

Memorandum 2017-42

2017 Legislative Program (Status Report)

The attached table summarizes the current status of the Commission's¹ 2017 legislative program.

Assembly Bill 1034 (Chau) was amended a final time in the Senate, before being approved by the Senate and the Assembly (concurring in the Senate amendment). The amendment to that bill is discussed below.

As noted in Memorandum 2017-34, there is a bill that would assign the Commission a new study, Assembly Bill 1290 (Oberholte). In its current form, it provides (in relevant part):

The California Law Revision Commission shall conduct a study and prepare a report addressing who should hold the lawyer-client privilege if a client is a conservatee or ward. The report shall be submitted in compliance with Section 9795 of the Government Code on or before January 1, 2020. Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2024.

The bill is currently on the Senate floor, on the special consent calendar. If enacted, it will be included in the upcoming New Topics and Priorities Memorandum.

AB 1034 (CHAU) — GOVERNMENT INTERRUPTION OF COMMUNICATION SERVICE

Assembly Bill 1034 (Chau) would repeal and restate, with minor improvements, existing Public Utilities Code Section 7908. Section 7908 requires court approval before a state or local agency can interrupt communication service to prevent crime or protect public safety. It provides a statutory procedure for obtaining that approval.

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

Because the statutory procedure does not require action by the California Public Utilities Commission (“CPUC”) and does involve action by law enforcement to abate criminal conduct, the Commission recommended that the law be relocated to the Penal Code.

CPUC expressed concern that moving the law out of the Public Utilities Code might somehow imply a change to CPUC’s existing authority. Assembly Member Chau agreed to amend the bill to add language expressly disclaiming any such implication:

11482. This article does not restrict, expand, or otherwise modify the authority of the Public Utilities Commission.

As per the Commission’s practice when a Commission-recommended bill is to be amended, the staff notified the Commission’s Chair of the pending change and asked whether she had any concerns. She did not.

The Commission must now decide whether to accept the amendment as compatible with its recommendation, or reject it.

The staff recommends that the Commission accept the amendment as compatible with its recommendation. The Commission never discussed altering CPUC’s authority as part of the proposed law. The staff sees no harm in stating so expressly.

Respectfully submitted,

Brian Hebert
Executive Director

Status of 2017 Commission Legislative Program

As of September 12, 2017

		AB 534	AB 905	AB 1034							
	Introduced Last Amended	2/13/17	2/16/17	2/16/17							
		4/19/17	3/13/17	8/24/17							
		4/5/17	3/21/17	4/5/17							
First House	Policy Committee	4/18/17	4/5/17	4/18/17							
	Second Committee	4/27/17	4/20/17	5/30/17							
	Passed House										
Second House	Policy Committee	6/13/17	6/13/17	6/20/17							
	Second Committee	—	6/26/17	8/21/17							
	Passed House	6/19/17	—	8/31/17							
Concurrence		—	—	9/5/17							
Governor	Received Approved	6/26/17	7/31/17								
		7/10/17	8/7/17								
Secretary of State	Date Chapter #	7/10/17	8/7/17								
		44	168								

Bill List: AB 534 (Gallagher): Mechanics Lien in Common Interest Development
 AB 905 (Maienschein): Recognition of Tribal and Foreign Court Money Judgments
 AB 1034 (Chau): Government Interruption of Communication

Also of Interest:

AB 1290 (Obernolte): Holder of Attorney-Client Privilege When Client a Ward or Conservatee

KEY

Italics: Future or speculative

“—”: Not applicable