

AMENDED IN SENATE APRIL 7, 2016

SENATE BILL

No. 1474

**Introduced by Committee on Public Safety (Senators Hancock
(Chair), Anderson, Glazer, Leno, Liu, Monning, and Stone)**

February 29, 2016

An act to amend Sections 290.06, 290.46, 830.3, 1203.10, 1203e, 1328, 1424.5, and 13823.11, of the Penal Code, ~~and~~ to amend Section 40800 of the Vehicle Code, *and to repeal Section 882 of the Welfare and Institutions Code*, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1474, as amended, Committee on Public Safety. Public Safety Omnibus.

(1) Existing law ~~provides~~ *requires that persons required to register as sex offenders be subject to assessment by the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO), as specified. Existing law requires the Department of Corrections and Rehabilitation and the State Department of State Hospitals to perform a risk assessment of every eligible person under their jurisdiction, as specified, requires those departments to send the scores obtained in accordance with those provisions to the Department of Justice Sex Offender Tracking Program not later than 30 days after the date of the assessment, and requires that the risk assessment score of an offender be made part of his or her file maintained by the Department of Justice Sex Offender Tracking Program as soon as possible without financial impact.*

Existing law requires the State Department of State Hospitals to provide to the Department of Justice Sex Offender Tracking Program the names of all persons committed to its custody pursuant to specified provisions of law within 30 days of commitment, and requires that

department to provide the names of all of those persons released from its custody within 5 working days of release.

Existing law requires the probation department to compile and include in the probation officer's report a Facts of Offense Sheet for every person convicted of an offense that requires him or her to register as a sex offender, as specified. Existing law requires the probation officer to send a copy of the Facts of Offense Sheet to the Department of Justice High Risk Sex Offender Program within 30 days of the person's sex offense conviction, and requires that the Facts of Offense Sheet be made part of the registered sex offender's file maintained by the Sex Offender Tracking Program.

This bill would delete the references to the Department of Justice Sex Offender Tracking Program and the Department of Justice High Risk Sex Offender Program from the provisions described above, and would instead include references to the Department of Justice in those provisions.

(2) Existing law provides that certain persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest, as specified, including, among others, the Chief of the Bureau of Fraudulent Claims of the Department of Insurance and those investigators designated by the chief.

This bill would delete the reference to the chief and those investigators designated by him or her and would instead specify that the Deputy Commissioner, Enforcement Branch of, or the Fraud Division Chief of, the Department of Insurance and those investigators designated by the deputy or the chief, are peace officers, as specified.

(2)

(3) Existing law ~~authorizes~~, authorizes probation, which is a period of time when a defendant is released from incarceration and is subject to specified conditions and supervision by county probation authorities. Existing law requires the probation officer, at the time of the plea or verdict of guilty of a person over 18 years of age, to make a report to the court, as specified, recommending for or against the person's release on probation. Existing law requires the probation officer, if the person is released on probation, to keep a complete and accurate record of the supervision of the person, as specified. Existing law makes this record part of the court records and requires it to be open to inspection by the court or any person appointed by the court. Existing law requires the probation officer's record to be paid for out of the county treasury.

This bill would expand access to the probation officer's record to anyone allowed access by order of the court, or other probation agencies. The bill would delete the requirement that the probation officer's record be paid for out of the county treasury. The bill would make additional conforming changes.

(4) Existing law authorizes, in those counties where the local agencies have consented with the marshal's office or the sheriff's office to participate, a criminal subpoena requiring a peace officer as a witness to be served by sending a copy by electronic means to the peace officer's immediate superior or an agent designated by the immediate superior to receive the service. Existing law requires the peace officer's immediate superior or the designated agent to acknowledge receipt of the subpoena by telephone or electronic means if service is made by electronic means.

This bill would also authorize a criminal subpoena to be served by electronic means in counties that have consented to participate with the district attorney's office and would allow electronic service to be made by sending a copy to the peace officer personally. The bill would also permit the peace officer to acknowledge receipt of the subpoena if service is made by electronic means.

~~(3)~~

(5) Existing law authorizes a court, upon receiving information that a prosecuting attorney may have deliberately and intentionally withheld relevant or material exculpatory evidence or information in violation of law, to make a finding, supported by clear and convincing evidence that a violation occurred.

This bill would instead authorize a court to make that finding upon receiving information that a prosecuting attorney deliberately and intentionally withheld relevant, material exculpatory evidence or information in violation of law.

~~(4)~~

(6) Existing law requires that each victim of sexual assault who consents to an examination for the collection of evidence shall have collected, except where he or she specifically objects, among other things, swabs and slides from specified locations to determine the presence or absence of sperm and sperm motility, and for genetic marker typing. Existing law also requires that those victims of sexual assault, except when he or she specifically objects, have reference specimens collected, including, for example, pubic and head hair, blood, and saliva for genetic marker testing.

This bill would instead specify that the swabs and slides would be taken to determine the presence or absence of semen and that reference specimens include, for example, pubic and head hair, blood, and saliva for DNA comparison and analysis. The bill would also authorize reference specimens to be collected at a later time.

~~(5)~~

(7) Existing law requires a traffic officer on duty for the exclusive or main purpose of enforcing specified provisions of the Vehicle Code relating to accidents and accident reports and rules of the road to wear a full distinctive uniform, and if the officer uses a motor vehicle while on duty, requires the vehicle to be painted a distinctive color specified by the Commissioner of the California Highway Patrol.

This bill would delete the requirement that the motor vehicle be painted, but would continue to require the vehicle be a distinctive color.

(8) Existing law requires that juvenile ranches, camps, or forestry camps be in the charge of a superintendent or director, authorizes those facilities to be established in conjunction with the probation department, or in any manner determined by the county board of supervisors, and requires the superintendent or director and other persons employed at those facilities to be appointed by the probation officer, subject to confirmation by the board of supervisors, of the county establishing the facilities.

This bill would repeal those provisions.

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

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

1 SECTION 1. Section 290.06 of the Penal Code is amended to
 2 read:
 3 290.06. The static SARATSO, as set forth in Section 290.04,
 4 shall be administered as follows:
 5 (a) (1) The Department of Corrections and Rehabilitation shall
 6 assess every eligible person who is incarcerated in state prison.
 7 Whenever possible, the assessment shall take place at least four
 8 months, but no sooner than 10 months, prior to release from
 9 incarceration.
 10 (2) The department shall assess every eligible person who is on
 11 parole if the person was not assessed prior to release from state
 12 prison. Whenever possible, the assessment shall take place at least

1 four months, but no sooner than 10 months, prior to termination
2 of parole. The department shall record in a database the risk
3 assessment scores of persons assessed pursuant to this paragraph
4 and paragraph (1), and any risk assessment score that was
5 submitted to the department by a probation officer pursuant to
6 Section 1203.

7 (3) The department shall assess every person on parole
8 transferred from any other state or by the federal government to
9 this state who has been, or is hereafter convicted in any other court,
10 including any state, federal, or military court, of any offense that,
11 if committed or attempted in this state, would have been punishable
12 as one or more of the offenses described in subdivision (c) of
13 Section 290. The assessment required by this paragraph shall occur
14 no later than 60 days after a determination by the Department of
15 Justice that the person is required to register as a sex offender in
16 California pursuant to Section 290.005.

17 (4) The State Department of State Hospitals shall assess every
18 eligible person who is committed to that department. Whenever
19 possible, the assessment shall take place at least four months, but
20 no sooner than 10 months, prior to release from commitment. The
21 State Department of State Hospitals shall record in a database the
22 risk assessment scores of persons assessed pursuant to this
23 paragraph and any risk assessment score that was submitted to the
24 department by a probation officer pursuant to Section 1203.

25 (5) Commencing January 1, 2010, the Department of Corrections
26 and Rehabilitation and the State Department of State Hospitals
27 shall send the scores obtained in accordance with paragraphs (2),
28 (3), and (4) to the Department of Justice ~~Sex Offender Tracking~~
29 ~~Program~~ not later than 30 days after the date of the assessment.
30 The risk assessment score of an offender shall be made part of his
31 or her file maintained by the Department of Justice ~~Sex Offender~~
32 ~~Tracking Program~~ as soon as possible without financial impact,
33 but no later than January 1, 2012.

34 (6) Each probation department shall, prior to sentencing, assess
35 every eligible person as defined in subdivision (c), whether or not
36 a report is prepared pursuant to Section 1203.

37 (7) Each probation department shall assess every eligible person
38 under its supervision who was not assessed pursuant to paragraph
39 (6). The assessment shall take place prior to the termination of
40 probation, but no later than January 1, 2010.

1 (b) Eligible persons not assessed pursuant to subdivision (a)
2 may be assessed as follows:

3 (1) Upon request of the law enforcement agency in the
4 jurisdiction in which the person is registered pursuant to Sections
5 290 to 290.023, inclusive, the person shall be assessed. The law
6 enforcement agency may enter into a memorandum of
7 understanding with a probation department to perform the
8 assessment. In the alternative, the law enforcement agency may
9 arrange to have personnel trained to perform the risk assessment
10 in accordance with subdivision (d) of Section 290.05.

11 (2) Eligible persons not assessed pursuant to subdivision (a)
12 may request that a risk assessment be performed. A request form
13 shall be available at registering law enforcement agencies. The
14 person requesting the assessment shall pay a fee for the assessment
15 that shall be sufficient to cover the cost of the assessment. The risk
16 assessment so requested shall be performed either by the probation
17 department, if a memorandum of understanding is established
18 between the law enforcement agency and the probation department,
19 or by personnel who have been trained to perform risk assessment
20 in accordance with subdivision (d) of Section 290.05.

21 (c) For purposes of this section, “eligible person” means a person
22 who was convicted of an offense that requires him or her to register
23 as a sex offender pursuant to the Sex Offender Registration Act
24 and who is eligible for assessment, pursuant to the official Coding
25 Rules designated for use with the risk assessment instrument by
26 the author of any risk assessment instrument (SARATSO) selected
27 by the SARATSO Review Committee.

28 (d) Persons authorized to perform risk assessments pursuant to
29 this section, Section 1203, and Section 706 of the Welfare and
30 Institutions Code shall be immune from liability for good faith
31 conduct under this act.

32 *SEC. 2. Section 290.46 of the Penal Code is amended to read:*

33 290.46. (a) (1) On or before the dates specified in this section,
34 the Department of Justice shall make available information
35 concerning persons who are required to register pursuant to Section
36 290 to the public via an Internet Web site as specified in this
37 section. The department shall update the Internet Web site on an
38 ongoing basis. All information identifying the victim by name,
39 birth date, address, or relationship to the registrant shall be
40 excluded from the Internet Web site. The name or address of the

1 person's employer and the listed person's criminal history other
2 than the specific crimes for which the person is required to register
3 shall not be included on the Internet Web site. The Internet Web
4 site shall be translated into languages other than English as
5 determined by the department.

6 (2) (A) On or before July 1, 2010, the Department of Justice
7 shall make available to the public, via an Internet Web site as
8 specified in this section, as to any person described in subdivision
9 (b), (c), or (d), the following information:

10 (i) The year of conviction of his or her most recent offense
11 requiring registration pursuant to Section 290.

12 (ii) The year he or she was released from incarceration for that
13 offense.

14 (iii) Whether he or she was subsequently incarcerated for any
15 other felony, if that fact is reported to the department. If the
16 department has no information about a subsequent incarceration
17 for any felony, that fact shall be noted on the Internet Web site.

18 However, no year of conviction shall be made available to the
19 public unless the department also is able to make available the
20 corresponding year of release of incarceration for that offense, and
21 the required notation regarding any subsequent felony.

22 (B) (i) Any state facility that releases from incarceration a
23 person who was incarcerated because of a crime for which he or
24 she is required to register as a sex offender pursuant to Section
25 290 shall, within 30 days of release, provide the year of release
26 for his or her most recent offense requiring registration to the
27 Department of Justice in a manner and format approved by the
28 department.

29 (ii) Any state facility that releases a person who is required to
30 register pursuant to Section 290 from incarceration whose
31 incarceration was for a felony committed subsequently to the
32 offense for which he or she is required to register shall, within 30
33 days of release, advise the Department of Justice of that fact.

34 (iii) Any state facility that, prior to January 1, 2007, released
35 from incarceration a person who was incarcerated because of a
36 crime for which he or she is required to register as a sex offender
37 pursuant to Section 290 shall provide the year of release for his or
38 her most recent offense requiring registration to the Department
39 of Justice in a manner and format approved by the department.
40 The information provided by the Department of Corrections and

1 Rehabilitation shall be limited to information that is currently
2 maintained in an electronic format.

3 (iv) Any state facility that, prior to January 1, 2007, released a
4 person who is required to register pursuant to Section 290 from
5 incarceration whose incarceration was for a felony committed
6 subsequently to the offense for which he or she is required to
7 register shall advise the Department of Justice of that fact in a
8 manner and format approved by the department. The information
9 provided by the Department of Corrections and Rehabilitation
10 shall be limited to information that is currently maintained in an
11 electronic format.

12 (3) The State Department of State Hospitals shall provide to the
13 Department of Justice ~~Sex Offender Tracking Program~~ the names
14 of all persons committed to its custody pursuant to Article 4
15 (commencing with Section 6600) of Chapter 2 of Part 2 of Division
16 6 of the Welfare and Institutions Code, within 30 days of
17 commitment, and shall provide the names of all of those persons
18 released from its custody within five working days of release.

19 (b) (1) On or before July 1, 2005, with respect to a person who
20 has been convicted of the commission or the attempted commission
21 of any of the offenses listed in, or who is described in, paragraph
22 (2), the Department of Justice shall make available to the public
23 via the Internet Web site his or her name and known aliases, a
24 photograph, a physical description, including gender and race, date
25 of birth, criminal history, prior adjudication as a sexually violent
26 predator, the address at which the person resides, and any other
27 information that the Department of Justice deems relevant, but not
28 the information excluded pursuant to subdivision (a). On or before
29 January 1, 2013, the department shall make available to the public
30 via the Internet Web site his or her static SARATSO score and
31 information on an elevated risk level based on the SARATSO
32 future violence tool.

33 (2) This subdivision shall apply to the following offenses and
34 offenders:

35 (A) Section 187 committed in the perpetration, or an attempt to
36 perpetrate, rape or any act punishable under Section 286, 288,
37 288a, or 289.

38 (B) Section 207 committed with intent to violate Section 261,
39 286, 288, 288a, or 289.

- 1 (C) Section 209 committed with intent to violate Section 261,
2 286, 288, 288a, or 289.
- 3 (D) Paragraph (2) or (6) of subdivision (a) of Section 261.
- 4 (E) Section 264.1.
- 5 (F) Section 269.
- 6 (G) Subdivision (c) or (d) of Section 286.
- 7 (H) Subdivision (a), (b), or (c) of Section 288, provided that the
8 offense is a felony.
- 9 (I) Subdivision (c) or (d) of Section 288a.
- 10 (J) Section 288.3, provided that the offense is a felony.
- 11 (K) Section 288.4, provided that the offense is a felony.
- 12 (L) Section 288.5.
- 13 (M) Subdivision (a) or (j) of Section 289.
- 14 (N) Section 288.7.
- 15 (O) Any person who has ever been adjudicated a sexually violent
16 predator, as defined in Section 6600 of the Welfare and Institutions
17 Code.
- 18 (P) A felony violation of Section 311.1.
- 19 (Q) A felony violation of subdivision (b), (c), or (d) of Section
20 311.2.
- 21 (R) A felony violation of Section 311.3.
- 22 (S) A felony violation of subdivision (a), (b), or (c) of Section
23 311.4.
- 24 (T) Section 311.10.
- 25 (U) A felony violation of Section 311.11.
- 26 (c) (1) On or before July 1, 2005, with respect to a person who
27 has been convicted of the commission or the attempted commission
28 of any of the offenses listed in paragraph (2), the Department of
29 Justice shall make available to the public via the Internet Web site
30 his or her name and known aliases, a photograph, a physical
31 description, including gender and race, date of birth, criminal
32 history, the community of residence and ZIP Code in which the
33 person resides or the county in which the person is registered as a
34 transient, and any other information that the Department of Justice
35 deems relevant, but not the information excluded pursuant to
36 subdivision (a). On or before July 1, 2006, the Department of
37 Justice shall determine whether any person convicted of an offense
38 listed in paragraph (2) also has one or more prior or subsequent
39 convictions of an offense listed in subdivision (c) of Section 290,
40 and, for those persons, the Department of Justice shall make

1 available to the public via the Internet Web site the address at
2 which the person resides. However, the address at which the person
3 resides shall not be disclosed until a determination is made that
4 the person is, by virtue of his or her additional prior or subsequent
5 conviction of an offense listed in subdivision (c) of Section 290,
6 subject to this subdivision.

7 (2) This subdivision shall apply to the following offenses:

8 (A) Section 220, except assault to commit mayhem.

9 (B) Paragraph (1), (3), or (4) of subdivision (a) of Section 261.

10 (C) Paragraph (2) of subdivision (b), or subdivision (f), (g), or
11 (i), of Section 286.

12 (D) Paragraph (2) of subdivision (b), or subdivision (f), (g), or
13 (i), of Section 288a.

14 (E) Subdivision (b), (d), (e), or (i) of Section 289.

15 (d) (1) On or before July 1, 2005, with respect to a person who
16 has been convicted of the commission or the attempted commission
17 of any of the offenses listed in, or who is described in, this
18 subdivision, the Department of Justice shall make available to the
19 public via the Internet Web site his or her name and known aliases,
20 a photograph, a physical description, including gender and race,
21 date of birth, criminal history, the community of residence and
22 ZIP Code in which the person resides or the county in which the
23 person is registered as a transient, and any other information that
24 the Department of Justice deems relevant, but not the information
25 excluded pursuant to subdivision (a) or the address at which the
26 person resides.

27 (2) This subdivision shall apply to the following offenses and
28 offenders:

29 (A) Subdivision (a) of Section 243.4, provided that the offense
30 is a felony.

31 (B) Section 266, provided that the offense is a felony.

32 (C) Section 266c, provided that the offense is a felony.

33 (D) Section 266j.

34 (E) Section 267.

35 (F) Subdivision (c) of Section 288, provided that the offense is
36 a misdemeanor.

37 (G) Section 288.3, provided that the offense is a misdemeanor.

38 (H) Section 288.4, provided that the offense is a misdemeanor.

39 (I) Section 626.81.

40 (J) Section 647.6.

1 (K) Section 653c.

2 (L) Any person required to register pursuant to Section 290
3 based upon an out-of-state conviction, unless that person is
4 excluded from the Internet Web site pursuant to subdivision (e).
5 However, if the Department of Justice has determined that the
6 out-of-state crime, if committed or attempted in this state, would
7 have been punishable in this state as a crime described in
8 subdivision (c) of Section 290, the person shall be placed on the
9 Internet Web site as provided in subdivision (b) or (c), as applicable
10 to the crime.

11 (e) (1) If a person has been convicted of the commission or the
12 attempted commission of any of the offenses listed in this
13 subdivision, and he or she has been convicted of no other offense
14 listed in subdivision (b), (c), or (d) other than those listed in this
15 subdivision, that person may file an application with the
16 Department of Justice, on a form approved by the department, for
17 exclusion from the Internet Web site. If the department determines
18 that the person meets the requirements of this subdivision, the
19 department shall grant the exclusion and no information concerning
20 the person shall be made available via the Internet Web site
21 described in this section. He or she bears the burden of proving
22 the facts that make him or her eligible for exclusion from the
23 Internet Web site. However, a person who has filed for or been
24 granted an exclusion from the Internet Web site is not relieved of
25 his or her duty to register as a sex offender pursuant to Section
26 290 nor from any otherwise applicable provision of law.

27 (2) This subdivision shall apply to the following offenses:

28 (A) A felony violation of subdivision (a) of Section 243.4.

29 (B) Section 647.6, if the offense is a misdemeanor.

30 (C) A felony violation of Section 311.1, subdivision (b), (c), or
31 (d) of Section 311.2, or Section 311.3, 311.4, 311.10, or 311.11 if
32 the person submits to the department a certified copy of a probation
33 report filed in court that clearly states that all victims involved in
34 the commission of the offense were at least 16 years of age or older
35 at the time of the commission of the offense.

36 (D) (i) An offense for which the offender successfully
37 completed probation, provided that the offender submits to the
38 department a certified copy of a probation report, presentencing
39 report, report prepared pursuant to Section 288.1, or other official
40 court document that clearly demonstrates that the offender was

1 the victim’s parent, stepparent, sibling, or grandparent and that the
2 crime did not involve either oral copulation or penetration of the
3 vagina or rectum of either the victim or the offender by the penis
4 of the other or by any foreign object.

5 (ii) An offense for which the offender is on probation at the
6 time of his or her application, provided that the offender submits
7 to the department a certified copy of a probation report,
8 presentencing report, report prepared pursuant to Section 288.1,
9 or other official court document that clearly demonstrates that the
10 offender was the victim’s parent, stepparent, sibling, or grandparent
11 and that the crime did not involve either oral copulation or
12 penetration of the vagina or rectum of either the victim or the
13 offender by the penis of the other or by any foreign object.

14 (iii) If, subsequent to his or her application, the offender commits
15 a violation of probation resulting in his or her incarceration in
16 county jail or state prison, his or her exclusion, or application for
17 exclusion, from the Internet Web site shall be terminated.

18 (iv) For the purposes of this subparagraph, “successfully
19 completed probation” means that during the period of probation
20 the offender neither received additional county jail or state prison
21 time for a violation of probation nor was convicted of another
22 offense resulting in a sentence to county jail or state prison.

23 (3) If the department determines that a person who was granted
24 an exclusion under a former version of this subdivision would not
25 qualify for an exclusion under the current version of this
26 subdivision, the department shall rescind the exclusion, make a
27 reasonable effort to provide notification to the person that the
28 exclusion has been rescinded, and, no sooner than 30 days after
29 notification is attempted, make information about the offender
30 available to the public on the Internet Web site as provided in this
31 section.

32 (4) Effective January 1, 2012, no person shall be excluded
33 pursuant to this subdivision unless the offender has submitted to
34 the department documentation sufficient for the department to
35 determine that he or she has a SARATSO risk level of low or
36 moderate-low.

37 (f) The Department of Justice shall make a reasonable effort to
38 provide notification to persons who have been convicted of the
39 commission or attempted commission of an offense specified in
40 subdivision (b), (c), or (d), that on or before July 1, 2005, the

1 department is required to make information about specified sex
2 offenders available to the public via an Internet Web site as
3 specified in this section. The Department of Justice shall also make
4 a reasonable effort to provide notice that some offenders are
5 eligible to apply for exclusion from the Internet Web site.

6 (g) (1) A designated law enforcement entity, as defined in
7 subdivision (f) of Section 290.45, may make available information
8 concerning persons who are required to register pursuant to Section
9 290 to the public via an Internet Web site as specified in paragraph
10 (2).

11 (2) The law enforcement entity may make available by way of
12 an Internet Web site the information described in subdivision (c)
13 if it determines that the public disclosure of the information about
14 a specific offender by way of the entity's Internet Web site is
15 necessary to ensure the public safety based upon information
16 available to the entity concerning that specific offender.

17 (3) The information that may be provided pursuant to this
18 subdivision may include the information specified in subdivision
19 (b) of Section 290.45. However, that offender's address may not
20 be disclosed unless he or she is a person whose address is on the
21 Department of Justice's Internet Web site pursuant to subdivision
22 (b) or (c).

23 (h) For purposes of this section, "offense" includes the statutory
24 predecessors of that offense, or any offense committed in another
25 jurisdiction that, if committed or attempted to be committed in this
26 state, would have been punishable in this state as an offense listed
27 in subdivision (c) of Section 290.

28 (i) Notwithstanding Section 6254.5 of the Government Code,
29 disclosure of information pursuant to this section is not a waiver
30 of exemptions under Chapter 3.5 (commencing with Section 6250)
31 of Title 1 of Division 7 of the Government Code and does not
32 affect other statutory restrictions on disclosure in other situations.

33 (j) (1) Any person who uses information disclosed pursuant to
34 this section to commit a misdemeanor shall be subject to, in
35 addition to any other penalty or fine imposed, a fine of not less
36 than ten thousand dollars (\$10,000) and not more than fifty
37 thousand dollars (\$50,000).

38 (2) Any person who uses information disclosed pursuant to this
39 section to commit a felony shall be punished, in addition and

1 consecutive to any other punishment, by a five-year term of
2 imprisonment pursuant to subdivision (h) of Section 1170.

3 (k) Any person who is required to register pursuant to Section
4 290 who enters an Internet Web site established pursuant to this
5 section shall be punished by a fine not exceeding one thousand
6 dollars (\$1,000), imprisonment in a county jail for a period not to
7 exceed six months, or by both that fine and imprisonment.

8 (l) (1) A person is authorized to use information disclosed
9 pursuant to this section only to protect a person at risk.

10 (2) Except as authorized under paragraph (1) or any other
11 provision of law, use of any information that is disclosed pursuant
12 to this section for purposes relating to any of the following is
13 prohibited:

- 14 (A) Health insurance.
- 15 (B) Insurance.
- 16 (C) Loans.
- 17 (D) Credit.
- 18 (E) Employment.
- 19 (F) Education, scholarships, or fellowships.
- 20 (G) Housing or accommodations.
- 21 (H) Benefits, privileges, or services provided by any business
22 establishment.

23 (3) This section shall not affect authorized access to, or use of,
24 information pursuant to, among other provisions, Sections 11105
25 and 11105.3, Section 8808 of the Family Code, Sections 777.5
26 and 14409.2 of the Financial Code, Sections 1522.01 and 1596.871
27 of the Health and Safety Code, and Section 432.7 of the Labor
28 Code.

29 (4) (A) Any use of information disclosed pursuant to this section
30 for purposes other than those provided by paragraph (1) or in
31 violation of paragraph (2) shall make the user liable for the actual
32 damages, and any amount that may be determined by a jury or a
33 court sitting without a jury, not exceeding three times the amount
34 of actual damage, and not less than two hundred fifty dollars
35 (\$250), and attorney's fees, exemplary damages, or a civil penalty
36 not exceeding twenty-five thousand dollars (\$25,000).

37 (B) Whenever there is reasonable cause to believe that any
38 person or group of persons is engaged in a pattern or practice of
39 misuse of the information available via an Internet Web site
40 established pursuant to this section in violation of paragraph (2),

1 the Attorney General, any district attorney, or city attorney, or any
2 person aggrieved by the misuse is authorized to bring a civil action
3 in the appropriate court requesting preventive relief, including an
4 application for a permanent or temporary injunction, restraining
5 order, or other order against the person or group of persons
6 responsible for the pattern or practice of misuse. The foregoing
7 remedies shall be independent of any other remedies or procedures
8 that may be available to an aggrieved party under other provisions
9 of law, including Part 2 (commencing with Section 43) of Division
10 1 of the Civil Code.

11 (m) The public notification provisions of this section are
12 applicable to every person described in this section, without regard
13 to when his or her crimes were committed or his or her duty to
14 register pursuant to Section 290 arose, and to every offense
15 described in this section, regardless of when it was committed.

16 (n) A designated law enforcement entity and its employees shall
17 be immune from liability for good faith conduct under this section.

18 (o) The Attorney General, in collaboration with local law
19 enforcement and others knowledgeable about sex offenders, shall
20 develop strategies to assist members of the public in understanding
21 and using publicly available information about registered sex
22 offenders to further public safety. These strategies may include,
23 but are not limited to, a hotline for community inquiries,
24 neighborhood and business guidelines for how to respond to
25 information posted on this Internet Web site, and any other resource
26 that promotes public education about these offenders.

27 ~~SECTION 4.~~

28 *SEC. 3.* Section 830.3 of the Penal Code is amended to read:

29 830.3. The following persons are peace officers whose authority
30 extends to any place in the state for the purpose of performing
31 their primary duty or when making an arrest pursuant to Section
32 836 as to any public offense with respect to which there is
33 immediate danger to person or property, or of the escape of the
34 perpetrator of that offense, or pursuant to Section 8597 or 8598 of
35 the Government Code. These peace officers may carry firearms
36 only if authorized and under those terms and conditions as specified
37 by their employing agencies:

38 (a) Persons employed by the Division of Investigation of the
39 Department of Consumer Affairs and investigators of the Board
40 of Dental Examiners, who are designated by the Director of

1 Consumer Affairs, provided that the primary duty of these peace
2 officers shall be the enforcement of the law as that duty is set forth
3 in Section 160 of the Business and Professions Code.

4 (b) Voluntary fire wardens designated by the Director of
5 Forestry and Fire Protection pursuant to Section 4156 of the Public
6 Resources Code, provided that the primary duty of these peace
7 officers shall be the enforcement of the law as that duty is set forth
8 in Section 4156 of that code.

9 (c) Employees of the Department of Motor Vehicles designated
10 in Section 1655 of the Vehicle Code, provided that the primary
11 duty of these peace officers shall be the enforcement of the law as
12 that duty is set forth in Section 1655 of that code.

13 (d) Investigators of the California Horse Racing Board
14 designated by the board, provided that the primary duty of these
15 peace officers shall be the enforcement of Chapter 4 (commencing
16 with Section 19400) of Division 8 of the Business and Professions
17 Code and Chapter 10 (commencing with Section 330) of Title 9
18 of Part 1.

19 (e) The State Fire Marshal and assistant or deputy state fire
20 marshals appointed pursuant to Section 13103 of the Health and
21 Safety Code, provided that the primary duty of these peace officers
22 shall be the enforcement of the law as that duty is set forth in
23 Section 13104 of that code.

24 (f) Inspectors of the food and drug section designated by the
25 chief pursuant to subdivision (a) of Section 106500 of the Health
26 and Safety Code, provided that the primary duty of these peace
27 officers shall be the enforcement of the law as that duty is set forth
28 in Section 106500 of that code.

29 (g) All investigators of the Division of Labor Standards
30 Enforcement designated by the Labor Commissioner, provided
31 that the primary duty of these peace officers shall be the
32 enforcement of the law as prescribed in Section 95 of the Labor
33 Code.

34 (h) All investigators of the State Departments of Health Care
35 Services, Public Health, and Social Services, the Department of
36 Toxic Substances Control, the Office of Statewide Health Planning
37 and Development, and the Public Employees' Retirement System,
38 provided that the primary duty of these peace officers shall be the
39 enforcement of the law relating to the duties of his or her
40 department or office. Notwithstanding any other law, investigators

1 of the Public Employees' Retirement System shall not carry
2 firearms.

3 (i) Either the Deputy Commissioner, Enforcement Branch of,
4 or the Fraud Division Chief of, the Department of Insurance and
5 those investigators designated by the deputy or the chief, provided
6 that the primary duty of those investigators shall be the enforcement
7 of Section 550.

8 (j) Employees of the Department of Housing and Community
9 Development designated under Section 18023 of the Health and
10 Safety Code, provided that the primary duty of these peace officers
11 shall be the enforcement of the law as that duty is set forth in
12 Section 18023 of that code.

13 (k) Investigators of the office of the Controller, provided that
14 the primary duty of these investigators shall be the enforcement
15 of the law relating to the duties of that office. Notwithstanding any
16 other law, except as authorized by the Controller, the peace officers
17 designated pursuant to this subdivision shall not carry firearms.

18 (l) Investigators of the Department of Business Oversight
19 designated by the Commissioner of Business Oversight, provided
20 that the primary duty of these investigators shall be the enforcement
21 of the provisions of law administered by the Department of
22 Business Oversight. Notwithstanding any other law, the peace
23 officers designated pursuant to this subdivision shall not carry
24 firearms.

25 (m) Persons employed by the Contractors' State License Board
26 designated by the Director of Consumer Affairs pursuant to Section
27 7011.5 of the Business and Professions Code, provided that the
28 primary duty of these persons shall be the enforcement of the law
29 as that duty is set forth in Section 7011.5, and in Chapter 9
30 (commencing with Section 7000) of Division 3, of that code. The
31 Director of Consumer Affairs may designate as peace officers not
32 more than 12 persons who shall at the time of their designation be
33 assigned to the special investigations unit of the board.
34 Notwithstanding any other law, the persons designated pursuant
35 to this subdivision shall not carry firearms.

36 (n) The Chief and coordinators of the Law Enforcement Branch
37 of the Office of Emergency Services.

38 (o) Investigators of the office of the Secretary of State designated
39 by the Secretary of State, provided that the primary duty of these
40 peace officers shall be the enforcement of the law as prescribed

1 in Chapter 3 (commencing with Section 8200) of Division 1 of
2 Title 2 of, and Section 12172.5 of, the Government Code.
3 Notwithstanding any other law, the peace officers designated
4 pursuant to this subdivision shall not carry firearms.

5 (p) The Deputy Director for Security designated by Section
6 8880.38 of the Government Code, and all lottery security personnel
7 assigned to the California State Lottery and designated by the
8 director, provided that the primary duty of any of those peace
9 officers shall be the enforcement of the laws related to assuring
10 the integrity, honesty, and fairness of the operation and
11 administration of the California State Lottery.

12 (q) Investigators employed by the Investigation Division of the
13 Employment Development Department designated by the director
14 of the department, provided that the primary duty of those peace
15 officers shall be the enforcement of the law as that duty is set forth
16 in Section 317 of the Unemployment Insurance Code.
17 Notwithstanding any other law, the peace officers designated
18 pursuant to this subdivision shall not carry firearms.

19 (r) The chief and assistant chief of museum security and safety
20 of the California Science Center, as designated by the executive
21 director pursuant to Section 4108 of the Food and Agricultural
22 Code, provided that the primary duty of those peace officers shall
23 be the enforcement of the law as that duty is set forth in Section
24 4108 of the Food and Agricultural Code.

25 (s) Employees of the Franchise Tax Board designated by the
26 board, provided that the primary duty of these peace officers shall
27 be the enforcement of the law as set forth in Chapter 9
28 (commencing with Section 19701) of Part 10.2 of Division 2 of
29 the Revenue and Taxation Code.

30 (t) (1) Notwithstanding any other provision of this section, a
31 peace officer authorized by this section shall not be authorized to
32 carry firearms by his or her employing agency until that agency
33 has adopted a policy on the use of deadly force by those peace
34 officers, and until those peace officers have been instructed in the
35 employing agency's policy on the use of deadly force.

36 (2) Every peace officer authorized pursuant to this section to
37 carry firearms by his or her employing agency shall qualify in the
38 use of the firearms at least every six months.

39 (u) Investigators of the Department of Managed Health Care
40 designated by the Director of the Department of Managed Health

1 Care, provided that the primary duty of these investigators shall
2 be the enforcement of the provisions of laws administered by the
3 Director of the Department of Managed Health Care.
4 Notwithstanding any other law, the peace officers designated
5 pursuant to this subdivision shall not carry firearms.

6 (v) The Chief, Deputy Chief, supervising investigators, and
7 investigators of the Office of Protective Services of the State
8 Department of Developmental Services, the Office of Protective
9 Services of the State Department of State Hospitals, and the Office
10 of Law Enforcement Support of the California Health and Human
11 Services Agency, provided that the primary duty of each of those
12 persons shall be the enforcement of the law relating to the duties
13 of his or her department or office.

14 (w) This section shall become operative July 1, 2014.

15 *SEC. 4. Section 1203.10 of the Penal Code is amended to read:*

16 1203.10. (a) At the time of the plea or verdict of guilty of any
17 person over 18 years of age, ~~the~~ a probation officer of the county
18 of the jurisdiction of ~~said~~ the criminal shall, when so directed by
19 the court, inquire into the antecedents, character, history, family
20 environment, and offense of such person, and must report the same
21 to the court and file his *or her* report in writing in the records of
22 such court. When directed, his *or her* report shall contain ~~his~~ a
23 recommendation for or against the release for ~~such~~ the person on
24 probation. If any such person shall be released on probation and
25 committed to the ~~care~~ supervision of ~~the~~ a probation officer, such
26 officer shall keep a complete and accurate record in suitable books
27 ~~or other form in writing~~ of the history of the case ~~in court, and of~~
28 ~~the name of the probation officer, and his act and supervision,~~
29 *including the names of probation officers assigned to the case,*
30 *and their actions* in connection with ~~said~~ the case; also the age,
31 sex, nativity, residence, education, habit of temperance, whether
32 married or single, and the conduct, employment and occupation,
33 and parents' ~~occupation,~~ *occupation, if relevant,* and condition of
34 such person ~~committed to his care~~ during the term of ~~such~~ the
35 probation and the result of ~~such~~ the probation. ~~Such~~ *The* record of
36 ~~such~~ the probation officer ~~shall be and constitute~~ *is* a part of the
37 records of the court, and shall at all times be open to the inspection
38 of the court or of any person appointed ~~by~~ *by, or allowed access*
39 *by order of,* the court for that purpose, as well as of all magistrates,
40 and the chief of police, or other heads of the ~~police,~~ *police, and*

1 *other probation agencies*, unless otherwise ordered by the court.
2 ~~Said books of records shall be furnished for the use of said~~
3 ~~probation officer of said county, and shall be paid for out of the~~
4 ~~county treasury.~~

5 ~~Five~~

6 (b) Five years after termination of probation in any case subject
7 to this section, the probation officer may destroy any records and
8 papers in his *or her* possession relating to such case.

9 *SEC. 5. Section 1203e of the Penal Code is amended to read:*

10 1203e. (a) Commencing June 1, 2010, the probation
11 department shall compile a Facts of Offense Sheet for every person
12 convicted of an offense that requires him or her to register as a sex
13 offender pursuant to Section 290 who is referred to the department
14 pursuant to Section 1203. The Facts of Offense Sheet shall contain
15 the following information concerning the offender: name; CII
16 number; criminal history, including all arrests and convictions for
17 any registerable sex offenses or any violent offense; circumstances
18 of the offense for which registration is required, including, but not
19 limited to, weapons used and victim pattern; and results of the
20 State-Authorized Risk Assessment Tool for Sex Offenders
21 (SARATSO), as set forth in Section 290.04, if required. The Facts
22 of Offense Sheet shall be included in the probation officer's report.

23 (b) The defendant may move the court to correct the Facts of
24 Offense Sheet. Any corrections to that sheet shall be made
25 consistent with procedures set forth in Section 1204.

26 (c) The probation officer shall send a copy of the Facts of
27 Offense Sheet to the Department of Justice ~~High Risk Sex Offender~~
28 ~~Program~~ within 30 days of the person's sex offense conviction,
29 and it shall be made part of the registered sex offender's file
30 maintained by the ~~Sex Offender Tracking Program~~. *Department*
31 *of Justice*. The Facts of Offense Sheet shall thereafter be made
32 available to law enforcement by the Department of Justice, which
33 shall post it with the offender's record on the Department of Justice
34 Internet Web site maintained pursuant to Section 290.46, and shall
35 be accessible only to law enforcement.

36 (d) If the registered sex offender is sentenced to a period of
37 incarceration, at either the state prison or a county jail, the Facts
38 of Offense Sheet shall be sent by the Department of Corrections
39 and Rehabilitation or the county sheriff to the registering law
40 enforcement agency in the jurisdiction where the registered sex

1 offender will be paroled or will live on release, within three days
2 of the person's release. If the registered sex offender is committed
3 to the State Department of State Hospitals, the Facts of Offense
4 Sheet shall be sent by the State Department of State Hospitals to
5 the registering law enforcement agency in the jurisdiction where
6 the person will live on release, within three days of release.

7 ~~SEC. 2.~~

8 *SEC. 6.* Section 1328 of the Penal Code is amended to read:

9 1328. (a) A subpoena may be served by any person, except
10 that the defendant may not serve a subpoena in the criminal action
11 to which he or she is a party, but a peace officer shall serve in his
12 or her county any subpoena delivered to him or her for service,
13 either on the part of the people or of the defendant, and shall,
14 without delay, make a written return of the service, subscribed by
15 him or her, stating the time and place of service. The service is
16 made by delivering a copy of the subpoena to the witness
17 personally.

18 (b) (1) If service is to be made on a minor, service shall be
19 made on the minor's parent, guardian, conservator, or similar
20 fiduciary, or if one of them cannot be located with reasonable
21 diligence, then service shall be made on any person having the
22 care or control of the minor or with whom the minor resides or by
23 whom the minor is employed, unless the parent, guardian,
24 conservator, or fiduciary or other specified person is the defendant,
25 and on the minor if the minor is 12 years of age or older. The
26 person served shall have the obligation of producing the minor at
27 the time and place designated in the subpoena. A willful failure to
28 produce the minor is punishable as a contempt pursuant to Section
29 1218 of the Code of Civil Procedure. The person served shall be
30 allowed the fees and expenses that are provided for subpoenaed
31 witnesses.

32 (2) If the minor is alleged to come within the description of
33 Section 300, 601, or 602 of the Welfare and Institutions Code, and
34 the minor is not residing with a parent or guardian, regardless of
35 the age of the minor, service shall also be made upon the designated
36 agent for service of process at the county child welfare department
37 or the probation department under whose jurisdiction the child has
38 been placed.

39 (3) The court having jurisdiction of the case shall have the power
40 to appoint a guardian ad litem to receive service of a subpoena of

1 the child and shall have the power to produce the child ordered to
2 court under this section.

3 (c) If any peace officer designated in Section 830 is required as
4 a witness before any court or magistrate in any action or proceeding
5 in connection with a matter regarding an event or transaction which
6 he or she has perceived or investigated in the course of his or her
7 duties, a criminal subpoena issued pursuant to this chapter requiring
8 his or her attendance may be served either by delivering a copy to
9 the peace officer personally or by delivering two copies to his or
10 her immediate superior or agent designated by his or her immediate
11 superior to receive the service or, in those counties where the local
12 agencies have consented with the district attorney's office,
13 marshal's office, or sheriff's office, where appropriate, to
14 participate, by sending a copy by electronic means, including
15 electronic mail, computer modem, facsimile, or other electronic
16 means, to him or her personally, or to his or her immediate superior
17 or agent designated by the immediate superior to receive the
18 service. If the service is made by electronic means, the peace officer
19 named in the subpoena, or his or her immediate superior or agency
20 designated by his or her immediate superior shall acknowledge
21 receipt of the subpoena by telephone or electronic means to the
22 sender of origin. If service is made upon the immediate superior
23 or agent designated by the immediate superior, the immediate
24 superior or the agent shall deliver a copy of the subpoena to the
25 peace officer as soon as possible and in no event later than a time
26 which will enable the peace officer to comply with the subpoena.

27 (d) If the immediate superior or his or her designated agent upon
28 whom service is attempted to be made knows he or she will be
29 unable to deliver a copy of the subpoena to the peace officer within
30 a time which will allow the peace officer to comply with the
31 subpoena, the immediate superior or agent may refuse to accept
32 service of process and is excused from any duty, liability, or
33 penalty arising in connection with the service, upon notifying the
34 server of that fact.

35 (e) If the immediate superior or his or her agent is tendered
36 service of a subpoena less than five working days prior to the date
37 of hearing, and he or she is not reasonably certain he or she can
38 complete the service, he or she may refuse acceptance.

39 (f) If the immediate superior or agent upon whom service has
40 been made, subsequently determines that he or she will be unable

1 to deliver a copy of the subpoena to the peace officer within a time
2 which will allow the peace officer to comply with the subpoena,
3 the immediate superior or agent shall notify the server or his or
4 her office or agent not less than 48 hours prior to the hearing date
5 indicated on the subpoena, and is thereby excused from any duty,
6 liability, or penalty arising because of his or her failure to deliver
7 a copy of the subpoena to the peace officer. The server, so notified,
8 is therewith responsible for preparing the written return of service
9 and for notifying the originator of the subpoena if required.

10 (g) Notwithstanding subdivision (c), in the case of peace officers
11 employed by the California Highway Patrol, if service is made
12 upon the immediate superior or upon an agent designated by the
13 immediate superior of the peace officer, the immediate superior
14 or the agent shall deliver a copy of the subpoena to the peace officer
15 on the officer's first workday following acceptance of service of
16 process. In this case, failure of the immediate superior or the
17 designated agent to deliver the subpoena shall not constitute a
18 defect in service.

19 ~~SEC. 3.~~

20 *SEC. 7.* Section 1424.5 of the Penal Code is amended to read:

21 1424.5. (a) (1) Upon receiving information that a prosecuting
22 attorney may have deliberately and intentionally withheld relevant,
23 material exculpatory evidence or information in violation of law,
24 a court may make a finding, supported by clear and convincing
25 evidence, that a violation occurred. If the court finds such a
26 violation, the court shall inform the State Bar of California of that
27 violation if the prosecuting attorney acted in bad faith and the
28 impact of the withholding contributed to a guilty verdict, guilty or
29 nolo contendere plea, or, if identified before conclusion of trial,
30 seriously limited the ability of a defendant to present a defense.

31 (2) A court may hold a hearing to consider whether a violation
32 occurred pursuant to paragraph (1).

33 (b) (1) If a court finds, pursuant to subdivision (a), that a
34 violation occurred in bad faith, the court may disqualify an
35 individual prosecuting attorney from a case.

36 (2) Upon a determination by a court to disqualify an individual
37 prosecuting attorney pursuant to paragraph (1), the defendant or
38 his or her counsel may file and serve a notice of a motion pursuant
39 to Section 1424 to disqualify the prosecuting attorney's office if
40 there is sufficient evidence that other employees of the prosecuting

1 attorney's office knowingly and in bad faith participated in or
2 sanctioned the intentional withholding of the relevant, material
3 exculpatory evidence or information and that withholding is part
4 of a pattern and practice of violations.

5 (c) This section does not limit the authority or discretion of, or
6 any requirement placed upon, the court or other individuals to
7 make reports to the State Bar of California regarding the same
8 conduct, or otherwise limit other available legal authority,
9 requirements, remedies, or actions.

10 ~~SEC. 4.~~

11 *SEC. 8.* Section 13823.11 of the Penal Code is amended to
12 read:

13 13823.11. The minimum standards for the examination and
14 treatment of victims of sexual assault or attempted sexual assault,
15 including child molestation and the collection and preservation of
16 evidence therefrom include all of the following:

17 (a) Law enforcement authorities shall be notified.

18 (b) In conducting the physical examination, the outline indicated
19 in the form adopted pursuant to subdivision (c) of Section 13823.5
20 shall be followed.

21 (c) Consent for a physical examination, treatment, and collection
22 of evidence shall be obtained.

23 (1) Consent to an examination for evidence of sexual assault
24 shall be obtained prior to the examination of a victim of sexual
25 assault and shall include separate written documentation of consent
26 to each of the following:

27 (A) Examination for the presence of injuries sustained as a result
28 of the assault.

29 (B) Examination for evidence of sexual assault and collection
30 of physical evidence.

31 (C) Photographs of injuries.

32 (2) Consent to treatment shall be obtained in accordance with
33 usual hospital policy.

34 (3) A victim of sexual assault shall be informed that he or she
35 may refuse to consent to an examination for evidence of sexual
36 assault, including the collection of physical evidence, but that a
37 refusal is not a ground for denial of treatment of injuries and for
38 possible pregnancy and sexually transmitted diseases, if the person
39 wishes to obtain treatment and consents thereto.

1 (4) Pursuant to Chapter 3 (commencing with Section 6920) of
2 Part 4 of Division 11 of the Family Code, a minor may consent to
3 hospital, medical, and surgical care related to a sexual assault
4 without the consent of a parent or guardian.

5 (5) In cases of known or suspected child abuse, the consent of
6 the parents or legal guardian is not required. In the case of
7 suspected child abuse and nonconsenting parents, the consent of
8 the local agency providing child protective services or the local
9 law enforcement agency shall be obtained. Local procedures
10 regarding obtaining consent for the examination and treatment of,
11 and the collection of evidence from, children from child protective
12 authorities shall be followed.

13 (d) A history of sexual assault shall be taken.

14 The history obtained in conjunction with the examination for
15 evidence of sexual assault shall follow the outline of the form
16 established pursuant to subdivision (c) of Section 13823.5 and
17 shall include all of the following:

18 (1) A history of the circumstances of the assault.

19 (2) For a child, any previous history of child sexual abuse and
20 an explanation of injuries, if different from that given by parent
21 or person accompanying the child.

22 (3) Physical injuries reported.

23 (4) Sexual acts reported, whether or not ejaculation is suspected,
24 and whether or not a condom or lubricant was used.

25 (5) Record of relevant medical history.

26 (e) (1) If indicated by the history of contact, a female victim
27 of sexual assault shall be provided with the option of postcoital
28 contraception by a physician or other health care provider.

29 (2) Postcoital contraception shall be dispensed by a physician
30 or other health care provider upon the request of the victim.

31 (f) Each adult and minor victim of sexual assault who consents
32 to a medical examination for collection of evidentiary material
33 shall have a physical examination which includes, but is not limited
34 to, all of the following:

35 (1) Inspection of the clothing, body, and external genitalia for
36 injuries and foreign materials.

37 (2) Examination of the mouth, vagina, cervix, penis, anus, and
38 rectum, as indicated.

39 (3) Documentation of injuries and evidence collected.

1 Prepubertal children shall not have internal vaginal or anal
2 examinations unless absolutely necessary. This does not preclude
3 careful collection of evidence using a swab.

4 (g) The collection of physical evidence shall conform to the
5 following procedures:

6 (1) Each victim of sexual assault who consents to an examination
7 for collection of evidence shall have the following items of
8 evidence collected, except where he or she specifically objects:

9 (A) Clothing worn during the assault.

10 (B) Foreign materials revealed by an examination of the
11 clothing, body, external genitalia, and pubic hair combings.

12 (C) Swabs and slides from the mouth, vagina, rectum, and penis,
13 as indicated, to determine the presence or absence of semen.

14 (D) If indicated by the history of contact, the victim's urine and
15 blood sample, for toxicology purposes, to determine if drugs or
16 alcohol were used in connection with the assault. Toxicology
17 results obtained pursuant to this paragraph shall not be admissible
18 in any criminal or civil action or proceeding against any victim
19 who consents to the collection of physical evidence pursuant to
20 this paragraph. Except for purposes of prosecuting or defending
21 the crime or crimes necessitating the examination specified by this
22 section, any toxicology results obtained pursuant to this paragraph
23 shall be kept confidential, may not be further disclosed, and shall
24 not be required to be disclosed by the victim for any purpose not
25 specified in this paragraph. The victim shall specifically be
26 informed of the immunity and confidentiality safeguards provided
27 herein.

28 (2) Each victim of sexual assault who consents to an examination
29 for the collection of evidence shall have reference specimens taken,
30 except when he or she specifically objects thereto. A reference
31 specimen is a standard from which to obtain baseline information
32 (for example: pubic and head hair, blood, and saliva for DNA
33 comparison and analysis). Reference specimens may also be
34 collected at a later time if they are needed. These specimens shall
35 be taken in accordance with the standards of the local criminalistics
36 laboratory.

37 (3) A baseline gonorrhea culture, and syphilis serology, shall
38 be taken, if indicated by the history of contact. Specimens for a
39 pregnancy test shall be taken, if indicated by the history of contact.

1 (4) (A) If indicated by the history of contact, a female victim
2 of sexual assault shall be provided with the option of postcoital
3 contraception by a physician or other health care provider.

4 (B) Postcoital contraception shall be dispensed by a physician
5 or other health care provider upon the request of the victim.

6 (h) Preservation and disposition of physical evidence shall
7 conform to the following procedures:

8 (1) All swabs and slides shall be air-dried prior to packaging.

9 (2) All items of evidence including laboratory specimens shall
10 be clearly labeled as to the identity of the source and the identity
11 of the person collecting them.

12 (3) The evidence shall have a form attached which documents
13 its chain of custody and shall be properly sealed.

14 (4) The evidence shall be turned over to the proper law
15 enforcement agency.

16 ~~SEC. 5.~~

17 *SEC. 9.* Section 40800 of the Vehicle Code is amended to read:

18 40800. (a) A traffic officer on duty for the exclusive or main
19 purpose of enforcing the provisions of Division 10 (commencing
20 with Section 20000) or Division 11 (commencing with Section
21 21000) shall wear a full distinctive uniform, and if the officer while
22 on duty uses a motor vehicle, it shall be a distinctive color specified
23 by the commissioner.

24 (b) This section does not apply to an officer assigned exclusively
25 to the duty of investigating and securing evidence in reference to
26 the theft of a vehicle, failure of a person to stop in the event of an
27 accident, violation of Section 23109 or 23109.1, in reference to a
28 felony charge, or to an officer engaged in serving a warrant when
29 the officer is not engaged in patrolling the highways for the purpose
30 of enforcing the traffic laws.

31 *SEC. 10.* Section 882 of the Welfare and Institutions Code is
32 repealed.

33 ~~882. Juvenile ranches, camps or forestry camps shall be in the~~
34 ~~charge of a superintendent or director and may be established in~~
35 ~~conjunction with the probation department, or in any manner~~
36 ~~determined by the county board of supervisors. The superintendent~~
37 ~~or director and other persons employed at those ranches or camps~~
38 ~~shall be appointed by the probation officer, subject to confirmation~~
39 ~~by the board of supervisors, of the county establishing those~~
40 ~~ranches or camps.~~

1 ~~SEC. 6.~~

2 *SEC. 11.* Any section of any act enacted by the Legislature
3 during the 2016 calendar year that takes effect on or before January
4 1, 2017, and that amends, amends and renumbers, adds, repeals
5 and adds, or repeals a section that is amended, amended and
6 renumbered, added, repealed and added, or repealed by this act,
7 shall prevail over this act, whether that act is enacted prior to, or
8 subsequent to, the enactment of this act. The repeal, or repeal and
9 addition, of any article, chapter, part, title, or division of any code
10 by this act shall not become operative if any section of any other
11 act that is enacted by the Legislature during the 2016 calendar year
12 and takes effect on or before January 1, 2017, amends, amends
13 and renumbers, adds, repeals and adds, or repeals any section
14 contained in that article, chapter, part, title, or division.

O