



# California Association of Criminalists

Committee Report - July 6, 2022  
Legislative Analysis Committee

Activities of the Committee are summarized as follows:

- ❖ Members include:
  - Jessica James (Chair, CA- DOJ), Kenton Wong (FARC, Forensic Analytical), Donnie Finley (Contra Costa County), and Melissa Beddow (Grand Canyon University)
- ❖ The California Assembly and Senate have started their Summer Recess. They will reconvene August 1, must pass bills by August 31, and then will adjourn their 2021-22 session.
- ❖ The Federal House and Senate are in the second session of the 117<sup>th</sup> Congress.

## Passed Bills/Rules

Firearms	
<b>AB-200</b> Public Safety Omnibus	“This bill would no longer authorize the sale of a law enforcement seized or received weapon and would require the weapon to be destroyed.”
<b>AB-311</b> Firearms: Del Mar Fairgrounds.	“This bill would prohibit a vendor at a gun show or event from possessing, displaying, offering to sell, selling, or transferring any firearm precursor parts. The bill would make a violation of these provisions a misdemeanor punishable by a fine not to exceed \$2,000. The bill would prohibit a vendor who has been convicted of a violation of those provisions from participating in any gun show or event in this state for one year after the date of the conviction. The bill would make a violation of that prohibition on participating in any gun show or event a misdemeanor punishable by a fine not to exceed \$5,000 and a 5-year prohibition on participating in any gun show or event in the state. The bill would, if a person violates that 5-year prohibition, make that violation grounds for the revocation of any firearm, ammunition, or firearm precursor part vendor license the person holds. By creating a new crime, this bill would impose a state-mandated local program. By adding new grounds for the revocation of ammunition licenses, the bill would amend Proposition 63.”

<b>AB-1621</b> Firearms: unserialized firearms.	"It is the intent of the Legislature to enact legislation to further prohibit unserialized firearms in the state."
<b>AB-2156</b> Firearms: manufacturers.	"This bill would expand this prohibition to prohibit any person, regardless of federal licensure, from manufacturing firearms in the state without being licensed by the state. The bill would also decrease the manufacturing threshold requiring state licensure from 50 or more firearms in a calendar year to 4 or more firearms in a calendar year. The bill would also prohibit any person, unless licensed as a firearm manufacturer, from manufacturing any firearm or precursor part by means of a 3D printer, as defined."

### Bills introduced, still in committee

<b>Controlled Substances</b>	
<b>AB-1598</b> Controlled substances: paraphernalia: controlled substance testing.	"This bill excludes from the definition of 'drug paraphernalia' any testing equipment that is designed, marketed, used, or intended to be used, to analyze for the presence of fentanyl or any fentanyl analog, ketamine, or gamma hydroxybutyric acid (GHB)."
<b>SB-519</b> Controlled substances: decriminalization of certain hallucinogenic substances.	"This bill makes lawful the possession for personal use or facilitated and supported use psilocybin, psilocyn, dimethyltryptamine (DMT), ibogaine, lysergic acid diethylamide (LSD), 3,4-methylenedioxymethamphetamine (MDMA) and mescaline, by and with persons 21 years of age or older. This bill also provides penalties for possession of these substances on school grounds as well as possession by, or sharing with, persons under 21. This bill also requires the California Department of Public Health (DPH) to convene a working group to research and make recommendations to the Legislature on the regulation and use of the substances included in this bill."
<b>SB-1060</b> Controlled substances: fentanyl and oxycodone.	"This purpose of this bill is to impose an additional term of 3 to 25 years upon a person who is convicted of specified drug offenses with respect to a substance containing either fentanyl or oxycodone, if the substance exceeds a specified weight."
<b>H.R.365</b> Marijuana 1-to-3 Act of 2021	"This bill moves marijuana to a lower schedule of the Controlled Substances Act."
<b>H.R.679</b> Effective Drug Control Strategy Act of 2021	"This bill requires the Office of National Drug Control Policy to (1) evaluate the effectiveness of all federally funded activities aimed at reducing the demand for illegal drugs, and (2) publish annually a complete list of all drug control grant programs."
<b>H.R.1303</b> Criminalizing Abused Substance Templates Act of 2021	"To amend the Controlled Substances Act to prohibit the knowing possession of a pill press mold with intent to manufacture in violation of such Act a counterfeit substance in schedule I or II in a capsule, tablet, and other form intended for distribution, and for other purposes."
<b>H.R.1910, H.R.2041, H.R.3269, H.R.6713, H.R.6946, S. 339, S.1410</b> Federal Initiative to Guarantee Health by Targeting Fentanyl Act, SIFT Act of 2021, Protecting Americans from Fentanyl	"To amend the Controlled Substances Act to list fentanyl-related substances as schedule I controlled substances, and for other purposes."

Trafficking Act of 2021, CEASE Overdose Act of 2022, and SAFE Act of 2022	
<b>H.R.2209, S.1006</b> Stopping Overdoses of Fentanyl Analogues Act	"This bill adds five fentanyl analogues and the entire category of fentanyl-related substances to schedule I of the Controlled Substances Act. A schedule I controlled substance is a drug, substance, or chemical that has a high potential for abuse; has no currently accepted medical value; and is subject to regulatory controls and administrative, civil, and criminal penalties under the Controlled Substances Act."
<b>H.R.2405</b> Streamlining Research on Controlled Substances Act of 2021	"To amend the Controlled Substances Act to improve the process for conducting scientific research on schedule I controlled substances, and for other purposes."
<b>H.R.3051</b> Ending Nicotine Dependence from Electronic Nicotine Delivery Systems Act of 2021; END ENDS Act of 2021	"To amend the Federal Food, Drug, and Cosmetic Act to establish a tobacco product standard prohibiting any e-liquid with a concentration of nicotine higher than 20 milligrams per milliliter, and for other purposes."
<b>H.R.3757, S.1999</b> Multiple Substance Impaired Driving Prevention Act of 2021	"To amend title 23, United States Code, to authorize the use of certain Federal funds for multiple substance impaired driving countermeasures"
<b>H.R.5977</b> States Reform Act	"To amend the Controlled Substances Act regarding marihuana, and for other purposes." "DECriminalization of Marijuana and Deference to State Powers of Prohibition"
<b>S.4116</b> SMART Cocaine Sentencing Act	"To establish appropriate penalties for cocaine-related offenses, and for other purposes."
<b>S.4151</b> Stop Pills That Kill Act	"To amend the Controlled Substances Act to prohibit certain acts related to fentanyl, analogues of fentanyl, and counterfeit substances, and for other purposes."
<b>Digital Forensics</b>	
<b>AB-1262</b> Information privacy: other connected device with a voice recognition feature.	"This bill would include smart speaker devices, as defined, within the scope of those provisions. The bill would prohibit any actual recordings or transcriptions collected or retained through the operation of a voice recognition feature by the manufacturer of a connected television or smart speaker device, that qualify as personal information or that are not deidentified, from being used for any advertising purpose, or being shared with, or sold to, a third party, unless the user has provided affirmative written consent, as defined. The bill would also prohibit the manufacturer from retaining the recordings or transcripts, as specified, unless the user opts in. The bill provide certain exemptions, and would define related terms."
<b>AB-2066</b> Communication: telegraph corporations, telegraphy, and telegrams.	"This bill would delete references to telegraphs and telegrams in the Penal Code. By deleting those references, the bill would decriminalize conduct committed by way of telegraphs and telegrams. The bill would no longer require a telegraph company to report to the Department of Justice currency transactions that exceed \$10,000. The bill also would no longer authorize the transmission of a warrant or abstract of warrant via telegraph."
<b>SB-346</b> In-vehicle cameras.	"Prohibit a person or entity from compelling a manufacturer or other entity providing the operation of an in-vehicle camera to build specific features for the purpose of allowing an investigative or law

	enforcement officer to monitor communications through that feature.”
<b>SB-1081</b> Disorderly conduct: peeping, recording, and distribution of intimate images.	“Expands the existing crime of unlawful distribution of a private image, also known as ‘revenge porn.’”
<b>H.R.3520</b> Ensuring National Constitutional Rights for Your Private Telecommunications Act of 2021; ENCRYPT Act of 2021	"To preempt State data security vulnerability mandates and decryption requirements."
<b>S.1265</b> Fourth Amendment Is Not For Sale Act	"To amend section 2702 of title 18, United States Code, to prevent law enforcement and intelligence agencies from obtaining subscriber or customer records in exchange for anything of value, to address communications and records in the possession of intermediary internet service providers, and for other purposes. "
<b>S.2122</b> Cell-Site Simulator Warrant Act of 2021	"To amend title 18, United States Code, to regulate the use of cell-site simulators, and for other purposes." "the term ‘cell-site simulator’ means any device that functions as or simulates a base station for commercial mobile services or private mobile services in order to identify, locate, or intercept transmissions from cellular devices for purposes other than providing ordinary commercial mobile services or private mobile services; "
<b>DNA</b>	
<b>AB-2185</b> Forensic examinations: domestic violence.	“Requires the costs associated with medical evidentiary examinations of victims of domestic violence to be funded by the state through the Office of Emergency Services; requires a hospital, clinic, or other emergency medical facility where medical evidentiary examinations are conducted to develop and implement a system to maintain medical evidentiary examination reports in a manner that facilitates release of the reports as required or authorized by law, that maintains the confidentiality of the reports, and that preserves and prevents the destruction of the reports; and, makes other changes to medical forensic examination protocols for victims of domestic violence.”
<b>AB-2850</b> California Sexual Assault Response Team (SART) Advisory Council.	“This bill would create the California Sexual Assault Response Team (SART) Advisory Council to promote swift, coordinated, competent, and efficient sexual assault intervention in every county, whose work shall be directed by a lead agency or department to be specified by the Governor. The bill would require the council to consist of representatives from specified entities, including sexual assault forensic examination teams, law enforcement agencies, county district attorneys’ offices, crime laboratories, rape crisis centers, and hospitals. The bill would establish procedures for the council and require the council to, among other things, review statewide sexual assault intervention, advise county sexual assault response team programs, and submit, beginning on November 30, 2024, a biennial report to the Governor, Legislature, relevant legislative committees, and specified state agencies.”
<b>SB-916</b> Sexual assault: victim’s rights.	“Entitles a sexual assault victim to access the Department of Justice (DOJ) Sexual Assault Forensic Evidence Tracking (SAFE-T) database for information involving their own forensic evidence kit and the status of the kit.”

<b>SB-1228</b> Criminal procedure: DNA samples.	"This bill would create procedures for reference samples of DNA from a victim of or witness to a crime or alleged crime, and to reference samples of DNA from intimate partners or family members of a victim or witness voluntarily provided for the purpose of exclusion, as defined. The bill would require those procedures to include, among other things, requiring that law enforcement agencies use these samples only for purposes directly related to the incident being investigated, prohibiting law enforcement agencies from comparing these samples with samples that do not relate to the incident being investigated, and prohibiting law enforcement agencies from including these samples in databases that allow the samples to be compared to or matched with profiles derived from DNA evidence obtained from crime scenes. Requires every agent of a law enforcement agency to return any remaining part of every DNA sample to that law enforcement agency promptly after it has performed the requested testing or analysis of that sample. By imposing additional duties on local law enforcement agencies, this bill would impose a state-mandated local program."
<b>H.R.1620</b> Violence Against Women Act Reauthorization Act of 2021	"To reauthorize the Violence Against Women Act of 1994, and for other purposes."
<b>H. R. 1764</b> National Child Identification Act of 2021	"To authorize the Attorney General to make grants to State attorneys general to provide identification kits for missing children, and for other purposes."
<b>Firearms</b>	
<b>AB-1688</b> Firearms.	"This bill would remove the microstamping requirement for a firearm to be included on the handgun roster and would remove the requirement for the department to remove 3 firearms from the roster for each new firearm added."
<b>H.R.405, S.4157</b> LEAD Act of 2022	"This bill directs the Department of the Interior to promulgate final regulations prohibiting the discharge of a firearm using ammunition other than nonlead ammunition included on the list established pursuant to this bill on all lands and waters under the jurisdiction and control of the U.S. Fish and Wildlife Service."
<b>H.R.1006</b> Gun Show Loophole Closing Act of 2021	"To require criminal background checks on all firearms transactions occurring at gun shows."
<b>H.R.1008</b> Handgun Trigger Safety Act of 2021	"To provide for the development and use of technology for personalized handguns, to require that all handguns manufactured or sold in, or imported into, the United States incorporate such technology, and for other purposes."
<b>H.R.1454</b> To amend title 18, United States Code	"To amend title 18, United States Code, to require firearm assembly kits to be considered to be firearms."
<b>H.R.4312</b> remove short-barreled shotguns from the definition of firearms; NFA SBS Act	"To amend the Internal Revenue Code of 1986 to remove short-barreled shotguns from the definition of firearms for purposes of the National Firearms Act, and for other purposes."
<b>H.R.6646</b> Trafficking Reduction And Criminal Enforcement (TRACE) Act	"Regulatory requirement to mark firearms with second, hidden serial number...each firearm manufactured in the United States on or after the effective date of the regulation, to be marked with a serial number that is located inside the receiver of the firearm or that is visible only in infrared light, in addition to the serial number with which the firearm is otherwise required by law to be marked."

<b>H.R.7910</b> Protecting Our Kids Act	"This bill makes various changes to federal firearms laws, including to establish new criminal offenses and to expand the types of weapons and devices that are subject to regulation. subjects bump stocks to regulation under federal firearms laws"
<b>S.4069</b> Pistol Brace Protection Act	"To amend the National Firearms Act to provide an exception for stabilizing braces, and for other purposes."
<b>S.4263</b> Federal Firearm Licensing Act	"To amend title 18, United States Code, to require licenses to acquire or receive firearms, and for other purposes."
<b>Others</b>	
<b>AB-351</b> Reduction of human remains and the disposition of reduced human remains.	"Establishes a new regulatory process for a Licensed Reductions Facility under the jurisdiction of the Cemetery and Funeral Bureau (Bureau) for the disposition of human remains, including the reduction of human remains. Imposes the same requirements for reduced human remains as cremated and hydrolyzed remains. Requires the Bureau and the California Department of Public Health to implement specified regulations. Delays implementation until July 1, 2024."
<b>AB-925</b> Sexual assault forensic examinations: reimbursement.	"This bill would authorize the appropriate local law enforcement agency to seek reimbursement from OES, using the specified federal funds, for the cost of conducting the medical evidentiary examination of a sexual assault victim who has decided not to report the assault to law enforcement at the time of the examination. The bill would also authorize local law enforcement to seek, and would require OES to pay at an established rate, reimbursement for the cost of conducting the medical evidentiary examination of a sexual assault victim who has determined, at the time of the examination, to report the assault to law enforcement."
<b>AB-1836</b> Peace officers: mental health.	"The purpose of this bill is to establish the Officer Wellness and Mental Health Grant Program within the Board of State and Community Corrections (BSCC) and require the BSCC to award grants to local law enforcement agencies and peace officer associations for specified purposes."
<b>AB-2588</b> Crimes: obstruction of justice.	"This bill would extend Section 146e to cover a peace officer's or public official's "immediate family" instead of their "spouse or child." This bill would expand the felony provision of 146e to apply to public safety dispatchers as well as the other public safety personnel."
<b>SB-467</b> Trial testimony: expert witnesses: writ of habeas corpus.	"This bill would additionally allow a person to prosecute a writ of habeas corpus if a significant dispute has emerged or further developed in the petitioner's favor regarding expert medical, scientific, or forensic testimony that was introduced at trial and contributed to the conviction, such that it would have more likely than not changed the outcome at trial, as specified. The bill would also expand the definition of false evidence to include the opinions of experts that are undermined by the state of scientific knowledge that existed at the time of the expert's testimony and opinions."
<b>H.R.2438</b> Justice in Forensic Algorithms Act of 2021	"To prohibit the use of trade secrets privileges to prevent defense access to evidence in criminal proceedings, provide for the establishment of Computational Forensic Algorithm Testing Standards and a Computational Forensic Algorithm Testing Program, and for other purposes."
<b>H.R.2695</b> Combating Sexual Harassment in Science Act	"This bill addresses sexual harassment and gender harassment in the science, technology, engineering, and mathematics (STEM)

	fields by supporting research regarding such harassment and efforts to prevent and respond to such harassment."
<b>S.2052</b> Facial Recognition and Biometric Technology Moratorium Act of 2021	"To prohibit biometric surveillance by the Federal Government without explicit statutory authorization and to withhold certain Federal public safety grants from State and local governments that engage in biometric surveillance."
<b>S.4402</b> Violent Incident Clearance and Technological Investigative Methods Act of 2022	"To direct the Attorney General to establish a grant program to establish, implement, and administer the violent incident clearance and technology investigative method, and for other purposes."
<b>Records</b>	
<b>AB-268</b> Courts: sealing records: autopsy reports.	"This bill would require the court, upon the request of a qualifying family member, to seal the autopsy report and any evidence associated with the examination of a person who was killed as a result of a criminal act when the above conditions apply or when a prosecutorial agency has concluded all persons who could have been prosecuted for the criminal act have died, and removes the limitation that the victim be under the age of 18 and provided that the victim is killed as a result of a criminal act. The bill would also include within the definition of "qualifying family member" the victim's next of kin, personal representative, child, grandparent, grandchild, sibling, or domestic partner."
<b>SB-1000</b> Law enforcement agencies: radio communications.	"This bill would require a law enforcement agency, including the California Highway Patrol, municipal police departments, county sheriff's departments, specified local law enforcement agencies, and specified university and college police departments, to ensure public access to the radio communications of that agency, as specified. This bill would also require those law enforcement agencies to ensure that any criminal justice information or personally identifiable information obtained through CLETS is not broadcast in a manner that is accessible to the public, as specified."

## Bills That Have Died

<b>Controlled Substances</b>	
<b>AB-2246</b> Controlled substances: fentanyl.	"This bill would reclassify fentanyl analogs as Schedule I controlled substances. This bill would make possession of 2 or more grams of fentanyl punishable by imprisonment in a county jail for a period of 2, 3, or 4 years."
<b>Firearms</b>	
<b>AB-1869</b> Firearms: unserialized firearms.	"This bill would make the possession of an unserialized firearm or possession of a firearm with an altered, removed, or obliterated serial number punishable as a felony."
<b>ATF Rule 2021R-05</b> Definition of "Frame or Receiver" and Identification of Firearms	"On April 11, 2022, the Attorney General signed ATF final rule, Definition of "Frame or Receiver" and Identification of Firearms, amending ATF's regulations by removing and replacing the regulatory definitions of "firearm frame or receiver" and "frame or receiver" using examples and diagrams to clearly convey what is a "frame or receiver," amending the definitions of "firearm" and "gunsmith," providing definitions of terms such as "complete weapon," "complete muffler or silencer device," "privately made

	<p>firearm” and “readily,” and amending regulations on marking and recordkeeping.”</p> <p><b>H.J.Res. 86</b> and <b>S. J. RES. 45</b> and <b>54</b> Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives relating to “Definition of ‘Frame or Receiver’ and Identification of Firearms” (87 Fed. Reg. 24652 (April 26, 2022)), and such rule shall have no force or effect.</p>
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**Litigation**

<b>DNA</b>	
<b>Center for Genetics and Society v. Bonta</b>	<p>"State constitutional privacy interests arguably may require more protections than are presently required by the current expungement provisions" - 6/10/2021 <b>Pending</b></p>

Respectfully submitted,

Jessica Alana James, Committee Chair