Capitol Update 6-22

Having passed the halfway point of the legislative calendar for 2016, June marks the start of the more volatile and contentious part of the year when bills switch houses. Assembly measures must now pass through Senate policy committees, and vice versa for Senate bills. Competition between the two Houses complicates debate and moves the conversations beyond the merits of the policy as each house’s leadership begins to leverage legislator’s for critical votes on major issues. Additionally, this is when most bills are gutted and amended into brand new legislation, which always adds twists to the final few months of session.

This week, public safety committees did not disappoint our expectations. Several measures that had received a favorable outcome in their house of origin were forced to be pulled from hearings because they lacked support. SB 966 by Senator Mitchell, which would have limited sentence enhancements on repeat drug dealers, was removed from the agenda at the start of Assembly Public Safety committee hearing. Additionally, AB 651 by Assemblymember Jim Cooper was pulled by the author during the final moments of the Senate’s hearing. AB 651, which would allow an officer witness to have a representative present when questioned, was critically opposed by the unlikely pairing of Cal Chiefs and the ACLU. Both bills will have another chance next week, but will be fighting a major uphill battle.

Other notable successes of last week include the passage SB 6 by Senator Galgiani, which would prohibit any cop killer from receiving medical parole under the compassionate release statute. SB 1323 also passed policy committee, authored by Senator Bates, which seeks to set additional sentence enhancements for individuals caught dealing fentanyl. The recent explosion of fentanyl related deaths in California has drawn significant attention to this bill and the issue.

On the other side, several bills Cal Chiefs supported did not get the necessary votes this week. State regulations and enforcement of drone operations will likely not happen this year, with the solid defeat of SB 868 in Assembly Privacy and Consumer Affairs committee. Against strong opposition, including drone manufactures and the tech community, SB 868 only received 3 of the necessary 6 votes needed. Additionally, AB 1993, a measure to streamline law enforcement contact with tech companies when requesting emergency information, stalled briefly, although future amendments will likely result in the bill moving on to the next round.

Among the numerous bills Cal Chiefs opposed last week, AB 2298 survived despite a valiant effort from all law enforcement advocacy groups. AB 2298 is targeted at reforming Cal Gang database, and would among other things, create a new purge and appeal process for individual on the database, as well as require notification to all adults before they are put on the database. Members of the Cal Gang board testified in opposition, but did not move enough votes to hold the bill.

Finally, this week began to show the first signs of major gut-and-amend legislation. Assemblymember Tom Lackey and Scott Wilk introduced AB 2287 to address the rampant retail theft we’ve seen since Prop 47 by requiring total theft to be aggregated over a 6 months period, and if over $950, the charge be a felony. Elk Grove Police Chief Robert Lehner provided comments in favor of this this legislation during a press conference on Tuesday. Additionally, AB 2888, legislation that would add rape of an intoxicated or unconscious victim to those crimes that are ineligible for a parole sentence, by Assemblymembers Low and Dodd surfaced this week in response to the Stanford rape case.

As always, please do not hesitate to contact us if you have any questions!