

AMENDED IN ASSEMBLY MAY 23, 2002

AMENDED IN ASSEMBLY APRIL 18, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3028**

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**Introduced by Committee on Judiciary (Corbett (Chair), Dutra,  
Jackson, Longville, Shelley, Steinberg, and Wayne)**

March 12, 2002

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An act to repeal and add Chapter 5.5 (commencing with Section 6400) of Division 3 of the Business and Professions Code, to amend Sections 228, 527.6, and 527.8 of the Code of Civil Procedure, to amend Sections 2106 and 3111 of the Family Code, to amend Sections 7.6 and 68516 of, to add Section 69645 to, and to repeal Sections 69510, 69510.5, ~~69510.6, and 72056.01~~ and 69510.6 of, the Government Code, and to amend Sections 213.5 and 827 of the Welfare and Institutions Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 3028, as amended, Committee on Judiciary. Court procedures.

(1) Existing law defines and regulates the activities of a legal document assistant. Existing law requires a legal document assistant to register in the county in which his or her principal place of business is located and restricts the type of information that he or she may provide for compensation. Existing law exempts from this regulation certain persons, including immigration consultants, registered process servers, and providers of services that are regulated by federal law. Existing law prescribes minimum qualifications to register as a legal document assistant.

Existing law requires an applicant for registration as a legal document assistant to be denied if, among other things, the applicant has suffered certain criminal convictions. Existing law requires each county to maintain a register of legal document assistants. Existing law proscribes certain fraudulent conduct by a legal document assistant. Existing law makes a violation of certain of its provisions by a legal document assistant a misdemeanor.

Existing law provides for the repeal of these provisions on January 1, 2003, or the date the Director of the Department of Consumer Affairs suspends those requirements, whichever first occurs.

This bill instead would make these requirements operative indefinitely. By extending indefinitely the definition of a crime and the registration of legal document assistants duties applicable to counties, the bill would impose a state-mandated local program.

(2) Existing law authorizes a person who has suffered harassment, as defined, to seek a temporary restraining order and an injunction prohibiting the harassment. Existing law authorizes the court, on a showing of good cause, to issue a temporary restraining order which protects other named family or household members who reside with the person.

This bill also would authorize the court to issue an injunction which protects other named family or household members who reside with the person who is being subject to harassment under those circumstances.

(3) Under existing law, any employer, whose employee has suffered unlawful violence or a credible threat of violence from any individual, that can reasonably be construed to be carried out or to have been carried out at the workplace, may seek a temporary restraining order and an injunction on behalf of the employee prohibiting further unlawful violence or threats of violence by that individual. Existing law authorizes the court, on a showing of good cause, to issue a temporary restraining order which protects other named family or household members who reside with the person.

This bill also would authorize the court to issue an injunction which protects other named family or household members who reside with the person who is being subject to that violence under those circumstances.

(4) Existing law requires a report of a child custody evaluator to be filed with the clerk of the court in which a contested custody or visitation rights hearing will be conducted and served on the parties and their attorneys at least 10 days before the hearing.



This bill also would require that report to be served on any counsel appointed, as specified, for the child.

(5) Existing law provides that any officer whose office is created by the California Constitution and who is made a member of a state board, commission, or committee, or of the governing body of any state agency or authority may designate a deputy of his or her office holding a specified position to act as the member in the constitutional officer's place and stead, to all intents and purposes as though the constitutional officer were personally present. Existing law expressly provides the circumstances under which the Lieutenant Governor, Attorney General, and Superintendent of Public Instruction may designate a deputy of his or her office for that purpose.

This bill would expressly provide that the Chief Justice of the California Supreme Court may designate a judge or employee of a state court or an employee of the Administrative Office of the Courts to act as a deputy for those purposes.

(6) Existing law authorizes the Judicial Council to establish a tax-exempt public benefit nonprofit corporation, or other tax-exempt entity, for the purposes of undertaking or funding any survey, study, publication, proceeding, or other activity authorized by law to be undertaken by the Judicial Council.

This bill would authorize employees of the Administrative Office of the Courts to establish, staff, and maintain a tax-exempt public benefit nonprofit corporation, or other tax-exempt entity, if the activities are exclusively directed at research and educational programs authorized by the Judicial Council for the support of the judiciary.

(7) Under existing law, a majority of the judges of a superior court may order sessions of the court to be held at any place where a municipal court holds sessions within the county or, in a county in which there is no municipal court, where there is a court facility.

This bill instead would require each trial court to determine the number and location of sessions of the court, taking into consideration the employees and facilities of the court. The bill would authorize the session to be held outside the county of the court under certain circumstances.

~~(8) Existing law specifies the fees required to be paid to file an amended complaint or amendment to a complaint in a limited civil case and the fee required to be paid to file a cross-complaint, amended cross-complaint or amendment to a cross-complaint in a limited civil case.~~



~~This bill would repeal those provisions.~~

~~(9)~~ Existing law provides that after a petition has been filed to declare a child a dependent child of the juvenile court, and after a petition has been filed to declare a child a ward of the juvenile court, court may issue ex parte orders enjoining any person from molesting, attacking, threatening, sexually assaulting, stalking, or battering the child, among other things.

Existing law provides that if a temporary restraining order is granted without notice, the matter is required to be made returnable on an order requiring cause to be shown why the order should not be granted, on the earliest day that the business of the court will permit, but not later than 15 days or, if good cause appears to the court, 20 days from the date the temporary restraining order is granted. Existing law authorizes the court, on the motion of the person seeking the restraining order, or on its own motion, to shorten the time for service on the person to be restrained of the order to show cause.

This bill would permit the court, upon its own motion or the filing of an affidavit by the person seeking the restraining order, to find that the person to be restrained could not be served within the time required by law and to reissue an order previously issued and dissolved by the court for failure to serve the person to be restrained.

~~(10)~~

(9) Existing law provides that the juvenile case file of a minor may only be inspected by certain persons, including the attorneys for the parties.

This bill would authorize those files to be inspected by attorneys who represent persons who are, or have been, the subjects of petitions filed in juvenile court, as specified.

~~(11)~~

(10) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs



so 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. Chapter 5.5 (commencing with Section 6400) of  
2 Division 3 of the Business and Professions Code is repealed.

3 SEC. 2. Chapter 5.5 (commencing with Section 6400) is  
4 added to Division 3 of the Business and Professions Code, to read:

5

6 CHAPTER 5.5. LEGAL DOCUMENT ASSISTANTS AND UNLAWFUL  
7 DETAINER ASSISTANTS

8

9

Article 1. General Provisions

10

11 6400. (a) “Unlawful detainer assistant” means any  
12 individual who for compensation renders assistance or advice in  
13 the prosecution or defense of an unlawful detainer claim or action,  
14 including any bankruptcy petition that may affect the unlawful  
15 detainer claim or action.

16 (b) “Unlawful detainer claim” means a proceeding, filing, or  
17 action affecting rights or liabilities of any person that arises under  
18 Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of  
19 the Code of Civil Procedure and that contemplates an adjudication  
20 by a court.

21 (c) “Legal document assistant” means:

22 (1) Any person who is not exempted under Section 6401 and  
23 who provides, or assists in providing, or offers to provide, or offers  
24 to assist in providing, for compensation, any self-help service to  
25 a member of the public who is representing himself or herself in  
26 a legal matter, or who holds himself or herself out as someone who  
27 offers that service or has that authority. This paragraph does not  
28 apply to any individual whose assistance consists merely of  
29 secretarial or receptionist services.

30 (2) A corporation, partnership, association, or other entity that  
31 employs or contracts with any person not exempted under Section  
32 6401 who, as part of his or her responsibilities, provides, or assists  
33 in providing, or offers to provide, or offers to assist in providing,



1 for compensation, any self-help service to a member of the public  
2 who is representing himself or herself in a legal matter or holds  
3 himself or herself out as someone who offers that service or has  
4 that authority. This paragraph does not apply to an individual  
5 whose assistance consists merely of secretarial or receptionist  
6 services.

7 (d) “Self-help service” means all of the following:

8 (1) Completing legal documents in a ministerial manner,  
9 selected by a person who is representing himself or herself in a  
10 legal matter, by typing or otherwise completing the documents at  
11 the person’s specific direction.

12 (2) Providing general published factual information that has  
13 been written or approved by an attorney, pertaining to legal  
14 procedures, rights, or obligations to a person who is representing  
15 himself or herself in a legal matter, to assist the person in  
16 representing himself or herself. This service in and of itself, shall  
17 not require registration as a legal document assistant.

18 (3) Making published legal documents available to a person  
19 who is representing himself or herself in a legal matter.

20 (4) Filing and serving legal forms and documents at the specific  
21 direction of a person who is representing himself or herself in a  
22 legal matter.

23 (e) “Compensation” means money, property, or anything else  
24 of value.

25 (f) A legal document assistant, including any legal document  
26 assistant employed by a partnership or corporation, may not  
27 provide any self-help service for compensation, unless the legal  
28 document assistant is registered in the county in which his or her  
29 principal place of business is located and in any other county in  
30 which he or she performs acts for which registration is required.

31 (g) A legal document assistant may not provide any kind of  
32 advice, explanation, opinion, or recommendation to a consumer  
33 about possible legal rights, remedies, defenses, options, selection  
34 of forms, or strategies. A legal document assistant shall complete  
35 documents only in the manner prescribed by paragraph (1) of  
36 subdivision (d).

37 6401. This chapter does not apply to any person engaged in  
38 any of the following occupations, provided that the person does  
39 not also perform the duties of a legal document assistant in  
40 addition to those occupations:



1 (a) Any government employee who is acting in the course of his  
2 or her employment.

3 (b) A member of the State Bar of California, or his or her  
4 employee, paralegal, or agent, or an independent contractor while  
5 acting on behalf of a member of the State Bar.

6 (c) Any employee of a nonprofit, tax-exempt corporation who  
7 either assists clients free of charge or is supervised by a member  
8 of the State Bar of California who has malpractice insurance.

9 (d) A licensed real estate broker or licensed real estate  
10 salesperson, as defined in Chapter 3 (commencing with Section  
11 10130) of Part 1 of Division 4, who acts pursuant to subdivision  
12 (b) of Section 10131 on an unlawful detainer claim as defined in  
13 subdivision (b) of Section 6400, and who is a party to the unlawful  
14 detainer action.

15 (e) An immigration consultant, as defined in Chapter 19.5  
16 (commencing with Section 22441) of Division 8.

17 (f) A person registered as a process server under Chapter 16  
18 (commencing with Section 22350) or a person registered as a  
19 professional photocopier under Chapter 20 (commencing with  
20 Section 22450) of Division 8.

21 (g) A person who provides services relative to the preparation  
22 of security instruments or conveyance documents as an integral  
23 part of the provision of title or escrow service.

24 (h) A person who provides services that are regulated by  
25 federal law.

26 (i) A person who is employed by, and provides services to, a  
27 supervised financial institution, holding company, subsidiary, or  
28 affiliate.

29 6401.5. This chapter does not sanction, authorize, or  
30 encourage the practice of law by nonlawyers. Registration under  
31 this chapter, or an exemption from registration, does not immunize  
32 any person from prosecution pursuant to Section 6125, 6126, or  
33 6127.

34 6401.6. A legal document assistant may not provide service  
35 to a client who requires assistance that exceeds the definition of  
36 self-help service in subdivision (d) of Section 6400, and shall  
37 inform the client that the client requires the services of an attorney.  
38



Article 2. Registration Procedures

1  
2  
3 6402. A legal document assistant or unlawful detainer  
4 assistant shall be registered pursuant to this chapter by the county  
5 clerk in the county in which his or her principal place of business  
6 is located (deemed primary registration), and in any other county  
7 in which he or she performs acts for which registration is required  
8 (deemed secondary registration). Any registration in a county,  
9 other than the county of the person’s place of business, shall state  
10 the person’s principal place of business and provide proof that the  
11 registrant has satisfied the bonding requirement of Section 6405.  
12 No person who has been disbarred or suspended from the practice  
13 of law pursuant to Article 6 (commencing with Section 6100) of  
14 Chapter 4 may, during the period of any disbarment or suspension,  
15 register as a legal document assistant or unlawful detainer  
16 assistant. The Department of Consumer Affairs shall develop the  
17 application required to be completed by a person for purposes of  
18 registration as a legal document assistant. The application shall  
19 specify the types of proof that the applicant shall provide to the  
20 county clerk in order to demonstrate the qualifications and  
21 requirements of Section 6402.1.

22 6402.1. To be eligible to apply for registration under this  
23 chapter as a legal document assistant, the applicant shall possess  
24 at least one of the following:

25 (a) A high school diploma or general equivalency diploma, and  
26 either a minimum of two years of law-related experience under the  
27 supervision of a licensed attorney, or a minimum of two years  
28 experience providing self-help service.

29 (b) A baccalaureate degree in any field and either a minimum  
30 of one year of law-related experience under the supervision of a  
31 licensed attorney, or a minimum of one year of experience  
32 providing self-help service.

33 (c) A certificate of completion from a paralegal program that  
34 is institutionally accredited but not approved by the American Bar  
35 Association, that requires successful completion of a minimum of  
36 24 semester units, or the equivalent, in legal specialization  
37 courses.

38 (d) A certificate of completion from a paralegal program  
39 approved by the American Bar Association.



1 6403. (a) The application for registration of a natural person  
2 shall contain all of the following statements about the applicant:

3 (1) Name, age, address, and telephone number.

4 (2) Whether he or she has been convicted of a felony, or of a  
5 misdemeanor under Section 6126 or 6127.

6 (3) Whether he or she has been held liable in a civil action by  
7 final judgment or entry of a stipulated judgment, if the action  
8 alleged fraud, the use of an untrue or misleading representation, or  
9 the use of an unfair, unlawful, or deceptive business practice.

10 (4) Whether he or she has ever been convicted of a  
11 misdemeanor violation of this chapter.

12 (5) Whether he or she has had a civil judgment entered against  
13 him or her in an action arising out of the applicant's negligent,  
14 reckless, or willful failure to properly perform his or her obligation  
15 as a legal document assistant or unlawful detainer assistant.

16 (6) Whether he or she has had a registration revoked pursuant  
17 to Section 6413.

18 (7) Whether this is a primary or secondary registration. If it is  
19 a secondary registration, the county in which the primary  
20 registration is filed.

21 (b) The application for registration of a natural person shall be  
22 accompanied by the display of personal identification, such as a  
23 California driver's license, birth certificate, or other identification  
24 acceptable to the county clerk to adequately determine the identity  
25 of the applicant.

26 (c) The application for registration of a partnership or  
27 corporation shall contain all of the following statements about the  
28 applicant:

29 (1) The names, ages, addresses, and telephone numbers of the  
30 general partners or officers.

31 (2) Whether the general partners or officers have ever been  
32 convicted of a felony, or a misdemeanor under Section 6126 or  
33 6127.

34 (3) Whether the general partners or officers have ever been held  
35 liable in a civil action by final judgment or entry of a stipulated  
36 judgment, if the action alleged fraud, the use of an untrue or  
37 misleading representation, or the use of an unfair, unlawful, or  
38 deceptive business practice.

39 (4) Whether the general partners or officers have ever been  
40 convicted of a misdemeanor violation of this chapter.



1 (5) Whether the general partners or officers have had a civil  
2 judgment entered against them in an action arising out of a  
3 negligent, reckless, or willful failure to properly perform the  
4 obligations of a legal document assistant or unlawful detainer  
5 assistant.

6 (6) Whether the general partners or officers have ever had a  
7 registration revoked pursuant to Section 6413.

8 (7) Whether this is a primary or secondary registration. If it is  
9 a secondary registration, the county in which the primary  
10 registration is filed.

11 (d) The applications made under this section shall be made  
12 under penalty of perjury.

13 6404. An applicant shall pay a fee of one hundred  
14 seventy-five dollars (\$175) to the county clerk at the time he or she  
15 files an application for initial registration, including a primary or  
16 secondary registration, or renewal of registration. An additional  
17 fee of ten dollars (\$10) shall be paid to the county clerk for each  
18 additional identification card.

19 6405. (a) (1) An application for a certificate of registration  
20 by an individual shall be accompanied by a bond of twenty-five  
21 thousand dollars (\$25,000) executed by a corporate surety  
22 qualified to do business in this state and conditioned upon  
23 compliance with this chapter. The total aggregate liability on the  
24 bond shall be limited to twenty-five thousand dollars (\$25,000).  
25 An application for secondary registration shall meet all of the  
26 requirements of this subdivision, except that in place of posting  
27 another original bond or cash deposit, the applicant shall include  
28 a certified copy of the bond or cash deposit posted in the county  
29 in which the applicant filed the primary registration.

30 (2) An application for a certificate of registration by a  
31 partnership or corporation shall be accompanied by a bond of  
32 twenty-five thousand dollars (\$25,000) executed by a corporate  
33 surety qualified to do business in this state and conditioned upon  
34 compliance with this chapter. The total aggregate liability on the  
35 bond shall be limited to twenty-five thousand dollars (\$25,000).  
36 An application for a certificate of registration by a person  
37 employed by a partnership or corporation shall be accompanied by  
38 a bond of twenty-five thousand dollars (\$25,000) only if the  
39 partnership or corporation has not posted a bond of twenty-five  
40 thousand dollars (\$25,000) as required by this subdivision. An



1 application for secondary registration shall meet all of the  
2 requirements of this subdivision, except that in place of posting  
3 another original bond or cash deposit, the applicant shall include  
4 a certified copy of the bond or cash deposit posted in the county  
5 in which the applicant filed the primary registration.

6 (3) The bond may be terminated pursuant to Section 995.440  
7 of, and Article 13 (commencing with Section 996.310) of Chapter  
8 2 of Title 14 of Part 2 of, the Code of Civil Procedure.

9 (b) The county clerk shall, upon filing of the bond, deliver the  
10 bond forthwith to the county recorder for recording. The recording  
11 fee specified in Section 27361 of the Government Code shall be  
12 paid by the registrant. The fee may be paid to the county clerk who  
13 shall transmit it to the recorder.

14 (c) The fee for filing, canceling, revoking, or withdrawing the  
15 bond is seven dollars (\$7).

16 (d) The county recorder shall record the bond and any notice of  
17 cancellation, revocation, or withdrawal of the bond, and shall  
18 thereafter mail the instrument, unless specified to the contrary, to  
19 the person named in the instrument and, if no person is named, to  
20 the party leaving it for recording. The recording fee specified in  
21 Section 27361 of the Government Code for notice of cancellation,  
22 revocation, or withdrawal of the bond shall be paid to the county  
23 clerk, who shall transmit it to the county recorder.

24 (e) In lieu of the bond required by subdivision (a), a registrant  
25 may deposit twenty-five thousand dollars (\$25,000) in cash with  
26 the county clerk.

27 (f) If the certificate is revoked, the bond or cash deposit shall  
28 be returned to the bonding party or depositor subject to subdivision  
29 (g) and the right of a person to recover against the bond or cash  
30 deposit under Section 6412.

31 (g) The county clerk may retain a cash deposit until the  
32 expiration of three years from the date the registrant has ceased to  
33 do business, or three years from the expiration or revocation date  
34 of the registration, in order to ensure there are no outstanding  
35 claims against the deposit. A judge of a municipal or superior court  
36 may order the return of the deposit prior to the expiration of three  
37 years upon evidence satisfactory to the judge that there are no  
38 outstanding claims against the deposit.

39 (h) The bond required by this section shall be in favor of the  
40 State of California for the benefit of any person who is damaged



1 as a result of the violation of this chapter or by the fraud,  
2 dishonesty, or incompetency of an individual, partnership, or  
3 corporation registered under this chapter. The bond required by  
4 this section shall also indicate the name of the county in which it  
5 will be filed.

6 6406. (a) If granted, a certificate of registration shall be  
7 effective for a period of two years or until the date the bond  
8 expires, whichever occurs first. Thereafter, a registrant shall file  
9 a new certificate of registration or a renewal of the certificate of  
10 registration and pay the fee required by Section 6404. A certificate  
11 of registration may be renewed up to 60 days prior to its expiration  
12 date and the effective date of the renewal shall be the date the  
13 current registration expires. The renewal shall be effective for a  
14 period of two years from the effective date or until the expiration  
15 date of the bond, whichever occurs first.

16 (b) Except as provided in subdivisions (d) to (f), inclusive, an  
17 applicant shall be denied registration or renewal of registration if  
18 the applicant has been found to be any of the following:

19 (1) Convicted of a felony, or of a misdemeanor under Section  
20 6126 or 6127.

21 (2) Held liable in a civil action by final judgment or entry of a  
22 stipulated judgment, if the action alleged fraud, or the use of an  
23 untrue or misleading representation, or the use of an unfair,  
24 unlawful, or deceptive business practice.

25 (3) Convicted of a misdemeanor violation of this chapter.

26 (4) Had a civil judgment entered against him or her in an action  
27 arising out of the applicant's negligent, reckless, or willful failure  
28 to properly perform his or her obligation as a legal document  
29 assistant or unlawful detainer assistant.

30 (5) Had his or her registration revoked pursuant to Section  
31 6413.

32 (c) If the county clerk finds that the applicant has failed to  
33 demonstrate having met the requisite requirements of Section  
34 6402 or 6402.1, or that any of the paragraphs of subdivision (b)  
35 apply, the county clerk, within three business days of submission  
36 of the application and fee, shall return the application and fee to  
37 the applicant with a notice to the applicant indicating the reason for  
38 the denial and the method of appeal.

39 (d) The denial of an application may be appealed by the  
40 applicant by submitting, to the director, the following:



1 (1) The completed application and notice from the county clerk  
2 specifying the reasons for the denial of the application.

3 (2) A copy of any final judgment or order that resulted from any  
4 conviction or civil judgment listed on the application.

5 (3) Any relevant information the applicant wishes to include  
6 for the record.

7 (e) The director shall order the applicant's certificate of  
8 registration to be granted if the director determines that the  
9 issuance of a certificate of registration is not likely to expose  
10 consumers to a significant risk of harm based on a review of the  
11 application and any other information relating to the applicant's  
12 unlawful act or unfair practice described in paragraphs (1) to (5),  
13 inclusive, of subdivision (b). The director shall order the  
14 applicant's certificate of registration to be denied if the director  
15 determines that issuance of a certificate of registration is likely to  
16 expose consumers to a significant risk of harm based on a review  
17 of the application and any other information relating to the  
18 applicant's unlawful act or unfair practice described in paragraphs  
19 (1) to (5), inclusive, of subdivision (b). The director shall send to  
20 the applicant and the county clerk a written decision listing the  
21 reasons registration shall be granted or denied within 30 days of  
22 the submission of the matter.

23 (f) If the director orders that the certificate of registration be  
24 granted, the applicant may resubmit the application, with the  
25 appropriate application fee and the written decision of the director.  
26 The county clerk shall grant the certificate of registration to the  
27 applicant within three business days of being supplied this  
28 information.

29 6407. (a) The county clerk shall maintain a register of legal  
30 document assistants, and a register of unlawful detainer assistants,  
31 assign a unique number to each legal document assistant, or  
32 unlawful detainer assistant, and issue an identification card to each  
33 one. Additional cards for employees of legal document assistants  
34 or unlawful detainer assistants shall be issued upon the payment  
35 of ten dollars (\$10) for each card. Upon renewal of registration, the  
36 same number shall be assigned, provided there is no lapse in the  
37 period of registration.

38 (b) The identification card shall be a card 3<sup>1</sup>/<sub>2</sub> inches by 2<sup>1</sup>/<sub>4</sub>  
39 inches, and shall contain at the top, the title "Legal Document  
40 Assistant" or "Unlawful Detainer Assistant," as appropriate,



1 followed by the registrant’s name, address, registration number,  
 2 date of expiration, and county of registration. It shall also contain  
 3 a photograph of the registrant in the lower left corner. The front of  
 4 the card, above the title, shall also contain the following statement  
 5 in 12-point boldface type: “This person is not a lawyer.” The front  
 6 of the card, at the bottom, shall also contain the following  
 7 statement in 12-point boldface type: “The county clerk has not  
 8 evaluated this person’s knowledge, experience, or services.”

9  
 10 Article 3. Conduct of Business and Prohibited Acts

11  
 12 6408. The registrant’s name, business address, telephone  
 13 number, registration number, and county of registration shall  
 14 appear on any solicitation or advertisement, and on any  
 15 appropriate papers or documents prepared or used by the  
 16 registrant, including, but not limited to, contracts, letterhead,  
 17 business cards, correspondence, documents, forms, claims,  
 18 petitions, checks, receipts, money orders, and pleadings.

19 6409. No legal document assistant or unlawful detainer  
 20 assistant shall retain in his or her possession original documents of  
 21 a client. A legal document assistant or an unlawful detainer  
 22 assistant shall immediately return all of a client’s original  
 23 documents to the client in any one or more of the following  
 24 circumstances:

- 25 (a) If the client so requests at any time.
- 26 (b) If the written contract required by Section 6410 is not  
 27 executed or is rescinded, canceled, or voided for any reason.
- 28 (c) If the services described pursuant to paragraph (1) of  
 29 subdivision (b) of Section 6410 have been completed.

30 6410. (a) Every legal document assistant or unlawful  
 31 detainer assistant who enters into a contract or agreement with a  
 32 client to provide services shall, prior to providing any services,  
 33 provide the client with a written contract, the contents of which  
 34 shall be prescribed by regulations adopted by the Department of  
 35 Consumer Affairs.

36 (b) The written contract shall include all of the following  
 37 provisions:

- 38 (1) The services to be performed.
- 39 (2) The costs of the services to be performed.



1 (3) There shall be printed on the face of the contract in 12-point  
2 boldface type a statement that the legal document assistant or  
3 unlawful detainer assistant is not an attorney and may not perform  
4 the legal services that an attorney performs.

5 (4) The contract shall contain a statement in 12-point boldface  
6 type that the county clerk has not evaluated or approved the  
7 registrant's knowledge or experience, or the quality of the  
8 registrant's services.

9 (5) The contract shall contain a statement in 12-point boldface  
10 type that the consumer may obtain information regarding free or  
11 low-cost representation through a local bar association or legal aid  
12 foundation and that the consumer may contact local law  
13 enforcement, a district attorney, or a legal aid foundation if the  
14 consumer believes that he or she has been a victim of fraud, the  
15 unauthorized practice of law, or any other injury.

16 (6) The contract shall contain a statement in 12-point boldface  
17 type that a legal document assistant or unlawful detainer assistant  
18 is not permitted to engage in the practice of law, including  
19 providing any kind of advice, explanation, opinion, or  
20 recommendation to a consumer about possible legal rights,  
21 remedies, defenses, options, selection of forms, or strategies.

22 (c) The contract shall be written both in English and in any  
23 other language comprehended by the client and principally used  
24 in any oral sales presentation or negotiation leading to execution  
25 of the contract. The legal document assistant or the unlawful  
26 detainer assistant is responsible for translating the contract into the  
27 language principally used in any oral sales presentation or  
28 negotiation leading to the execution of the contract.

29 (d) Failure of a legal document assistant or unlawful detainer  
30 assistant to comply with subdivisions (a), (b), and (c) shall make  
31 the contract or agreement for services voidable at the option of the  
32 client. Upon the voiding of the contract, the legal document  
33 assistant or unlawful detainer assistant shall immediately return in  
34 full any fees paid by the client.

35 (e) In addition to any other right to rescind, the client shall have  
36 the right to rescind the contract within 24 hours of the signing of  
37 the contract. The client may cancel the contract by giving the legal  
38 document assistant or the unlawful detainer assistant any written  
39 statement to the effect that the contract is canceled. If the client  
40 gives notice of cancellation by mail addressed to the legal



1 document assistant or unlawful detainer assistant, with first-class  
2 postage prepaid, cancellation is effective upon the date indicated  
3 on the postmark. Upon the voiding or rescinding of the contract or  
4 agreement for services, the legal document assistant or unlawful  
5 detainer assistant shall immediately return to the client any fees  
6 paid by the client, except fees for services that were actually,  
7 necessarily, and reasonably performed on the client's behalf by the  
8 legal document assistant or unlawful detainer assistant with the  
9 client's knowing and express written consent. The requirements of  
10 this subdivision shall be conspicuously set forth in the written  
11 contract.

12 6411. It is unlawful for any person engaged in the business or  
13 acting in the capacity of a legal document assistant or unlawful  
14 detainer assistant to do any of the following:

15 (a) Make false or misleading statements to the consumer  
16 concerning the subject matter, legal issues, or self-help service  
17 being provided by the legal document assistant or unlawful  
18 detainer assistant.

19 (b) Make any guarantee or promise to a client or prospective  
20 client, unless the guarantee or promise is in writing and the legal  
21 document assistant or unlawful detainer assistant has a reasonable  
22 factual basis for making the guarantee or promise.

23 (c) Make any statement that the legal document assistant or  
24 unlawful detainer assistant can or will obtain favors or has special  
25 influence with a court, or a state or federal agency.

26 (d) Provide assistance or advice which constitutes the unlawful  
27 practice of law pursuant to Section 6125, 6126, or 6127.

28 (e) Engage in the unauthorized practice of law, including, but  
29 not limited to, giving any kind of advice, explanation, opinion, or  
30 recommendation to a consumer about possible legal rights,  
31 remedies, defenses, options, selection of forms, or strategies. A  
32 legal document assistant shall complete documents only in the  
33 manner prescribed by subdivision (d) of Section 6400.

34 6412. (a) Any owner or manager of residential or  
35 commercial rental property, tenant, or other person who is  
36 awarded damages in any action or proceeding for injuries caused  
37 by the acts of a registrant while in the performance of his or her  
38 duties as a legal document assistant or unlawful detainer assistant  
39 may recover damages from the bond or cash deposit required by  
40 Section 6405.



1 (b) If there has been a recovery against a bond or cash deposit  
2 under subdivision (a) and the registration has not been revoked  
3 pursuant to Section 6413, the registrant shall file a new bond or  
4 deposit an additional amount of cash within 30 days to reinstate the  
5 bond or cash deposit to the amount required by Section 6405. If the  
6 registrant does not file a bond, or deposit this amount within 30  
7 days, his or her certificate of registration shall be revoked.

8 6412.1. (a) Any person injured by the unlawful act of a legal  
9 document assistant or unlawful detainer assistant shall retain all  
10 rights and remedies cognizable under law. The penalties, relief,  
11 and remedies provided in this chapter are not exclusive, and do not  
12 affect any other penalties, relief, and remedies provided by law.

13 (b) Any person injured by a violation of this chapter by a legal  
14 document assistant or unlawful detainer assistant may file a  
15 complaint and seek redress in any superior court for injunctive  
16 relief, restitution, and damages. Attorney's fees shall be awarded  
17 to the prevailing plaintiff.

18 6413. The county clerk shall revoke the registration of a legal  
19 document assistant or unlawful detainer assistant upon receipt of  
20 an official document or record stating that the registrant has been  
21 found guilty of the unauthorized practice of law pursuant to  
22 Section 6125, 6126, or 6127, has been found guilty of a  
23 misdemeanor violation of this chapter, or that a civil judgment has  
24 been entered against the registrant in an action arising out of the  
25 registrant's negligent, reckless, or willful failure to properly  
26 perform his or her obligation as a legal document assistant or  
27 unlawful detainer assistant. The county clerk shall be given notice  
28 of the disposition in any court action by the city attorney, district  
29 attorney, or plaintiff, as applicable. A registrant whose registration  
30 is revoked pursuant to this section may reapply for registration  
31 three years after the revocation.

32 6414. A registrant whose certificate is revoked shall be  
33 entitled to challenge the decision in a court of competent  
34 jurisdiction.

35 6415. A failure, by a person who engages in acts of a legal  
36 document assistant or unlawful detainer assistant, to comply with  
37 any of the requirements of Section 6401.6, 6402, 6408, or 6410,  
38 or subdivision (a), (b), or (c) of Section 6411 is a misdemeanor  
39 punishable by a fine of not less than one thousand dollars (\$1,000)  
40 or more than two thousand dollars (\$2,000), as to each client with



1 respect to whom a violation occurs, or imprisonment for not more  
2 than one year, or by both that fine and imprisonment. Payment of  
3 restitution to a client shall take precedence over payment of a fine.

4 SEC. 3. Section 228 of the Code of Civil Procedure is  
5 amended to read:

6 228. Challenges for general disqualification may be taken on  
7 one or both of the following grounds, and for no other:

8 (a) A want of any of the qualifications prescribed by this code  
9 to render a person competent as a juror.

10 (b) The existence of any incapacity which satisfies the court  
11 that the challenged person is incapable of performing the duties of  
12 a juror in the particular action without prejudice to the substantial  
13 rights of the challenging party.

14 SEC. 4. Section 527.6 of the Code of Civil Procedure is  
15 amended to read:

16 527.6. (a) A person who has suffered harassment as defined  
17 in subdivision (b) may seek a temporary restraining order and an  
18 injunction prohibiting harassment as provided in this section.

19 (b) For the purposes of this section, “harassment” is unlawful  
20 violence, a credible threat of violence, or a knowing and willful  
21 course of conduct directed at a specific person that seriously  
22 alarms, annoys, or harasses the person, and that serves no  
23 legitimate purpose. The course of conduct must be such as would  
24 cause a reasonable person to suffer substantial emotional distress,  
25 and must actually cause substantial emotional distress to the  
26 plaintiff.

27 As used in this subdivision:

28 (1) “Unlawful violence” is any assault or battery, or stalking  
29 as prohibited in Section 646.9 of the Penal Code, but shall not  
30 include lawful acts of self-defense or defense of others.

31 (2) “Credible threat of violence” is a knowing and willful  
32 statement or course of conduct that would place a reasonable  
33 person in fear for his or her safety, or the safety of his or her  
34 immediate family, and that serves no legitimate purpose.

35 (3) “Course of conduct” is a pattern of conduct composed of  
36 a series of acts over a period of time, however short, evidencing  
37 a continuity of purpose, including following or stalking an  
38 individual, making harassing telephone calls to an individual, or  
39 sending harassing correspondence to an individual by any means,  
40 including, but not limited to, the use of public or private mails,



1 interoffice mail, fax, or computer e-mail. Constitutionally  
2 protected activity is not included within the meaning of “course  
3 of conduct.”

4 (c) Upon filing a petition for an injunction under this section,  
5 the plaintiff may obtain a temporary restraining order in  
6 accordance with Section 527, except to the extent this section  
7 provides a rule that is inconsistent. A temporary restraining order  
8 may be issued with or without notice upon an affidavit that, to the  
9 satisfaction of the court, shows reasonable proof of harassment of  
10 the plaintiff by the defendant, and that great or irreparable harm  
11 would result to the plaintiff. In the discretion of the court, and on  
12 a showing of good cause, a temporary restraining order or  
13 injunction issued under this section may include other named  
14 family or household members who reside with the plaintiff. A  
15 temporary restraining order issued under this section shall remain  
16 in effect, at the court’s discretion, for a period not to exceed 15  
17 days, or, if the court extends the time for hearing under subdivision  
18 (d), not to exceed 22 days, unless otherwise modified or terminated  
19 by the court.

20 (d) Within 15 days, or, if good cause appears to the court, 22  
21 days from the date the temporary restraining order is issued, a  
22 hearing shall be held on the petition for the injunction. The  
23 defendant may file a response that explains, excuses, justifies, or  
24 denies the alleged harassment or may file a cross-complaint under  
25 this section. At the hearing, the judge shall receive any testimony  
26 that is relevant, and may make an independent inquiry. If the judge  
27 finds by clear and convincing evidence that unlawful harassment  
28 exists, an injunction shall issue prohibiting the harassment. An  
29 injunction issued pursuant to this section shall have a duration of  
30 not more than three years. At any time within the three months  
31 before the expiration of the injunction, the plaintiff may apply for  
32 a renewal of the injunction by filing a new petition for an  
33 injunction under this section.

34 (e) This section does not preclude either party from  
35 representation by private counsel or from appearing on the party’s  
36 own behalf.

37 (f) In a proceeding under this section where there are  
38 allegations or threats of domestic violence, a support person may  
39 accompany a party in court and, where the party is not represented  
40 by an attorney, may sit with the party at the table that is generally



1 reserved for the party and the party's attorney. The support person  
2 is present to provide moral and emotional support for a person who  
3 alleges he or she is a victim of domestic violence. The support  
4 person is not present as a legal adviser and shall not give legal  
5 advice. The support person shall assist the person who alleges he  
6 or she is a victim of domestic violence in feeling more confident  
7 that he or she will not be injured or threatened by the other party  
8 during the proceedings where the person who alleges he or she is  
9 a victim of domestic violence and the other party must be present  
10 in close proximity. This subdivision does not preclude the court  
11 from exercising its discretion to remove the support person from  
12 the courtroom if the court believes the support person is  
13 prompting, swaying, or influencing the party assisted by the  
14 support person.

15 (g) Upon filing of a petition for an injunction under this section,  
16 the defendant shall be personally served with a copy of the petition,  
17 temporary restraining order, if any, and notice of hearing of the  
18 petition. Service shall be made at least five days before the hearing.  
19 The court may for good cause, on motion of the plaintiff or on its  
20 own motion, shorten the time for service on the defendant.

21 (h) The court shall order the plaintiff or the attorney for the  
22 plaintiff to deliver a copy of each temporary restraining order or  
23 injunction, or modification or termination thereof, granted under  
24 this section, by the close of the business day on which the order was  
25 granted, to the law enforcement agencies within the court's  
26 discretion as are requested by the plaintiff. Each appropriate law  
27 enforcement agency shall make available information as to the  
28 existence and current status of these orders to law enforcement  
29 officers responding to the scene of reported harassment.

30 An order issued under this section shall, on request of the  
31 plaintiff, be served on the defendant, whether or not the defendant  
32 has been taken into custody, by any law enforcement officer who  
33 is present at the scene of reported harassment involving the parties  
34 to the proceeding. The plaintiff shall provide the officer with an  
35 endorsed copy of the order and a proof of service that the officer  
36 shall complete and send to the issuing court.

37 Upon receiving information at the scene of an incident of  
38 harassment that a protective order has been issued under this  
39 section, or that a person who has been taken into custody is the  
40 subject of an order, if the protected person cannot produce a



1 certified copy of the order, a law enforcement officer shall  
2 immediately attempt to verify the existence of the order.

3 If the law enforcement officer determines that a protective order  
4 has been issued, but not served, the officer shall immediately  
5 notify the defendant of the terms of the order and shall at that time  
6 also enforce the order. Verbal notice of the terms of the order shall  
7 constitute service of the order and is sufficient notice for the  
8 purposes of this section and for the purposes of Section 273.6 and  
9 subdivision (g) of Section 12021 of the Penal Code.

10 (i) The prevailing party in any action brought under this section  
11 may be awarded court costs and attorney's fees, if any.

12 (j) Any willful disobedience of any temporary restraining order  
13 or injunction granted under this section is punishable pursuant to  
14 Section 273.6 of the Penal Code.

15 (k) This section does not apply to any action or proceeding  
16 covered by Title 1.6C (commencing with Section 1788) of the  
17 Civil Code or by Division 10 (commencing with Section 6200) of  
18 the Family Code. Nothing in this section shall preclude a plaintiff's  
19 right to use other existing civil remedies.

20 (l) The Judicial Council shall promulgate forms and  
21 instructions therefor, and rules for service of process, scheduling  
22 of hearings, and any other matters required by this section. The  
23 petition and response forms shall be simple and concise, and their  
24 use by parties in actions brought pursuant to this section shall be  
25 mandatory.

26 (m) A temporary restraining order or injunction relating to  
27 harassment or domestic violence issued by a court pursuant to this  
28 section shall be issued on forms adopted by the Judicial Council  
29 of California and that have been approved by the Department of  
30 Justice pursuant to subdivision (i) of Section 6380 of the Family  
31 Code. However, the fact that an order issued by a court pursuant  
32 to this section was not issued on forms adopted by the Judicial  
33 Council and approved by the Department of Justice shall not, in  
34 and of itself, make the order unenforceable.

35 (n) Information on any temporary restraining order or  
36 injunction relating to harassment or domestic violence issued by  
37 a court pursuant to this section shall be transmitted to the  
38 Department of Justice in accordance with subdivision (b) of  
39 Section 6380 of the Family Code.



1 (o) There shall be no filing fee for a petition that alleges that a  
2 person has inflicted or threatened violence against the petitioner,  
3 or stalked the petitioner, or acted or spoke in any other manner that  
4 has placed the petitioner in reasonable fear of violence, and that  
5 seeks a protective or restraining order or injunction restraining  
6 stalking or future violence or threats of violence, in any action  
7 brought pursuant to this section. No fee shall be paid for filing a  
8 response to a petition alleging these acts.

9 SEC. 5. Section 527.8 of the Code of Civil Procedure is  
10 amended to read:

11 527.8. (a) Any employer, whose employee has suffered  
12 unlawful violence or a credible threat of violence from any  
13 individual, that can reasonably be construed to be carried out or to  
14 have been carried out at the workplace, may seek a temporary  
15 restraining order and an injunction on behalf of the employee  
16 prohibiting further unlawful violence or threats of violence by that  
17 individual.

18 (b) For the purposes of this section:

19 (1) “Unlawful violence” is any assault or battery, or stalking  
20 as prohibited in Section 646.9 of the Penal Code, but shall not  
21 include lawful acts of self-defense or defense of others.

22 (2) “Credible threat of violence” is a knowing and willful  
23 statement or course of conduct that would place a reasonable  
24 person in fear for his or her safety, or the safety of his or her  
25 immediate family, and that serves no legitimate purpose.

26 (3) “Course of conduct” is a pattern of conduct composed of  
27 a series of acts over a period of time, however short, evidencing  
28 a continuity of purpose, including following or stalking an  
29 employee to or from the place of work; entering the workplace;  
30 following an employee during hours of employment; making  
31 telephone calls to an employee; or sending correspondence to an  
32 employee by any means, including, but not limited to, the use of  
33 the public or private mails, interoffice mail, fax, or computer  
34 e-mail.

35 (c) This section does not permit a court to issue a temporary  
36 restraining order or injunction prohibiting speech or other  
37 activities that are constitutionally protected, or otherwise  
38 protected by Section 527.3 or any other provision of law.

39 (d) For purposes of this section, the terms “employer” and  
40 “employee” mean persons defined in Section 350 of the Labor



1 Code. “Employer” also includes a federal agency, the state, a state  
2 agency, a city, county, or district, and a private, public, or  
3 quasi-public corporation, or any public agency thereof or therein.  
4 “Employee” also includes the members of boards of directors of  
5 private, public, and quasi-public corporations and elected and  
6 appointed public officers. For purposes of this section only,  
7 “employee” also includes a volunteer or independent contractor  
8 who performs services for the employer at the employer’s  
9 worksite.

10 (e) Upon filing a petition for an injunction under this section,  
11 the plaintiff may obtain a temporary restraining order in  
12 accordance with subdivision (a) of Section 527, if the plaintiff also  
13 files an affidavit that, to the satisfaction of the court, shows  
14 reasonable proof that an employee has suffered unlawful violence  
15 or a credible threat of violence by the defendant, and that great or  
16 irreparable harm would result to an employee. In the discretion of  
17 the court, and on a showing of good cause, a temporary restraining  
18 order or injunction issued under this section may include other  
19 named family or household members who reside with the  
20 employee.

21 A temporary restraining order granted under this section shall  
22 remain in effect, at the court’s discretion, for a period not to exceed  
23 15 days, unless otherwise modified or terminated by the court.

24 (f) Within 15 days of the filing of the petition, a hearing shall  
25 be held on the petition for the injunction. The defendant may file  
26 a response that explains, excuses, justifies, or denies the alleged  
27 unlawful violence or credible threats of violence or may file a  
28 cross-complaint under this section. At the hearing, the judge shall  
29 receive any testimony that is relevant and may make an  
30 independent inquiry. Moreover, if the defendant is a current  
31 employee of the entity requesting the injunction, the judge shall  
32 receive evidence concerning the employer’s decision to retain,  
33 terminate, or otherwise discipline the defendant. If the judge finds  
34 by clear and convincing evidence that the defendant engaged in  
35 unlawful violence or made a credible threat of violence, an  
36 injunction shall issue prohibiting further unlawful violence or  
37 threats of violence. An injunction issued pursuant to this section  
38 shall have a duration of not more than three years. At any time  
39 within the three months before the expiration of the injunction, the



1 plaintiff may apply for a renewal of the injunction by filing a new  
2 petition for an injunction under this section.

3 (g) This section does not preclude either party from  
4 representation by private counsel or from appearing on his or her  
5 own behalf.

6 (h) Upon filing of a petition for an injunction under this section,  
7 the defendant shall be personally served with a copy of the petition,  
8 temporary restraining order, if any, and notice of hearing of the  
9 petition. Service shall be made at least five days before the hearing.  
10 The court may, for good cause, on motion of the plaintiff or on its  
11 own motion, shorten the time for service on the defendant.

12 (i) The court shall order the plaintiff or the attorney for the  
13 plaintiff to deliver a copy of each temporary restraining order or  
14 injunction, or modification or termination thereof, granted under  
15 this section, by the close of the business day on which the order was  
16 granted, to the law enforcement agencies within the court's  
17 discretion as are requested by the plaintiff. Each appropriate law  
18 enforcement agency shall make available information as to the  
19 existence and current status of these orders to law enforcement  
20 officers responding to the scene of reported unlawful violence or  
21 a credible threat of violence.

22 (j) Any intentional disobedience of any temporary restraining  
23 order or injunction granted under this section is punishable  
24 pursuant to Section 273.6 of the Penal Code.

25 (k) Nothing in this section may be construed as expanding,  
26 diminishing, altering, or modifying the duty, if any, of an employer  
27 to provide a safe workplace for employees and other persons.

28 (l) The Judicial Council shall develop forms, instructions, and  
29 rules for scheduling of hearings and other procedures established  
30 pursuant to this section. The forms for the petition and response  
31 shall be simple and concise, and their use by parties in actions  
32 brought pursuant to this section shall be mandatory.

33 (m) A temporary restraining order or injunction relating to  
34 harassment or domestic violence issued by a court pursuant to this  
35 section shall be issued on forms adopted by the Judicial Council  
36 of California and that have been approved by the Department of  
37 Justice pursuant to subdivision (i) of Section 6380 of the Family  
38 Code. However, the fact that an order issued by a court pursuant  
39 to this section was not issued on forms adopted by the Judicial



1 Council and approved by the Department of Justice shall not, in  
2 and of itself, make the order unenforceable.

3 (n) Information on any temporary restraining order or  
4 injunction relating to harassment or domestic violence issued by  
5 a court pursuant to this section shall be transmitted to the  
6 Department of Justice in accordance with subdivision (b) of  
7 Section 6380 of the Family Code.

8 (o) There is no filing fee for a petition that alleges that a person  
9 has inflicted or threatened violence against an employee of the  
10 petitioner, or stalked the employee, or acted or spoke in any other  
11 manner that has placed the employee in reasonable fear of  
12 violence, and that seeks protective or restraining orders or  
13 injunctions restraining stalking or future violence or threats of  
14 violence, in any action brought pursuant to this section. No fee  
15 shall be paid for filing a response to a petition alleging these acts.

16 SEC. 6. Section 2106 of the Family Code is amended to read:  
17 2106. Except as provided in subdivision (d) of Section 2105  
18 or in Section 2110, absent good cause, no judgment shall be  
19 entered with respect to the parties' property rights without each  
20 party, or the attorney for that party in this matter, having executed  
21 and served a copy of the final declaration of disclosure and current  
22 income and expense declaration. Each party, or his or her attorney,  
23 shall execute and file with the court a declaration signed under  
24 penalty of perjury stating that service of the final declaration of  
25 disclosure and current income and expense declaration was made  
26 on the other party or that service of the final declaration of  
27 disclosure has been waived pursuant to subdivision (d) of Section  
28 2105 or in Section 2110.

29 SEC. 7. Section 3111 of the Family Code is amended to read:  
30 3111. (a) In any contested proceeding involving child  
31 custody or visitation rights, the court may appoint a child custody  
32 evaluator to conduct a child custody evaluation in cases where the  
33 court determines it is in the best interests of the child. The child  
34 custody evaluation shall be conducted in accordance with the  
35 standards adopted by the Judicial Council pursuant to Section  
36 3117, and all other standards adopted by the Judicial Council  
37 regarding child custody evaluations. If directed by the court, the  
38 court-appointed child custody evaluator shall file a written  
39 confidential report on his or her evaluation. At least 10 days before  
40 any hearing regarding custody of the child, the report shall be filed



1 with the clerk of the court in which the custody hearing will be  
2 conducted and served on the parties or their attorneys, and any  
3 other counsel appointed for the child pursuant to Section 3150.  
4 The report may be considered by the court.

5 (b) The report shall not be made available other than as  
6 provided in subdivision (a).

7 (c) The report may be received in evidence on stipulation of all  
8 interested parties and is competent evidence as to all matters  
9 contained in the report.

10 SEC. 8. Section 7.6 of the Government Code is amended to  
11 read:

12 7.6. (a) If by law, any officer whose office is created by the  
13 California Constitution is made a member of a state board,  
14 commission, or committee, or of the governing body of any state  
15 agency or authority, the officer may designate a deputy of his or  
16 her office holding a position specified in subdivision (c) of Section  
17 4 of Article VII of the California Constitution to act as the member  
18 in the constitutional officer's place and stead, to all intents and  
19 purposes as though the constitutional officer ~~were~~ was personally  
20 present, including the right of the deputy to be counted in  
21 constituting a quorum, to participate in the proceedings of the  
22 board, commission, committee, or other governing body, and to  
23 vote upon any and all matters. The constitutional officer so  
24 designating a deputy shall be responsible for the acts of the deputy  
25 acting under the designation in the same manner and to the same  
26 extent that the constitutional officer is responsible for the acts of  
27 the deputy performing his or her official duties as a deputy of the  
28 office of the constitutional officer.

29 (b) The Lieutenant Governor may designate any person in his  
30 or her office holding a position specified in subdivision (c) or (f)  
31 of Section 4 of Article VII of the California Constitution to act as  
32 a deputy for the purposes of this section only. However, the  
33 Lieutenant Governor may not appoint a person to act as a deputy  
34 for him or her at meetings of the Senate, or of the Regents of the  
35 University of California, or of the Trustees of the California State  
36 University.

37 (c) The Chief Justice of the California Supreme Court may  
38 designate a judge or employee of a state court or an employee of  
39 the Administrative Office of the Courts to act as a deputy for the  
40 purposes of this section.



1 (d) The Attorney General may also designate any person in his  
2 or her office holding a position specified in subdivision (m) of  
3 Section 4 of Article VII of the California Constitution to act as a  
4 deputy for the purpose of this section. However, no person  
5 designated by the Attorney General pursuant to this section to act  
6 as a member on any state board, commission, committee, or  
7 governing body of which the Attorney General is presiding officer  
8 shall act as presiding officer in his or her place.

9 (e) The Superintendent of Public Instruction may designate  
10 any person in his or her office holding a position specified in  
11 Section 2.1 of Article IX of the California Constitution to act as a  
12 deputy for the purposes of this section. However, the  
13 Superintendent of Public Instruction may not appoint a person to  
14 act as a deputy for him or her at meetings of the State Board of  
15 Education, of the Regents of the University of California, or of the  
16 Trustees of the California State University.

17 (f) Notwithstanding subdivisions (a) to (e), inclusive, not more  
18 than one officer subject to this section shall be represented by a  
19 deputy subject to this section at any meeting or session of the State  
20 Lands Commission.

21 SEC. 9. Section 68516 of the Government Code is amended  
22 to read:

23 68516. (a) The Judicial Council is authorized to establish a  
24 tax-exempt public benefit nonprofit corporation, or other  
25 tax-exempt entity, qualified under federal and state law to receive  
26 grants or other financial support from private or public sources, for  
27 the purposes of undertaking or funding any survey, study,  
28 publication, proceeding, or other activity authorized by law to be  
29 undertaken by the Judicial Council.

30 (b) Employees of the Administrative Office of the Courts may  
31 establish, staff, and maintain a tax-exempt public benefit nonprofit  
32 corporation, or other tax-exempt entity as provided under this  
33 section, if the activities are exclusively directed at research and  
34 educational programs authorized by the Judicial Council for the  
35 support of the judiciary.

36 SEC. 10. Section 69510 of the Government Code is repealed.

37 SEC. 11. Section 69510.5 of the Government Code is  
38 repealed.

39 SEC. 12. Section 69510.6 of the Government Code is  
40 repealed.

1 SEC. 13. Section 69645 is added to the Government Code, to  
2 read:

3 69645. (a) Notwithstanding any other provision of law, each  
4 trial court shall determine the number and location of sessions of  
5 the court. In making this determination, the court shall consider,  
6 among other factors, the impact of this provision on court  
7 employees pursuant to Section 71634, the availability and  
8 adequacy of facilities for holding the court session at the specific  
9 location, the efficiency and cost of holding the session at the  
10 specific location, any applicable security issues, and the  
11 convenience to the parties and the public served by the court.

12 (b) In appropriate circumstances, upon agreement of the  
13 presiding judges of the courts, and in the discretion of the court,  
14 the location of a session may be outside the county, except that the  
15 consent of the parties shall be necessary to the holding of a criminal  
16 jury trial outside the county. The venue of a case whose session is  
17 held outside the county pursuant to this section shall be deemed to  
18 be the home county of the court hearing the matter.

19 (c) The Judicial Council may adopt rules for the establishment  
20 and operation of court sessions established pursuant to this section.  
21 The rules may address, in addition to other issues, when a session  
22 is to be held outside the home county of the court and the  
23 appropriate mechanism for sharing of expenses and resources  
24 between the court holding the session and the court hosting the  
25 session.

26 ~~SEC. 14. Section 72056.01 of the Government Code is~~  
27 ~~repealed.~~

28 ~~SEC. 15.~~

29 *SEC. 14.* Section 213.5 of the Welfare and Institutions Code  
30 is amended to read:

31 213.5. (a) After a petition has been filed pursuant to Section  
32 311 to declare a child a dependent child of the juvenile court, and  
33 until the time that the petition is dismissed or dependency is  
34 terminated, upon application in the manner provided by Section  
35 527 of the Code of Civil Procedure, the juvenile court may issue  
36 ex parte orders (1) enjoining any person from molesting, attacking,  
37 striking, sexually assaulting, stalking, or battering the child or any  
38 other child in the household; (2) excluding any person from the  
39 dwelling of the person who has care, custody, and control of the  
40 child; and (3) enjoining any person from behavior, including



1 contacting, threatening, or disturbing the peace of the child, that  
2 the court determines is necessary to effectuate orders under  
3 paragraph (1) or (2). A court issuing an ex parte order pursuant to  
4 this subdivision may simultaneously issue an ex parte order  
5 enjoining any person from contacting, threatening, molesting,  
6 attacking, striking, sexually assaulting, stalking, battering, or  
7 disturbing the peace of any parent, legal guardian, or current  
8 caretaker of the child, regardless of whether the child resides with  
9 that parent, legal guardian, or current caretaker, upon application  
10 in the manner provided by Section 527 of the Code of Civil  
11 Procedure.

12 (b) After a petition has been filed pursuant to Section 601 or  
13 602 to declare a child a ward of the juvenile court, and until the  
14 time that the petition is dismissed or wardship is terminated, upon  
15 application in the manner provided by Section 527 of the Code of  
16 Civil Procedure, the juvenile court may issue ex parte orders (1)  
17 enjoining any person from molesting, attacking, threatening,  
18 sexually assaulting, stalking, or battering the child; (2) excluding  
19 any person from the dwelling of the person who has care, custody,  
20 and control of the child; or (3) enjoining the child from contacting,  
21 threatening, stalking, or disturbing the peace of any person the  
22 court finds to be at risk from the conduct of the child, or with whom  
23 association would be detrimental to the child.

24 (c) In the case in which a temporary restraining order is granted  
25 without notice, the matter shall be made returnable on an order  
26 requiring cause to be shown why the order should not be granted,  
27 on the earliest day that the business of the court will permit, but not  
28 later than 15 days or, if good cause appears to the court, 20 days  
29 from the date the temporary restraining order is granted. The court  
30 may, on the motion of the person seeking the restraining order, or  
31 on its own motion, shorten the time for service on the person to be  
32 restrained of the order to show cause. The court may, upon its own  
33 motion or the filing of an affidavit by the person seeking the  
34 restraining order, find that the person to be restrained could not be  
35 served within the time required by law and to reissue an order  
36 previously issued and dissolved by the court for failure to serve the  
37 person to be restrained. The reissued order shall state on its face  
38 the date of expiration of the order. Any hearing pursuant to this  
39 section may be held simultaneously with any regularly scheduled  
40 hearings held in proceedings to declare a child a dependent child



1 or ward of the juvenile court pursuant to Section 300, 601, or 602,  
2 or subsequent hearings regarding the dependent child or ward.

3 (d) The juvenile court may issue, upon notice and a hearing,  
4 any of the orders set forth in subdivisions (a), (b), and (c). Any  
5 restraining order granted pursuant to this subdivision shall remain  
6 in effect, in the discretion of the court, not to exceed three years,  
7 unless otherwise terminated by the court, extended by mutual  
8 consent of all parties to the restraining order, or extended by  
9 further order of the court on the motion of any party to the  
10 restraining order.

11 (e) (1) The juvenile court may issue an order made pursuant to  
12 subdivision (a), (c), or (d) excluding a person from a residence or  
13 dwelling. This order may be issued for the time and on the  
14 conditions that the court determines, regardless of which party  
15 holds legal or equitable title or is the lessee of the residence or  
16 dwelling.

17 (2) The court may issue an order under paragraph (1) only on  
18 a showing of all of the following:

19 (A) Facts sufficient for the court to ascertain that the party who  
20 will stay in the dwelling has a right under color of law to possession  
21 of the premises.

22 (B) That the party to be excluded has assaulted or threatens to  
23 assault the other party or any other person under the care, custody,  
24 and control of the other party, or any minor child of the parties or  
25 of the other party.

26 (C) That physical or emotional harm would otherwise result to  
27 the other party, to any person under the care, custody, and control  
28 of the other party, or to any minor child of the parties or of the other  
29 party.

30 (f) Any order issued pursuant to subdivision (a), (b), (c), or (d)  
31 shall state on its face the date of expiration of the order.

32 (g) The juvenile court shall order any designated person or  
33 attorney to mail a copy of any order, or extension, modification,  
34 or termination thereof, granted pursuant to subdivision (a), (b), (c),  
35 or (d), by the close of the business day on which the order,  
36 extension, modification, or termination was granted, and any  
37 subsequent proof of service thereof, to each local law enforcement  
38 agency designated by the person seeking the restraining order or  
39 his or her attorney having jurisdiction over the residence of the  
40 person who has care, custody, and control of the child and other



1 locations where the court determines that acts of domestic violence  
2 or abuse against the child or children are likely to occur. Each  
3 appropriate law enforcement agency shall make available through  
4 an existing system for verification, information as to the existence,  
5 terms, and current status of any order issued pursuant to  
6 subdivision (a), (b), (c), or (d) to any law enforcement officer  
7 responding to the scene of reported domestic violence or abuse.

8 (h) Any willful and knowing violation of any order granted  
9 pursuant to subdivision (a), (b), (c), or (d) shall be a misdemeanor  
10 punishable under Section 273.65 of the Penal Code.

11 (i) A juvenile court restraining order related to domestic  
12 violence issued by a court pursuant to this section shall be issued  
13 on forms adopted by the Judicial Council of California and that  
14 have been approved by the Department of Justice pursuant to  
15 subdivision (i) of Section 6380 of the Family Code. However, the  
16 fact that an order issued by a court pursuant to this section was not  
17 issued on forms adopted by the Judicial Council and approved by  
18 the Department of Justice shall not, in and of itself, make the order  
19 unenforceable.

20 (j) Information on any juvenile court restraining order related  
21 to domestic violence issued by a court pursuant to this section shall  
22 be transmitted to the Department of Justice in accordance with  
23 subdivision (b) of Section 6380 of the Family Code.

24 (k) (1) Prior to a hearing on the issuance or denial of an order  
25 under this part, a search shall be conducted as described in  
26 subdivision (a) Section 6306 of the Family Code.

27 (2) Prior to deciding whether to issue an order under this part,  
28 the court shall consider the following information obtained  
29 pursuant to a search conducted under paragraph (1): any  
30 conviction for a violent felony specified in Section 667.5 of the  
31 Penal Code or a serious felony specified in Section 1192.7 of the  
32 Penal Code; any misdemeanor conviction involving domestic  
33 violence, weapons, or other violence; any outstanding warrant;  
34 parole or probation status; any prior restraining order; and any  
35 violation of a prior restraining order.

36 (3) (A) If the results of the search conducted pursuant to  
37 paragraph (1) indicate that an outstanding warrant exists against  
38 the subject of the search, the court shall order the clerk of the court  
39 to immediately notify, by the most effective means available,  
40 appropriate law enforcement officials of any information obtained



1 through the search that the court determines is appropriate. The  
2 law enforcement officials so notified shall take all actions  
3 necessary to execute any outstanding warrants or any other  
4 actions, as appropriate and as soon as practicable.

5 (B) If the results of the search conducted pursuant to paragraph  
6 (1) indicate that the subject of the search is currently on parole or  
7 probation, the court shall order the clerk of the court to  
8 immediately notify, by the most effective means available, the  
9 appropriate parole or probation officer of any information  
10 obtained through the search that the court determines is  
11 appropriate. The parole or probation officer so notified shall take  
12 all actions necessary to revoke any parole or probation, or any  
13 other actions, with respect to the subject person, as appropriate and  
14 as soon as practicable.

15 (I) Upon making any order for custody or visitation pursuant to  
16 this section, the court shall follow the procedures specified in  
17 subdivisions (c) and (d) of Section 6323 of the Family Code.

18 ~~SEC. 16.~~

19 *SEC. 15.* Section 827 of the Welfare and Institutions Code is  
20 amended to read:

21 827. (a) (1) Except as provided in Section 828, a case file  
22 may be inspected only by the following:

23 (A) Court personnel.

24 (B) The district attorney, a city attorney, or city prosecutor  
25 authorized to prosecute criminal or juvenile cases under state law.

26 (C) The minor who is the subject of the proceeding.

27 (D) His or her parents or guardian.

28 (E) The attorneys for the parties, including attorneys who  
29 represent persons who are, or have been, the subjects of petitions  
30 pursuant to Section 300, 601, or 602 for the purpose of other  
31 administrative or judicial proceedings, and judges, referees, other  
32 hearing officers, probation officers and law enforcement officers  
33 who are actively participating in criminal or juvenile proceedings  
34 involving the minor.

35 (F) The superintendent or designee of the school district where  
36 the minor is enrolled or attending school.

37 (G) Members of the child protective agencies as defined in  
38 Section 11165.9 of the Penal Code.

39 (H) The State Department of Social Services to carry out its  
40 duties pursuant to Division 9 (commencing with Section 10000),



1 and Part 5 (commencing with Section 7900) of Division 12 of the  
2 Family Code to oversee and monitor county child welfare  
3 agencies, children in foster care or receiving foster care assistance,  
4 and out-of-state placements.

5 (I) To authorized legal staff or special investigators who are  
6 peace officers who are employed by, or who are authorized  
7 representatives of, the State Department of Social Services, as  
8 necessary to the performance of their duties to inspect, license, and  
9 investigate community care facilities, and to ensure that the  
10 standards of care and services provided in those facilities are  
11 adequate and appropriate and to ascertain compliance with the  
12 rules and regulations to which the facilities are subject. The  
13 confidential information shall remain confidential except for  
14 purposes of inspection, licensing, or investigation pursuant to  
15 Chapter 3 (commencing with Section 1500) and Chapter 3.4  
16 (commencing with Section 1596.70) of Division 2 of the Health  
17 and Safety Code, or a criminal, civil, or administrative proceeding  
18 in relation thereto. The confidential information may be used by  
19 the State Department of Social Services in a criminal, civil, or  
20 administrative proceeding. The confidential information shall be  
21 available only to the judge or hearing officer and to the parties to  
22 the case. Names that are confidential shall be listed in attachments  
23 separate to the general pleadings. The confidential information  
24 shall be sealed after the conclusion of the criminal, civil, or  
25 administrative hearings, and shall not subsequently be released  
26 except in accordance with this subdivision. If the confidential  
27 information does not result in a criminal, civil, or administrative  
28 proceeding, it shall be sealed after the State Department of Social  
29 Services decides that no further action will be taken in the matter  
30 of suspected licensing violations. Except as otherwise provided in  
31 this subdivision, confidential information in the possession of the  
32 State Department of Social Services shall not contain the name of  
33 the minor.

34 (J) Members of children’s multidisciplinary teams, persons or  
35 agencies providing treatment or supervision of the minor.

36 (K) A judge, commissioner, or other hearing officer assigned  
37 to a family law case with issues concerning custody or visitation,  
38 or both, involving the minor, and the following persons, if actively  
39 participating in the family law case: a family court mediator  
40 assigned to a case involving the minor pursuant to Article 1



1 (commencing with Section 3160) of Chapter 11 of Part 2 of  
2 Division 8 of the Family Code, a child custody evaluator appointed  
3 by the court pursuant to Section 3118 of the Family Code, and  
4 counsel appointed for the minor in the family law case pursuant to  
5 Section 3150 of the Family Code. Prior to allowing counsel  
6 appointed for the minor in the family law case to inspect the file,  
7 the court clerk may require counsel to provide a certified copy of  
8 the court order appointing him or her as the minor's counsel.

9 (L) Juvenile justice commissions as established under Section  
10 225. The confidentiality provisions of Section 10850 shall apply  
11 to a juvenile justice commission and its members.

12 (M) Any other person who may be designated by court order  
13 of the judge of the juvenile court upon filing a petition.

14 (2) Notwithstanding any other law and subject to subparagraph  
15 (A) of paragraph (3), juvenile case files, except those relating to  
16 matters within the jurisdiction of the court pursuant to Section 601  
17 or 602, which pertain to a deceased child who was within the  
18 jurisdiction of the juvenile court pursuant to Section 300, shall be  
19 released to the public pursuant to an order by the juvenile court  
20 after a petition has been filed and interested parties have been  
21 afforded an opportunity to file an objection. Any information  
22 relating to another child or which could identify another child,  
23 except for information about the deceased, shall be redacted from  
24 the juvenile case file prior to release, unless a specific order is  
25 made by the juvenile court to the contrary. Except as provided in  
26 this paragraph, the presiding judge of the juvenile court may issue  
27 an order prohibiting or limiting access to the juvenile case file, or  
28 any portion thereof, of a deceased child only upon a showing that  
29 release of the juvenile case file or any portion thereof is  
30 detrimental to the safety, protection, or physical, or emotional  
31 well-being of another child who is directly or indirectly connected  
32 to the juvenile case that is the subject of the petition.

33 (3) Access to juvenile case files pertaining to matters within the  
34 jurisdiction of the juvenile court pursuant to Section 300 shall be  
35 limited as follows:

36 (A) If a juvenile case file, or any portion thereof, is privileged  
37 or confidential pursuant to any other state law or federal law or  
38 regulation, the requirements of that state law or federal law or  
39 regulation prohibiting or limiting release of the juvenile case file  
40 or any portions thereof shall prevail. Unless a person is listed in



1 subparagraphs (A) to (L), inclusive, of paragraph (1) and is  
2 entitled to access under the other state law or federal law or  
3 regulation without a court order, all those seeking access, pursuant  
4 to other authorization, to portions of, or information relating to the  
5 contents of, juvenile case files protected under another state law  
6 or federal law or regulation, shall petition the juvenile court. The  
7 juvenile court may only release the portion of, or information  
8 relating to the contents of, juvenile case files protected by another  
9 state law or federal law or regulation if disclosure is not  
10 detrimental to the safety, protection, or physical or emotional  
11 well-being of a child who is directly or indirectly connected to the  
12 juvenile case that is the subject of the petition. This paragraph shall  
13 not be construed to limit the ability of the juvenile court to carry  
14 out its duties in conducting juvenile court proceedings.

15 (B) Prior to the release of the juvenile case file or any portion  
16 thereof, the court shall afford due process, including a notice of  
17 and an opportunity to file an objection to the release of the record  
18 or report to all interested parties.

19 (4) A juvenile case file, any portion thereof, and information  
20 relating to the content of the juvenile case file, shall not be  
21 disseminated by the receiving agencies to any persons or agencies,  
22 other than those persons or agencies authorized to receive  
23 documents pursuant to this section. Further, a juvenile case file,  
24 any portion thereof, and information relating to the content of the  
25 juvenile case file, shall not be made as an attachment to any other  
26 documents without the prior approval of the presiding judge of the  
27 juvenile court, unless it is used in connection with and in the course  
28 of a criminal investigation or a proceeding brought to declare a  
29 person a dependent child or ward of the juvenile court.

30 (b) (1) While the Legislature reaffirms its belief that juvenile  
31 court records, in general, should be confidential, it is the intent of  
32 the Legislature in enacting this subdivision to provide for a limited  
33 exception to juvenile court record confidentiality to promote more  
34 effective communication among juvenile courts, family courts,  
35 law enforcement agencies, and schools to ensure the rehabilitation  
36 of juvenile criminal offenders as well as to lessen the potential for  
37 drug use, violence, other forms of delinquency, and child abuse.

38 (2) Notwithstanding subdivision (a), written notice that a  
39 minor enrolled in a public school, kindergarten to grade 12,  
40 inclusive, has been found by a court of competent jurisdiction to



1 have committed any felony or any misdemeanor involving curfew,  
2 gambling, alcohol, drugs, tobacco products, carrying of weapons,  
3 a sex offense listed in Section 290 of the Penal Code, assault or  
4 battery, larceny, vandalism, or graffiti shall be provided by the  
5 court, within seven days, to the superintendent of the school  
6 district of attendance. Written notice shall include only the offense  
7 found to have been committed by the minor and the disposition of  
8 the minor's case. This notice shall be expeditiously transmitted by  
9 the district superintendent to the principal at the school of  
10 attendance. The principal shall expeditiously disseminate the  
11 information to those counselors directly supervising or reporting  
12 on the behavior or progress of the minor. In addition, the principal  
13 shall disseminate the information to any teacher or administrator  
14 directly supervising or reporting on the behavior or progress of the  
15 minor whom the principal believes needs the information to work  
16 with the pupil in an appropriate fashion, to avoid being needlessly  
17 vulnerable or to protect other persons from needless vulnerability.

18 Any information received by a teacher, counselor, or  
19 administrator under this subdivision shall be received in  
20 confidence for the limited purpose of rehabilitating the minor and  
21 protecting students and staff, and shall not be further disseminated  
22 by the teacher, counselor, or administrator, except insofar as  
23 communication with the juvenile, his or her parents or guardians,  
24 law enforcement personnel, and the juvenile's probation officer is  
25 necessary to effectuate the juvenile's rehabilitation or to protect  
26 students and staff.

27 An intentional violation of the confidentiality provisions of this  
28 paragraph is a misdemeanor punishable by a fine not to exceed five  
29 hundred dollars (\$500).

30 (3) If a minor is removed from public school as a result of the  
31 court's finding described in subdivision (b), the superintendent  
32 shall maintain the information in a confidential file and shall defer  
33 transmittal of the information received from the court until the  
34 minor is returned to public school. If the minor is returned to a  
35 school district other than the one from which the minor came, the  
36 parole or probation officer having jurisdiction over the minor shall  
37 so notify the superintendent of the last district of attendance, who  
38 shall transmit the notice received from the court to the  
39 superintendent of the new district of attendance.



1 (c) Each probation report filed with the court concerning a  
2 minor whose record is subject to dissemination pursuant to  
3 subdivision (b) shall include on the face sheet the school at which  
4 the minor is currently enrolled. The county superintendent shall  
5 provide the court with a listing of all of the schools within each  
6 school district, within the county, along with the name and mailing  
7 address of each district superintendent.

8 (d) Each notice sent by the court pursuant to subdivision (b)  
9 shall be stamped with the instruction: “Unlawful Dissemination  
10 Of This Information Is A Misdemeanor.” Any information  
11 received from the court shall be kept in a separate confidential file  
12 at the school of attendance and shall be transferred to the minor’s  
13 subsequent schools of attendance and maintained until the minor  
14 graduates from high school, is released from juvenile court  
15 jurisdiction, or reaches the age of 18, whichever occurs first. After  
16 that time the confidential record shall be destroyed. At any time  
17 after the date by which a record required to be destroyed by this  
18 section should have been destroyed, the minor or his or her parent  
19 or guardian shall have the right to make a written request to the  
20 principal of the school that the minor’s school records be reviewed  
21 to ensure that the record has been destroyed. Upon completion of  
22 any requested review and no later than 30 days after the request for  
23 the review was received, the principal or his or her designee shall  
24 respond in writing to the written request and either shall confirm  
25 that the record has been destroyed or, if the record has not been  
26 destroyed, shall explain why destruction has not yet occurred.

27 Except as provided in paragraph (2) of subdivision (b), no  
28 liability shall attach to any person who transmits or fails to transmit  
29 any notice or information required under subdivision (b).

30 (e) For purposes of this section, a “juvenile case file” means  
31 a petition filed in any juvenile court proceeding, reports of the  
32 probation officer, and all other documents filed in that case or  
33 made available to the probation officer in making his or her report,  
34 or to the judge, referee, or other hearing officer, and thereafter  
35 retained by the probation officer, judge, referee, or other hearing  
36 officer.

37 ~~SEC. 17.~~

38 *SEC. 16.* No reimbursement is required by this act pursuant  
39 to Section 6 of Article XIII B of the California Constitution for  
40 certain costs that may be incurred by a local agency or school



1 district because in that regard this act creates a new crime or  
2 infraction, eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section 17556 of  
4 the Government Code, or changes the definition of a crime within  
5 the meaning of Section 6 of Article XIII B of the California  
6 Constitution.

7 However, notwithstanding Section 17610 of the Government  
8 Code, if the Commission on State Mandates determines that this  
9 act contains other costs mandated by the state, reimbursement to  
10 local agencies and school districts for those costs shall be made  
11 pursuant to Part 7 (commencing with Section 17500) of Division  
12 4 of Title 2 of the Government Code. If the statewide cost of the  
13 claim for reimbursement does not exceed one million dollars  
14 (\$1,000,000), reimbursement shall be made from the State  
15 Mandates Claims Fund.

