

Assembly Bill No. 2085

Passed the Assembly June 2, 2016

Chief Clerk of the Assembly

Passed the Senate August 17, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2085, 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, upon appropriation by the Legislature, create the Office of Military Legal Assistance within the Military Department. The bill would require the 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.

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

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

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

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

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

59.5. (a) The Office of Military Legal Assistance is hereby created in the Military Department. The office shall assist current servicemembers in the state who require legal assistance by providing access to educational and informational resources as well as providing referral services to available legal assistance programs, including reduced fee services, pro bono services, and self-help services.

(b) Subject to subdivision (a), the office may 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.

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

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

Approved _____, 2016

Governor