



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

SB-879 Public safety. (2017-2018)

SHARE THIS:  

Date Published: 09/17/2018 09:00 PM

Senate Bill No. 879

CHAPTER 457

An act to amend Sections 8545 and 69614.3 of the Government Code, and to amend Section 1797.165 of the Health and Safety Code, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor September 17, 2018. Filed with Secretary of State September 17, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 879, Committee on Budget and Fiscal Review. Public safety.

(1) Existing law creates in state government the California State Auditor's Office, and requires that office to, among other things, conduct any audit of a state or local governmental agency or any other publicly created entity that is requested by the Joint Legislative Audit Committee to the extent that funding is available. Existing law requires the auditor to maintain papers or memoranda used to support a completed audit for at least 3 years after the audit report is complete. Existing law generally provides that records held by the auditor are public records subject to disclosure under the California Public Records Act, except that the auditor is prohibited from disclosing certain records.

Existing law prohibits the auditor, any current or former employee of the office, or other specified persons, from disclosing, in any manner not expressly permitted by law, the particulars of any record, document, or information relating to the office, the disclosure of which is otherwise restricted by law from release to the public. Existing law requires any state or local entity or agency to permit the California State Auditor to access specified documents for any audit or investigation, and provides that the authorized representative of the California State Auditor who is given access to records pursuant to this authorization is subject to any limitations on the release of that information as may apply to any employee or officer of the state or local agency from whom the records were obtained.

The California Constitution establishes the Commission on Judicial Performance and authorizes the Commission on Judicial Performance to, among other things, disqualify, suspend, retire, or censure a judge for specified acts of misconduct or disability that interfere with the performance of the judge's duties, and authorizes the commission to establish rules governing confidentiality of complaints to, and investigations by, the commission.

This bill would provide that the auditor is prohibited, in accordance with the provisions described above that prohibit the auditor from disclosing certain records obtained as a part of an audit or investigation, from disclosing any paper, correspondence, record, document, or information the disclosure of which is restricted by any constitutional provision, statute, or rule, including a rule adopted by the Commission on Judicial Performance pursuant to the authority described above, from release to the public. The bill would state that the changes made by this bill are declaratory of existing law.

(2) Existing law, upon appropriation by the Legislature, requires 100 additional new judges to be provided for and allocated to the various county superior courts pursuant to an appointment schedule that requires 50 of the additional judges to be appointed on

or after June 1, 2009.

This bill would reduce the total number of judges to be appointed on or after June 1, 2009, to 48 pursuant to the allocation of 2 of the 50 judgeships to the County of Riverside in the 2018 Budget Act.

(3) Existing law authorizes the Department of Forestry and Fire Protection (CAL-FIRE) to grant statewide certification to an individual as an emergency medical responder (EMR) if he or she is a graduate of a specified CAL-FIRE training program, received a letter of recommendation from the Director of CAL-FIRE, and, while participating in the training program, was working toward a high school diploma or its equivalent, unless he or she already earned one. Existing law also authorizes CAL-FIRE to grant a provisional certification as an EMR for a period of up to two 2-year certification cycles, but for no more than 4 years. Existing law requires the Emergency Medical Services Authority to promulgate emergency regulations for the process of establishing the certification process pursuant to these provisions.

This bill would delete the authority for CAL-FIRE to grant the provisional certification as described above. The bill would require the authority to obtain the approval of the Commission on Emergency Medical Services of the emergency regulations establishing the certification process, pursuant to a specified provision.

(4) The Budget Act of 2015 appropriated \$17,882,000 from the Peace Officers' Training Fund to allocate to cities, counties, and cities and counties for training expenses of full-time regularly paid employees.

This bill would reappropriate \$5,247,484 of that amount and extend the period in which the reappropriated funds may be encumbered or expended to June 30, 2019.

(5) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8545 of the Government Code is amended to read:

8545. The California State Auditor shall not destroy any papers or memoranda used to support a completed audit sooner than three years after the audit report is released to the public. All books, papers, records, and correspondence of the office pertaining to its work are public records subject to Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 and shall be filed at any of the regularly maintained offices of the California State Auditor, except that none of the following items or papers of which these items are a part shall be released to the public by the California State Auditor, his or her employees, or members of the commission:

(a) Personal papers and correspondence of any person providing assistance to the California State Auditor when that person has requested in writing that his or her papers and correspondence be kept private and confidential. Those papers and correspondence shall become public records if the written request is withdrawn or upon the order of the California State Auditor.

(b) Papers, correspondence, memoranda, or any substantive information pertaining to any audit not completed.

(c) Papers, correspondence, or memoranda pertaining to any audit that has been completed, which papers, correspondence, or memoranda are not used in support of any report resulting from the audit.

(d) Any survey of public employees that the California State Auditor determines should be kept confidential because the employees have expressed fear of retaliation by their employer if they respond to the survey.

(e) In accordance with Section 8545.1 and subdivision (b) of Section 8545.2, any paper, correspondence, record, document, or information the disclosure of which is restricted from release to the public by a statutory or constitutional provision, a rule that is consistent with such a provision, or a rule adopted pursuant to subdivision (i) of Section 18 of Article VI of the California Constitution.

SEC. 2. Section 69614.3 of the Government Code is amended to read:

69614.3. Upon appropriation by the Legislature, the 100 additional new judges provided for in Sections 69614 and 69614.2 shall be allocated to the various county superior courts, pursuant to the following appointment schedule:

(a) On or before June 30, 2008, 40 additional judges shall be appointed.

(b) On or after July 1, 2008, 10 additional judges shall be appointed.

(c) On or after June 1, 2009, 50 additional judges shall be appointed.

(d) Notwithstanding subdivision (c), Item 0250-101-0932 in Section 2.00 of the Budget Act of 2018 (Chapter 29, Statutes of 2018) allocates two of the 50 judgeships to the County of Riverside, effective July 1, 2018, thereby reducing the total number of judges to be allocated to 48.

SEC. 3. Section 1797.165 of the Health and Safety Code is amended to read:

1797.165. (a) (1) Notwithstanding any other law, the Department of Forestry and Fire Protection, also known as CAL-FIRE pursuant to Section 701.6 of the Public Resources Code, may certify an individual as an Emergency Medical Responder (EMR) if he or she meets both of the following conditions:

(A) The individual is a graduate of the CAL-FIRE training program at a conservation camp under the Department of Corrections and Rehabilitation and received a letter of recommendation from the Director of CAL-FIRE.

(B) While participating in the training program described in subparagraph (A), the individual was working toward a high school diploma or its equivalent, unless he or she already earned one.

(2) Except as provided in subdivision (b), an individual certified as an EMR pursuant to this section shall meet the training requirements developed by the authority pursuant to this division, including, but not limited to, the requirements of Chapter 1.5 of Title 22 of Division 9 of the California Code of Regulations.

(b) (1) Any individual certified pursuant to paragraph (1) of subdivision (a) is not disqualified from certification as an EMR for having committed any of the actions described in subdivision (c) of Section 1798.200. This subdivision does not apply to an individual who committed any of those actions after he or she received certification pursuant to this section.

(2) The certification of an individual as an EMR pursuant to this section shall be recognized statewide as a valid EMR certification without an individual having to repeat testing or certification.

(c) The authority, in consultation with CAL-FIRE, shall, after approval by the commission pursuant to Section 1799.50, promulgate emergency regulations for the process of establishing the certification process pursuant to this section. The emergency regulations promulgated pursuant to this section shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and, for purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of the regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare.

SEC. 4. Five million two hundred forty-seven thousand four hundred eighty-four dollars (\$5,247,484) of the amount appropriated in Item 8120-101-0268 of Section 2.00 of the Budget Act of 2015 (Chs. 10 and 11, Stats. 2015) is hereby reappropriated from the Peace Officers' Training Fund for allocation to cities, counties, and cities and counties pursuant to Section 13523 of the Penal Code and is available for encumbrance or expenditure until June 30, 2019.

SEC. 5. The amendment of Section 8545 of the Government Code made by Section 1 of this act does not constitute a change in, but is declaratory of, existing law, as stated in Section 8545.1 and subdivision (b) of Section 8545.2 of the Government Code.

SEC. 6. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.