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**Subject:** Additional Materials for Tomorrow  
**Date:** Wednesday, March 10, 2021 4:12:57 PM  
**Attachments:** [CDAA Leg. Committee Roster 3.10.21.doc](#)  
[Leg Summit 2020 Minutes.docx](#)  
[ab 760 99 1 bill.pdf](#)  
[ab 21 99 1 bill.pdf](#)  
[ab 364 99 1 bill.pdf](#)

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Leg. Committee, I've attached some additional items. Please be patient with me, I'm still getting my sea legs with my new job in addition to CDAA work Attached:

1. Leg. Committee Roster
2. Minutes from Leg. Summit 2020
3. AB 760 OCDA bill
4. AB 21 Alameda DA bill
5. AB 364 Alameda DA bill

And here is a top ten bill kill list, as identified by one of our Leg. Committee members; subject to additions and subtractions of the Committee's will.

10. AB 679 – prohibits use of in-custody informants
9. AB 518 – amends 654 to allow lesser sentence
8. AB 256 – Racial Justice Act retroactivity
7. AB 329 & AB 262 – 0 bail
6. AB 333 – severely limits gang enhancements
5. AB 1224 & SB 300 – re special circs
4. SB 775 – expands felony murder rule (SB 1437) to attempted murder and manslaughter
3. SB 82 – deems all robberies without weapon or GBI misdemeanors (and is retroactive)
2. SB 81 – severely limits/prohibits use of enhancements
1. AB 1509 – repeals 12022.5 (guns) & 12022.7 (GBI); reduces 10-20-life for gun use to 1-2-3 (this is not a typo...you read that correctly)

See you tomorrow at 9:30!

Tiffany

**ASSEMBLY BILL**

**No. 21**

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**Introduced by Assembly Member Bauer-Kahan**  
**(Principal coauthor: Assembly Member Robert Rivas)**  
**(Coauthors: Assembly Members Chiu, Grayson, Petrie-Norris,**  
**Stone, and Wicks)**  
(Coauthors: Senators Limón and Wiener)

December 7, 2020

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An act to add Section 4293.5 to the public Resource Code, relating to forestry.

LEGISLATIVE COUNSEL'S DIGEST

AB 21, as introduced, Bauer-Kahan. Forestry: electrical transmission and distribution lines: clearance: penalties.

Existing law requires a person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous land or forest-covered land, brush-covered land, or grass-covered land to maintain around and adjacent to any pole or tower that supports a switch, fuse, transformer, lightning arrester, line junction, or dead-end or corner pole a firebreak, as specified. Existing law requires a person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous land or in forest-covered land, brush-covered land, or grass-covered land to maintain a clearance between all vegetation and all conductors that are carrying electric current, as specified.

This bill would impose a civil penalty of up to \$100,000 for each violation of the above-described provisions. The bill would impose an additional civil penalty of up to \$1,000 for each acre burned by a fire resulting from a violation of the above-described provisions. The bill

would require 50% of the penalties collected to be deposited into the Utility Accountability and Wildfire Prevention Fund, which the bill would establish in the State Treasury, and would distributed the remaining 50%, as provided. The bill would provide that the moneys in the Utility Accountability and Wildfire Prevention Fund, upon appropriation by the Legislature, are available for purposes of enhancing forest management, fire planning, wildfire prevention and suppression, and fire-related enforcement activities.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known, and may be cited, as the  
 2 Utility Accountability and Wildfire Prevention Act of 2021.  
 3 SEC. 2. Section 4293.5 is added to the Public Resources Code,  
 4 to read:  
 5 4293.5. (a) A person who violates Section 4292 or 4293 is  
 6 subject to a civil penalty of up to one hundred thousand dollars  
 7 (\$100,000) for each violation. When a violation is of a continuing  
 8 nature, each day of the violation is a separate and distinct violation.  
 9 (b) In addition to any other penalties, including the penalty  
 10 specified in subdivision (a), a civil penalty of up to one thousand  
 11 dollars (\$1,000) per acre of land burned shall be imposed for a  
 12 violation of Section 4292 or 4293 that results in a fire.  
 13 (c) Except as otherwise provided, the remedies and penalties  
 14 provided by this section are cumulative with the remedies or  
 15 penalties available under other laws.  
 16 (d) The Attorney General or the district attorney of a proper  
 17 county or city and county may bring an action under to this section,  
 18 in the name of the people. For purposes of this subdivision, “proper  
 19 county or city and county” means a county or city and county  
 20 where the violation occurred or, if the violation resulted in a fire,  
 21 where the fire, or any portion of it, occurred.  
 22 (e) Monies resulting from the collection of penalties imposed  
 23 under this section shall be apportioned as follow:  
 24 (1) Fifty percent shall be distributed as set forth in subdivision  
 25 (c) of Section 17206 of the Business and Professions Code.  
 26 (2) Fifty percent shall be deposited into the Utility  
 27 Accountability and Wildfire Prevention Fund, which is hereby

1 established in the State Treasury. Moneys in the fund, upon  
2 appropriation by the Legislature, shall be available for purposes  
3 of enhancing forest management, fire planning, wildfire prevention  
4 and suppression, and fire-related enforcement activities.

5 (f) In determining the amount of a civil penalty imposed  
6 pursuant to this section, the court shall take into consideration all  
7 relevant circumstances, including the extent of harm caused by  
8 the violation, whether the effects of the violation may be mitigated,  
9 and with respect to the defendant, any prior history of violations  
10 and the gravity of the behavior, the economic benefit, if any,  
11 resulting from the violation, and any other matters the court  
12 determines justice may require.

13 (g) (1) An action seeking the imposition of civil penalties under  
14 this section shall be commenced within four years of the occurrence  
15 of the violation.

16 (2) This section does not revive a cause of action that is barred  
17 under law on or before January 1, 2022.

**ASSEMBLY BILL**

**No. 364**

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**Introduced by Assembly Member Rodriguez  
(Coauthor: Assembly Member Luz Rivas)**

February 1, 2021

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An act to repeal Section 9998 of the Business and Professions Code, relating to foreign labor contractors.

LEGISLATIVE COUNSEL'S DIGEST

AB 364, as introduced, Rodriguez. Foreign labor contractor registration: agricultural workers.

Existing law requires the Labor Commissioner to enforce and administer a program to register and supervise foreign labor contractors who perform foreign labor contracting activities to recruit or solicit foreign workers. Existing law requires foreign labor contractors to register under the program, as prescribed, and imposes specific requirements relating to recruitment or solicitation for employment and relating to work contracts. Existing law authorizes the commissioner to adopt regulations or policies and procedures to implement these provisions. A violation of these provisions is a crime.

Existing law makes these provisions applicable only to nonagricultural workers, and exempts persons licensed as farm labor contractors, specified persons exempt from farm labor contractor licensing requirements, and employers of agricultural workers.

This bill would delete those limitations. By expanding the application of the foreign labor contractor registration provisions, the bill would expand an existing crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 9998 of the Business and Professions  
2 Code is repealed.

3 ~~9998.—This chapter shall apply only to “nonagricultural~~  
4 ~~workers” as defined by Section 1101(a)(15)(H)(ii)(b) of Title 8 of~~  
5 ~~the federal Immigration and Nationality Act. It shall not apply to~~  
6 ~~any person duly licensed as a “farm labor contractor” as that term~~  
7 ~~is defined in Section 1682 of the Labor Code nor shall it apply to~~  
8 ~~any person exempt from the licensing requirement in Section~~  
9 ~~1682.5 of the Labor Code or to any employer employing~~  
10 ~~agricultural workers as defined by Section 1101(a)(15)(H)(ii)(a)~~  
11 ~~of Title 8 of the federal Immigration and Nationality Act.~~

12 SEC. 2. No reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution because  
14 the only costs that may be incurred by a local agency or school  
15 district will be incurred because this act creates a new crime or  
16 infraction, eliminates a crime or infraction, or changes the penalty  
17 for a crime or infraction, within the meaning of Section 17556 of  
18 the Government Code, or changes the definition of a crime within  
19 the meaning of Section 6 of Article XIII B of the California  
20 Constitution.

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**ASSEMBLY BILL**

**No. 760**

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**Introduced by Assembly Member Lackey**

February 16, 2021

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An act to add Section 1406 to the Penal Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

AB 760, as introduced, Lackey. Prisoners: friction ridge impressions.

Existing law allows an incarcerated person who has been convicted of a felony to make a written motion for the performance of forensic deoxyribonucleic acid (DNA) testing according to a specified procedure. Existing law allows the court to order a hearing on the motion if the court determines the convicted person has met specified requirements and that the hearing is necessary. Existing law allows a court, upon request of the convicted person or the convicted person's counsel, to order the prosecutor to make all reasonable efforts to obtain, and police agencies and law enforcement laboratories to make all reasonable efforts to provide, copies of DNA lab reports, copies of evidence logs, and other specified documents. Existing law requires a court to grant the motion for DNA testing if it determines that the requested DNA testing results would raise a reasonable probability that, in light of all the evidence, the convicted person's verdict or sentence would have been more favorable if the results of DNA testing had been available at the time of conviction.

This bill would allow a person who was convicted of a felony and is currently serving a term of imprisonment to make a motion for performance of friction ridge processing and examination to develop, search, and compare friction ridge impressions. The bill would allow the court to order a hearing on the motion if the court determines the

convicted person has met specified requirements and that the hearing is necessary. The bill would allow a court, upon request of the convicted person or the convicted person’s counsel, to order the prosecutor to make all reasonable efforts to obtain, and police agencies and law enforcement laboratories to make all reasonable efforts to provide, copies of friction ridge examination reports, copies of evidence logs, and other specified documents. The bill would require a court to grant a motion for friction ridge processing, examination, or database searching if it determines that the requested friction ridge processing, examination, and database searching would raise a reasonable probability that, in light of all of the evidence, the convicted person’s verdict or sentence would have been more favorable if the results of the friction ridge processing, examination, and database searching had been available at the time of conviction. By increasing the duties of local governmental entities in regard to orders to complete friction ridge processing, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1406 is added to the Penal Code, to read:
- 2 1406. (a) A person who was convicted of a felony and is
- 3 currently serving a term of imprisonment may make a written
- 4 motion, pursuant to subdivision (d), before the trial court that
- 5 entered the judgment of conviction in their case, for performance
- 6 of friction ridge processing and examination to develop, search,
- 7 and compare friction ridge impressions.
- 8 (b) (1) An indigent convicted person may request appointment
- 9 of counsel in order to prepare a motion pursuant to subdivision (d)
- 10 by sending a written request to the court. The request shall include
- 11 the indigent convicted person’s statement that they were not the
- 12 perpetrator of the crime and shall explain how the friction ridge

1 processing and examination is relevant to their assertion of  
2 innocence. The request shall also include the indigent convicted  
3 person's statement as to whether the indigent convicted person  
4 previously has had counsel appointed under this section.

5 (2) If any of the information required in paragraph (1) is missing  
6 from the request, the court shall return the request to the convicted  
7 person and advise them that the matter cannot be considered  
8 without the missing information.

9 (3) (A) Upon a finding that the convicted person is indigent,  
10 that the convicted person included the information required in  
11 paragraph (1), and that counsel has not previously been appointed  
12 pursuant to this subdivision, the court shall appoint counsel to  
13 investigate and, if appropriate, to file a motion for friction ridge  
14 processing, examination, and database searching under this section  
15 and to represent the indigent convicted person solely for the  
16 purpose of obtaining friction ridge processing, examination, and  
17 database searching under this section.

18 (B) Upon a finding that the convicted person is indigent, and  
19 that counsel previously has been appointed pursuant to this  
20 subdivision, the court may, in its discretion, appoint counsel to  
21 investigate and, if appropriate, to file a motion for friction ridge  
22 processing, examination, and database searching under this section  
23 and to represent the indigent convicted person solely for the  
24 purpose of obtaining friction ridge processing, examination, and  
25 database searching under this section.

26 (4) This section does not provide for a right to the appointment  
27 of counsel in a postconviction collateral proceeding, or to set a  
28 precedent for any such right, in any context other than the  
29 representation being provided an indigent convicted person for the  
30 limited purpose of filing and litigating a motion for friction ridge  
31 processing, examination, and database searching pursuant to this  
32 section.

33 (c) Upon request of the convicted person or convicted person's  
34 counsel, the court may order the prosecutor to make all reasonable  
35 efforts to obtain, and police agencies and law enforcement  
36 laboratories to make all reasonable efforts to provide, the following  
37 documents that are in their possession or control, if the documents  
38 exist:

- 1 (1) Copies of friction ridge examination reports, with underlying  
2 documentation, prepared in connection with the processing,  
3 examination, and database searching of evidence from the case.
- 4 (2) Copies of evidence logs, chain of custody logs and reports,  
5 including, but not limited to, documentation of current location of  
6 evidence, and evidence destruction logs and reports.
- 7 (3) If the evidence has been lost or destroyed, a custodian of  
8 record shall submit a report to the prosecutor and the convicted  
9 person or convicted person’s counsel that sets forth the efforts that  
10 were made in an attempt to locate the evidence. If the last known  
11 or documented location of the evidence prior to its loss or  
12 destruction was in an area controlled by a law enforcement agency,  
13 the report shall include the results of a physical search of this area.  
14 If there is a record of confirmation of destruction of the evidence,  
15 the report shall include a copy of the record of confirmation of  
16 destruction in lieu of the results of a physical search of the area.
- 17 (d) (1) The motion for friction ridge processing, examination,  
18 and database searching shall be verified by the convicted person  
19 under penalty of perjury and shall include all of the following:
  - 20 (A) A statement that they are innocent and not the perpetrator  
21 of the crime.
  - 22 (B) Explain why the identity of the perpetrator was, or should  
23 have been, a significant issue in the case.
  - 24 (C) Make every reasonable attempt to identify both the evidence  
25 that should be processed, examined, and searched and the specific  
26 type of friction ridge examination or database search sought.
  - 27 (D) Explain, in light of all the evidence, how the requested  
28 friction ridge processing, examination, and database searching  
29 would raise a reasonable probability that the convicted person’s  
30 verdict or sentence would be more favorable if the results of friction  
31 ridge processing, examination, and database searching had been  
32 available at the time of conviction.
  - 33 (E) Reveal the results of any friction ridge processing,  
34 examination, and database searching that was conducted previously  
35 by either the prosecution or defense, if known.
  - 36 (F) State whether any motion for friction ridge processing,  
37 examination, and database searching under this section previously  
38 has been filed and the results of that motion, if known.
- 39 (2) Notice of the motion shall be served on the Attorney General,  
40 the district attorney in the county of conviction, and, if known, the

1 governmental agency or forensic service provider holding the  
2 evidence sought to be processed, examined, or searched.  
3 Responses, if any, shall be filed within 90 days of the date when  
4 the Attorney General and the district attorney are served with the  
5 motion, unless a continuance is granted for good cause.

6 (e) If the court finds evidence was subjected to friction ridge  
7 processing, examination, database searching, or other forensic  
8 testing previously by either the prosecution or defense, it shall  
9 order the party at whose request the friction ridge processing,  
10 examination, database searching, or testing was conducted to  
11 provide all parties and the court with access to the laboratory  
12 reports, underlying data, laboratory notes, and documentation  
13 prepared in connection with the friction ridge processing,  
14 examination, database searching, or other evidence testing.

15 (f) If the court determines that the convicted person has met all  
16 of the requirements of subparagraphs (A) through (F), inclusive,  
17 of paragraph (1) of subdivision (d), the court may, as it deems  
18 necessary, order a hearing on the motion. The judge who conducted  
19 the trial, or accepted the convicted person's plea of guilty or nolo  
20 contendere, shall conduct the hearing unless the presiding judge  
21 determines that judge is unavailable. Upon request of either party,  
22 the court may order, in the interest of justice, that the convicted  
23 person be present at the hearing of the motion. Either party, upon  
24 request, may request an additional 60 days to brief issues raised  
25 in subdivision (g).

26 (g) The court shall grant the motion for friction ridge processing  
27 and examination to develop, search, and compare friction ridge  
28 impressions if it determines all of the following have been  
29 established:

30 (1) The evidence to be processed, examined, or searched is  
31 available and in a condition that would permit the friction ridge  
32 processing, examination, and searching requested in the motion.

33 (2) The evidence to be processed, examined, or searched has  
34 been subject to a chain of custody sufficient to establish it has not  
35 been substituted, tampered with, replaced, or altered in any material  
36 aspect.

37 (3) The identity of the perpetrator of the crime was, or should  
38 have been, a significant issue in the case.

39 (4) The convicted person has made a prima facie showing that  
40 the evidence sought to be processed, examined, and searched is

1 material to the issue of the convicted person's identity as the  
2 perpetrator of, or accomplice to, the crime, special circumstance,  
3 or enhancement allegation that resulted in the conviction or  
4 sentence. The convicted person is only required to demonstrate  
5 that the friction ridge processing, examination, and search they  
6 seek would be relevant to, rather than dispositive of, the issue of  
7 identity. The convicted person is not required to show a favorable  
8 result would conclusively establish their innocence.

9 (5) The requested friction ridge processing, examination, and  
10 search results would raise a reasonable probability that, in light of  
11 all the evidence, the convicted person's verdict or sentence would  
12 have been more favorable if the results of friction ridge processing,  
13 examination, and search had been available at the time of  
14 conviction. The court in its discretion may consider any evidence  
15 whether or not it was introduced at trial. In determining whether  
16 the convicted person is entitled to develop potentially exculpatory  
17 evidence, the court shall not decide whether, assuming a friction  
18 ridge processing, examination, and search result favorable to the  
19 convicted person, they are entitled to some form of ultimate relief.

20 (6) The evidence sought to be processed, examined, and  
21 searched meets either of the following conditions:

22 (A) The evidence was not processed, examined, or searched  
23 previously.

24 (B) The evidence was processed, examined, or searched  
25 previously, but the requested friction ridge processing, examination,  
26 or search would provide results that are reasonably more  
27 discriminating and probative of the identity of the perpetrator or  
28 accomplice or have a reasonable probability of contradicting prior  
29 test results.

30 (7) The processing, examination, or searching requested employs  
31 a method generally accepted within the relevant scientific  
32 community.

33 (8) The motion is not made solely for the purpose of delay.

34 (h) (1) If the court grants the motion for friction ridge  
35 processing, examination, and database searching, the court order  
36 should identify the specific evidence to be processed, examined,  
37 or searched and the technology or method that may be used. The  
38 technology or method may allow for the chemical enhancement  
39 of friction ridge impressions.

1 (2) (A) The processing, examination, and database searching  
2 shall be conducted by an accredited forensic service provider that  
3 is mutually agreed upon by the district attorney in a noncapital  
4 case, or the Attorney General in a capital case, and the person  
5 filing the motion. If the parties cannot agree, the court shall  
6 designate a forensic service provider accredited by an accrediting  
7 body which is recognized by the International Laboratory  
8 Accreditation Cooperation (ILAC) as an ILAC MRA Signatory  
9 and has programs in Forensic Testing (ISO/IEC 17025) and  
10 Inspection (ISO/IEC 17020). The following entities have been  
11 determined to satisfy this requirement in the United States:

12 (i) American Association for Laboratory Accreditation (A2LA).

13 (ii) ANSI National Accreditation Board (ANAB).

14 (B) If possible, the analyst performing the friction ridge  
15 processing, examination, and database searching should be certified  
16 by a recognized accrediting body.

17 (3) If the accredited forensic service provider selected by the  
18 parties or designated by the court to conduct friction ridge  
19 processing, examination, and database searching does not  
20 participate in cross-jurisdictional Automated Fingerprint  
21 Identification System (AFIS) searches, the forensic service provider  
22 selected to perform friction ridge database searching shall not  
23 initiate searching for a specific case until documented approval  
24 has been obtained from an appropriate AFIS participating agency  
25 of acceptance of friction ridge data from the selected forensic  
26 service provider that may be entered into or searched in AFIS.

27 (i) In accordance with the court's order pursuant to subdivision  
28 (h), the forensic service provider may communicate with either  
29 party, upon request, during the friction ridge processing,  
30 examination, and database searching process. The result of any  
31 friction ridge processing, examination, and searching ordered under  
32 this section shall be fully disclosed to the person filing the motion,  
33 the district attorney, and the Attorney General. If requested by any  
34 party, the court shall order production of the underlying laboratory  
35 data and documentation.

36 (j) (1) The cost of friction ridge processing, examination, and  
37 database searching ordered under this section shall be borne by  
38 the state or the applicant, as the court may order in the interests of  
39 justice, if it is shown that the applicant is not indigent and possesses  
40 the ability to pay. However, the cost of any additional processing,

1 examination, and database searching to be conducted by the district  
2 attorney or Attorney General shall not be borne by the convicted  
3 person.

4 (2) In order to pay the state's share of any processing,  
5 examination, and searching costs, the forensic service provider or  
6 agency designated in subdivision (h) shall present its bill for  
7 services to the superior court for approval and payment, subject  
8 to appropriation for this purpose by the Legislature in the annual  
9 Budget Act.

10 (k) An order granting or denying a motion for friction ridge  
11 processing, examination, and database searching under this section  
12 shall not be appealable, and shall be subject to review only through  
13 petition for writ of mandate or prohibition filed by the convicted  
14 person seeking friction ridge processing, examination, and  
15 searching, the district attorney, or the Attorney General. The  
16 petition shall be filed within 20 days after the court's order granting  
17 or denying the motion for friction ridge processing, examination,  
18 and database searching. In a noncapital case, the petition for writ  
19 of mandate or prohibition shall be filed in the court of appeal. In  
20 a capital case, the petition shall be filed in the California Supreme  
21 Court. The court of appeal or California Supreme Court shall  
22 expedite its review of a petition for writ of mandate or prohibition  
23 filed under this subdivision.

24 (l) Friction ridge processing, examination, and database  
25 searching ordered by the court pursuant to this section shall be  
26 done as soon as practicable. If the court finds that a miscarriage  
27 of justice will otherwise occur and that it is necessary in the  
28 interests of justice to give priority to the friction ridge processing,  
29 examination, and database searching, a forensic service provider  
30 shall be required to give priority to the friction ridge processing,  
31 examination, and database searching ordered pursuant to this  
32 section over the forensic service provider's other pending casework.

33 (m) Notwithstanding any other law, the right to file a motion  
34 for postconviction friction ridge processing, examination, and  
35 database searching provided by this section is absolute and shall  
36 not be waived. This prohibition applies to, but is not limited to, a  
37 waiver that is given as part of an agreement resulting in a plea of  
38 guilty or nolo contendere.

39 (n) The provisions of this section are severable. If any provision  
40 of this section or its application is held invalid, that invalidity shall

1 not affect other provisions or applications that can be given effect  
2 without the invalid provision or application.

3 (o) For purposes of this section, the term “friction ridge” and  
4 “friction ridge impression” includes, but is not limited to, the skin  
5 and impressions thereof of fingers, palms, and soles.

6 (p) For purposes of this section, friction ridge examination  
7 applies to latent prints that are retained in the following forms:

8 (1) Latent print lift.

9 (2) High-resolution photograph of the latent print.

10 SEC. 2. If the Commission on State Mandates determines that  
11 this act contains costs mandated by the state, reimbursement to  
12 local agencies and school districts for those costs shall be made  
13 pursuant to Part 7 (commencing with Section 17500) of Division  
14 4 of Title 2 of the Government Code.

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## CDAALegislation Committee

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- **The Hon. Steven Wagstaffe – Co-Chair**  
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CDA Legislative Summit
November 12, 2020
Minutes

Attendees

Lauren Apter, Michelle Contois, Michele Daniels, Patrick Espinoza, DA Keith Fagundes, Brendan Farrell, Daniel Felizzatto, Jerry Coleman, David Campos, John Brouhard, DA Diana Becton, Travis Austin, Michael Fermin, Venus Johnson, Anna Kelly, Amanda Martin, Tiffany Mathews, Robert Mestman, Larry Morse, Garrett Hamilton, DA Allison Haley, Erica Gonzalez, DA Morgan Gire, Gerald Fineman, Armando Pastran, DA Vern Pierson, DA Jeff Reisig, Jeff Rubin, Nina Salarno, Eric Scarbrough, Gail Stewart-Brockman, Kathryn Storton, Michell Thomas-Shaw, Tamar Tokat, DA Greg Totten, Heather Trapnell, Miji Vellakkattel, DA Steve Wagstaffe, John Wilson, Mark Zahner.

DISCUSSION ITEMS

Vern Pierson gave an introduction to Greg Totten as the new CEO.

Greg Totten discussed how this is going to be a new extraordinary challenge. This committee will be critical in addressing the challenges we are facing.

Larry Morse gave an update on the sponsored bills.

PROPOSALS

Table with 5 columns: SUBJECT, CODE SECTION, AUTHOR, ACTION, PG. Rows include Burglary Jurisdiction, Dependency Records, Discovery, and DUI- Foreign Priors.

End Jury Trials for Misdos Totten- Can't imagine we'd have a prayer in the current climate. NA	Constitutional Amendment	McKinley	15
Independent Contractors Totten- 1090 is such a mess. It has more exception than prohibitions. Rubin- It makes a lot of sense. Municipalities will contract with pr	GC 1090 & PC 424	Kassabian	17
False Statements by Police AP	PC 118.1	Mestman	22
Firearms Omnibus. <b>CHECK</b> If not, maybe Gipson.	PC 29180(c)	Mirchi	29
FTA at Prelim Contois- Not sure if we want to sponsor a COVID related bill. It's not a new crime or anything. But if we do have a package of COVID bills, this could be good to include it. Wagstaffe- The legislature could either give the Chief Justice more power or pass a law to extend the time. Espinoza- This is an issue in SD as well. A judge found that the pandemic is not a reason for good cause. Rubin- A separate issue is whether there is a good cause exception to go over 60 days. <b>CHECK</b> : COVID related?	PC 859(b)	Orellana	32
Gassing Morse- How many times does this happen? Becton- This has been a problem here. Haley- Contacting state hospitals would give you numbers. This happens in Napa. Pastran- This could be analogous to when the antivaxxers through a menstrual cup at a senator. Felizzatto- The people may have mental health problems. <b>CHECK</b>	PC 243.9	Franco	35
Good Cause Dismissals <b>CHECK</b> COVID	PC 1387	Brown & Schultze	37
Health Club Contracts FS- Consumer	CC 1812.84	Cipolletti	43
HT Minors Mestman- This probably doesn't have a chance. Totten- These are good ideas, but I don't think it has legs. Felizzatto- They've rejected this in the past. AP	PC 647	Williams, et al.	47
HT Minors AP	PC 236.1	Williams, et al.	52
HT Minors AP	PC 11927(c)(43)	Wiemann, et al.	55
Mental Health Rearrests Stewart- Uphill battle. Summer hasn't decided whether to sponsor or not.	PC 1001.36	Dix	57

Morse- This addresses a gap. There needs to be some type of mechanism to compel a person who is drug addicted to a full-service facility. There has to be some reckoning on the homeless issue.

Stewart- We can expect opposition on this that believe each mentally ill offender has the right to be out there.

Wagstaffe- It's how you sell it. Rearrest, take them to a facility to receive services.

Rubin- Wouldn't 5150 address this?

Totten- I think this would put them in front of a mental health evaluation?

Morse- Can you ask your guy to put it in there?

AP (maybe Co-sponsor with SD)

**CHECK**

Overdose Prevention                      HSC 11834.26                      Tafreshi                      60

Stewart- This may have a chance to be sponsored by SD.

Morse- It just requires that these facilities to have this on sight. May or may not be a DA bill.

Wagstaffe- We aren't prosecuting overdoses though.

Fineman- Even though this isn't in our normal wheelhouse, it would give us some credibility and show that we not only want to lock people up.

**CHECK**

Peremptory Challenges                      CCP 231.7                      Feinberg                      67

Morse- I'd love us to carry this bill. During the AB 3070 battle, there have been discussions with the Board, why don't we just eliminate peremptories altogether. I spoke with Mike Pelote and the judges would support us in eliminating peremptories. It will be better than the status quo now, since it tilts heavily toward defense.

Coleman- If we get rid of peremptories altogether, we'd have to rely on for cause. With the right training, we could live with AB 3070. For example, if someone had a negative experience with law enforcement, you could kick off both sides?

Morse- This bill may be introduced whether we like it or not. I don't even know if you'd be able to excuse a juror unless there is a pattern.

Coleman- There will be litigation on this. More timid prosecutors will be stuck with more jurors than they know what to do. I think it is better that we have questioning in our arsenal rather than just relying on cause.

Mestman- I'm not convinced that eliminating peremptories is the answer either. Washington prosecutors are living with it, the sky is not falling there.

Rubin- There is no balance here. We have to prove there is not discrimination. There are other aspects in here that aren't in the Washington rules. This makes a situation so difficult and it puts our bar card on the line.

Apter- Washington has a population that is mostly white. If we don't try to get rid of peremptories, can we get a list of presumptively invalid questions for the defense?

Contois- Could we try to amend it?

Trapnell- We are getting new prosecutors all the time and having them tip toe around this would be challenging.

Storton- Is anyone constitutionally challenging this?

Morse- Judges hate this but didn't want to oppose because of budget concerns.

Felizzatto- One political issue with this. Leadership gave chair power to not hear bills. Get Jerry's presentation on link and share it. It's not going to change.

Coleman- AB 2542 just got passed this year.

Storton- 3.5 will go into effect on not 3.0. AB 3070 is effective, but not operative. There were some provisions

Pandering                      PC 266(i)                      Williams, et al.                      68

AP

**CHECK**

Parole Hearing Reps.                      PC 3043(b)(2)                      Lasky                      70

Fermin- This is the closest relative that wants to participate, not necessarily just the closest one.

**CHECK**

Post-Conviction Finger Print Mestman- We are carrying it. AP <b>CHECK</b> Co-Sponsor	PC 1406	Mestman	72
Prelim 60-Day Extension Morse- Can we get a working group on COVID related stuff. Rubin, Contois <b>CHECK</b>	GV 68115	Philpott	86
Probation Limits for 290s Storton- I'd really like to see CDAA sponsoring a bill that deals with this probation mess. Morse- Can you write me a memo on the more egregious, irreconcilable parts of AB 1950? Felizzatto- You go to someone they have to protect like Petrie Norris. Not the author. She will get to take credit for it and the Dems will like that. Espinoza- SD tried to get a 290 exception but it fell on deaf ears. <b>CHECK</b>	PC 1203.1(m)(1)	Leventhal	89
Probation Limits for 290s Same as above.	PC 1203(a) & 1203.1	Gallagher	90
Multi-State Double Voting Rubin- The way the election code is written creates an ambiguity and this clarifies that. Shouldn't be controversial. Felizzatto- This is clarifying, not creating a new law. Omnibus: Maybe election committee. AP	EC 18560(b)	Malinsky	93
Rape Shield Social Media <b>CHECK</b> AP/Co-Sponsor Felizzatto- They did a bill that cracked down on Russian interference. Rubin- I'm concerned that this may backfire on us. <b>CHECK</b>	EC 782(a)	Espinoza	97
Rape Victims Felizzatto- Doesn't really have a chance. AP	PC 1192.7	Karapetein	99
Remittitur notice to DA Wagstaffe- This hasn't been too much of an issue for us. Brouhard- I don't think this is exactly a statewide issue. AP They'd have to contact judicial council's lobbyist. Morse- Ask presiding judge in their county.	CRC 8.272(d)(1)	Butts	102
Restraining Orders Rubin- Allows a continuing protective order. AP	PC 1001.36	Naff & Melton	107
Stalking Protective Order Stewart- This is the right thing to do, but it's an uphill battle. Not sure if Summer wants to sponsor bill yet.	PC 166	Taschner	112

Fineman- You can use prior history of parties to meet elements. We should at least look at it.  
AP

Suspending Statutes                      GC 68115                      Rubin                      114  
**CHECK**  
COVID package

SVP Commitment                      WIC 6601                      Espinoza                      118  
Felizzatto- I wouldn't be optimistic that no one would object if submitted to omnibus.  
Morse- Should we send this to Sandy Uribe?  
Felizzatto- Yes and bring it up to Jessica.  
FS-Larry

SVP Additions                      PC 6600.1                      Coyle                      121  
Contois- Not really a chance in passing.  
AP (Michelle will tell her)

SVP PC Hearings                      GC 68115                      Grobeson                      124  
Tokat- This may be in line with the COVID cases.  
**CHECK**- COVID

Vehicles Speed                      VC 23109                      Sweeney                      127  
Contois- This is a good idea, but I don't think it has a chance.  
AP

Victim Advocates                      PC 679.05                      Nevers                      135  
Stewart- CSJ has usurped crime victims from CDAA. This allows CDAA put out our own narrative.  
NA

Victim Restitution                      PC 1202.4                      Parsons                      137  
**CHECK**

Victims DNA BOR                      PC 680(c)(1)                      Nasarenko                      151  
Salarno- This doesn't add a new crime.  
Felizzatto- Omnibus. If these kits are collected, they have to be tested.  
Omnibus  
AP

Visitation of Sex Offenders                      PC 1202.05                      Rothbach                      153  
Felizzatto- I think you can find an author.  
AP

White Collar Crime                      PC 186.11                      Kassabian                      155  
Morse- Does this dovetail.  
**Add in.**

[And from the Addendum...](#)

**PROPOSALS**

<b>SUBJECT</b>	<b>CODE SECTION</b>	<b>AUTHOR</b>	<b>ACTION</b>	<b><u>PG.</u></b>
Article on Misdemeanor Jury Trials (accompanies proposal on page 15 of original packet)				1

AB 1950 Exception	VC 23600	Gallagher	10
Go to Latino Caucus because this has unintended immigration consequences? Senator Gonzalez. Coleman- There is a progressive point to make.			
AB 3234 Exception	PC 1001.95	Gallagher	13
Morse- Checking with Jessica in Gov's office. <b>CHECK</b> AP			
DJJ	WIC 733(c)	Byrne	16
FS- Juvie. Is this still relevant law?			
DJJ & Sex Crimes	PC 290.008(c)	Day	18
FS- Juvie. Is this still relevant law?			
Eavesdropping Omnibus	PC 633.8	Burnley	20
POST	PC 13510	Burnley	24
Felizzatto- Local law enforcement not up to speed on changes in current law. Tavares- I don't think the cops will have an issue with this. Morse- Let's see where LA is. Watch			
Refusal to Appear	PC 1043	Rubin	27
Rubin- This happens all the time. Half a dozen times a year. We'd have to see what the PDs would think of this. It's a clean issue. Rubin- I don't think they'd be opposed to it on its merits but they'd find an issue. Wagstaffe- 1367 proceedings. Where does that fall? Rubin- They put parameters on when they don't make a first appearance. FS- to PDs to see what their objections to be to see if we can surmount.			
<b>CHECK</b>			
Wiretapping	PC 629.82	Burnley	33
Tokat- Allows looting to offenses which AP (good idea but would rouse the rancor of the legislative)			