



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-142

For business meeting on: September 20, 2022

Title

Legislation Committee Chair's Report to the
Judicial Council

Agenda Item Type

Information Only

Submitted by

Legislation Committee
Hon. Marla O. Anderson, Chair

Date of Report

September 15, 2022

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Executive Summary

The Legislation Committee represents the Judicial Council's position with other agencies and entities, such as the Legislature, the Governor's Office, the State Bar of California, local government, local bar associations, and other court-related professional associations. The committee determines positions consistent with the council's policy goals and oversees advocacy for those positions. This report summarizes the committee's activities since the July 15, 2022, Judicial Council meeting.

Overview of Committee Meetings

With the August 31 end of the 2021–2022 Legislative session, the meeting schedule for the Legislation Committee has been busy.

The Legislation Committee's primary focus during this time has been continuing to provide input and take positions on legislation.

The committee met by video conference five times: three times in August and twice in September.

At the committee's August 4 meeting, the committee reviewed AB 256 and AB 2799, dealing with criminal procedure and SB 616, related to child custody. Because a quorum of voting

members were unable to participate in the meeting, no action was taken and agenda items were moved to the following scheduled meeting.

On August 11, the committee acted on the following bills:

- AB 256 (Kalra) – Criminal procedure: discrimination: “Neutral with concerns” position and “neutral” (without concerns) if positive amendments are accepted by the author.
- AB 2799 (Jones-Sawyer) – Evidence: admissibility of creative expressions: Remove opposition (due to amendments accepted by the author) and adopt “neutral” position.
- SB 616 (Rubio) – Child custody: child abuse and safety: Oppose

At this same meeting the committee voted to adopt a “neutral” with amendments position on SB 1223 dealing with mental health diversion and a “neutral” as proposed to be amended position on SB 1468 related to factual innocence.

At the Legislation Committee’s August 18 meeting, the committee revisited AB 256 and voted to take a “neutral” if amended to remove definition of juror. The committee also reconsidered SB 848 regarding the use of remote technology and took a support, if amended to remote hostile amendments position.

On August 25, the committee considered a joint resolution in honor of Adoption and Permanency Month and voted to support. The committee also reviewed a legislative report regarding additional legislative changes required to bring California into compliance with final rule, as required under Family Code section 4077 and took a support position. At this same meeting, the committee took a “no position” on AB 2023 related to jail discharge plans.

At its September 9 meeting, the committee acted on AB 156 dealing with state government and voted to support sections 3 through 9 relating to voice writing for court reporters and took a “no position” on SB 1338 regarding the Community Assistance, Recovery and Empowerment Act.

On September 20, the committee will hold its annual in-person meeting and orientation for new Legislation Committee members. The committee will review and make recommendations for Judicial Council-sponsored legislation, which will be presented to the full council at its subsequent meeting. At this same meeting, the committee will also review a recommendation to submit comments on commercial surveillance and data security rulemaking to the Federal Trade Commission to voice concerns about risks to the safety of judicial officers.

Finally, I would like to welcome our new Legislation Committee members—Judge Maria Lucy Armendariz, Judge Judith K. Dulcich, and Mr. David Yamasaki; former member Ms. Gretchen Nelson; and returning members, Justice Brad Hill, Vice-Chair, Judge Jonathan Conklin, and Judge Harold Hopp.

The deadline for the Governor to sign or veto bills is September 30.

For further information on any of the bills the Legislation Committee has taken a position on, please refer to the Governmental Affairs Status Chart: www.courts.ca.gov/4121.htm#legcharts.

Position and fiscal letters on legislation are available on the Governmental Affairs webpage, which is a valuable resource throughout the legislative year.