New Year's Gift For Attorneys: 1,500 New Laws

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SACRAMENTO — More than 1,500 new California laws — most of which took effect Jan. 1 — were approved by Gov. George Deukmejian at the close of the 1987 legislative session, ranging from the bizarre to the significant.

By far the most important of the many bills affecting the justice system are the private- and public-sector tort reform measures, which made some of the most sweeping changes in California tort law in decades.

But other bills — including measures affecting lawyer referral services, malpractice insurance, criminal sentencing, victims' rights, family law and even two obscure but legally important measures advancing creditors' rights — impact various segments of the legal community.

The governor also vetoed 230 bills, or 13 percent of the 1,733 measures passed by the Legislature in 1987, bringing to 1,200 the number of bills the independent — some say intransigent — chief executive has killed during his five years in office. Over the past five years, he has signed nearly 9,000 measures, or 86 percent of those passed by the Legislature.

Although he signed 1,165, he allowed another 338 to become law without his signature.

The governor ended his legislative summary with a plea to lawmakers that

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when they return this month they approve a constitutional amendment giving the governor 30 days — rather than the current 12 — in which to consider legislation. The governor already has 30 days at the end of the two-year session in 1988, but only 12 in the 1987 mid-session year.

"The current time frame," he said, "is extremely inadequate. When you have a name as long as mine, signing or vetoing that many bills can take a long time!"

Honoring its own tradition — and enraging consumer groups, which were excluded from closed-door private-sector negotiations leading to the major tort reform measure introduced and passed on the final day of the session — the Legislature passed more than half of its 1,733 bills in the last frenzied days of the session.

Although Deukmejian has vetoed more legislation than any governor in recent state history, he never has been overridden by the Legislature, which needs a two-thirds majority to override a gubernatorial veto.

Although much of the Republican governor's political and legislative agenda focuses on a get-tough, anti-crime stance, even critics of his policies note that he cannot always be categorized easily on other measures. He signed, for example, a bill to toughen penalties for so-called hate crimes, a bill pushed by Democratic Attorney General John Van de Kamp and state civil rights groups.

On consumer issues, he earned the praise of consumer groups — generally more liberal than the conservative governor — by vetoing a measure that would have permitted stores to charge interest rates up to 19.2 percent on credit-card accounts (stores no longer will be able to charge more than 18 percent beginning next year). He also vetoed a controversial measure that would have created beer distribution monopolies in California.

"The Duke is truly his own person," observed Harry Snyder, West Coast regional director for Consumers Union in San Francisco. "He is guided by his own internal mechanism and a kind of strong populist streak."

The following is a listing — not intended to be all-inclusive — of major bills signed by the governor that took effect Jan. 1 (unless otherwise noted):

Private-Sector Tort Reform. SB 241, by Sen. Bill Lockyer, D-Hayward, and Assembly Speaker Willie Brown, D-San Francisco. By far the most important, and controversial, of any measure enacted by the Legislature in the 1987 session, SB 241 was introduced, briefly debated and passed by the Legislature on the final day of the session Sept. 11, following months of closed-door negotiations involving the California Trial Lawyers Association (CTLA), the Association for California Tort Reform, and a host of big-business, medical and insurance interests.

Motivated by a mutual desire to avert a bloody 1988 tort reform initiative fight, the measure made sweeping changes in tort law, including provisions which:

- immunize manufacturers of products that are known to consumers to be "inherently unsafe," such as alcohol and cigarettes;
- raise the sliding-scale contingency fee limitations of the 1975 Medical Injury Compensation and Reform Act (MICRA) to 25 percent for awards of $100,000 to $600,000 and 15 percent of awards exceeding $600,000;
- change the definition of "malice and oppression" to include proof that the defendant's conduct was "despicable" and increase the burden of proof for punitive damages from "preponderance of evidence" to "clear and convincing evidence";
- clarify the circumstances in which an insurance company must provide separate, independent counsel to an insured and define criteria for selection and payment of independent counsel.

Elections Code Violations. AB 1667, by Assemblyman Patrick Johnston, D-Stockton, was a last-minute precautionary maneuver to protect private-sector tort reform negotiators from prosecution under an archaic Elections Code provision prohibiting any "exchange" for withdrawal of a ballot initiative proposal. As part of the tort reform compromise, negotiators agreed not to fund or back initiatives or legislation against each other. Two initiative tort reform proposals already had been filed with the attorney general's office by the same coalition that backed the successful so-called deep pockets initiative, Proposition 51, last year.

AB 1667 simply stated that the "exchange" would not violate the Elections Code if the initiative were withdrawn because the matter is addressed legislatively.

Public-Sector Tort Reform. Originally a nine-bill package designed to limit city and county liability, one "omnibus" measure, AB 1173 by Assembly Speaker Brown, was introduced late in the session to incorporate the nine bills, and to avoid the possibility of a gubernatorial veto of one of the measures — which were "double-joined," meaning that all would die if the governor vetoed one.

Like the private-sector tort reform agreement, the public-sector compromise was negotiated by the CTLA, in this instance with the League of California Cities and the County Supervisors Association of California, both of which agreed in exchange for reduced public-entity liability laws not to back the proposed tort reform initiative. The package included:

- AB 1919, by Assemblyman Larry Stirling, R-San Diego, which immunizes public agencies employing peace officers from liability for damages in cases involving police pursuits. The immunity applies only if the agencies adopt a written policy for "the safe conduct of vehicular pursuits" by peace officers.
- SB 23, by Sen. Marian Bergeson, R-Newport Beach, which reduces the liability of local governments that provide public safety services at public beaches for injuries caused by "natural conditions."
- SB 1526, by Sen. Lockyer, which amends the Nonprofit Corporation Law to provide specific immunities for volunteer directors and committee officers.
- SB 1598, by Sen. Robert Presley, D-Riverside, which allows government agencies to establish written guidelines and policies "to provide guidance to their public employees without fear of liability."
- AB 344, by Assemblyman Lloyd Connelly, D-Sacramento, which enables juries to be "clearly informed of the possible biases of witnesses."
- AB 1530, by Assembly Speaker Brown, which authorizes California corporations to state "the extent of personal liability for corporate directors and officers," the only non-public entity bill in the package.
- AB 1909, by Assemblyman Elihu Harris, D-Oakland, which increases from $25,000 to $50,000 the maximum amount in which civil actions may be settled through judicial arbitration. The measure also provides for settlement conferences in suits against public agencies when the verdict exceeds $100,000.
- AB 2616, by Brown, which exempts mayors and members of locally elected or appointed boards and commissions from vicarious liability for injuries caused by the public entity.

Civil Discovery. AB 361, by Assemblyman Harris, which made technical amendments in the massive California Civil Discovery Act. The Act was passed by the Legislature and signed by the governor in 1986 and went into effect July 1, 1987. Incorporating the work of a joint commission appointed three years ago by the Judicial Council and the State Bar of California to review California's civil discovery procedures and recommend changes, the act revises the Code of Civil Procedure and affects virtually all aspects of the discovery law.

AB 361 made technical amendments to correct oversights in the original bills, AB 169 and AB 1334.

Trial Court Funding. SB 709, by Sen. Lockyer, the landmark Trial Court Funding measure, which provides state funding of trial courts, increases the number of judges and begins a pilot program to study proposed changes in *voir dire* of jurors.

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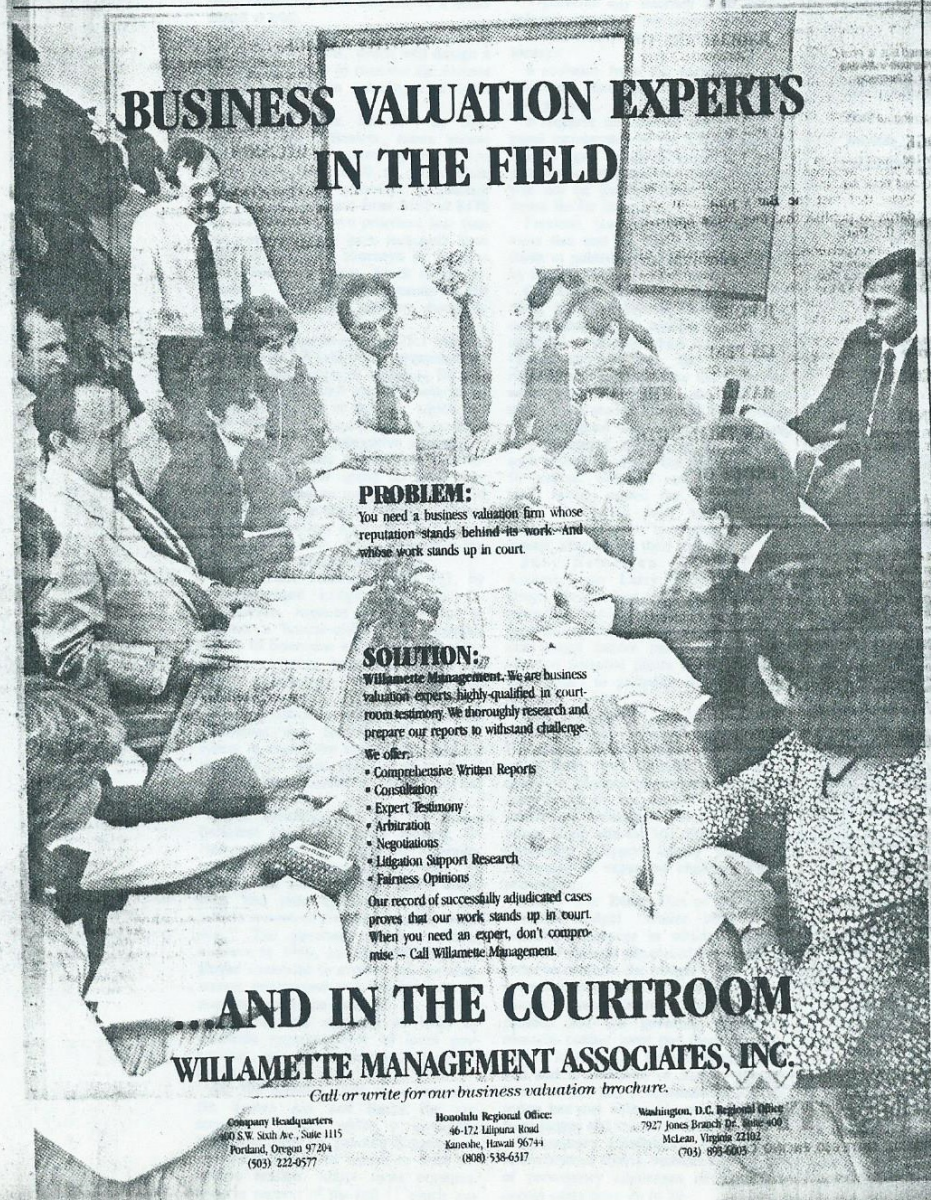

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At an estimated cost of $332 million beginning in the 1988-89 fiscal year, the bill puts into effect a 1985 law requiring the state — if a county so chooses — to pay 90 percent of the salaries of municipal court judges and to provide grants for support of municipal and superior courts. It also adds 109 judges to the trial and appellate courts beginning in 1988 — 64 superior court judges, 34 municipal court judges and 11 appellate justices.

Court Delays. SB 379, by Sen. Presley, establishes a three-year pilot project in Riverside and San Bernardino Superior Courts to test "new strategies" for reducing backlogs in civil courts. The project is designed to discourage the filing of frivolous or nuisance suits and encourage the early settlement of legitimate suits.

The legislation requires that all attorneys in the two counties affirm that any legal action they are filing is factual and legally well-grounded. Attorneys who violate the law by filing frivolous actions are subject to disciplinary measures, including financial penalties. The measure also authorizes the pilot courts to award attorney's fees to a party who has made a legitimate settlement offer that is rejected, when the rejecting party ultimately does not receive a better award at trial.

The pilot programs are administered by the Judicial Council, which will design a monitoring system to measure the success of the programs in reducing civil court backlogs.

State Bar Dues. SB 457, by Sen. Barry Keene, D-Benicia, raises annual dues for lawyers practicing more than three years from $260 to $275, from $200 to $207 for attorneys in practice one to three years and from $170 to $176 for lawyers who have practiced less than one year. Bar dues have increased from $195 in 1985 for attorneys in practice more than three years. Much of the increase is to fund improvements in the Bar's much-criticized attorney discipline system.

The 1988 Bar budget is $25.1 million, of which $17.9 million is earmarked for the discipline program, including $2 million to upgrade staff attorney salaries in the discipline arm of the Bar, which had been wracked by unusually high turnover as a result of non-competitive salaries.

The bill includes amendments that require that the Bar spend no more than $25,000 to fund an independent study of its affirmative action personnel policies, improve its budget and accounting practices and refrain from reducing the allocation for attorney discipline.

Malpractice Insurance. AB 483, by Assemblyman Lloyd Connelly, D-Sacramento, requires the State Bar to conduct a lawyer-malpractice insurance survey to determine whether a lack of insurance coverage harms victims of attorney malpractice — and to develop an insurance plan.

The questionnaire, conducted last November, was funded with a $1 increase in annual Bar membership fees for the 1988-89 fiscal year — an increase added to the amount in the Keene Bar Dues bill.

Open Meetings. SB 200, by Senate President Pro Tem David Roberti, D-Hollywood/Burbank, tightens loopholes in the state's open-meeting laws by limiting the circumstances under which local and state agencies can go into private session to discuss "pending litigation." The governor vetoed a similar measure in 1986, and the 1987 bill was altered somewhat to avoid a veto by eliminating government task forces from the requirements of the measure.

The bill was opposed in 1986 by statewide representatives of local government, which remained neutral on the bill in 1987.

SB 200 clarifies 1984 amendments to the Brown Act and limits the circumstances under which a governing board can claim the pending litigation exception to the act as reason to enter executive session. Major news organizations in support of the bill — which was Newspaper Publishers Association — said local government officials routinely were using the pending litigation exception to go into executive session for discussion of virtually all matters that might be subject to future litigation.

Roberti said the purpose of his bill was to "dispel any ambiguous interpretation of the attorney-client privilege as intended by the open-meeting laws. When invoking the attorney-client privilege, which justifies a closed session, a local or state body must only discuss pending and possible litigation or a significant exposure to litigation."

Lawyer Referral Services. AB 29 by Assemblywoman Lucy Killea, D-San Diego, permits the State Bar, which now operates some 76 county bar and nonprofit referral services, to regulate independent services. The bill:

- prohibits any individual or entity from operating as a legal referral service unless it has registered with the State Bar;
- limits the combined charges to a client by the referral service — as well as the amount charged the attorney to whom a client is referred — to the amount charged by the lawyer for an initial office consultation;
- prevents any attorney from owning referral services that refer more than one-fifth of their total referrals to that attorney;
- excludes from the regulations legal insurance plans and certain group prepaid plans;
- requires the Bar to assure that the panel membership of the referral services will be open to all attorneys in a given geographic area and that those attorneys will not be charged more than a maximum fee for listing.

Previous law permitted referral services that met the Bar's minimum standards to publish that they were approved by the Bar.

Correspondence Law Schools. AB 1910, by Assemblyman Harris, requires correspondence law schools to have state approval — without which their graduates cannot take the State Bar exam. The measure was sponsored by the State Bar, which said California is the only state that permits students to study law through correspondence law schools. According to a legislative analysis of the measure, such graduates have a Bar passage rate of 12 percent, with 107 out of 902 examinees having passed the Bar exam. In some instances, such schools have operated for one or two years and then ceased, abandoning their students.

Jury Selection. AB 631, by Assemblyman Larry Stirling, R-San Diego, gives judges more control over attorney conduct during jury selection. The measure specifies, among other things, that judges cannot permit attorneys to question potential jurors if the questioning appears to prejudice or indoctrinate jurors.

Jury Transfers. SB 445, by Sen. Quentin Kopp, Independent-South San Francisco, allows judges to transport juries from other counties, as an alternative to changes of venue. An amendment urged by the ACLU requires the consent of defendants before importing juries. Kopp said the bill offers judges in financially strapped county courts an alternative to expensive change-of-venue proceedings.

Jurors' Per Diem. Part of the annual omnibus budget "trailer bill" — a technical maneuver in which numerous statutory changes are placed in one bill in order to conform the budget with statutes (a practice since ruled illegal by the California Supreme Court) — the Legislature passed, and the governor signed, a measure cutting juror per diem approximately in half. Cut from a maximum of $26 and a minimum of $10 to a maximum of $10 and a minimum of $5, the action has met with widespread criticism from judges and court officials.

Peremptory Challenges. AB 180, by Assemblyman Harris, reduces the number of peremptory challenges of jurors in capital cases from 26 to 20

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State-Mandated Arbitration. AB 846, by Assemblyman Stirling, funds judicial arbitration deleted by the governor in the budget trailer bill, with the cost of arbitration ultimately assumed by the Trial Court Funding bill.

Counsel Appearance by Phone. AB 2294, by Assemblywoman Killea, permits the "appearance" of counsel by telephone conference calls in certain non-evidentiary matters involving probate, law and motion, and some trial-setting hearings and conferences.

Private Clubs. AB 239, by Assemblywoman Gwen Moore, D-Los Angeles, bars business tax deductions at private clubs that discriminate on the basis of sex, age, race or religion. The measure is similar to a policy adopted earlier this year by the state Franchise Tax Board.

Family Law. Several measures affecting family law were signed by the governor, while others never made it to the governor's desk, stalling in legislative committees. Included among those enacted into law are:

- SB 1380, by Sen. Dan Boatwright, D-Concord, which permits courts to extend support payments for five years after a child reaches age 18 if the parent paying support owes 10 or fewer years of support payments. The measure will allow district attorneys more time in which to collect support arrearages.
- SB 906 and 907, by Sen. Lockyer. 906 permits courts to order parents two months delinquent in support payments to deposit assets for future payments. 907 permits parties in support or custody disputes to petition for mediation for custody or visitation disagreements and requires courts to consider marriages of long duration — 10 years or more — in setting spousal support.
- SB 243, by Sen. Presley, which requires courts to appoint separate counsel for children and parents in dependency proceedings and requires the lawyer to remain with the clients throughout the process. It also specifies definitions of abuse and neglect and accelerates the process for termination of parental rights when reunification is not possible and adoption is in the child's best interest.
- SB 1209 by Sen. Roberti, which requires the Judicial Council to provide annual family law training programs for judges — programs that must include information on gender bias and the financial impact of divorce.
- SB 1588, by Sen. Gary Hart, D-Santa Barbara, which closes a legal loophole enabling parents to lower child support payments by claiming a "hardship deduction" because they purportedly are responsible for the support of other children — such as cousins, nieces or nephews — whom they are not legally required to support.
- AB 1599 by Assemblywoman Jackie Speier, D-South San Francisco, which requires that judges, court commissioners or referees be available at night and on weekends to issue temporary restraining orders in instances of domestic violence.

Creditors' Rights. With little publicity or fanfare, Sen. Kopp sponsored two successful measures to advance creditors' rights — one of which critics say goes beyond appropriate legal standards and for that reason has stirred some controversy in legal circles. The two bills are:

- SB 1684, which provides that when a claim is "disputed" or "unliquidated" and the debtor tenders a check containing the statement "payment in full" or other similar words, the creditor's acceptance of the check or draft "does not constitute satisfaction of the debt if the creditor strikes the notation," according to a legislative committee analysis of the measure.

"This bill overturns a substantial part of relevant statutory law, which has been in effect since 1872, and decisional law from 1913," noted the committee analysis, which was written by longtime Assembly Finance and Insurance Committee counsel William George. "Case satisfaction by notation on a check tendered by the debtor for a disputed debt and accepted by the creditor. The bill would allow the creditor to unilaterally change the terms of an offer and still accept the tendered consideration."

Despite opposition in committee, the measure passed and was signed by the governor. "We managed to slow it down a little bit here [in the Assembly]," George said in an interview, "but then it sailed right through the Senate."

"It was one of the most poorly crafted bills I've ever seen," George added. "[Existing law] is over a century old, and there was no valid reason to change it."

- SB 1395, also by Kopp, extends various concepts of tort law relating to settlement, release and contribution to contract actions involving co-obligors, according to a legislative committee analysis.

Sponsored by the State Bar Conference of Delegates and proposed by the Orange County Bar Association, the bill is designed to encourage settlements in contract actions by discharging settling debtors from liability "in contribution to any other party."

The measure was criticized by the Association for California Tort Reform (ACTR), which said it is an "untested melding of tort and contract principles of law," according to the committee analysis.

Banking. SB 295, by Sen. Rose Ann Vuich, D-Dinuba, increases fines from $5,000 to $10,000 for an officer, director, employee or agent of a savings association who performs specified acts of fraud and deception.

Patient Dumping. SB 12, by Sen. Ken Maddy, R-Fresno, and AB 214, by Assemblyman Burt Margolin, D-Los Angeles, regulate the treatment and transfer of indigent or uninsured patients who are brought, critically ill, to hospital emergency rooms.

"This legislation will ensure that patients requiring emergency care receive the proper medical treatment and attention," Deukmejian said in signing both bills. "Critically injured patients will now be treated as quickly as possible, without regard to their ability to pay."

AIDS. Although more than 60 bills directly or indirectly impacting the AIDS crisis were introduced in the 1987 session, only 23 were passed by the Legislature and even fewer were signed by the governor:

- AB 1952, by Assemblyman William Filante, R-Greenbrae (the Legislature's only physician-member), and AB 816 by Assemblyman John Vasconcellos, D-San Jose, provide for state testing of drugs that appear promising in the treatment or potential cure of AIDS.

Pushed by Attorney General John Van de Kamp, the measures allow testing of drugs without federal approval, and they make California the first state to undertake such a program. Filante, author of the principal measure, said the state testing will help eliminate "guerrilla clinics," which make drugs illegally for desperate AIDS patients.

Major pharmaceutical companies have said, however, that they may decide not to utilize the state testing program because it is duplicative and because they fear alienating the U.S. Food and Drug Administration.

- SB 935, by Sen. Don Rogers, R-Bakersfield, authorizes voluntary contact-tracing of persons exposed to AIDS. Rogers said the bill enables county health officers to contact persons who may have been exposed to the disease. The victims' identity and the identities of the persons contacted will remain confidential.
- SB 1001, one of the widely touted, 10-bill "AIDS Prevention Program" by Sen. John Doolittle, R-Rocklin, which mandates the offering of an AIDS test to persons seeking a marriage license.
- SB 1008, the so-called designated donor bill, also by Doolittle, allows a blood donor to designate to whom he or she wants to give blood.
- AB 2170, by Assemblywoman Ter-

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esa Hughes, D-Los Angeles, requires schools to develop instructional videos that emphasize sexual abstinence.

- AB 2356, by Assemblyman Tom McClintock, R-Thousand Oaks, specifies that notification of emergency workers be made if they provided services to persons whose bodies were later delivered to a coroner or medical examiner and found to have a communicable disease.
- AB 250, by Assemblywoman Hughes, allows a physician to disclose the results of an AIDS antibody test to the spouse of the patient, with or without the patient's consent.
- AB 1482, by Assemblyman Tom Bane, D-Van Nuys, funds research studies on transfusion-related AIDS.
- AB 1726, by Assemblyman Rusty Areias, D-Los Banos, requires emergency workers, such as police officers, to be trained in the use of a portable manual mask for administration of CPR.
- AB 1951, by Assemblyman Filante, changes the consent laws to allow parents of a person under 12 or the guardian or conservator of a person not capable of consent, to consent to AIDS testing and to the release of test results. In the case of a court dependent, the court would be responsible for consent.
- SB 324, by Sen. Ed Davis, R-Valencia, specifies that the death from AIDS of an occupant of real property does not have to be disclosed in a real estate transaction involving that property.

Abortion. AB 2274, by Assemblyman Robert Frazee, R-Carlsbad, requires minors to have parental or court permission for abortions. The measure is the first significant legislative victory for the state's anti-abortion forces since 1978, when they convinced legislators to end funding of abortions for poor women under Medi-Cal (suits have restored the funds thus far each year). San Francisco Superior Court has issued an injunction against the permission requirement, and the injunction is being appealed by the state.

According to the bill's author, young people who are afraid to tell their parents — because of abuse or other circumstances — can obtain approval from the court.

The California Judges Association opposed the bill as "unworkable," in part because it included no funding for the additional burden on the already overburdened juvenile court system and because it established no mechanism or guidelines upon which judges could base their decision on individual requests from minors. The bill also was opposed by the California Medical Association, the State Bar of California, the National Association of Social Workers and Planned Parenthood.

"Medigap" Insurance. Gov. Deukmejian signed several bills to protect elderly people from health-insurance fraud and unscrupulous sales tactics, but vetoed one measure touted as the centerpiece of the package. The "medigap" measures were virtually the only major consumer-backed insurance reform measures to emerge from the Legislature, which killed other significant insurance reform bills before they could reach the governor's desk. The governor signed a four-bill medigap package, including:

- AB 2241, by Assemblyman Bruce Bronzan, D-Fresno, which requires the state Insurance Department to set standards for so-called medigap insurance policies designed to supplement Medicare coverage.
- AB 1062, by Assemblyman Dan Hauser, D-Arcata, which requires the front page of such policies to describe the coverage provided.
- SB 1467, by Sen. Milton Marks, D-San Francisco, which requires such policies to provide $60 in services for every $100 paid in premiums (a relationship between service and premiums called a loss ratio).
- SB 1110 by Sen. Henry J. Mello, D-Watsonville, which clarifies the purchaser's "right of return" of a policy after reviewing it for 30 days, and brings out-of-state companies selling such insurance under California laws.

Deukmejian vetoed AB 1108 by Assemblyman Connelly, which would have mandated strong controls on the caliber of the policies and outlawed deceptive television advertising.

Hate Crimes. AB 63 by Assemblyman Bane, increases criminal penalties for acts of violence motivated by the victim's race, color, religion, ancestry, national origin or sexual orientation. Sponsored by the attorney general's office in response to an increase in such crimes, the bill:

- changes any crime originally a misdemeanor into a felony punishable by up to three years in state prison if it is committed for the purpose of intimidating or interfering with an individual's rights because of the victim's race, religion, national origin or sexual orientation;
- gives courts and law enforcement officials "new power" to issue or obtain injunctions specifically to prevent acts of hate violence;
- makes it a crime to use force or threats to interfere with the exercise of constitutional rights because of race, religion, national origin or sexual orientation.

Nursing Homes/Elderly Abuse. SB 526, by Sen. Mello, authorizes the attorney general's Medi-Cal Fraud Bureau to "review, investigate and prosecute complaints of abuse and neglect of the elderly in health care facilities," according to the attorney general's office. It also authorizes the bureau to coordinate such efforts with local law enforcement and to train them in such investigations. Although the governor signed the measure, he vetoed the funds appropriated for its implementation.

- SB 183, also by Mello, who chairs the Senate Subcommittee on Aging, requires the state Department of Health Services to keep a "closer watch" on nursing home administrators, concentrating on administrators who have a history of poor performance, as well as on nursing directors who have been on probation or had their licenses suspended.
- SB 438, by Mello, extends by 18 months the life of a five-county model project started in 1985 (in Mendocino, Sacramento, Tuolumne, Orange and San Bernardino counties) to establish statewide standards for counties operating adult protective services programs. Although county programs are mandated to provide protection to elderly adults, Mello estimated that nearly 150,000 older persons are victims of abuse, neglect or abandonment in California, and that the lack of uniform standards for county programs is a major factor in that abuse.
- SB 69, by Mello, requires nursing homes to inform elderly couples of their right to split community property when one spouse enters a nursing home. Mello said many couples deplete their life savings before applying for Medi-Cal because they are not aware of their right to split community property before "spending down" to the Medi-Cal eligibility level. Nursing home costs easily can exceed $20,000 per year, he added.
- SB 1162, by Mello, includes in the definition of abuse of the elderly unnecessary use of physical and chemical restraints for "staff convenience," punishment or purposes other than those ordered by the physician.
- AB 2047, by Assemblyman Richard Katz, D-Sepulveda, makes nursing home operators liable for the property of their residents unless it is adequately protected. The measure is designed to reduce theft and loss to nursing home residents by requiring proper safeguards for residents' property.

Medical Malpractice. SB 1620, by Sen. Hart, toughens the law affecting medical malpractice reporting by requiring hospitals and health maintenance organizations to file a report with the state Board of Medical Quality Assurance when the facilities take disciplinary action against a professional staff person.

Hart introduced the measure on learning of a constituent whose son died after receiving anesthesia from a doctor with a history of malpractice. The doctor had

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temporary staff privileges at several hospitals, and was not subject to reporting requirements since he was not on permanent staff. The medical board did not learn of his activities until criminal charges had been filed against the doctor.

Prison Medical Facilities. SB 331, by Sen. Presley, establishes a new state licensing procedure and standards for the approximately 80 medical facilities in state prisons and major county jails and detention facilities throughout the state. The measure requires that the state Department of Health Services inspect and license these facilities — called "correctional treatment centers" — which are not now licensed. It would not apply to prison hospitals, which are already subject to licensing procedures.

Prison Overcrowding. SB 279, by Sen. Presley, establishes a 25-member Blue Ribbon Commission to recommend solutions to the state's rapidly growing prison population crisis, prison violence, recidivism and budgetary problems. "I just do not think we can build our way out of the prison overcrowding crisis," said Presley, who is a former Riverside County undersheriff. "Unfortunately, our prisons run pretty much as they did 25-50 years ago. We have to examine new options."

Narcotics. AB 1152, by Assemblyman Jack O'Connell, D-Santa Barbara, provides a three-year prison enhancement to the sentence of any person who administers a controlled substance by injection, inhalation or other means to another person against that person's will, for purposes of committing a felony.

- AB 1076, by Assemblyman Gary Condit, D-Modesto, increases the kinds of property — adding boats, airplanes, vehicles and other personal property — subject to asset forfeiture in drug cases.
- AB 111, by Assemblywoman Killea, accelerates the operative date of legislation requiring that specified chemicals used in the illicit manufacture of methamphetamine be controlled.
- AB 194, by Assemblyman Steve Peace, D-Chula Vista, creates a statute modeled after the existing habitual offender statute (667.7 of the Penal Code), which authorizes the imposition of a life sentence for the conviction of certain offenses involving minors and drugs, if the defendant has twice previously been convicted of offenses involving drugs and minors.
- AB 770, by Assemblywoman Maxine Waters, D-Los Angeles, criminalizes the solicitation to buy drugs, in order that undercover officers can pose as dealers and arrest potential buyers.
- AB 1972, by Assemblyman Condit, provides for enhanced penalties for the possession or sale of large quantities of narcotics.
- SB 943, by Sen. John Seymour, R-Anaheim, makes the possession of certain amounts of cocaine an offense for which the defendant is presumed ineligible for probation.

Victims' Rights. AB 2530, by Assemblyman Bill Jones, R-Fresno, makes it an alternate felony/misdemeanor for an individual who is incarcerated in jail or prison for a sexual offense to knowingly reveal the name and address of any victim of or witness to the offense, with the intent to intimidate or harass that person.

- SB 171, by Sen. Ed Davis, R-Valencia, requires the court to orally inform the victim as to the true and actual sentence that the defendant will receive.
- SB 1371, by Sen. Seymour, provides for a two-year sentence enhancement for persons convicted of first-degree burglary against defenseless victims if the defendants previously have been convicted of such offense. In cases where the victim was 65 or older, the bill authorizes the court in specified cases to order restitution for the victim's psychological and medical expenses.
- SB 1477, by Sen. Mello, includes peer counseling services provided by a rape crisis center as an allowable expense for reimbursement from the Victims of Crime Restitution Fund.
- SB 1507, by Sen. Ed Royce, R-Anaheim, authorizes law enforcement agencies to withhold disclosure of the name of the victim of specified sex or child abuse offenses.
- AB 1223, by Assemblyman Charles M. Calderon, D-Alhambra, increases penalty assessments from $5 to $7 for every $10 in fines imposed, with proceeds to go to the Victims of Crime Restitution Fund. The bill also requires the state Board of Control to process victims' claims within an average of 90 days.

Bail. AB 630, by Assemblyman Stirling, specifies factors to be considered in determining the seriousness of an offense when setting bail, and requires annual updating of bail schedules. It also codifies the proposition that "public safety" be the primary consideration in bail-setting or denial.

Drunk Driving. AB 1400 by Assemblyman Bill Duplissea, R-San Carlos, creates the Youthful Drunk Driving Visitation Program, which permits judges to send DUI offenders between the ages of 18 and 21 on "supervised visits" to emergency medical care facilities, coroners' offices and treatment centers for chronic alcoholics — to see firsthand the results of drinking and driving. Participation is voluntary on the part of defendants.

- AB 2098, by Assemblyman Steve Peace, D-Chula Vista, authorizes four counties — Alameda, San Diego, Sonoma and Santa Clara — to evaluate interlocking ignition/breathalizer devices to prevent drunk drivers from starting their cars.
- AB 2519 by Sen. William Campbell, R-Hacienda Heights, authorizes Contra Costa County to levy an additional $50 fine on specified vehicle offenses (including DUI) to fund county crime labs.