

RESOLUTION 09-01-2022

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Associations recommends that a proposed amendment to the Constitution of the State of California, article IV, sections 2 and 6 be sponsored, to read as follows:

1 § 2

2 (a)(1) ~~The Senate has a membership of 40~~ Senators shall be elected for 4-year terms, ~~20~~
3 half of them to begin every 2 years.

4 (2) ~~The Assembly has a membership of 80~~ Assembly members shall be elected for 2-year
5 terms.

6 (3) The terms of a Senator or a Member of the Assembly shall commence on the first
7 Monday in December next following her or his election.

8 (4) During her or his lifetime a person may serve no more than 12 years in the Senate, the
9 Assembly, or both, in any combination of terms. This subdivision shall apply only to those
10 Members of the Senate or the Assembly who are first elected to the Legislature after the effective
11 date of this subdivision and who have not previously served in the Senate or Assembly. Members
12 of the Senate or Assembly who were elected before the effective date of this subdivision may
13 serve only the number of terms allowed at the time of the last election before the effective date of
14 this subdivision.

15 (5) The total members of the Legislature shall be the cube root of the population of
16 California, as determined by the federal decennial census, rounded to the nearest whole number
17 divisible by three (3). Two-thirds (2/3) of that number shall constitute the number of Assembly
18 members, and one-third (1/3) shall constitute the number of Senators.

19 (b) Election of members of the Assembly shall be on the first Tuesday after the first
20 Monday in November of even-numbered years unless otherwise prescribed by the Legislature.
21 Senators shall be elected at the same time and places as members of the Assembly.

22 (c) A person is ineligible to be a member of the Legislature unless the person is an elector
23 and has been a resident of the legislative district for one year, and a citizen of the United States
24 and a resident of California for 3 years, immediately preceding the election, and service of the
25 full term of office to which the person is seeking to be elected would not exceed the maximum
26 years of service permitted by subdivision (a) of this section.

27 (d) When a vacancy occurs in the Legislature the Governor immediately shall call an
28 election to fill the vacancy.

29
30 § 6

31 For the purpose of choosing members of the Legislature, the State shall be divided into
32 ~~40 Senatorial and 80 Assembly districts to be called~~ Senatorial and Assembly Districts. Each
33 Senatorial district shall choose one Senator and each Assembly district shall choose one member
34 of the Assembly.

(Proposed new language underlined; language to be deleted stricken)

PROPONENT: San Diego County Bar Association

STATEMENT OF REASONS

The Problem: The California Constitution currently fixes the number of state senators at 40 and assembly members at 80. That number of representatives has remained static since the California Constitution of 1879 when California's population was around 864,000 people for ratios of around 1:21,600 for senators and 1:10,800 for assembly members. (Cal. Const., art. IV, § 5 (1879); 1880 Census, vol. 1, table Ia, p. 3.) Since then, California's population has increased 45-fold to around 39,500,000 in 2020 for representation ratios of around 1:987,500 for senators and 1:493,750 for assembly members. As a result, Californians are now some of the least represented citizens in the country as compared to similarly sized states. (See <https://www.ncsl.org/research/about-state-legislatures/number-of-legislators-and-length-of-terms.aspx> [New York, 213 representatives; Florida, 160 representatives; Texas, 181 representatives].) Numerous smaller states have better levels of representation as compared to California. (*Id.* [Alabama, 140 representatives; Connecticut, 187 representatives; Georgia, 236 representatives; Vermont, 180 representatives].) As a result, Californians have less power to influence their state representatives, and legislators do not need to be as responsive to their constituents.

The Solution: This resolution would create a formula for the expansion or contraction of the size of the Senate and Assembly so it reflects California's population. This resolution proposes that the size of the Legislature should be the cube root of California's population, as determined by the federal decennial census, rounded to the nearest whole number divisible by three with 2/3 allocation to the Assembly and 1/3 allocation to the Senate. This would allow for a consistent level of representation among California's population, adjusted every 10 years, and in turn make legislators more responsive to their constituents. This would also potentially increase the pool of candidates since costs to mount campaigns would be more affordable with smaller electoral bases.

IMPACT STATEMENT

This resolution may require additional statutory changes. As the number of Senate and Assembly Districts increase or decrease, redistricting would need to occur and elections held to fill any newly created seats.

CURRENT OR PRIOR RELATED LEGISLATION

No known current or recent similar legislation. Article IV, section 2, was last amended by Proposition 28 (2012 Primary Election) to modify term limits. Article IV, section 6 was last amended by Proposition 6 (1980 Primary Election) to make changes to redistricting methods.

AUTHOR AND/OR PERMANENT CONTACT

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RESPONSIBLE FLOOR DELEGATE

Ben Rudin

RESOLUTION 09-02-2022

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Associations recommends that legislation be sponsored to add Government Code section 7513.76, to read as follows:

- 1 § 7513.76
- 2 (a) As used in this section, the following terms have the following meanings:
- 3 (1) “Board” means the Board of Administration of the Public Employees’ Retirement
4 System or the Teachers’ Retirement Board of the State Teachers’ Retirement System, as
5 applicable.
- 6 (2) “Government of the People’s Republic of China” means the government of People’s
7 Republic of China or its instrumentalities or political subdivisions.
- 8 (3) “Public employee retirement funds” means the Public Employees’ Retirement Fund
9 described in Section 20062 and the Teachers’ Retirement Fund described in Section 22167 of the
10 Education Code.
- 11 (4) “China” means the People’s Republic of China, including Hong Kong and Macau,
12 and not the Republic of China (Taiwan).
- 13 (b) The board shall not make additional or new investments or renew existing
14 investments of public employee retirement funds in any investment vehicle, company, or a
15 parent thereof that meets any of the following criteria:
- 16 (1) The investment vehicle or company, or a parent thereof, is issued or owned by the
17 government of China, or is located in China.
- 18 (2) The investment vehicle or company, or a parent thereof, has, or is required by its
19 charter to have, an official organization or representative of the Communist Party of China.
- 20 (c) The board shall liquidate investments as described in subdivision (b), within 18
21 months.
- 22 (d) Within one year, the board shall file a report with the Legislature, in compliance with
23 Section 9795, and with the Governor, that shall include the following:
- 24 (1) A list of investment vehicles and companies which the board has liquidated its
25 investments pursuant to subdivision (c).
- 26 (2) A list of investment vehicles and companies which the board has not liquidated its
27 investments as a result of a determination made pursuant to subdivision (e) that a sale or transfer
28 of investments is inconsistent with the fiduciary responsibilities of the board as described in
29 Section 17 of Article XVI of the California Constitution and the board’s findings adopted in
30 support of that determination.
- 31 (e) Nothing in this section shall require a board to take action as described in this section
32 unless the board determines in good faith that the action described in this section is consistent
33 with the fiduciary responsibilities of the board described in Section 17 of Article XVI of the
34 California Constitution.

(Proposed new language underlined; language to be deleted stricken)

PROPONENT: Michael Fern, H. Thomas Watson, Jack Osborn, Darin Wessel, Natasha Khamashta, Ashod Mooradian, Kim Tran, Naris Khalatian, Marc Sallus, James Mink

STATEMENT OF REASONS

The Problem: Since 1949, the People's Republic of China has been ruled by the Communist Party of China (CCP) as a Marxist-Leninist one-party state. In the last four decades, massive inflows of capital, manufacturing facilities, and intellectual property have transformed China from one of the poorest countries in the world to the second largest economy. But economic development has not led to political reform. Instead, it has both enabled and emboldened the CCP to tighten its grip over 1.4 billion people through algorithmic censorship, surveillance, and the eradication of perceived threats, including ending civil liberties in Hong Kong and committing genocide against Uyghurs in Xinjiang. (Anderson, *The Panopticon Is Already Here* (Sept. 2020) *The Atlantic*, <https://www.theatlantic.com/magazine/archive/2020/09/china-ai-surveillance/614197>; Soo & Wu, *How democracy was dismantled in Hong Kong in 2021* (Dec. 29, 2021) Associated Press, <https://apnews.com/article/china-hong-kong-beijing-democracy-national-security-9e3c405923c24b6889c1bcf171f6def4>; *Break Their Lineage, Break Their Roots* (Apr. 19, 2021) Human Rights Watch, <https://www.hrw.org/report/2021/04/19/break-their-lineage-break-their-roots/chinas-crimes-against-humanity-targeting>.)

Moreover, China expands its influence beyond its borders through global media outlets that extol the virtues of its authoritarian system and by training foreign autocrats in the art of repression. (Shullman, *Protect the Party: China's growing influence in the developing world* (Jan. 22, 2019) Brookings, <https://www.brookings.edu/articles/protect-the-party-chinas-growing-influence-in-the-developing-world/>; Economy, *Yes, Virginia, China Is Exporting Its Model* (Dec. 11, 2019) Council on Foreign Relations, <https://www.cfr.org/blog/yes-virginia-china-exporting-its-model>.) Similarly, China's 'military-civilian fusion' strategy uses private industry to acquire cutting-edge technologies that can be repurposed for military applications, aimed at the United States and democracies in the Indo-Pacific. (Bruyère & Picarsic, *Made in Germany, Co-opted by China* (Oct. 2020) Foundation for Defense of Democracies, <https://www.fdd.org/analysis/2020/10/14/made-in-germany-co-opted-by-china/>; Beckley & Brands, *What Will Drive China to War?* (Nov. 1, 2021) *The Atlantic*, <https://www.theatlantic.com/ideas/archive/2021/11/us-china-war/620571>.)

These developments are aided by Chinese companies that must embed a Party organization or representative to ensure compliance with government directives. (Livingston, *The New Challenge of Communist Corporate Governance* (Jan. 14, 2021) Center for Strategic and International Studies, https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/210114_Livingston_New_Challenge.pdf.) It is no secret that China controls political discourse and punishes critics, including weaponizing access to its markets. (He, *Xi Jinping wants China's private companies to fight alongside the Communist Party* (Sep. 22, 2020) CNN, <https://www.cnn.com/2020/09/22/business/china-private-sector-intl-hnk/index.html>; Dahl, *China uses Hollywood in its Information Warfare Campaign* (Feb. 3, 2021) Newsweek, <https://www.newsweek.com/china-uses-hollywood-its-information-warfare-campaign-opinion-1566300>; Feng, *China Censors Appear To Ban Anti-Russia Media Content on Ukraine Invasion* (Feb. 23, 2022) Newsweek, <https://www.newsweek.com/china-censors-appear-ban-anti-russia-media-content-ukraine-invasion-1681638>.)

The Solution: This resolution would add Government Code section 7513.76 to require California’s public employee retirement boards to report whether their investments are owned or controlled by China, and to liquidate such investments if consistent with their fiduciary responsibilities. This resolution is similar to other statutes that have required divestment from companies linked to Sudan (Darfur genocide), Iran (weapons program), and Turkey (denial of Armenian genocide). (See Gov. Code, §§ 7513.6, 7513.7, 7513.74.) “A genocide denying and human rights abusing country is the last place our State’s investments should be held. I thank CalPERS for doing the right thing and encourage them to stop all future investment in Turkey.” (*Assemblymember Chris Holden Commends CalPERS Decision to Reduce Investments in Turkey* (Aug. 18, 2021), <https://a41.asmdc.org/press-releases/20210818-assemblymember-chris-holden-commends-calpers-decision-reduce-investments>.)

IMPACT STATEMENT

This resolution does not affect any other law, statute, or rule.

CURRENT OR PRIOR RELATED LEGISLATION

Not known.

AUTHOR AND/OR PERMANENT CONTACT

Michael Fern, Los Angeles, CA, sclawyer@gmail.com

RESPONSIBLE FLOOR DELEGATE

Michael Fern

RESOLUTION 09-03-2022

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Associations recommends that legislation be sponsored to add Government Code section 7513.77, to read as follows:

1 § 7513.77

2 (a) As used in this section, the following terms have the following meanings:

3 (1) “Board” means the Board of Administration of the Public Employees’ Retirement
4 System or the Teachers’ Retirement Board of the State Teachers’ Retirement System, as
5 applicable.

6 (2) “Government of the Russian Federation” means the government of the Russian
7 Federation or its instrumentalities or political subdivisions.

8 (3) “Public employee retirement funds” means the Public Employees’ Retirement Fund
9 described in Section 20062 and the Teachers’ Retirement Fund described in Section 22167 of the
10 Education Code.

11 (4) “Russia” means the Russian Federation and any territories it occupies or controls,
12 including Kaliningrad, Transnistria, Abkhazia, South Ossetia, Crimea, Luhansk, and Donetsk.

13 (b) The board shall not make additional or new investments or renew existing
14 investments of public employee retirement funds in any investment vehicle, company, or a
15 parent thereof that meets any of the following criteria:

16 (1) The investment vehicle or company, or a parent thereof, is issued or owned by the
17 government of Russia, or is located in Russia.

18 (2) The investment vehicle or company, or a parent thereof, is owned or controlled by
19 one or more nationals or entities of Russia that have been placed on the Specially Designated
20 Nationals (SDN) List maintained by the United States Department of Treasury.

21 (c) The board shall liquidate investments as described in subdivision (b), within 18
22 months.

23 (d) Within one year, the board shall file a report with the Legislature, in compliance with
24 Section 9795, and with the Governor, that shall include the following:

25 (1) A list of investment vehicles and companies which the board has liquidated its
26 investments pursuant to subdivision (c).

27 (2) A list of investment vehicles and companies which the board has not liquidated its
28 investments as a result of a determination made pursuant to subdivision (e) that a sale or transfer
29 of investments is inconsistent with the fiduciary responsibilities of the board as described in
30 Section 17 of Article XVI of the California Constitution and the board’s findings adopted in
31 support of that determination.

32 (e) Nothing in this section shall require a board to take action as described in this section
33 unless the board determines in good faith that the action described in this section is consistent
34 with the fiduciary responsibilities of the board described in Section 17 of Article XVI of the
35 California Constitution.

(Proposed new language underlined; language to be deleted stricken)

PROPONENT: Michael Fern, Erin Joyce, Kim Tran, H. Thomas Watson, Naris Khalatian, Marc Sallus, Ashod Mooradian, Carl Kanowsky, Natasha Khamashta, Daniel Geoulla

STATEMENT OF REASONS

The Problem: On February 24, 2022, Russia launched a full-scale invasion against Ukraine to decapitate its Western-oriented government and reconstitute the territories of the tsarist Russian Empire. (Ferguson, *Vlad the Invader: Putin is looking to rebuild Russia's empire* (Feb. 26, 2022) The Spectator, <https://www.spectator.co.uk/article/vlad-the-invader-putin-is-trying-to-recreate-the-tsarist-russian-empire>.)

The Solution: No resolution can stop a war of naked aggression. However, this resolution would align California with the rest of the free world in cutting economic ties to Russia as a pariah state. Specifically, this resolution would add Government Code section 7513.77 to require California's public employee retirement boards to report whether any investments are owned or controlled by Russia or sanctioned Russian nationals, and to liquidate such investments if consistent with the board's fiduciary responsibilities. This resolution is similar to other statutes that have required divestment from companies linked to Sudan (Darfur genocide), Iran (weapons program), and Turkey (denial of Armenian genocide). (See Gov. Code, §§ 7513.6, 7513.7, 7513.74.)

IMPACT STATEMENT

This resolution does not affect any other law, statute, or rule.

CURRENT OR PRIOR RELATED LEGISLATION

Sen. Res. No. 18 (2013-14 Reg. Sess.) encouraged CalPERS and CalSTRS to cease making direct investments in Russia for having prohibited adoption by LGBT couples.

AUTHOR AND/OR PERMANENT CONTACT

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RESPONSIBLE FLOOR DELEGATE

Michael Fern

RESOLUTION 09-04-2022

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Associations recommends that legislation be sponsored to amend Government Code section 6254, to read as follows:

1 § 6254

2 Except as provided in Sections 6254.7 and 6254.13, this chapter does not require the
3 disclosure of any of the following records:

4 (u) (1) Information contained in licenses and applications for licenses to carry firearms
5 issued pursuant to Section 26150, 26155, 26170, or 26215 of the Penal Code by the sheriff of a
6 county or the chief or other head of a municipal police department that indicates when or where
7 the licensee or applicant is vulnerable to attack or that concerns the applicant's medical or
8 psychological history or that of members of their family.

9 (2) ~~The home address and telephone number~~ licenses and applications for licenses of
10 prosecutors, public defenders, peace officers, judges, court commissioners, and magistrates
11 public safety officials, as defined in Section 6254.24, that are set forth in applications for licenses
12 to carry firearms issued pursuant to Section 26150, 26155, 26170, or 26215 of the Penal Code by
13 the sheriff of a county or the chief or other head of a municipal police department.

14 (3) ~~The home address and telephone number of prosecutors, public defenders, peace~~
15 ~~officers, judges, court commissioners, and magistrates that are set forth in licenses to carry~~
16 ~~firearms issued pursuant to Section 26150, 26155, 26170, or 26215 of the Penal Code by the~~
17 ~~sheriff of a county or the chief or other head of a municipal police department.~~
18 [Subdivisions (a) through (t) and (v) through (ad) remain unchanged.]

(Proposed new language underlined; language to be deleted stricken)

PROPONENT: Los Angeles County Bar Association

STATEMENT OF REASONS

The Problem: The free and independent state of Vermont, home of Ben, Jerry, and Bernie Sanders, allows anyone who lawfully possesses a firearm to carry it concealed on their person. Of the 49 states that require a CCW license, only California makes every application and license a public record. (See *Public access to concealed carry lists* (last accessed on Feb. 3, 2022) Ballotpedia, https://ballotpedia.org/Public_access_to_concealed_carry_lists.)

CCW applicants must be of good moral character, pass a background check, complete firearms training, and have good cause for carrying a concealed firearm. (Gov't Code, §§ 26150, 26155.) In the application, they must also divulge an array of personal and confidential information under penalty of perjury. (See *Standard Initial and Renewal Application for License to Carry a Concealed Weapon* (Aug. 2020) California Department of Justice, https://lasd.org/wp-content/uploads/2020/10/CCW_Application_BOF_4012_Rev.-08.2020.pdf.) Successful applicants will receive a license bearing their photograph, signature, thumbprint, and home and business addresses.

For the vast majority of applicants, the only information that is expressly exempt from disclosure is their social security number and information in the application that shows “medical or psychological history” and “when or where the applicant is vulnerable to attack.” (Gov’t Code, §§ 6254, subd. (u)(1), 6254.29.) However, this exemption does not apply to the license, which shows where one lives and works. Under the catchall exception, a public entity can choose to withhold a public record when “not disclosing the record clearly outweighs the public interest served by disclosure of the record.” (Gov’t Code, § 6255.) But relying on a balancing test is inherently uncertain and depends on whether the agency is prepared to risk a lawsuit. (See Browne, *CCW holder personal information could be made public by law* (Feb. 3, 2020) KRRCR, <https://krccrtv.com/news/local/ccw-holder-personal-information-subject-to-public-disclosure-by-law>; see, e.g., *CBS, Inc. v. Block* (1986) 42 Cal.3d 646.)

For “prosecutors, public defenders, judges, court commissioners, and magistrates,” the “home address and phone number” on a license or in the application is expressly exempt from disclosure. However, this exemption excludes many public safety officials for whom criminal threats are an occupational hazard, and whose home address and telephone numbers are prohibited from online publication within the same statutory scheme. (See Gov’t Code, §§ 6254.21, 6254.24.)

The Solution: The last two bills in this area tried to extend the exemption for “home address and telephone number” to all applications, but failed due to concerns that this would hamper investigations into political favoritism in the issuance of CCWs. Therefore, the aim of this resolution is more limited. First, it would add “licenses” and “licensees” to the exemptions that apply to “applications” and “applicants” generally. Second, it would replace the truncated list of public safety officials, with “public safety officials” as defined in Section 6254.24. Finally, given that public safety officials face occupational hazards that provide good cause for a CCW, the resolution would exempt their licenses and applications from public disclosure. Doing so has the added benefit of improving the publicly-available dataset that is used to determine whether a law enforcement agency is issuing CCWs fairly to members of the general public.

IMPACT STATEMENT

This resolution does not affect any other law, statute, or rule.

CURRENT OR PRIOR RELATED LEGISLATION

AB 1154 (2015-16 Reg. Sess.) and AB 134 (2013-14 Reg. Sess.)

AUTHOR AND/OR PERMANENT CONTACT

Michael Fern, Los Angeles, CA, sclawyer@gmail.com

RESPONSIBLE FLOOR DELEGATE

Michael Fern

RESOLUTION 09-05-2022

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Associations recommends that legislation be sponsored to add Government Code section 15850, as follows:

- 1 § 15850
2 Judicial Branch Construction Financed by the Public Building Construction Fund Shall
3 Meet Environmental Standards Set for State Agencies
4 (a) All projects undertaken by the California Judicial Branch that are funded by the
5 Public Building Construction Fund shall comply with laws that govern state agencies’
6 environmental impact including all active executive orders by the State of California governor.
7 (b) Such projects shall comply with laws and executive orders that require state agencies
8 to, among other things:
9 (1) Take into consideration the current and future impacts of climate change when
10 planning, designing, building, operating, maintaining and making investment decisions for state
11 infrastructure;
12 (2) Reduce greenhouse gas emissions, employing life-cycle carbon cost accounting to
13 evaluate and compare infrastructure investments and alternatives;
14 (3) Prioritize natural infrastructure;
15 (4) Consider and protect the state’s most vulnerable populations from additional climate
16 change impacts;
17 (5) Optimize new buildings and major renovation designs for energy efficiency;
18 (6) Optimize new buildings and major renovation designs for water conservation to
19 support the state goals of mitigating long-term state water scarcity;
20 (7) Use clean, on-site power generation in new buildings or major renovation of buildings
21 larger than 10,000 square feet, such as solar photovoltaic, solar thermal and wind power
22 generation, and clean back-up power supplies;
23 (8) Construct new buildings and major renovations after 2025 as Zero Net Energy
24 facilities with an interim target for 50% of new facilities beginning design after 2020 to be Zero
25 Net Energy;
26 (9) Reduce and divert waste generated during construction from landfills;
27 (10) Install infrastructure for electric vehicle charging stations in new buildings and
28 major renovations;
29 (11) Implement environmentally preferable purchasing and specifically comply with the
30 Buy Clean California Act (Public Contract Code Sections 3500-3505) maximum acceptable
31 Global Warming Potential limits for eligible construction materials.

(Proposed new language underlined; language to be deleted stricken)

PROPOSERS: Merete Rietveld and Kartik Raj, co-authors of the January 2022 *L.A. Lawyer* magazine article, “California Court Sustainability”; Staley Prom; Sabrina Ashjian; Elizabeth Forsyth; Shaun Dabby Jacobs; Mark Alan Hart; Matthew Simmons; Cristina Kladis; Janelle Batta.

STATEMENT OF REASONS

The Problem: In 2012, Governor Jerry Brown issued Executive Order B-18-12 requiring state agencies to take actions to reduce greenhouse gas emissions and reduce their environmental footprint. Governor Brown “requested that entities of State government not under [his] direct executive authority also implement similar measures.” The Judicial Branch did not heed that request. During the ten years that followed, the State Governor and Legislature issued a detailed framework of orders and laws requiring state agencies to reduce the environmental impacts associated with operating state buildings. The courts do not follow these laws and have not implemented a similar statutory framework for judicial facilities. While the courts have taken some steps to voluntarily improve energy efficiency of their buildings, these efforts fall far short of the researched statutory scheme that applies to other state agencies. The Judicial Branch saves money in the short term by not taking action to reduce their environmental impact, but the long-term costs include an excessive contribution to climate change and higher bills from avoiding energy efficiencies. In summary, the Judicial Branch is out of step with the state’s policy that state agencies must take action to address climate change by reducing their environmental impact. There is no good reason why the courts should not abide by environmental regulations that apply to other state agencies.

The Solution: The Governor’s 2022 Five-Year Infrastructure Plan allocates \$2.9 billion from Public Building Construction Fund to the Judicial Branch to build new facilities over the next five years. We propose adding a provision to the State Building Construction Act that requires all court projects funded by the Public Building Construction Fund to abide by environmental regulations that govern other state agencies.

IMPACT STATEMENT

This resolution does not affect any other law, statute, or rule.

CURRENT OR PRIOR RELATED LEGISLATION

None known

AUTHOR AND/OR PERMANENT CONTACT

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RESPONSIBLE FLOOR DELEGATE

Merete Rietveld

RESOLUTION 09-06-2022

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Associations recommends that legislation be sponsored to amend Penal Code sections 31630 and 31640, to read as follows:

1 § 31630

2 (a) The department shall develop an instruction manual in English, ~~and in Spanish,~~
3 Mandarin Chinese (traditional and simplified), Tagalog, Vietnamese, and Korean. The
4 department shall make the instruction manual available to firearm dealers licensed pursuant to
5 Sections 26700 to 26915, inclusive, who shall make it available to the general public. Essential
6 portions of the manual may be included in the pamphlet described in Section 34205.

7 (b) The department shall develop audiovisual materials in ~~English and in Spanish~~ the
8 specified languages to be issued to instructors certified by the department.

9 (c) The department shall solicit input from any reputable association or organization,
10 including any law enforcement association that has as one of its objectives the promotion of
11 firearm safety, in the development of the firearm safety certificate instructional materials.

12 (d) The instruction manual shall prominently include the following firearm safety
13 warning:

14 Firearms must be handled responsibly and securely stored to prevent access by children
15 and other unauthorized users. California has strict laws pertaining to firearms, and you can be
16 fined or imprisoned if you fail to comply with them. Visit the Web site of the California Attorney
17 General at <https://oag.ca.gov/firearms> for information on firearm laws applicable to you and how
18 you can comply.

19

20 § 31640

21 (a) The department shall develop a written objective test, ~~in English and in Spanish~~ in the
22 languages specified in subdivision (a) of Section 31630, and prescribe its content, form, and
23 manner, to be administered by an instructor certified by the department.

24 (b) If the person taking the test is unable to read, the test shall be administered orally. If
25 the person taking the test is unable to read ~~English or Spanish~~ a language specified in subdivision
26 (a) of Section 31630, the test may be administered orally by a translator.

27 (c) The test shall cover, but not be limited to, all of the following:

28 (1) The laws applicable to carrying and handling firearms, particularly handguns.

29 (2) The responsibilities of ownership of firearms, particularly handguns.

30 (3) Current law as it relates to the private sale and transfer of firearms.

31 (4) Current law as it relates to the permissible use of lethal force.

32 (5) What constitutes safe firearm storage.

33 (6) Issues associated with bringing a firearm into the home, including suicide.

34 (7) Prevention strategies to address issues associated with bringing firearms into the
35 home.

36 (d) Commencing January 1, 2019, the test shall require the applicant to be provided with,
37 and acknowledge receipt of, the following warning information:

38 (1) "Firearms must be handled responsibly and securely stored to prevent access by
39 children and other unauthorized users. California has strict laws pertaining to firearms and you

40 can be fined or imprisoned if you fail to comply with them. Visit the website of the California
41 Attorney General at <https://oag.ca.gov/firearms> for information on firearm laws applicable to you
42 and how you can comply.”

43 (2) “If you decide to sell or give your firearm to someone, you must generally complete a
44 ‘Dealer Record of Sale (DROS)’ form and conduct the transfer through a licensed firearms
45 dealer. Remember, it is generally a crime to transfer a firearm without first filling out this form.
46 If the police recover a firearm that was involved in a crime, the firearm’s previous owner may be
47 prosecuted if the previous owner did not fill out the DROS form. Please make sure you go to a
48 licensed firearms dealer and fill out that form if you want to sell or give away your firearm.”

49 (3) “If you or someone you know is contemplating suicide, please call the national
50 suicide prevention lifeline at 1-800-273-TALK (8255).”

51 (e) (1) The department shall update test materials related to this article at least once every
52 five years.

53 (2) The department shall update the internet website referenced in subdivision (d)
54 regularly to reflect current laws and regulations.

55 (f) A dealer licensed pursuant to Sections 26700 to 26915, inclusive, or an employee, or a
56 managing officer or partner certified as an instructor pursuant to this article, shall designate a
57 separate room or partitioned area for a person to take the objective test, and maintain adequate
58 supervision to ensure that no acts of collusion occur while the objective test is being
59 administered.

60 (g) This section shall become operative on June 1, 2020.

(Proposed new language underlined; language to be deleted stricken)

PROPONENT: Los Angeles County Bar Association

STATEMENT OF REASONS

The Problem: To acquire a firearm lawfully, a civilian must purchase or conduct a transfer through a federally-licensed gun dealer and show proof of a firearm safety certificate. (See Pen. Code, §§ 28050, 26840, 31615.) This certificate is issued upon achieving a passing score on a written test that covers gun safety rules and California gun laws. (See Pen. Code, §§ 31630, 31640, 31645; see also *Firearm Safety Certificate Publications*, Office of the Attorney General, <https://oag.ca.gov/firearms/fsc>.) However, both the test and its online study guide are available only in English and Spanish, which excludes over 2 million Californians who are fluent in neither and speak another language at home. (See *Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over for California: 2009-2013* (Oct. 2015) U.S. Census Bureau, <http://www2.census.gov/library/data/tables/2008/demo/language-use/2009-2013-acs-lang-tables-state.xls>.) Since the pandemic, many Californians have sought to exercise their right under the Second Amendment, but face language barriers in doing so. (See Chan, *I've Never Seen This Level of Fear.' Why Asian Americans Are Joining the Rush to Buy Guns* (Jul. 21, 2021) Time, <https://time.com/6080988/asians-buying-guns>.) After English and Spanish, the top four languages spoken in California are Chinese, Vietnamese, Tagalog, and Korean. “[T]he five languages other than English that are most widely spoken at home are Spanish, Chinese, Tagalog, Vietnamese, and Korean.” (Civ. Code, § 1632, subd. (a)(2).)

The Solution: This resolution would help educate all Californians about the risks and responsibilities that come with gun ownership by requiring the California Department of Justice to make the written test and instructional materials for a firearm safety certificate available in four additional languages: Mandarin Chinese (traditional and simplified), Vietnamese, Tagalog, and Korean. Removing language barriers by expanding translated materials follows similar efforts to ensure that all Californians can exercise their rights and access public services, such as when voting, obtaining a driver’s license, and navigating the court system. “It is the intention of the Legislature in enacting this chapter to provide for effective communication between all levels of government in this state and the people of this state who are precluded from utilizing public services because of language barriers.” (Gov. Code, § 7291.)

IMPACT STATEMENT

This resolution does not affect any other law, statute, or rule.

CURRENT OR PRIOR RELATED LEGISLATION

None known.

AUTHOR AND/OR PERMANENT CONTACT

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RESPONSIBLE FLOOR DELEGATE

Michael Fern

RESOLUTION 09-07-2022

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Associations recommends that legislation be sponsored to amend Vehicle Code section 1808.4, to read as follows:

- 1 § 1808.4
2 (a) For all of the following persons, the person’s home address that appears in a record of
3 the department is confidential if the person requests the confidentiality of that information:
4 (1) Attorney General.
5 (2) State Public Defender.
6 (3) A Member of the Legislature.
7 (4) An active or retired judge or court commissioner.
8 (5) A district attorney.
9 (6) A public defender.
10 (7) An attorney employed by the Department of Justice, the office of the State Public
11 Defender, or a county office of the district attorney or public defender.
12 (8) A city attorney, city prosecutor, or an attorney who submits verification from their
13 public employer that the attorney represents the city in matters that routinely place the attorney
14 in personal contact with persons under investigation for, charged with, or convicted of,
15 committing criminal acts, if that attorney is employed by a city attorney or city prosecutor.
16 (9) A nonsworn police dispatcher.
17 (10) A child abuse investigator or social worker, working in child protective services
18 within a social services department.
19 (11) An active or retired peace officer, as defined in Chapter 4.5 (commencing with
20 Section 830) of Title 3 of Part 2 of the Penal Code.
21 (12) An employee of the Department of Corrections and Rehabilitation, Division of
22 Juvenile Facilities, or the Prison Industry Authority specified in Sections 20403 and 20405 of the
23 Government Code.
24 (13) A nonsworn employee of a city police department, a county sheriff’s office, the
25 Department of the California Highway Patrol, a federal, state, or local detention facility, or a
26 local juvenile hall, camp, ranch, or home, who submits agency verification that, in the normal
27 course of the employee’s employment, the employee controls or supervises inmates or is
28 required to have a prisoner in the employee’s care or custody.
29 (14) A county counsel assigned to child abuse cases.
30 (15) An investigator employed by the Department of Justice, a county district attorney, or
31 a county public defender.
32 (16) A member of a city council.
33 (17) A member of a board of supervisors.
34 (18) A federal prosecutor, criminal investigator, or National Park Service Ranger
35 working in this state.
36 (19) An active or retired city enforcement officer engaged in the enforcement of the
37 Vehicle Code or municipal parking ordinances.
38 (20) An employee of a trial court.
39 (21) A psychiatric social worker or paralegal employed by a county.

40 (22) A police or sheriff department employee designated by the chief of police of the
41 department or the sheriff of the county as being in a sensitive position. A designation pursuant to
42 this paragraph shall, for purposes of this section, remain in effect for three years subject to
43 additional designations that, for purposes of this section, shall remain in effect for additional
44 three year periods.

45 (23) A state employee in one of the following classifications:

46 (A) Licensing-Registration Examiner, Department of Motor Vehicles.

47 (B) Motor Carrier Specialist I, Department of the California Highway Patrol.

48 (C) Museum Security Officer and Supervising Museum Security Officer.

49 (D) Licensing Program Analyst, State Department of Social Services.

50 (24) (A) The spouse or child of a person listed in paragraphs (1) to (23), inclusive,
51 regardless of the spouse's or child's place of residence.

52 (B) The surviving spouse or child of a peace officer, as defined in Chapter 4.5
53 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, if the peace officer died in
54 the line of duty.

55 (C) The surviving spouse or child of a judge or court commissioner, if the judge or court
56 commissioner died in the performance of their duties.

57 (D) (i) Subparagraphs (A), (B), and (C) do not apply if the person listed in those
58 subparagraphs was convicted of a crime and is on active parole or probation.

59 (ii) For requests made on or after January 1, 2011, the person requesting confidentiality for
60 their spouse or child listed in subparagraph (A), (B), or (C) shall declare, at the time of the request
61 for confidentiality, whether the spouse or child has been convicted of a crime and is on active
62 parole or probation.

63 (iii) Neither the listed person's employer nor the department shall be required to verify, or
64 be responsible for verifying, that a person listed in subparagraph (A), (B), or (C) was convicted of
65 a crime and is on active parole or probation.

66 (E) (i) The department shall discontinue holding a home address confidential pursuant to
67 this subdivision for a person specified in subparagraph (A), (B), or (C) who is the child or spouse
68 of a person described in paragraph (4), (9), (11), (13), or (22) if the child or spouse is convicted of
69 a felony in this state or is convicted of an offense in another jurisdiction that, if committed in
70 California, would be a felony.

71 (ii) The department shall comply with this subparagraph upon receiving notice of a
72 disqualifying conviction from the agency that employs or formerly employed the parent or spouse
73 of the convicted person, or as soon as the department otherwise becomes aware of the disqualifying
74 conviction.

75 (b) The confidential home address of a person listed in subdivision (a) shall not be
76 disclosed, except to any of the following:

77 (1) A court.

78 (2) A law enforcement agency.

79 (3) The State Board of Equalization.

80 (4) An attorney in a civil or criminal action that demonstrates to a court the need for the
81 home address, if the disclosure is made pursuant to a subpoena.

82 (5) A governmental agency to which, under any law, information is required to be furnished
83 from records maintained by the department.

84 (c) (1) A record of the department containing a confidential home address shall be open to
85 public inspection, as provided in Section 1808, if the address is completely obliterated or otherwise
86 removed from the record.

87 (2) Following termination of office or employment, a confidential home address shall be
88 withheld from public inspection for three years, unless the termination is the result of conviction
89 of a criminal offense. If the termination or separation is the result of the filing of a criminal
90 complaint, a confidential home address shall be withheld from public inspection during the time
91 in which the terminated individual may file an appeal from termination, while an appeal from
92 termination is ongoing, and until the appeal process is exhausted, after which confidentiality
93 shall be at the discretion of the employing agency if the termination or separation is upheld.
94 Upon reinstatement to an office or employment, the protections of this section are available.

95 (3) With respect to a retired peace officer, the peace officer's home address shall be
96 withheld from public inspection permanently upon request of confidentiality at the time the
97 information would otherwise be opened. The home address of the surviving spouse or child
98 listed in subparagraph (B) of paragraph (24) of subdivision (a) shall be withheld from public
99 inspection for three years following the death of the peace officer.

100 (4) The department shall inform a person who requests a confidential home address what
101 agency the individual whose address was requested is employed by or the court at which the
102 judge or court commissioner presides.

103 (5) With respect to a retired judge or court commissioner, the retired judge or court
104 commissioner's home address shall be withheld from public inspection permanently upon
105 request of confidentiality at the time the information would otherwise be opened. The home
106 address of the surviving spouse or child listed in subparagraph (C) of paragraph (24) of
107 subdivision (a) shall be withheld from public inspection for three years following the death of the
108 judge or court commissioner.

109 (d) A violation of subdivision (a) by the disclosure of the confidential home address of a
110 peace officer, as specified in paragraph (11) of subdivision (a), a nonsworn employee of the city
111 police department or county sheriff's office, a judge or court commissioner, as specified in
112 paragraph (4) of subdivision (a), or the spouses or children of these persons, including, but not
113 limited to, the surviving spouse or child listed in subparagraph (B) or (C) of paragraph (24) of
114 subdivision (a), that results in bodily injury to the peace officer, employee of the city police
115 department or county sheriff's office, judge or court commissioner, or the spouses or children of
116 these persons is a felony.

(Proposed new language underlined; language to be deleted stricken)

PROPOSER: Los Angeles County Bar Association

STATEMENT OF REASONS

The Problem: The paralegals of public defender agencies as well as in law enforcement and child protection agencies are not currently afforded the same license confidentiality protections even though they conduct many of the same tasks as investigators and social workers, making home visits to clients, alleged victims, and witnesses. They drive into high crime areas to conduct their work and are placed in the same risk category of potential harm, therefore, should be afforded the same protections.

The Solution: Paralegals of public defender, prosecutor, child protection services and other law enforcement agencies should be able to apply to protect the release of their home addresses as they have the exact same safety concerns as other professionals enumerated in this code section.

IMPACT STATEMENT

This resolution does not affect any other law, statute, or rule.

CURRENT OR PRIOR RELATED LEGISLATION

Similar to Senate Bill No. 517 (2019-2020). Returned to Secretary of Senate pursuant to Joint Rule 56 in Feb. 2020; Assembly Bill 980 (2019-2020; Senate Bill 483 (2019-2020); Senate Bill 1286 (2019-2020) and Senate Bill No. 101 (2021-2022), died in Senate appropriations. Senate Bill-1131 introduced February 16, 2022: Election workers: confidentiality.

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RESPONSIBLE FLOOR DELEGATE

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