

## CONCURRENCE IN SENATE AMENDMENTS

AB 3364 (Committee on Judiciary)

As Amended August 20, 2020

Majority vote

**SUMMARY:**

Enacts numerous technical changes to several of the California codes as part of the judiciary omnibus bill.

**Major Provisions**

- 1) Clarifies that the mandatory continuing legal education curriculum related to implicit bias training for California attorneys commences with the compliance period ending after January 31, 2022.
- 2) Restores an erroneously deleted provision of law and corrects outdated cross references to reflect the proper procedure for submitting as demand letters and other documents related to disability access claims to the California Commission on Disability Access.
- 3) Clarifies that nothing in the existing law outlining the disclosures and duties required of property buyers and sellers in high or very high fire severity zones is to be interpreted as limiting the ability of a state or local agency to enforce defensible space requirements.
- 4) Clarifies that, among other documentation, a debtor seeking to stop the collection of a debt incurred as a result of identity theft must provide the debt collector with a copy of an theft report published by the Federal Trade Commission.
- 5) Augments existing law related to debtors examinations to include limited liability companies within the list of corporate entities that must designate one or more officers, directors, managing agents, or other persons who are familiar with its property and debts to appear and be examined.
- 6) Provides that the clerk of a court must allow access to limited civil case records, including the court file, index, and register of actions including in a case of a complaint involving the unlawful detainer of residential property to any other person only if judgment against all defendants has been filed for the plaintiff.
- 7) Clarifies that a school district or community college district is included within the definition of "local agency" for the purposes of the state's unclaimed property laws thereby permitting property to be transferred by the Controller directly to the school district or community college district without the filing of a claim.
- 8) Clarifies that for the purposes of the Fair Employment and Housing Act, military or veteran status is deemed a civil right to be protected by the Act.
- 9) Modifies a report from the Judicial Council to the Legislature regarding trial court procurement contracts to reflect information provided by the courts to the state's Fi\$Cal website.

- 10) Provides that a notice of sale must be given to a tenant stating that the new property owner may either give the tenant a new lease or rental agreement or provide the tenant with a 90-day eviction notice, and that the new property owner is required to honor the lease unless the new owner will occupy the property as a primary residence or under limited circumstances.
- 11) Repeals the sunset date on provisions of law permitting electronic mailing of notices of delinquent payment for self-storage facilities.
- 12) Repeals the sunset date on provisions of law requiring parties in a civil action to meet and confer before filing a demurrer, motion to strike, or motion for judgment on the pleadings, a party is required to meet and confer with the opposing party to try to resolve the objections or claims that would be raised in the filing.
- 13) Requires a county clerk to issue a duplicate confidential marriage license within one year after the date of the marriage and would require the person solemnizing the marriage to return the license to the clerk within one year of the date of the marriage.
- 14) Permanently extends the rebuttable presumption that a child support obligor is entitled to a low-income adjustment if that person earns less than \$1,500 per month.
- 15) Extends several deadlines related to the pretrial risk assessment tools and associated reporting on the outcomes of the use of those tools.
- 16) Provides that the implementation of provisions of SB 10 (Hertzberg), Chap. 244, Stats. 2018, which repeals the cash bail system and instead requires Pretrial Assessment Services to assess a person arrested or detained according to a risk assessment instrument and specifies the procedures for the detention or release of that person is delayed until October 1, 2021.

**The Senate Amendments:**

- 1) Remove provisions of the bill related to the Attorney General's power to enforce specified provisions of the Fish and Game Code.
- 2) Add provisions regarding the notice of sale that must be provided to tenants if their property in which they are living is sold, and specify that translation of such documents must be performed by the Department of Business Oversight and the Department of Real Estate.
- 3) Add a provision that repeals the sunset date on provisions of law permitting parties in a civil action to amend a pleading once without leave of court before an answer, demurrer, or motion to strike is filed, or after a demurrer or motion to strike is filed but before it is heard by the court if the amended pleading is filed and served no later than the date for filing an opposition to the demurrer or motion strike.
- 4) Add a provision that repeals the sunset date on provisions of law requiring parties in a civil action to meet and confer before filing a demurrer, motion to strike, or motion for judgment on the pleadings, a party is required to meet and confer with the opposing party to try to resolve the objections or claims that would be raised in the filing.
- 5) Add provisions requiring a county clerk to issue a duplicate confidential marriage license within one year after the date of the marriage and require the person solemnizing the marriage to return the license to the clerk within one year of the date of the marriage.

- 6) Add provisions that permanently extends the rebuttable presumption that a child support obligor is entitled to a low-income adjustment if that person earns less than \$1,500 per month.
- 7) Add provisions to extend several deadlines related to the pretrial risk assessment tools and associated reporting on the outcomes of the use of those tools.
- 8) Add provisions that provide that the implementation of provisions of SB 10 (Hertzberg), Chapter 244, Statutes of 2018, which repeals the cash bail system and instead requires Pretrial Assessment Services to assess a person arrested or detained according to a risk assessment instrument and specifies the procedures for the detention or release of that person is delayed until October 1, 2021.
- 9) Add provisions that deem that a public entity for the purposes of administration and implementation of the child and spousal support enforcement program does not include the courts.
- 10) Add provisions that authorizes, but does not require, the Judicial Council to require matching funds for local Court-Appointed Special Advocate programs to receive grants through this process and authorize the council to require matching funds in an amount up to the proposal request amount.

#### **COMMENTS:**

This bill is the Assembly Judiciary Committee's biennial omnibus civil law bill. The purpose of the omnibus bill is intended to increase the efficiency of the legislative process, conserve legislative resources, and eliminate the need to unnecessarily hear a number of technical, clarifying, or modest stand-alone bills that might otherwise have to be introduced and heard separately by the Legislature.

As a result of the need for legislative efficiencies as the result of COVID-19's impact on the California Legislature this year's omnibus bill includes numerous, non-controversial clarifications and revisions to existing law. Several of these provisions resolve minor amendments to two bills heard and approved by the Legislature in 2019, related to mandatory continuing legal education training and unclaimed property. Furthermore, this bill clarifies the Fair Employment and Housing Act related to military or veteran status to remove ambiguity in the existing law. Additionally, the bill modernizes the requirements of a report from the Judicial Council of California to the Legislature to reflect accounting system changes implemented as the judicial branch transitioned to the state's troubled Fi\$Cal accounting reporting system, and clarifies provisions of a measure approved by the Legislature last year related to property sales in high and very high fire severity zones. Additionally, this bill now contains provisions that were in other legislation previously approved by the Assembly in 2020 related to family law, unpaid rent at self-storage facilities, and meet and confer requirements imposed on civil litigants. Finally, this bill extends several implementation and reporting deadlines related to pretrial assessment tools and the elimination of cash bail in California to account for the delay in implementing the SB 10 (Hertzberg) Chapter 244, Statutes of 2018, as a result of the pending referendum on that measure slated to be voted upon by the California electorate during the 2020 General Election.

**According to the Author:**

This broad, yet non-controversial measure is intended to increase the efficiency of the legislative process, conserve legislative resources, and eliminate the need to unnecessarily evaluate a number of technical, clarifying, or modest stand-alone bills that might otherwise have to be introduced and heard separately by legislative committees.

**Arguments in Support:**

None on file

**Arguments in Opposition:**

None on file

**FISCAL COMMENTS:**

According to the Senate Appropriations committee:

- 1) *Departments of Business Oversight & Real Estate*: Unknown costs, potentially in the thousands of dollars to make translations in certain languages a specified notice regarding tenant protection. (General Fund)
- 2) *Courts*: Unknown, potential-significant cost savings to the courts and the Judicial Council for tasks and responsibilities related to risk assessment tools and a pretrial release system the due dates for which would be extended. Cost savings related to the pretrial release program would be realized only if Proposition 25 (2020) is passed by the voters in November 2020. (General Fund)

**VOTES:****ASM JUDICIARY: 10-0-1**

**YES:** Mark Stone, Gallagher, Chau, Chiu, Gonzalez, Holden, Kiley, Maienschein, Obernolte, Reyes

**ABS, ABST OR NV:** Kalra

**ASM APPROPRIATIONS: 18-0-0**

**YES:** Gonzalez, Bigelow, Bauer-Kahan, Bloom, Bonta, Calderon, Carrillo, Chau, Megan Dahle, Diep, Eggman, Fong, Gabriel, Eduardo Garcia, Petrie-Norris, McCarty, Robert Rivas, Voepel

**ASSEMBLY FLOOR: 76-0-3**

**YES:** Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Brough, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Chu, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Diep, Eggman, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager, Kiley, Lackey, Levine, Limón, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Nazarian, O'Donnell, Obernolte, Patterson, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Voepel, Waldron, Weber, Wicks, Wood, Rendon

**ABS, ABST OR NV:** Low, Muratsuchi, Quirk

**SENATE FLOOR: 39-0-1**

**YES:** Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dahle, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Leyva, McGuire, Melendez, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

**ABS, ABST OR NV:** Jones

**UPDATED:**

VERSION: August 20, 2020

CONSULTANT: Nicholas Liedtke / JUD. / (916) 319-2334

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