

ACLU Priority Legislation 2008 - 2009
7/14/08

CIVIL RIGHTS

AB 437 (Jones, D-Sacramento) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_437&sess=CUR&house=B&author=jones)

Would clarify that the timeline for alleging wage discrimination begins again with each new payment of a discriminatory wage, and that other similar or related instances of wage discrimination may be challenged without filing another complaint. Introduced in response to the U.S. Supreme Court decision in *Ledbetter v. Goodyear*, which ruled that workers cannot sue for the later effects of past wage discrimination.

ACLU Position: Support

Status: Passed Assembly and Senate; on Assembly Floor awaiting concurrence of Senate amendments

AB 2052 (Lieu, D-El Segundo) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_2052&sess=CUR&house=B&author=lieu)

Would allow a victim of domestic violence, stalking, or sexual assault who has written proof of a valid protective order to terminate a rental agreement early and quit the premises. The victim would be discharged from paying rent for any period following 30 days from the date of notice to the landlord.

ACLU Position: Support

Status: Passed Assembly; pending on Senate Floor

AB 2279 (Leno, D-San Francisco) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_2279&sess=CUR&house=B&author=leno)

Would prohibit discrimination by an employer against an employee solely because the employee is a patient or qualified caregiver of a patient who is authorized to possess or cultivate marijuana.

ACLU Position: Support

Status: Passed Assembly; pending in Senate Appropriations Committee

SB 1113 (Migden, D-San Francisco) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1113&sess=CUR&house=B&author=migden)

Would provide for the reimbursement of expert witness fees in cases that are in the public interest. Currently, attorney's fees are awarded to a successful party in a case that affects public interest; this bill would add expert witness fees to the award.

ACLU Position: Support

Status: Passed Senate; pending on Assembly Floor

CRIMINAL JUSTICE

AB 1724 (Jones, D-Sacramento) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_1724&sess=CUR&house=B&author=jones) / AB

1751 (Fuentes, D-Arleta) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_1751&sess=CUR&house=B&author=fuentes)
Would allow municipalities to adopt ordinances impounding a motor vehicle when it is used in the commission of an act of prostitution or illegal dumping. The authors accepted suggested amendments that require a prior conviction for prostitution or illegal dumping in order for a vehicle to be impounded, as well as numerous due process protections.
ACLU Position: Watch
Status: Passed Assembly; pending in Senate Public Safety Committee

AB 1996 (Swanson, D-Oakland) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_1996&sess=CUR&house=B&author=swanson)
Would remove ban on food stamps for people convicted of certain drug-related felonies, and would instead require proof of completion, participation, or enrollment in a government-recognized treatment program, placement on a waiting list, or other evidence, acceptable to the Department of Social Services, that the food-stamp recipient is no longer using illegal substances.
ACLU Position: Support
Status: Passed Assembly; pending in Senate Appropriations Committee

AB 2099 (Hancock, D-El Cerrito) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_2099&sess=CUR&house=B&author=hancock)
Would require the Department of Corrections to issue California identification cards to inmates upon their release or six months prior to when they will be eligible to be released on parole. The bill originally applied to all institutions across the state, but was amended to apply to only three institutions.
ACLU Position: Support
Status: Passed Assembly; pending in Senate Appropriations Committee

AB 2423 (Bass, D-Los Angeles) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_2423&sess=CUR&house=B&author=bass)
Would require that when evaluating an individual's criminal record for employment by specific boards governed by the Department of Consumer Affairs, certain factors be considered. Would require that when a person is denied a license, he or she must receive a specific statement of reasons for the denial, and, if applicable, a copy of the applicant's criminal record. This bill seeks to promote a fairer and more effective background check process.
ACLU Position: Support
Status: Passed Assembly; pending in Senate Appropriations Committee

AB 2937 (Solorio, D-Anaheim) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_2937&sess=CUR&house=B&author=solorio)
Would ensure that exonerees have the same access to resources that ex-offenders receive; clarify the statute of limitations to file damages claims; ensure that criminal records relating to wrongful convictions are sealed; and adjust the amount of compensation for wrongful convictions to reflect federal standards. Also known as the Arthur Carmona Justice for the Wrongfully Convicted Act.
ACLU Position: Support

Status: Passed Assembly; pending in Senate Appropriations Committee

SB 110 (Romero, D-Los Angeles) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_110&sess=CUR&house=B&author=romero)

Would create a California Sentencing Commission chaired by the chief justice of the state Supreme Court to develop and implement a new sentencing system.

ACLU Position: Watch

Status: Passed Senate; pending on Assembly Floor

[SB 1019](http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1019&sess=CUR&house=B&author=romero) (Romero, D-Los Angeles) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1019&sess=CUR&house=B&author=romero)

Originally sought to overturn the 2006 California Supreme Court decision in *Copley Press v. Superior Court*, which effectively shut off public access to information about police misconduct. The measure, a major focus of the ACLU-NC in 2007, stalled in the Assembly Public Safety Committee last year and this year has been significantly narrowed. Because the amended bill does not provide substantial relief in our region, the ACLU-NC is neutral on the current version of the legislation. However, it is possible that future modifications will improve it.

ACLU Position: Neutral

Status: Passed Senate; pending in Assembly Public Safety Committee

SB 1199 (Yee, D-San Francisco) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1199&sess=CUR&house=B&author=yee)

Would require the Department of Corrections and Rehabilitation to conduct a study and submit a report to the Legislature regarding the sentencing of juveniles – those who committed the crime for which they were sentenced when they were under 18 years of age – to “Life without Parole.” The study will review demographic information, costs of incarceration, and the types of crimes committed, among other data.

ACLU Position: Support

Status: Passed Senate; pending in Assembly Appropriations Committee

[SB 1589](http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1589&sess=CUR&house=B&author=romero) (Romero, D-Los Angeles) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1589&sess=CUR&house=B&author=romero)

Would prohibit conviction based on the uncorroborated testimony of an in-custody informant.

ACLU Position: Support

Status: Passed Senate; pending vote on Assembly Floor

[SB 1590](http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1590&sess=CUR&house=B&author=alquist) (Alquist, D-San Jose) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1590&sess=CUR&house=B&author=alquist)

Would have required that police interrogations in cases involving homicides or other violent felonies be recorded electronically.

ACLU Position: Support

Status: Placed on suspense in Senate Appropriations Committee because of the state’s fiscal crisis and will not move forward

[SB 1591](http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1591&sess=CUR&house=B&author=ridley-thomas) (Ridley-Thomas, D-Los Angeles) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1591&sess=CUR&house=B&author=ridley-thomas) Would have required the Department of Justice to develop voluntary guidelines for eyewitness identification procedures for all California law enforcement agencies.

ACLU Position: Support

Status: Placed on suspense in Senate Appropriations Committee because of the state's fiscal crisis and will not move forward

EDUCATION

AB 2083 (Núñez, D-Los Angeles) ([http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_2083&sess=CUR&house=B&author=nunez\)/](http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_2083&sess=CUR&house=B&author=nunez)/)

SB 1301 (Cedillo, D-Los Angeles) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1301&sess=CUR&house=B&author=cedillo)

Both bills would allow students who qualify to pay in-state tuition at California's community colleges and state universities under Section 68130.5 of the Education Code to also be eligible to receive institutional financial aid made available to students by the colleges and universities.

ACLU Position: Support

Status: AB 2083 passed Assembly and is pending in Senate Appropriations Committee; SB 1301 passed Senate and is pending in Assembly Appropriations Committee

AB 2994 (Lieber, D-San Jose) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_2994&sess=CUR&house=B&author=lieber)

Would require a school district to include a notice in the emergency information request form that informs the parent or guardian and pupil of the right to request that the pupil's name, address, and telephone number not be released to military recruiters or institutions of higher education without prior written consent.

ACLU Position: Support

Status: Passed Assembly; pending on Senate Floor

[SB 1600](http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1600&sess=CUR&house=B&author=kuehl) (Kuehl, D-Santa Monica) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1600&sess=CUR&house=B&author=kuehl)

Would have required charter schools that choose to teach sex education to follow the same standards as public schools. (In 2003, the ACLU sponsored SB 71, which required sexual health education in California's public schools to be medically accurate, age-appropriate, and unbiased.) Through negotiations with the charter schools, we have reached a non-legislative agreement that will require the charter schools to follow standards found in SB 71, which were recently adopted by the Board of Education. As a result, legislation is no longer needed to address this issue.

ACLU Position: Support

Status: Per the agreement reached between sex-ed advocates and the charter schools, this bill has been placed on the inactive file

SB 1735 (Romero, D-Los Angeles) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1735&sess=CUR&house=B&author=romero)
Would require a school district to accept any documents and representations from the parent or guardian of a pupil that reasonably provide evidence that the pupil meets the residency requirements for school attendance in a school district.

ACLU Position: Support

Status: Passed Senate; pending on Assembly Floor

FIRST AMENDMENT

AB 38 (Nava, D-Santa Barbara) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_38&sess=CUR&house=B&author=nava)
Would subsume the Department of Homeland Security within a newly created Department of Emergency Services and Homeland Security. The author has removed the definition of terrorism that was opposed by the ACLU, and has also taken an amendment to protect the delivery of emergency services to immigrant communities after these two departments are combined.

ACLU Position: Watch

Status: [Passed Assembly; pending in Senate Appropriations Committee](#)

AB 2433 (Krekorian, D-Burbank) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_2433&sess=CUR&house=B&author=krekorian)
Would provide protections for a defendant who brings a motion to quash against a subpoena invoked by an out-of-state litigant who seeks the defendant's personally identifying information due to some exercise of the defendant's free speech rights on the Internet. This bill is meant to protect posters of anonymous speech on the Internet.

ACLU Position: Support

Status: Passed Assembly; pending on Senate Floor

SB 1322 (Lowenthal, D-Long Beach) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1322&sess=CUR&house=B&author=lowenthal)
Would repeal language related to the Communist Party in the California Codes, and would provide for a religious exemption to the loyalty oath required to be taken by state employees.

ACLU Position: Support

Status: Passed Senate; pending in Assembly Appropriations Committee

SB 1370 (Yee, D-San Francisco) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1370&sess=CUR&house=B&author=yee)
Would prohibit retaliation against school employees who act to protect or refuse to infringe upon a student's free speech rights. Additionally, the bill would clarify the law to permit students who are expelled or no longer enrolled in school at the time a lawsuit is filed to pursue civil action against the school for violation of free speech.

ACLU Position: Support

Status: Passed Senate; pending in Assembly Appropriations Committee

IMMIGRATION

In addition to the bills listed below, more than 20 anti-immigrant bills were introduced by members of the Legislature in 2008. The ACLU Legislative office, working with other immigrants' rights organizations, was able to defeat all of these bills.

AB 1930 (Torricono, D-Newark) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_1930&sess=CUR&house=B&author=torricono)
Would require the State Emergency Council to recommend improvements for emergency preparedness, response, and recovery for persons with limited English proficiency.
ACLU Position: Support
Status: Passed Assembly; pending in Senate Appropriations Committee

AB 2076 (Fuentes, D-Arleta) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_2076&sess=CUR&house=B&author=fuentes)
Would prohibit the State of California, or any city, county, or special district from requiring an employer to use "E-verify"-- the federal employment verification database -- unless compelled by federal law.
ACLU Position: Support
Status: Passed Assembly; pending on Senate Floor

PRIVACY

AB 2747 (Berg, D-Eureka) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_2747&sess=CUR&house=B&author=berg)
Would require that when a physician determines that a patient has a terminal illness and less than one year to live, the physician provide the patient, at his or her request, information and counseling regarding legal end-of-life options.
ACLU Position: Support
Status: Passed Assembly; pending on Senate Floor

AB 3011 (Huffman, D-San Rafael) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_3011&sess=CUR&house=B&author=huffman)
Would have amended the Public Utilities Code to extend the privacy protections for residential land line consumers to cell phone users. Would have prohibited telephone companies from disclosing the calling patterns, financial information, and demographic information of consumers to other companies or persons without first receiving the written consent of the consumer.
ACLU Position: Support
Status: Failed on Assembly Floor

SB 29 (Simitian, D-Palo Alto) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_29&sess=CUR&house=B&author=simitian)

Would set a three-year moratorium on the use of RFID chips in school identity documents while research is done to determine appropriate privacy protections.

ACLU Position: Support

Status: Passed Senate; pending on Assembly Floor

SB 30 (Simitian, D-Palo Alto) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_30&sess=CUR&house=B&author=simitian)

Would set minimum standards and protections for the use of RFID chips in any type of government-issued identity document.

ACLU Position: Support

Status: Placed on the inactive file pending completion of a study by the California Research Bureau on appropriate privacy protections for the use of RFID chips

SB 31 (Simitian, D-Palo Alto) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_31&sess=CUR&house=B&author=simitian)

Would impose penalties for skimming, spoofing, and other unauthorized accessing of information on the chip.

ACLU Position: Support

Status: Passed Senate; passed Assembly Judiciary Committee; pending in Assembly Appropriations Committee

SB 60 (Cedillo, D-Los Angeles) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_60&sess=CUR&house=B&author=cedillo)

Would require the DMV to issue licenses and ID cards that are in compliance with specified requirements of the federal Real ID Act of 2005. Also would permit the DMV to issue licenses to undocumented persons. The ACLU opposes the Real ID portions of the bill.

ACLU Position: Oppose, unless amended

Status: Passed Senate; pending on Assembly Floor

Formerly Assembly Joint Resolution 51 (Nava, D-Santa Barbara)

Called on Congress to repeal the Real ID Act of 2005 -- a law creating a de facto national ID card that concentrates the personal data of all U.S. drivers into one giant DMV database.

ACLU Position: Support

Status: The author rewrote this bill on June 26 and it is now a resolution on a different topic. We have no position on the revised bill

MISCELLANEOUS

AB 583 (Hancock, D-El Cerrito) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_583&sess=CUR&house=B&author=hancock)

Would create a pilot program for the public financing of candidates running for California secretary of state. Also known as the California Clean Money and Clean Elections Act of 2007.

ACLU Position: Support

Status: Passed Assembly; pending in Senate Appropriations Committee

AB 2327 (Caballero, D-Salinas) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_2327&sess=CUR&house=B&author=caballero)

States that those providing disaster-related assistance and services will strive to provide all victims with the assistance and services they need and for which they are eligible. Additionally, public employees who assist victims would not be permitted to request information or documents that are not strictly necessary to determine eligibility for services under state or federal law. During last year's wildfires in San Diego, evacuees were asked for identification documents to access emergency services. Many people did not have identity documents with them and were denied services.

ACLU Position: Support

Status: Passed Assembly; pending on Senate Floor

AB 2716 (Ma, D-San Francisco) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_2716&sess=CUR&house=B&author=ma)

Would require employers to allow all employees to earn paid sick time. At a minimum, employers would be required to allow each employee to earn one hour of paid sick time for every 30 hours worked.

ACLU Position: Support

Status: Passed Assembly, pending in Senate Appropriations Committee

AB 3050 (Assembly Judiciary Committee) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_3050&sess=CUR&house=B&author=committee_on_judiciary)

Would require an interpreter for any civil action or proceeding in which a party is present and does not proficiently speak or understand the English language.

ACLU Position: Support

Status: Passed Assembly; pending in Senate Appropriations Committee

SJR 19 (Ridley-Thomas, D-Los Angeles) (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sjr_19&sess=CUR&house=B&author=ridley-thomas)

Would request relevant agencies to notify state-licensed health professionals about their professional obligations under international law relating to torture and treatment of detainees. Those professionals who participate in coercive interrogation, torture, or other forms of cruel, inhuman treatment or punishment, may be subject to prosecution.

Requests United States Department of Defense and Central Intelligence Agency to remove such professionals from participating in prisoner and detainee interrogations.

ACLU Position: Support

Status: Passed Senate; pending on Assembly Floor