

**AB-1824 State government.** (2017-2018)

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Assembly Bill No. 1824

CHAPTER 38

An act to add Chapter 5 (commencing with Section 19400) to Division 19 of the Elections Code, to amend Section 13953 of the Government Code, to add Section 1052 to the Military and Veterans Code, and to amend Section 40610 of the Vehicle Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 27, 2018. Filed with Secretary of State June 27, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1824, Committee on Budget. State government.

(1) The Voting Modernization Bond Act of 2002 authorizes a county to apply to the Voting Modernization Board for money from the proceeds of the sale of bonds (1) to pay for or purchase new voting systems that are certified or conditionally approved by the Secretary of State, (2) to research and develop new voting systems, or (3) to manufacture the minimum number of voting system units reasonably necessary to test and seek certification or conditional approval of the voting system, or test and demonstrate the capabilities of a voting system in a pilot program.

This bill would require the Secretary of State to use funds appropriated to him or her in the Budget Act of 2018 for voting system replacement to award contracts to counties that would reimburse the counties for funds spent by the counties on activities similar to those described above, as specified. The bill would require the Secretary of State to allocate funds for those contracts based on specified criteria, and would require that the reimbursement match funds spent by a county on a dollar-for-dollar basis, up to the allocated amount.

(2) Existing law provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Existing law requires an application for compensation to be filed within certain time periods, as specified. Existing law authorizes the board to grant an extension of time based on certain criteria, and requires the board, in making this determination, to consider, among other factors, whether the victim or derivative victim incurs emotional harm or a pecuniary loss while testifying during the prosecution or in the punishment of the person accused or convicted of the crime.

This bill would also require the board to consider, until December 31, 2019, whether the victim or derivative victim incurs emotional harm or a pecuniary loss as a result of the identification of the "East Area Rapist," also known as the "Golden State Killer," a person suspected of committing certain homicide and sexual assault crimes. The bill would specify, for purposes of this provision, that "emotional harm" includes, but is not limited to, harm incurred while preparing to testify. By expanding the scope of provisions authorizing certain uses of continuously appropriated funds, the bill would make an appropriation.

(3) Existing law requires the Department of Veterans Affairs to prepare a master plan for the overall operations of the veterans' home system, as specified, by no later than July 1, 2019. Existing law specifies that the development of the master plan should include a stakeholder process that includes, among other things, an assessment of the current and projected long-term care needs of California's veterans and a discussion of how veterans with complex mental and behavioral health needs will be accommodated.

This bill would instead require the master plan to be prepared by December 31, 2019. The bill would require the master plan to be revised and updated every 5 years thereafter. The bill would additionally require the master plan to include consideration and discussion of certain specified elements.

(4) Existing law provides that whenever any person is arrested for certain offenses, including, among other things, an infraction involving vehicle equipment, the arresting officer is required to permit the arrested person to execute a notice, prepared by the officer in triplicate, containing a promise to correct the violation and to deliver proof of correction to the issuing agency, unless the arresting officer finds that a disqualifying condition exists.

Existing law requires every motor vehicle subject to registration to be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise and prohibits a muffler or exhaust system from being equipped with a cutout, bypass, or similar device. Existing law further prohibits the modification of an exhaust system of a motor vehicle in a manner that will amplify or increase the noise emitted by the motor of the vehicle so that the vehicle exceeds existing noise limits.

This bill would include, among those conditions that are disqualifying, a violation of the above-described requirements related to mufflers and exhaust systems.

(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. Chapter 5 (commencing with Section 19400) is added to Division 19 of the Elections Code, to read:

CHAPTER 5. Voting System Replacement Contracts

19400. For purposes of this chapter, the following definitions apply:

(a) "Ballot on demand system" means a ballot manufacturing system, as defined in Section 303.4, that is subject to Sections 13004 and 13004.5.

(b) "Electronic poll book" means an electronic list of registered voters that may be transported to the polling location or vote center pursuant to Section 2550.

(c) "Remote accessible vote by mail system" means a system, as defined in Section 303.3, that is certified pursuant to Chapter 3.5 (commencing with Section 19280) of Division 19.

(d) "Vote by mail ballot drop box" means a secure receptacle established by a county or city and county elections official whereby a voted vote by mail ballot may be returned to the elections official from whom it was obtained pursuant to Section 3025.

(e) "Voting system" means any voting machine, voting device, or vote tabulating device that does not use prescored punch card ballots.

19402. (a) The Secretary of State shall use the funds appropriated to him or her in the Budget Act of 2018 for voting system replacement for counties by awarding reimbursement contracts to counties for voting system replacement using the funding allocation described in subdivision (b). To receive reimbursement, a county shall provide matching funds that are at least equivalent to state funds received for the eligible expenditures described in subdivision (d).

(b) The Secretary of State shall allocate funding for a contract described in subdivision (a) based on the size of the county, the number of voters registered in the county, and the Secretary of State's estimate of need for county voting equipment.

(c) A contract described in subdivision (a) shall permit a county to apply to the Secretary of State for reimbursement costs incurred in connection with the activities described in subdivision (d) in a manner consistent with all of the following:

(1) The county may seek reimbursement for payments made pursuant to a purchase agreement, lease agreement, or other contract made after April 29, 2015.

(2) The funded activities described in subparagraph (A) of paragraph (1) of subdivision (d) shall be for new voting systems that have been certified pursuant to the California Voting System Standards.

(3) The county shall provide the Secretary of State with documentation of the payment for which reimbursement is sought, and of the purchase agreement, lease agreement, or other contract pursuant to which the reimbursed payment was made.

(4) The Secretary of State shall verify that payment for which reimbursement is sought meets the criteria set forth in the contract described in subdivision (a) before reimbursing the county.

(5) The Secretary of State shall reimburse the county by matching county funds spent on voting system replacement activities described in subdivision (d) on a dollar-for-dollar basis, up to the maximum amount of funds allocated for the contract pursuant to subdivision (b).

(d) For purposes of this chapter, reimbursable voting system replacement activities include all of the following:

(1) The purchase or lease of any of the following:

(A) A voting system certified or conditionally approved by the Secretary of State that does not use prescored punch card ballots.

(B) Electronic poll books certified by the Secretary of State.

(C) Ballot on demand systems certified by the Secretary of State.

(D) Vote by mail ballot drop boxes that comply with any applicable regulations adopted by the Secretary of State pursuant to subdivision (b) of Section 3025.

(E) Remote accessible vote by mail systems certified or conditionally approved by the Secretary of State.

(F) Telecommunication technologies to facilitate electronic connection, for the purpose of voter registration, between polling places, vote centers, and the office of the county elections official or the Secretary of State's office.

(G) Vote by mail ballot sorting and processing equipment.

(2) Research and development of a new voting system that has not been certified or conditionally approved by the Secretary of State, but that would result in a voting system certified by the Secretary of State to comply with the California Voting System Standards. A voting system developed pursuant to this paragraph shall use only nonproprietary software and firmware with disclosed source code, except that it may use unmodified commercial off-the-shelf software and firmware, as defined in paragraph (1) of subdivision (a) of Section 19209.

(3) (A) Manufacture of the minimum number of voting system units reasonably necessary for either of the following purposes:

(i) Testing and seeking certification or conditional approval for the voting system pursuant to Sections 19210 to 19214, inclusive.

(ii) Testing and demonstrating the capabilities of the voting system in a pilot program pursuant to paragraph (2) of subdivision (b) and subdivision (c) of Section 19209.

(B) For purposes of this paragraph, "voting system" includes a part of a voting system.

(4) If a county uses funding provided to it for the activities described in paragraph (2) or (3), and those activities do not result in a voting system certified by the Secretary of State to comply with the California Voting System Standards by July 1, 2023, the county shall return the state funding provided for those activities to the State. If the county does not return the funding by June 30, 2024, the State Controller shall withhold any payment to the county in an equivalent amount, as directed by the Department of Finance.

(e) A voting system purchased or leased by a county for which the county seeks reimbursement from the Secretary of State pursuant to this section and that does not require a voter to directly mark on the ballot must produce, at the time the voter votes his or her ballot or at the time the polls are closed, a paper version or representation of the voted ballot or of all of the ballots cast on a unit of the voting system. The paper version shall not be provided to the voter but shall be retained by elections officials for use during the 1 percent manual tally described in Section 15360, or any recount, audit, or contest.

SEC. 2. Section 13953 of the Government Code is amended to read:

13953. (a) An application for compensation shall be filed within three years of the date of the crime, three years after the victim attains 18 years of age, or three years of the time the victim or derivative victim knew or in the exercise of ordinary diligence could have discovered that an injury or death had been sustained as a direct result of crime, whichever is later. An application based on any crime eligible for prosecution under Section 801.1 of the Penal Code may be filed any time prior to the victim's 28th birthday.

(b) The board may for good cause grant an extension of the time period in subdivision (a). In making this determination, the board shall consider all of the following:

(1) Whether the victim or derivative victim incurs emotional harm or a pecuniary loss while testifying during the prosecution or in the punishment of the person accused or convicted of the crime.

(2) Whether the victim or derivative victim incurs emotional harm or a pecuniary loss when the person convicted of the crime is scheduled for a parole hearing or released from incarceration.

(3) Whether the victim or derivative victim incurs emotional harm or pecuniary loss as a result of the identification of the "East Area Rapist," also known as the "Golden State Killer," a person suspected of committing a series of homicide and sexual assault crimes in California between 1974 and 1986. As used in this paragraph, "emotional harm" includes, but is not limited to, harm incurred while preparing to testify. This paragraph shall cease to be operative on December 31, 2019.

(c) The period prescribed in this section for filing an application by or on behalf of a derivative victim shall be tolled when the board accepts the application filed by a victim of the same qualifying crime.

SEC. 3. Section 1052 is added to the Military and Veterans Code, to read:

1052. (a) The master plan for the overall operation of the veterans' homes system mandated by Provision 4 of Item 8955-001-0001 of Section 2.00 of the Budget Act of 2017 (Chapter 14 of the Statutes of 2017) shall, notwithstanding that provision, be prepared by the department no later than December 31, 2019, and shall be revised every five years thereafter.

(b) The master plan, in addition to the requirements of Provision 4 of Item 8955-001-0001, shall include consideration and discussion of all of the following elements:

(1) The locating of future facilities at or within the vicinity of United States Department of Veterans Affairs facilities.

(2) The locating of future facilities near existing veteran populations within the state or the use of smaller homes in a larger number of communities to allow veterans to age in place in their existing communities.

(3) Providing services through community-based care service delivery models.

(4) The closure of facilities.

(5) The expansion of existing facilities or conversion of existing facilities to provide different levels of service.

(6) The local area cost of living for employees at current and proposed facility locations.

SEC. 4. Section 40610 of the Vehicle Code is amended to read:

40610. (a) (1) Except as provided in paragraph (2), if, after an arrest, accident investigation, or other law enforcement action, it appears that a violation has occurred involving a registration, license, all-terrain vehicle safety certificate, or mechanical requirement of this code, and none of the disqualifying conditions set forth in subdivision (b) exist and the investigating officer decides to take enforcement action, the officer shall prepare, in

triplicate, and the violator shall sign, a written notice containing the violator's promise to correct the alleged violation and to deliver proof of correction of the violation to the issuing agency.

(2) If any person is arrested for a violation of Section 4454, and none of the disqualifying conditions set forth in subdivision (b) exist, the arresting officer shall prepare, in triplicate, and the violator shall sign, a written notice containing the violator's promise to correct the alleged violation and to deliver proof of correction of the violation to the issuing agency. In lieu of issuing a notice to correct violation pursuant to this section, the officer may issue a notice to appear, as specified in Section 40522.

(b) Pursuant to subdivision (a), a notice to correct violation shall be issued as provided in this section or a notice to appear shall be issued as provided in Section 40522, unless the officer finds any of the following:

(1) Evidence of fraud or persistent neglect.

(2) The violation presents an immediate safety hazard.

(3) The violator does not agree to, or cannot, promptly correct the violation.

(4) The violation cited is of subdivision (a) of Section 27150 or of subdivision (a) of Section 27151.

(c) If any of the conditions set forth in subdivision (b) exist, the procedures specified in this section or Section 40522 are inapplicable, and the officer may take other appropriate enforcement action.

(d) Except as otherwise provided in subdivision (a), the notice to correct violation shall be on a form approved by the Judicial Council and, in addition to the owner's or operator's address and identifying information, shall contain an estimate of the reasonable time required for correction and proof of correction of the particular defect, not to exceed 30 days, or 90 days for the all-terrain vehicle safety certificate.

SEC. 5. 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.