CALIFORNIA LEGISLATIVE PRIORITIES
2018 LEGISLATIVE SESSION

TIER 1: CO-SPONSORSHIP/STRONG SUPPORT

1) SB 10 (Hertzberg): Bail Reform
2) SB 623 (Monning): Safe & Affordable Drinking Water
3) SB 1421 (Skinner): Right to Know/Police Accountability
4) SB 974 (Lara): Health 4 All Adults
5) AB 2845 (Bonta): Pardon Panel
6) AB 931 (Weber): Police Accountability & Community Protection Act

TIER 2: PICO CALIFORNIA SUPPORT BILLS

Immigration
SB 946 (Lara): Sidewalk & Street Vendors
Encourages local municipalities to adopt a “street” vendor licensing policy otherwise it will prohibit municipalities from limiting/prohibiting sidewalk vendors from operating.

SB 785 (Weiner): Evidence – Immigration Status
Prohibits the disclosure of a person’s immigration status in court hearing’s both publicly and as a part of court records, essentially preventing ICE from identifying undocumented individuals from court records for non-immigration related court hearing’s.

SB 183 (Lara): State Buildings – Federal Immigration Agents
Bill prohibits federal immigration agents, officers, or personnel from entering a building owned or occupied, or leased and occupied by the state, public school, or a campus of the California community colleges to perform surveillance, effectuate an arrest, or question an individual therein without a valid federal warrant.

SB 244 (Lara): Privacy – Agencies - Personal Information
Protects information of undocumented individuals including professional licenses and DL database requiring a subpoena for information. Essentially creates hurdle for agencies like ICE in obtaining information.

AB 638 (Caballero & Gonzalez-Fletcher): Immigration Consultants
Places restrictions on “notaries” and other “non-legal” consultants in providing immigration consults.
Restorative Justice
SB 1025 (Skinner): Probation Eligibility – Crimes related to controlled substances
Allows courts the discretion to order probation for several non-violent drug offenses that currently require jail or prison time.

AB 2724 (Eggman & Gipson): Inmates – Drivers Licences
Would aid re-entry by ensuring that eligible incarcerated individuals have the ability to drive to work and engage in other necessary travel post-release. It would require the DMV and Department of Corrections & Rehabilitation to work together to ensure that individuals released from state prison have driving privileges.

SB 1392 & 1393 (Mitchell): Sentencing Enhancement Reform
Repeals a 1-year sentencing enhancement based on a prior year conviction that is duplicative of other enhancements (1392). Provides for judicial discretion for a 5-year sentencing enhancement based on a prior conviction that is now mandatory.

AB 3131 (Chiu & Gloria): Police Demilitarization & Accountability
Require all law enforcement agencies, as defined, to receive approval from their governing bodies in an open public hearing before requesting military equipment or seeking funds for military equipment. Also requires reporting by the requesting agency for each piece of military equipment (usage policy, impact statement, proposal for use, annual report on use).

Housing & Zoning
AB 2925 (Bonta): Just Cause Evictions
Would declare the intent of legislature to enact legislation relating to just cause evictions of residential tenants.

SB 818 (Beall): 2018 Homeowners Bill of Rights (HBOR)
Restores important protections for homeowners facing foreclosure that were weakened by recent 2017 sunsets within HBOR (2012). Protections helped homeowners stay in their homes but also included tools for the Department of Business Oversight to regulate bad actors.

AB 1979 (Bonta): Homebuyers Down Payment Savings Account
Puts homeownership within reach by creating tax-free savings account for means-tested aspiring homebuyers. Individuals earning up to $80,000 and joint filers earning up to $150,000 would receive a dollar for dollar deduction to their adjusted gross income for deposits made into officially designated first-time homeownership savings accounts.

Healthcare
SB 910 (Hernandez): Short-term Limited Duration Health Insurance
This bill, commencing January 1, 2019, would prohibit a health insurer from issuing, selling, renewing, or offering a short-term limited duration health insurance policy, as defined, for health care coverage in this state.

SB 1021 (Weiner): Consumer Protection for RX Co-Pays & Formularies
Will ensure consumers have access to vital medications by keeping existing consumer protections on prescription drug co-pays and formulary standards that were established in AB 339 (Gordon, Chapter 619 of 2015). These protections will sunset at the end of 2019 unless legislation is enacted to make them permanent.
Environmental Justice, Education, & Other Legislation

SB 49 (DeLeon): California Environmental, Public Health, & Workers Defense Act 2017
Essentially protects & implements legislation to California environmental regulations which have usually operated off of federal standards given the rollback of environmental regulations at the federal level.

AB 1775 (Muratsuchi & Limon): State Lands Leasing – Oil & Gas
Offshore oil drilling prevention (companion bill SB 834) will make it nearly impossible (much more costly and difficult) to transport oil from offshore drilling facilities onshore.

AB 2447 (Reyes): California Environment Quality Act – Land Use/Environmental Justice
Protects environmentally vulnerable and economically disadvantaged communities from further degradation cause by negative impacts of certain potentially harmful land uses by changing notice requirements around CEQA.

SB 224 (Jackson): Personal Rights - Sexual Harassment
Expands sexual harassment protections for business relationships under the Unruh Act to clarify that sexual harassment is prohibited by investors, elected officials, lobbyists, directors, and producers.

SB 607 (Skinner): Keep Kids in School Act
Eliminates the practice of using willful defiance/disruption in K-12 as grounds for suspensions and expulsions.

TIER 3: PICO CA TRACKING LEGISLATION

SB 562 (Lara & Atkins): Universal Healthcare for All
Universal single payer healthcare system for all

AB 2184 (Chiu): Business Licences
Clarifies the information required to be collected for issuing business licences to enhance entrepreneurship and reduce barriers to economic opportunities in CA.

AB 2314 (Ting): Private Employment – Domestic Workers
Would create the Domestic Work Enforcement Pilot Program at the Division of Labor Standards Enforcement to increase awareness and enforcement of existing law in the domestic work industry and to promote higher standards in the industry.

AB 2017 (Chiu): Public Employers – Employee Organizations
Fixes loopholes in existing law that prohibits public employers from discouraging and or deterring public employees from becoming union members.

Preempts low-density zoning policies addressing racial segregation. Allows all people of all income levels to live near transit and allows for high density zoning near transit.
SB 10 (HERTZBERG) FACT SHEET

This bill safely reduces the number of people being held in jail awaiting trial. It ensures that those who are not a threat to public safety or at risk of fleeing are not held simply for their inability to afford bail. The bill would require, except when a person is arrested for specified violent felonies, that a pretrial services agency conduct a risk assessment and prepare a report that makes recommendations on conditions of release for the person pretrial.

If the court determines that pretrial release, with or without nonfinancial conditions, will not reasonably assure the appearance of the person in court as required, the bill would require the court to set monetary bail to assure the appearance of the defendant in court as required. The court may detain a person under certain conditions, including when the person has been charged with a capital crime or some felonies subject to certain limitations. The bill also creates standards for training and for cost-effective and validated risk assessment tools.

SB 10 Amendments taken in the Assembly SB 10 was amended on July 5th, August 21st, and September 6th 2017 to address several concerns raised by prosecutors and the courts, including:

- Clarifying that criminal history will continue to be a consideration in risk assessment tools;

- Reducing costs by permitting judges to require pretrial defendants to pay for pretrial services or conditions if they can afford to;

- Filling in previously blank timelines, including those related to timing for pretrial assessments to be completed, and those related to the timing of detention hearings;

- Ensuring that victims of serious felonies are provided with notice prior to the release of the defendant, in accordance with Marcy’s Law;

- Eliminating a provision that previously required judges to release arrestees in the case of late pretrial assessments;

- Reducing costs, ensuring a smooth transition, and providing greater flexibility for counties by providing for a two-year delayed implementation; and

- Specifying that each county may select its own risk assessment tool so long as it conforms with certain standards
More than one million Californians are exposed to unsafe drinking water each year, and more than 300 California public water systems are currently out of compliance with drinking water standards. Some water systems have been unable to provide safe drinking water for multiple years. Additionally, nearly 2 million Californians utilize domestic wells and/or state small water systems that are not eligible for most assistance programs, leaving them particularly vulnerable to unsafe drinking water.

Drinking water contaminants are dangerous and can cause a variety of both short and long-term health effects, with children and the elderly typically at greatest risk. Low-income communities and communities of color are disproportionately impacted by unsafe, unaffordable drinking water. However, drinking water challenges are found in every part of California, in both urban and rural settings, making this a statewide health crisis that requires a statewide response.

For years, the State Water Resources Control Board (State Water Board) and drinking water advocates have called for the creation of a new sustainable funding source to support safe drinking water needs, since other sources of funding such as bond funding or the Safe Drinking Water State Revolving Fund (SDWSRF) do not qualify to be used to support critical functions like ongoing operations and maintenance (O&M) costs for drinking water treatment. Small, rural and/or socioeconomically disadvantaged communities in particular often lack a sufficient ratepayer base to afford the entire cost of their ongoing drinking water treatment. The lack of a sustainable funding source means low-income communities and others have no outside support to draw upon forcing them to choose between water they cannot afford or water that they cannot drink.

As a state, California has policies in place to make sure all Californians have access to basic utilities like energy and even telecommunications. However, California has no corresponding policy to ensure universal access to the most fundamental of necessities: safe drinking water.

Solution SB 623 will establish a new Safe and Affordable Drinking Water Fund (Fund) to finally ensure universal access to safe and affordable drinking water in California. Highlights of SB 623 and the Fund include the following:

1) The Fund will provide an ongoing source of funding to fill the "O&M gap" and cover other unmet emergency, interim and long-term drinking water solution needs.

2) The State Water Board, in consultation with a multi-disciplinary stakeholder group and after adoption of an annual fund implementation plan and needs assessment, shall prioritize funding to first focus on disadvantaged communities and low-income domestic well users with exceedances of primary drinking water standards where the cost of treatment or new sources would otherwise make the cost of the water service unaffordable. The funds collected will additionally provide for costs where no other currently existing sources of funding are available.
3) Funds shall also be prioritized to encourage long-term sustainability and cost-effectiveness of drinking water service and infrastructure.

4) The Fund will be operated transparently in a manner similar to other funding programs at the State Water Board and will include stakeholder and public processes to solicit input and ensure funding is being targeted and deployed effectively. The State Water Board will also be required to conduct a public review and assessment of the Fund.

5) The Safe and Affordable Drinking Water Fund will be located in the State Water Board's Office of Sustainable Water Solutions, which is well situated to leverage other sources of existing or new funding. In addition, it will provide for coordination with the newly created multi-disciplinary technical assistance program focused on the needs of small disadvantaged communities, so that it may efficiently and effectively secure safe drinking water to impacted communities and residents throughout the state.

Funding shall come from an increase to the existing fertilizer mill fee, a new safe drinking water fee on dairies, and a new small safe drinking water fee assessed monthly on water bills. The combined fees will raise an estimated total of $140 million annually for the first two years, and thereafter can be kept consistent or reduced by the State Water Board based on its annual needs assessments. Fees CANNOT be adjusted by the State Water Board to exceed the caps identified in statute. For single-family homes and most multi-family homes and businesses, the monthly safe drinking water fee is capped at a maximum of 95 cents, with an exemption from the fee for low-income households (under 200% of the federal poverty level).

The policies represented in SB 623 are informed by years of experience and discussion around how to solve California's long-standing gap in operations and maintenance funding for drinking water treatment and other unmet drinking water needs. They are the result of over a year of bipartisan policy discussions, convened by the author, Senate Majority Leader Senator Bill Monning, and crafted with input from major environmental justice, water, health, agricultural and environmental stakeholders. The breadth and strength of the historic coalition behind SB 623 is a testament to the urgency of this issue and the unique opportunity represented by SB 623 to finally secure safe drinking water for all Californians – both now and generations to come.
When a police officer shoots or sexually assaults a member of the public, the community deserves to know what happened. More importantly, we deserve to know how the department responded so we can determine whether the systems to hold officers accountable for their actions are working. But California law keeps all investigations and discipline of police officers secret, even for deadly shootings or when an officer’s own department concludes that they committed sexual assault or planted evidence. The majority of other states recognize that disclosure of records of critical incidents is a basic element of peace officer oversight — peace officer disciplinary records are available to the public in some form in 27 states. In California, there is a complete shroud of secrecy over these records that is unique to police officers — complaints against all other types of government employees aren’t kept confidential if the complaint is well-founded or there’s a strong public interest in disclosure.

Senate Bill 1421, introduced by Sen. Nancy Skinner, will help make police transparent and accountable to the communities they serve. The legislation will make available critical information on how the police departments handle the most serious use of force incidents and confirmed cases of misconduct.

Keeping records of police misconduct and serious uses of force secret prevents the public from ensuring that law enforcement officers are held accountable for their actions. This disproportionately harms communities of color and others who suffer the most from police harassment and brutality. A recent Pew Research Center poll found that only 30% of Americans, and just 10% of African Americans, believe law enforcement agencies are doing a good or excellent job of holding officers accountable for misconduct. The solution is clear to the people of California: Separate polling data show that nearly 80% of Californians believe the public should have access to the findings of police misconduct. We’ve seen far too many people killed at the hands of law enforcement to allow police agencies to keep judging those killings in secret. Police have the power to take a life based on a split-second decision. The public deserves information about how that power has been used and abused. SB 1421 is long overdue.

**Recommended changes: SB 1421 (Skinner)**

*The public has a right to know about officer misconduct and police departments’ responses.* All records of an investigation, findings, and discipline and other corrective action should be publicly available where an officer is found by a police agency to have violated law or agency policy regarding sexual assault or dishonesty that interferes with investigating crimes, such as perjury and fabricating or destroying evidence.

*The public gives police the authority to use deadly force and should have the right to know how police use that authority.* Investigations into any use of deadly force by a peace officer should be available to the public, whether or not the investigation finds that officer acted within policy. This is the only way the public can have confidence that police are appropriately using their unique authority to use deadly force.
SB 974 (LARA) FACT SHEET

California’s uninsured rate is at a historic low of 6.8% thanks to our robust implementation of the Affordable Care Act (ACA), which has brought health coverage to an additional 7 million Californians.1 In 2015, California made a critical investment to provide comprehensive full-scope Medi-Cal to all children, regardless of where they were born. Unfortunately, federal law explicitly and unjustly excludes undocumented immigrants from receiving health coverage through Medi-Cal, and from selecting a health plan or receiving subsidies for Covered California. As a result, undocumented adults are still left without comprehensive health care.

The California Immigrant Policy Center and Health Access California are advancing SB 974, the Health4All Act, which removes an eligibility barrier to full-scope Medi-Cal for low-income undocumented adults. SB 974 builds on the gains California has made and takes the Golden State one step closer to universal coverage. Ensuring that everyone has access to health care, regardless of their immigration status, is a key part of any strategy to reach this goal. California is stronger when everyone has access to health care. We’re all in this together, and we’re all healthier when all are covered.

Health4All Moves California Closer to Universal Coverage

Over the last year, we have witnessed a barrage of attacks on health care at the federal level, including multiple efforts to repeal the ACA, the elimination of the individual mandate penalty in the federal tax bill, and various administrative actions that undermine access to care. California has worked to shield our state from these attacks to the extent possible.

California must continue to champion bold and inclusive policies that support the health of our communities and work against xenophobic federal policies. Of the nearly 3 million Californians who remain uninsured, 58% are undocumented adults.2 Health4All removes a barrier to health access due to immigration status and brings California closer to ensuring that every Californian has comprehensive, affordable, and accessible care. SB 974 would provide Medi-Cal to low-income undocumented adults whose incomes are at or below 138% of the federal poverty level (FPL). This means that an undocumented adult in a single-person household would be eligible if their income is $16,6433 or less.

California already provides near-universal coverage for children, thanks in large part to the Health4All Kids program, which was implemented on May 16, 2016 and provides undocumented children an opportunity to get affordable health coverage. The 2015-16 state budget trailer bill (SB 75) included an investment to expand full-scope Medi-Cal to all low-income children under the age of 19, regardless of immigration status. Under the implementation of Health4All Kids, over 200,000 undocumented children have received comprehensive care. This expansion was possible thanks to the efforts of directly impacted individuals, advocates, and legislative leaders. SB 974 brings our state closer to universal coverage by building on the success of Health4All Kids by ensuring that full-scope Medi-Cal is available to all low-income undocumented adults.
AB 2845 (BONTA) FACT SHEET

SUMMARY
This bill would create a Pardon and Commutation Panel to provide recommendations to the Governor on pardon and commutation requests.

BACKGROUND
In California, individuals who were convicted of a crime may apply for a gubernatorial pardon or commutation if they have demonstrated exemplary behavior. A pardon restores specified rights that people lose when convicted of a felony, such as the ability to obtain a professional license. The pardon also allows for immigrants to reopen their deportation case. Currently, the Governor forwards applications for pardons and commutations to the Board of Parole to review and make recommendations. The Governor has the authority to grant pardons and commutations and the Legislature can establish the pardon application process.

NEED FOR THE BILL
Although those convicted of crimes may spend years rehabilitating themselves into productive and law-abiding residents, immigrants are faced with the risk of being sent back to countries where they have little or no ties. Due to the sharp increase in immigration enforcement arrests, one of the primary reasons people have been seeking pardons is to obtain potential relief from deportation. Pardons are one of the only available avenues of relief for immigrants facing deportation. Governor Brown recently issued several pardons to immigrants facing imminent deportation.

Since the tough on crime policies were enacted in the 1990s, California Governors have granted very few pardons. Governor Brown has granted 1,115 pardons thus far in his third and fourth terms as Governor. By contrast, from 1991 to 2010, three California Governors granted a total of just 28 pardons. Future Governors may not be as willing to grant pardons, especially in their first term. De-politicizing the pardon process for future Governors is needed to continue Governor Brown’s record on pardons. There is also little transparency around the pardon process. Individuals who apply for pardons do not know if the request was received, if it is being reviewed, and if/when a decision will be made.

SOLUTION
AB 2845 aims to depoliticize and increase the transparency in the pardon and commutation process by establishing a panel to make recommendations on applications to the Governor’s office. AB 2845 would establish a timeline for recommendations on pardon requests, including an expedited process for urgent pardon requests, such as those with a pending deportation order. The panel would provide notifications to applicants when they receive the application, begin the investigation, and issue a recommendation.

AB 2845 would also allow for a person to apply for a Certificate of Rehabilitation, which is a court order declaring that a person convicted of a crime is rehabilitated, in the county where the person
resides or was convicted. The application for a pardon shall be made available on the Governor’s website and the application for a Certificate of Rehabilitation shall be made available on the county court’s website.

Lastly, when conducting a background check in connection with an application for employment, AB 2845 would make it unlawful for an employer to consider in the application convictions that have been pardoned or received a Certificate of Rehabilitation.

CO-SPONSORS
Asian Americans Advancing Justice – California (sponsor)
Asian Prisoners Support Committee
California Coalition for Women Prisoners
Coalition for Humane Immigrant Rights
Immigrant Legal Resource Center
Legal Services for Prisoners with Children
PICO California
Root and Rebound
Youth Justice Coalition

SUPPORT
Californians for Safety and Justice
Ella Baker Center
AB 931 (WEBER) FACT SHEET

SUMMARY
There is growing recognition among policing experts that the current law authorizing police officers to use deadly force does not protect against unnecessary loss of life. AB 931 will change that standard to authorize deadly force only when it is necessary to prevent imminent death or serious bodily injury.

BACKGROUND
The power of police officers to use deadly force is perhaps the most significant responsibility we give to any public official, and must be guided by the goal of safeguarding human life. But current law results in officers killing civilians far more often than is necessary, leaving many families and communities devastated and the general public less safe. These tragedies disproportionately impact communities of color: Studies show police kill unarmed young black men at more than twenty times the rate they kill young white men. California’s law governing when a homicide by an officer is “justified” was written in 1872, and not only fails to include best practices but authorizes deadly force that would violate the U.S. constitution.

Police kill more people in California than in any other state. In 2017, officers shot and killed 162 people in California, only half of whom were armed with guns, and killed more than 20 others using other types of force. Of the 15 police departments with the highest per capita rates of police killings in the nation, five are in California: Bakersfield, Stockton, Long Beach, Santa Ana and San Bernardino. Police in Kern County have killed more people per capita than in any other US county.

Last year, the Los Angeles Police Department (LAPD) shot more than three times as many people as the New York Police Department, even though LAPD has only one-fourth as many officers. The last time a police officer in Los Angeles faced criminal charges for a shooting while on duty was in 2000; the shooting was not fatal and the officer plead no contest.

Some police departments in California have recognized that they need to hold themselves to a higher standard, updating their use-of-force policies to adopt best practices like requiring de-escalation when possible, using force that is proportional to the law enforcement objective, and grounding their policies on the importance of human life. Studies show that officers in departments that have adopted such policies kill fewer people and are less likely to be killed or assaulted in the line of duty.

EXISTING LAW
Under current law, police can use deadly force whenever an “objectively reasonable” officer would have done so under the same circumstances – regardless of whether there was an immediate threat to life or bodily security, or whether there were available alternatives. This standard provides legal cover for killings that can be reasonably justified under the law, but were not necessary.
AB 931 (WEBER) FACT SHEET

THIS BILL
AB 931 authorizes police officers to use deadly force only when it is necessary to prevent imminent and serious bodily injury or death – that is, if, given the totality of the circumstances, there was no reasonable alternative to using deadly force, including warnings, verbal persuasion, or other nonlethal methods of resolution or de-escalation.

This bill also establishes that a homicide by a peace officer is not justified if the officer’s gross negligence contributed to making the force “necessary.”

If AB 931 becomes law, police departments can discipline or fire officers who use deadly force that is unnecessary, and in some cases the local District Attorney could file criminal charges.