

AMENDED IN ASSEMBLY APRIL 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2085

Introduced by Assembly Member Irwin

February 17, 2016

An act to amend Section 51 of, and to add *and repeal* Section 59.5 ~~to~~, of, the Military and Veterans Code, relating to military and veterans.

LEGISLATIVE COUNSEL’S DIGEST

AB 2085, as amended, Irwin. Military and veterans: legal aid.

Existing law establishes the California Military Department, which includes the Office of the Adjutant General, the California National Guard, the State Military Reserve, the California Cadet Corps, and the Naval Militia.

This bill ~~would~~ *would, upon appropriation by the Legislature*, create the Office of Military Legal Assistance within the Military Department. The bill would require the ~~Office of Military Legal Assistance to facilitate the delivery of legal assistance programs, pro bono services, and self-help services to current and former military personnel in the state, and to function as a clearinghouse for the coordination of attorneys offering pro bono legal services to military members needing legal representation. The bill would additionally authorize the Military Department to apply for and accept grants, gifts, donations, bequests, and devise on behalf of the Office of Military Legal Assistance, and to deposit those in the Military Legal Assistance Account, established in the California Military Department Support Fund. The bill would provide that the Military Legal Assistance Account is available, upon appropriation by the Legislature, for the purpose of carrying out the functions of the Office of Military Legal Assistance.~~ *office to assist*

current servicemembers in the state who require legal assistance by providing access to educational and informational resources and by providing referral services to available legal assistance programs, including reduced fee services, pro bono services, and self-help services. The bill would, subject to the provisions described above, authorize the office to provide assistance in legal areas including, but not limited to, the federal Servicemembers Civil Relief Act, the federal Uniformed Services Employment and Reemployment Rights Act, consumer protection, and landlord-tenant issues. This bill would make these provisions inoperative on July 1, 2022, and would repeal them as of January 1, 2023.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares both of the
2 following:

3 (a) Attorneys in California are needed to assist active duty
4 servicemembers and reservists with legal matters. Military
5 personnel are often presented with legal challenges due to the
6 requirements of their service, such as frequent relocation,
7 interrupted employment, financial need, and strain on family life,
8 among others.

9 (b) While some legal services are provided to servicemembers
10 through their respective service's Judge Advocates General (JAG),
11 there is a gap in service for a variety of legal issues, particularly
12 in civil law, because JAGs are prohibited from representing
13 servicemembers in civilian court in almost all cases. The primary
14 legal areas with which servicemembers require assistance include
15 the Uniformed Services Employment and Reemployment Rights
16 Act, the Servicemembers Civil Relief Act, family law, consumer
17 fraud, property and landlord issues, naturalization and immigration,
18 creditor and debtor issues, and predatory lending.

19 SEC. 2. Section 51 of the Military and Veterans Code is
20 amended to read:

21 51. The Military Department includes the office of the Adjutant
22 General, the California National Guard, the State Military Reserve,
23 the California Cadet Corps, the Naval Militia, and the Office of
24 Military Legal Assistance.

1 SEC. 3. Section 59.5 is added to the Military and Veterans
2 Code, to read:

3 59.5. (a) The Office of Military Legal Assistance is hereby
4 created in the Military Department. The ~~Office of Military Legal~~
5 ~~Assistance office shall facilitate the delivery of assist current~~
6 ~~servicemembers in the state who require legal assistance by~~
7 ~~providing access to educational and informational resources and~~
8 ~~by providing referral services to available legal assistance~~
9 ~~programs, including reduced fee services, pro bono services, and~~
10 ~~self-help services to current and former military personnel in the~~
11 ~~state. services.~~

12 ~~(b) The Office of Military Legal Assistance shall function as a~~
13 ~~clearinghouse for the coordination of attorneys offering pro bono~~
14 ~~legal services to military service members needing legal~~
15 ~~representation.~~

16 ~~(c) The department may apply for and accept grants, gifts,~~
17 ~~donations, bequests, and devises on behalf of the Office of Military~~
18 ~~Legal Assistance, which shall be deposited in the Military Legal~~
19 ~~Assistance Account, as hereby established in the California Military~~
20 ~~Department Support Fund. Notwithstanding Section 412.5, funds~~
21 ~~in the Military Legal Assistance Account are available, upon~~
22 ~~appropriation by the Legislature, for the purpose of carrying out~~
23 ~~the functions of the office pursuant to this section.~~

24 ~~(b) Subject to subdivision (a), the office may provide assistance~~
25 ~~in legal areas, including, but not limited to, the federal~~
26 ~~Servicemembers Civil Relief Act, the federal Uniformed Services~~
27 ~~Employment and Reemployment Rights Act, consumer protection,~~
28 ~~and landlord-tenant issues.~~

29 ~~(c) This section shall become effective only upon appropriation~~
30 ~~of funds by the Legislature for the purposes described in this~~
31 ~~section.~~

32 ~~(d) This section shall become inoperative on July 1, 2022, and,~~
33 ~~as of January 1, 2023, is repealed, unless a later enacted statute,~~
34 ~~that becomes operative on or before January 1, 2023, deletes or~~
35 ~~extends the dates on which it becomes inoperative and is repealed.~~