14-Chaptered by the Secretary of State, Chapter 695, Statutes of 2014

SUMMARY: This bill allows California community colleges to receive full funding for credit-course instruction offered in state correctional institutions and seeks to expand the offering of such courses.

[SB 1412](#)

AUTHOR: Nielsen

TITLE: Criminal proceedings: mentally incompetent offenders

STATUS: 9/28/14-Chaptered by the Secretary of State, Chapter 759, Statutes of 2014

SUMMARY: This bill applies procedures relative to persons who are incompetent to stand trial to persons who may be mentally incompetent and face revocation or probation, mandatory supervision, postrelease community supervision, or parole.

[SB 1461](#)

AUTHOR: Committee on Public Safety

TITLE: Public Safety

STATUS: 6/25/14-Chaptered by the Secretary of State, Chapter 54, Statutes of 2014

SUMMARY: This bill makes technical and corrective changes, as well as non-controversial substantive changes, to various code sections relating to criminal justice and provides that the Compact Administrator of California's participation in the Interstate Compact for Juveniles is the Secretary of the California Department of Corrections and Rehabilitation, or his or her designee.

Vetoed Bills

[AB 1503](#)

AUTHOR: Gaines, Beth
TITLE: Department of General Services
STATUS: 7/21/14-Vetoed by the Governor.

SUMMARY: This bill would require the Department of General Services, with the consent of the California Department of Corrections and Rehabilitation, to lease vacant real property on the grounds of California State Prison at Folsom to the Old Guard Foundation, Inc., or a similar and related nonprofit entity, for the construction and operation of a peace officers' memorial and museum facility. The bill would require, among other things, that the lease not exceed a 50-year term. The bill would provide that the construction and operation of the memorial and museum facility by the lessee pursuant to the lease are solely the responsibility of the lessee.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 1503 without my signature. This bill would require the state to enter into a long-term lease with a specific non-profit organization for the construction and operation of a museum on the property of Folsom State Prison. Current law already allows the state to enter into shorter leases without specifying the lessee. Rather than forcing the state to allow a little-known, non-governmental entity to use public property for up to 50 years, I would prefer that supporters pursue the existing authority provided in statute. Sincerely, Edmund G. Brown Jr.

[AB 1574](#)

AUTHOR: Pan
TITLE: Personal services contracts: prohibitions
STATUS: 9/30/14-Vetoed by the Governor.

SUMMARY: This bill would prohibit a state agency from entering into a personal services contract with specified provisions, including a contract that guarantees payment for services not provided. This bill contains other existing laws.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 1574 without my signature. Existing law appropriately limits the use of personal services contracts and provides safeguards against the misuse of public funds. The additional prohibitions in this bill would not address an identified problem, would limit the state's ability to make advance payments to community-based nonprofit groups, and could invite litigation challenging the validity of existing public contracts. The bill also limits the ability of the Department of Corrections and Rehabilitation to contract for residential and treatment programs and meet court-ordered population caps and other legal mandates. Sincerely, Edmund G. Brown Jr.

[AB 1575](#)

AUTHOR: Pan
TITLE: Personal services contracts: reports and termination of contracts
STATUS: 9/30/14-Vetoed by the Governor.

SUMMARY: This bill would require personal services contracts to include specific performance criteria and cost parameters, require reports by the contractor, and provide for cancellation by the state contracting agency if the contractor fails to comply with contract requirements or the law, as specified. This bill contains other existing laws.

Vetoed Bills

GOVERNOR'S MESSAGE: I am returning Assembly Bill 1575 without my signature. This bill requires contractors to file certain performance reports every three months for the life of the contract. Current law already gives state agencies the discretion to require any reports they deem necessary for personal services contracts. I don't believe we should mandate additional paperwork without a clear benefit, which I don't find to be the case here. Sincerely, Edmund G. Brown Jr.

[AB 2035](#)

AUTHOR: Chesbro
TITLE: Sexually exploited and trafficked minors
STATUS: 9/29/14-Vetoed by the Governor.

SUMMARY: This bill would specifically make legislative findings and declarations, until January 1, 2017, that a minor is within the jurisdiction of the juvenile court and a dependent child of the court if the minor is a victim of human trafficking, and the parent or guardian failed or was unable to protect the child. This bill contains other related provisions and other existing laws.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 2035 without my signature. Efforts have just gotten underway with the passage of this year's budget to combat the commercial sexual exploitation of children, who are also victims of human trafficking. Much discussion and collaboration took place in developing the blueprint intended to aid these young boys and girls. In fact, the budget provides a growing proportion of funds for planning, prevention and intervention activities. This bill, however, is premature. More investigation and discussion needs to take place before local authorities are in a solid position to curb the tragedy of young people who are forced to work under illegal and unacceptable conditions. I am directing the Department of Social Services to assemble relevant parties to explore all avenues that can be pursued to alleviate this suffering. Sincerely, Edmund G. Brown Jr.

[AB 2155](#)

AUTHOR: Ridley-Thomas
TITLE: Nurses and certified nurse assistants: overtime
STATUS: 9/30/14-Vetoed by the Governor.

SUMMARY: This bill would, commencing January 1, 2016, prohibit a nurse, defined as a registered nurse or a licensed vocational nurse, or a certified nursing assistant (CNA), employed by the State of California in a state facility, as defined, from being compelled to work in excess of the regularly scheduled workweek or work shift, except under certain circumstances, including the occurrence of a catastrophic event in a state facility. This bill would prohibit a state facility from discriminating, dismissing, discharging, or making an employment decision adverse to the nurse or CNA for his or her refusal to accept those additional hours, and would specify that a refusal to accept those additional hours does not constitute patient abandonment or neglect, as specified. The bill would require management and supervisors to consider employees in a specified order of priority in order to fulfill the additional staffing needs of a facility. This bill would enact other related provisions. This bill contains other related provisions.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 2155 without my signature. This bill would prohibit mandatory overtime for nurses in state facilities. This measure covers matters more appropriately settled through the collective bargaining process. Sincerely, Edmund G. Brown Jr.

Vetoed Bills

AB 2520

AUTHOR: Maienschein
TITLE: Parole: primary mental clinicians
STATUS: 9/30/14-Vetoed by the Governor.

SUMMARY: Current law requires, as a condition of parole, that a prisoner who has a severe mental disorder, as defined, be treated by the State Department of State Hospitals, and requires the State Department of State Hospitals to provide the necessary treatment. Current law authorizes a prisoner to request a hearing before the Board of Parole Hearings for the purpose of proving that the prisoner is subject to that parole condition. Current law also authorizes a prisoner to request that the board appoint two independent professionals for that hearing. This bill would additionally require those independent professionals, at the request of the prisoner, to consult with a prisoner's primary mental health clinician, as defined, and if any, before making a recommendation concerning that prisoner to the board. This bill contains other related provisions and other existing laws.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 2520 without my signature. AB 2520 requires the mental health evaluators appointed by the Board of Parole Hearings to consult directly with a prison inmate's primary mental health treatment clinician when considering parole suitability or mentally disordered offender status. The Board's evaluators have access to the inmate's mental health treatment records and can directly consult with clinicians if needed. Sincerely, Edmund G. Brown Jr.

AB 2612

AUTHOR: Dababneh
TITLE: Medi-Cal
STATUS: 9/16/14-Vetoed by the Governor.

SUMMARY: Current law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Current federal law prohibits federal financial participation for care or services provided to inmates of a public institution. This bill would require the department, in implementing that program, to request a waiver of federal law to authorize the state to claim federal financial participation for health home services provided to individuals, who are otherwise eligible under the health home program and who are state or county inmates in their last 30 days in custody, by a provider or team of providers, as specified, to ensure coordination of care and reduce gaps in care. This bill contains other existing laws.

GOVERNOR'S MESSAGE: I am returning Assembly Bill 2612 without my signature. The bill would require the Department of Health Care Services to request a federal waiver to claim federal funds for care management and supportive services for state and county inmates during the last 30 days prior to their release. Unfortunately, federal law prohibits such funding and no such waiver is viable. The Department of Health Care Services will continue to work with the Department of Corrections and Rehabilitation and counties to coordinate connections to needed health care services for soon-to-be released inmates. Sincerely, Edmund G. Brown Jr.

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[AB 2723](#)

AUTHOR: Medina
TITLE: Administrative procedure: small businesses
STATUS: 9/29/14-Vetoed by the Governor.

SUMMARY: The Administrative Procedure Act governs the procedures for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. This bill would define "cost impact" to include those direct costs that a representative private person or sole proprietorship, small business, and business necessarily incurs in reasonable compliance with the proposed action. This bill contains other related provisions and other existing laws

GOVERNOR'S MESSAGE: I am returning Assembly Bill 2723 without my signature. This bill would require the economic analysis for major regulations to include a separate assessment of the impact on sole proprietorships and small businesses. I signed legislation in 2011 to require a comprehensive economic analysis of proposed major regulations. The analysis must assess whether, and to what extent, the proposed regulations will affect all California jobs and businesses. Agencies must also identify alternatives that would lessen any adverse impact on small businesses. I am not convinced that an additional layer of specificity based solely on the legal structure of a business would add value to the comprehensive economic analysis already required. Sincerely, Edmund G. Brown Jr.

[SB 388](#)

AUTHOR: Lieu
TITLE: Public safety officers and firefighters: investigations and interrogations
STATUS: 9/29/14-Vetoed by the Governor.

SUMMARY: This bill would provide that if an interrogation focuses on matters that may result in punitive action against a public safety officer or firefighter who is not formally under investigation, but is interviewed regarding the investigation of another public safety officer or firefighter, the public safety officer or firefighter being interviewed is entitled to representation, as specified. This bill contains other related provisions and other existing laws.

GOVERNOR'S MESSAGE: I am returning Senate Bill 388 without my signature. This bill would allow peace officers and firefighters who have witnessed an alleged misconduct incident to have a representative present during questioning if there is a chance that the witness could become the subject of punitive action. The need for this bill is unclear. Under current law, as soon as an employer learns during an interview that the witness is subject to punitive action, questioning must stop until a representative is provided if requested by the employee. If this doesn't happen, any information obtained can be excluded at trial. Sincerely, Edmund G. Brown Jr.

[SB 473](#)

AUTHOR: Block
TITLE: Human trafficking
STATUS: 9/28/14-Vetoed by the Governor.

SUMMARY: This bill would add human trafficking to the list of offenses that may be used to establish a pattern of criminal activity for the purpose of enhancing the sentence of any person who commits a crime

Vetoed Bills

for the benefit of a criminal street gang.

GOVERNOR'S MESSAGE: I am returning Senate Bill 473 without my signature. Under current law, human trafficking convictions impose substantial punishment, up to 20 years for sex trafficking offenses and 15 years-to-life for certain crimes involving children. These sentences are more than three times the punishment that existed two years ago. SB 473 would add yet another set of enhancements, the third in nine years. No evidence has been presented to support these new penalties. Today I have signed AB 1610, AB 1791, SB 955 and SB 1388, bills that will solidly enhance enforcement of human trafficking laws through use of wiretap, ensuring the availability of a victim's testimony at trial and strengthening penalties for certain human trafficking crimes involving minors. Sincerely, Edmund G. Brown Jr.

SB 593

AUTHOR: Lieu
TITLE: Social impact partnerships: pilot program
STATUS: 9/29/14-Vetoed by the Governor.

SUMMARY: This bill would establish the Social Impact Partnership Pilot Program and authorizes the Governor to solicit applications for the establishment of new social impact partnerships (SIPs) with private entities in order to address significant social issues; provides that these partnerships are to be formalized through a pay-for-success contract, which sets the evaluation metrics, quality standards, and timelines; states that if the conditions of the pay-for-success contract are not met, the state pays nothing; requires that the terms and conditions of the pay-for-success contract be submitted to the Legislature as part of the Governor's budget; and prohibits contracts from moving forward until the Legislature has approved the funding.

GOVERNOR'S MESSAGE: I am returning Senate Bill 593 without my signature. This bill would provide the framework to implement a state-level pay-for-success pilot program. This innovative contracting method has merit. For this reason, I have signed AB 1837 which authorizes the Board of State and Community Corrections to provide three counties with grant funding to use the pay-for-success model with programs that reduce recidivism. This bill contains broad authorization and specific contract guidelines. It also requires a pay-for-success contract to be submitted with the proposed budget. The budget is not an appropriate venue for contracts of this nature to be approved. Instead, the contract details should be at the discretion of the department authorized to implement the program. Sincerely, Edmund G. Brown Jr.

SB 975

AUTHOR: Lieu
TITLE: Personal services contacts: legal compliance
STATUS: 9/30/14-Vetoed by the Governor.

SUMMARY: This bill would require every bidder on a state personal services contract to complete, under penalty of perjury, a standardized questionnaire as to whether the bidder has ever violated state law or laws and regulations related to health and safety, labor and employment, or licensing of the contractor's employees, worksite, bid and contract, and if so, to explain the circumstances; and prohibits awarding a contract to a bidder who does not complete the questionnaire.

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GOVERNOR'S MESSAGE: I am returning Senate Bill 975 without my signature. The far-reaching questionnaire proposed by this bill requires contractors to provide detailed information under penalty of perjury. I believe such a questionnaire adds burdens to the bidding process without providing much of a benefit. Sincerely, Edmund G. Brown Jr.

SB 1071

AUTHOR: Beall
TITLE: Bill of Rights for State Excluded Employees
STATUS: 9/29/14-Vetoed by the Governor.

SUMMARY: The Bill of Rights for State Excluded Employees prescribes various rights and terms and conditions of employment for excluded employees, defined as certain supervisory, managerial, and confidential state employees, among other specified employees. This bill contains other related provisions.

GOVERNOR'S MESSAGE: I am returning Senate Bill 1071 without my signature. This bill provides state excluded supervisory employees in a workplace that operates two or more work shifts per day the right to obtain work shifts based on seniority and would limit shift selection to 60% of the positions within the same classification scheduled for a shift. This bill is unnecessary. Several departments that operate multiple shifts and who have deemed it to be in the best interest of the department to provide seniority shift bidding have done so, including one department that applies this practice to supervisory employees. Unfortunately, this bill would circumvent that discretion. I encourage those departments without post and bid in place for excluded employees to meet with supervisors for further discussion. Sincerely, Edmund G. Brown Jr.

SB 1337

AUTHOR: DeSaulnier
TITLE: Reports
STATUS: 8/25/14-Vetoed by the Governor.

SUMMARY: Current 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 require a written report, as defined, submitted by any state agency or department to the Legislature, a Member of the Legislature, or any state legislative or executive body to include a signed statement by the head of the agency or department declaring that the factual contents of the written report are true, accurate, and complete to the best of his or her knowledge. This bill contains other related provisions.

GOVERNOR'S MESSAGE: I am returning Senate Bill 1337 without my signature. Contrary to its stated purpose, this bill creates new bureaucratic verification requirements that would likely impede communication between the Executive Branch and the Legislature. Sincerely, Edmund G. Brown Jr.

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