

**The American Legion Department of California, Area 5  
Legislative Report, September 30, 2018**

The following information on Veterans Related Legislation comes from The American Legion, Department of California's Legislative Advocate in Sacramento, Seth Reeb.

On August 31, the California Legislature adjourned for its final recess of the 2017-18 legislative session. Bills which made it all the way through the legislative process are now on the Governor's desk or already Chaptered. The Governor has until October 1 to sign the bills in to law or veto them. Listed below are the bills which were active during the last weeks of the session. If the Bill says that it has been "Chaptered", that means the Governor has signed the bill in to law. The Bill status below is current as September 30.

The California Legislature will reconvene the first week of December when the new Legislators for the 2019-2020 session are elected.

- AB 865** (**Levine** D) Military personnel: veterans: resentencing: mitigating circumstances.  
Location: 09/19/2018. CHAPTERED  
Summary: Would authorize any person who was sentenced for a felony conviction prior to January 1, 2015, and who is, or was, a member of the United States military and who may be suffering from any of the bill-described conditions as a result of his or her military service to petition for a recall of sentence under specified conditions. The bill would require the court, upon receiving a petition, to determine, at a public hearing held after not less than 15 days' notice to the prosecution, the defense, and any victim of the offense, as specified, whether the person satisfies the specified criteria and, if so, would authorize the court, in its discretion, to resentence the person following a resentencing hearing.
- AB 888** (**Low** D) Charitable raffles.  
Location: 09/20/2018. CHAPTERED  
Summary: Current law authorizes a loan from the General Fund to the Major League Sporting Event Raffle Fund to address departmental workload related to the Department of Justice's initial implementation of enforcement activities relating to these provisions and requires the loan to be repaid to the General Fund by no later than December 31, 2018. This bill would extend the operation of those provisions until January 1, 2024. The bill would also extend the date by which the loan from the General Fund to the Major League Sporting Event Raffle Fund must be repaid to the General Fund to no later than December 31, 2023.
- AB 1786** (**Cervantes** D) Community colleges: academic credit for prior military experience.  
Location: 09/19/2018. CHAPTERED  
Summary: Current law requires the Chancellor of the California Community Colleges, using common course descriptors and pertinent recommendations of the American Council on Education, to determine, by July 1, 2015, for which courses credit should be awarded for prior military

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experience. This bill would require the chancellor to establish, by March 31, 2019, an initiative to expand the use of course credit at the California Community Colleges for students with prior learning. The bill would require the chancellor to submit, by January 1, 2020, a report on the initiative to the Legislature.

**AB 1810** (Committee on Budget) Health.

Location: 06/27/2018-A. CHAPTERED

Summary: Current law creates the continuously appropriated Medical Providers Interim Payment Fund for the purposes of paying Medi-Cal providers, providers of drug treatment services for persons infected with HIV, and providers of services for the developmentally disabled, during a fiscal year for which a budget has not yet been enacted or there is a deficiency in the Medi-Cal budget. During a fiscal year in which these payments are necessary, current law requires the Controller to transfer up to \$1,000,000,000 from the General Fund in the form of loans to the continuously appropriated Medical Providers Interim Payment Fund, and appropriates \$1,000,000,000 from the Federal Trust Fund to that fund. Current law requires those loans to be repaid by debiting the appropriate Budget Act item following a procedure prescribed by the Department of Finance. Upon the enactment of the annual Budget Act or a deficiency bill, current law requires the Controller to transfer expenditures and unexpended funds in the Medical Providers Interim Payment Fund to the appropriate Budget Act item. This bill would require the Controller to make those loan transfers upon order of the Department of Finance.

**AB 1873** (Obernolte R) Driver's licenses: veteran designation.

Location: 09/21/2018. VETOED BY GOVERNOR

Summary: Current law allows an in-person applicant for a driver's license or identification card to request the word "VETERAN" be printed on the face of the driver's license or identification card, subject to certain requirements, including, among others, verification of veteran status, as specified, and payment fee. Commencing July 1, 2019, current law prohibits a fee from being charged for that request if made by (1) a person who has been determined to have a current income level that meets the eligibility requirements for specified assistance programs, or (2) a person who can verify his or her status as a homeless person, in accordance with specified provisions. This bill would make those fee provisions inoperative on July 1, 2019, and repeal them on January 1, 2020, as specified, thereby authorizing an applicant whose veteran status has been verified, as prescribed, to make a veteran designation request, and requiring the department to make that designation on the applicant's driver's license or identification card, without additional charge.

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**AB 2325** ([Irwin](#) D) County mental health services: veterans.  
Location: 07/18/18. CHAPTERED  
Summary: Would prevent a county from denying an eligible veteran county mental or behavioral health services while the veteran is waiting for a determination of eligibility for, and availability of, mental or behavioral health services provided by the United States Department of Veterans Affairs. The bill would make specific findings and declarations about the county's duty to provide mental and behavioral health services to veterans.

**AB 2439** ([Garcia, Eduardo](#) D) Official state LGBTQ Veterans Memorial.  
Location: 08/20/2018-A. CHAPTERED  
Summary: Current law recognizes certain animals, plants, towns, museums, and memorials as official state emblems, including, among others, the California Vietnam Veterans Memorial as the official state Vietnam veterans war memorial and the California State Military Museum and Resource Center as the official state military museum. This bill would recognize the LGBTQ Veterans Memorial at the Desert Memorial Park in Cathedral City as the official state LGBTQ veterans memorial.

**AB 2521** ([Quirk-Silva](#) D) Reservists: active duty: deferment of financial obligations.

Location: 07/9/2018-A. CHAPTERED  
Summary: The California Military Families Financial Relief Act authorizes a reservist who is called to active duty to defer payments on mortgages, credit cards, retail installment accounts and contracts, real property taxes and assessments, vehicle leases, and obligations owed to utility companies, for the period of active duty plus 60 calendar days, or 180 days, whichever is the lesser. Current law requires the reservist or his or her designee to deliver to the obligor (1) a copy of his or her activation or deployment order and any other information that substantiates the duration of the service member's military service, and (2) a letter signed by the reservist, under penalty of perjury, requesting a deferment of financial obligations, in order for the obligation or liability to be subject to the provisions of the act. This bill would delete the requirement to provide a signed letter, under penalty of perjury, and instead would require the reservist or his or her designee to deliver a written request by the reservist for a deferment of financial obligations to the obligor.

**AB 2568** ([Reyes](#) D) County jails: veterans.  
Location: 09/6/18. CHAPTERED  
Summary: Would require county jails to, upon detention of a person, ask if the person has served in the United States military and document the person's response. The bill would additionally require that the county jail make this information available to the person, his or her counsel, and the district attorney. By increasing the duties of county jails, this bill would impose a state-mandated local program.

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[AB 2722](#) ([Medina](#) D) Student financial aid: California Military Department GI Bill Award Program.  
Location: 09/19/2018. CHAPTERED  
Summary: Would change the name of the California National Guard Education Assistance Award Program to the California Military Department GI Bill Award Program. The bill would provide that the award could be used to obtain one baccalaureate, graduate, or doctoral degree or a certificate, degree, or diploma that leads to a baccalaureate, graduate, or doctoral degree if the person agrees to serve 2 years in the California National Guard, the Naval Militia, or the California State Military Reserve, as specified. The bill would delete the obsolete provision requiring the submission of a report by the Legislative Analyst. The bill would also delete the provision rendering the program inoperative on July 1, 2019, and repealing the program on January 1, 2020, thereby extending the program indefinitely.

[AB 2801](#) ([Salas](#) D) Crimes: memorials: veterans and law enforcement.  
Location: 09/19/2018 CHAPTERED  
Summary: Current law makes it a crime for a person to destroy, cut, mutilate, deface, or otherwise injure, tear down, or remove any tomb, monument, memorial, or marker in a cemetery. Existing law makes it a crime, punishable as a felony or a misdemeanor, to maliciously destroy, cut, break, mutilate, efface, or otherwise injure, tear down, or remove any veterans' memorial constructed or established in specified ways. Current law makes it a crime, punishable as a felony or a misdemeanor, to maliciously destroy, cut, break, mutilate, efface, or otherwise injure, tear down, or remove any law enforcement memorial or firefighter's memorial. This bill would specify that the provisions above regarding law enforcement and firefighter's memorials do not preclude prosecution under any other provision of law, including those regarding veterans' memorials.

[AB 2949](#) ([Gloria](#) D) Pupil residency: pupils of military families.  
Location: 09/10/2018. CHAPTERED  
Summary: Would require local educational agencies, as defined, to allow a pupil who is a child of a military family to continue attending his or her school of origin, as defined, or a school within the school district of origin, as provided, regardless of any change of residence of the military family or the end of military service of the pupil's parent, as specified. By requiring local educational agencies to allow pupils of military families who no longer satisfy the residency requirement to attend their schools of origin, the bill would impose a state-mandated local program.

[AB 3212](#) ([Irwin](#) D) Service member protections.  
Location: 09/19/2018 CHAPTERED

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**Summary:** Current law provides that the application by a service member for, or receipt by a service member of, a stay, postponement, or suspension in the payment of any tax, fine, penalty, insurance premium, or other civil obligation or liability of that person does not itself, without regard to other considerations, provide the basis for, among other things, a determination by any lender or other person that the service member is unable to pay any civil obligation or liability or the denial or revocation of credit by the creditor. This bill would additionally provide that an application or receipt under these provisions does not provide a basis for an annotation in a service member's record by a creditor or a person engaged in the practice of assembling or evaluating consumer credit information identifying the service member as a member of the active militia, or an active or reserve component of the Armed Forces.

**[ACR 67](#)** (**[Aguiar-Curry](#)** D) Veterans' Memorial Highway.

**Location:** 08/17/2018-A. CHAPTERED

**Summary:** This measure would designate a portion of State Highway Route 29 in the County of Napa as the Veterans' Memorial Highway. The measure would request the Department of Transportation to determine the cost for appropriate signs with this designation, and, upon receiving donations from non-state sources covering that cost, to erect those signs.

**[ACR 184](#)** (**[Bigelow](#)** R) Vietnam Veterans Memorial Highway.

**Location:** 08/14/2018-A. CHAPTERED

**Summary:** This measure would designate a specified portion of State Route 88 in the County of Alpine as the Vietnam Veterans Memorial Highway. The measure would also request the Department of Transportation to determine the cost of appropriate signs showing this special designation and, upon receiving donations from nonstate sources covering that cost, to erect those signs.

**[SB 215](#)** (**[Beall](#)** D) Diversion: mental disorders.

**Location:** On Governor's Desk

**Summary:** Current law authorizes a court to grant pretrial diversion, for a period no longer than 2 years, to a defendant suffering from a mental disorder, on an accusatory pleading alleging the commission of a misdemeanor or felony offense, in order to allow the defendant to undergo mental health treatment. This bill would make defendants ineligible for the diversion program for certain offenses, including murder, voluntary manslaughter, and rape. The bill would authorize a court to require the defendant to make a prima facie showing that the defendant will meet the minimum requirements of eligibility for diversion and that the defendant and the offense are suitable for diversion, as specified.

**[SB 349](#)** (**[Lara](#)** D) Courthouses: Privilege from civil arrest.

**Location:** On Governor's Desk

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**Summary:** Would clarify the power of judicial officers to prevent activities that threaten access to courthouses, including by protecting the privilege from arrest. The bill would provide that no person shall be subject to civil arrest in a courthouse while attending a court proceeding or having legal business in the courthouse, and that a violation of these provisions constitutes contempt of court.

**[SB 895](#)** ([Nguyen R](#)) Pupil instruction: model curricula: Vietnamese American refugee experience, the Cambodian genocide, and Hmong history and cultural studies.

**Location:** 09/22/2018. CHAPTERED

**Summary:** Would require the Instructional Quality Commission to develop and submit to the State Board of Education, on or before December 31, 2022, and the state board to adopt, modify, or revise, on or before March 31, 2023, a model curriculum relative to the Vietnamese American refugee experience and a model curriculum relative to the Cambodian genocide, as specified, for use in elementary schools, middle schools, and high schools.

**[SB 1007](#)** ([Hertzberg D](#)) Sales and use taxes: exemption: military and veteran medical facilities.

**Location:** 09/26/2018 CHAPTERED

**Summary:** Would, on and after January 1, 2019, and before January 1, 2025, exempt from state sales and use taxes the gross receipts from the sale of, and the storage, use, or other consumption in this state of, building materials and supplies purchased by a qualified person for use by that qualified person in the construction of specified military and veteran medical facilities.

**[SB 1071](#)** ([Roth D](#)) Public postsecondary education: Chancellor of the California Community Colleges: policy to award course credit for prior military education, training, and service.

**Location:** 09/19/2019 CHAPTERED

**Summary:** Would require, by September 1, 2019, the office of the chancellor, in collaboration with the Academic Senate for the California Community Colleges, to develop a consistent policy to award military personnel and veterans who have an official Joint Services Transcript course credit for California Intersegmental General Education Transfer Curriculum, California State University General Education Breadth, or local community college general education requirements, as specified. The bill would also require the office of the chancellor and the academic senate to review and adjust this uniform policy to align it with policies of other public postsecondary educational institutions.

**[SB 1080](#)** ([Roth D](#)) Transportation network companies: driver requirements and identification.

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**Location: 09/18/2018. CHAPTERED**

**Summary: The Passenger Charter-party Carriers' Act defines a participating driver or driver as any person who uses a vehicle in connection with a transportation network company's online-enabled application or platform to connect with passengers. This bill would require a participating driver to possess either a valid driver's license issued by the State of California or, in the case of a nonresident active duty military member or a nonresident dependent of an active duty military member, a valid driver's license issued by the other state or territory of the United States in which the member or dependent is a resident.**

**[SB 1137](#) ([Vidak](#) R) Veterans: professional licensing benefits.**

**Location: 09/14/2018. CHAPTERED**

**Summary: Current law establishes the Department of Consumer Affairs within the Business, Consumer Services, and Housing Agency. Current law provides for a variety of state benefits to veterans. This bill would require the Department of Veterans Affairs and the Department of Consumer Affairs to, in consultation with each other, take appropriate steps to increase awareness regarding professional licensing benefits available to veterans and their spouses, as specified.**

**[SB 1304](#) ([Roth](#) D) Veterans: transitional assistance program: funding.**

**Location: 09/14/2018 CHAPTERED**

**Summary: Would authorize the Department of Veterans Affairs to accept donations of personal property, including cash or other gifts, to be used to further the purposes of the transition assistance program. The bill would create the CalTap Endowment Fund in the State Treasury for the purpose of receiving cash donations, and would continuously appropriate moneys in the fund for the purpose of funding competitive grants in support of the transition assistance program.**

**[SB 1312](#) ([Jackson](#) D) State public employees: sick leave: veterans with service-related disabilities.**

**Location: 09/18/2018. CHAPTERED**

**Summary: The California Wounded Warriors Transitional Leave Act grants a state officer or employee who is a veteran hired on or after January 1, 2016, with a service-connected disability rated at 30% or more by the United States Department of Veterans Affairs, an additional credit for sick leave with pay of up to 96 hours for the purpose of undergoing medical treatment for his or her military service-related disability. Current law requires that the sick leave be credited to a qualifying officer or employee on the first day of employment and remain available for use for the following 12 months of employment. This bill would extend that benefit to a veteran with a service-connected disability who is hired or employed on or after January 1, 2016, with a service-connected disability rated at 30% or more by the United**

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States Department of Veterans Affairs.

- SB 1427** (**Hill** D) Discrimination: veteran or military status.  
Location: On Governor's Desk  
Summary: Current law declares that housing discrimination on the basis of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, or genetic information is against public policy. This bill would state findings and declarations of the Legislature regarding the importance of housing for veterans and its priority and declare that housing discrimination on the basis of veteran or military status is against public policy.
- SCR 99** (**Roth** D) Military and Veteran Suicide Prevention Awareness Week.  
Location: 9/11/2018. CHAPTERED  
Summary: This measure would proclaim September 24, 2018, to September 30, 2018, inclusive, as Military and Veteran Suicide Prevention Awareness Week in California.
- SCR 101** (**Roth** D) Purple Heart Day.  
Location: 9/4/2018. CHAPTERED  
Summary: This measure would declare August 7, 2018, as Purple Heart Day in California.
- SCR 128** (**Nguyen** R) American flag.  
Location: 7/2/2018-S. CHAPTERED  
Summary: This measure would declare that the American flag represents the values of freedom and liberty, would call upon the state and local government to prohibit any government entity in the state from banning the American flag from public property, and would recognize June 14, 2018, as Flag Day.

Respectfully Submitted,

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