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April 2, 1980

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TO: RALPH SIMONI and TERRANCE FLANIGAN
LEGISLATIVE REPRESENTATIVES
FROM: MARY VAIL, STAFF ATTORNEY
RE: LEGISLATIVE ACTIONS OF THE HUMAN RIGHTS COMMITTEE

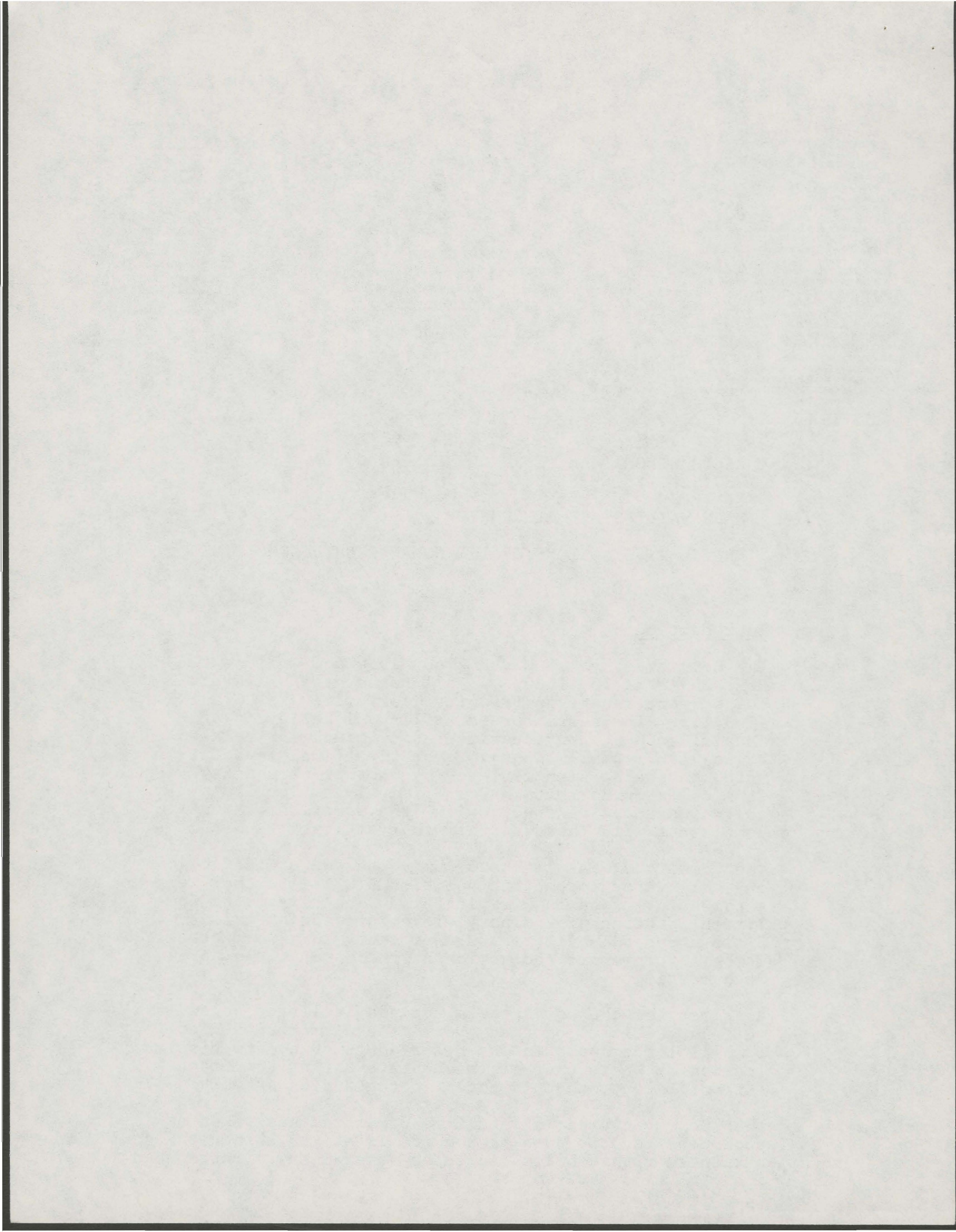
I. Introduction:

The Committee met on March 22nd, 1980 and will next meet on April 26, 1980. In all cases, the bills discussed were ranked as Priority (formerly, aka "Class") II bills. There are several bills — I believe that they all can be characterized as criminal law related bills with a civil rights or constitutional impact — which have also been reviewed by another bar entity (e.g.: Commission on Corrections or Criminal Law Section). In these instances of dual review, the positions taken are consistent with those of the other entity.

The Committee, in all cases, has done one of the following: 1) voted a specific position, (OR) 2) authorized the sending of an inquiry letter, on behalf of the Committee, stating preliminary viewpoints and questions, 3) referred the bill for further study to a Committee member, for report and action at the Committee's April 26th meeting.

A summary of the Committee's actions is listed below, as well as the items carried over — the Committee's Priority II bill letters are enclosed for your review and dissemination. Where there is past State Bar or Committee action/history, that is noted in the action summary.

The one major area in which the Committee has taken no action or vote to date is the series of mental health/patients' rights bills (includes several newly introduced



items and AB 2044 (Perino) and AB 2144 (Bates). This is because the Committee's expert in this area has missed both meetings this year. These bills will either be reported on at the next meeting - or assigned out to another Committee member in time for action on April 26th.

II. Committee Action Summary:

A. Index:

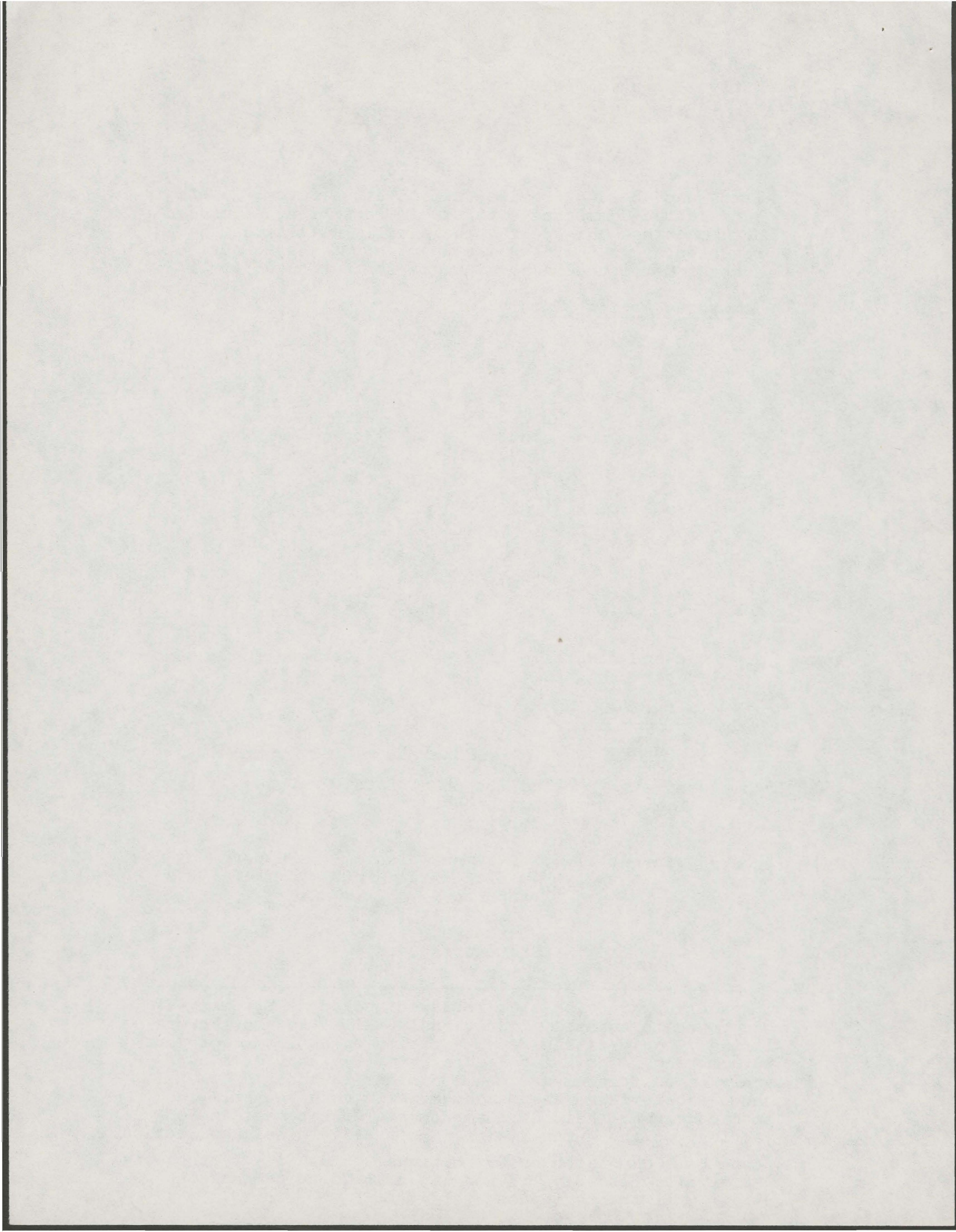
<u>SB's</u>	<u>AB's</u>
1348	290
1385	1934
1677	2117
1799	2244
1814	2274
2024	2631
	2702
	2809
	2904
	2921
	3219
	3290

And one federal bill regarding American Indian property rights.

B. Action Summary:

<u>Bill</u>	<u>Author</u>	<u>Subject</u>	<u>Action</u>
SB 1348	Presley	Police complaints - sanction for false complaints.	Oppose ¹
SB 1385	Greene et.al.	Employment discrimination - religious practices	Support
SB 1677	Johnson	Visitation rights - State prisoners	Oppose ²

- 1) Criminal Law Section also reviewed ranked as Priority II and voted to oppose. I previously mailed to you the preliminary analysis and recommendation on SB 1348, for your information. The Human Rights Committee adopted the analysis and recommendation contained in that report. I have also reviewed the March amendments to the bill and have concluded that those amendments do not meet the objections of the Human Rights Committee/Criminal Law Section.
- 2) State Bar Commission on Corrections, though its forthcoming letter uses different rationale, also voted to rank in Priority II and to oppose bill.



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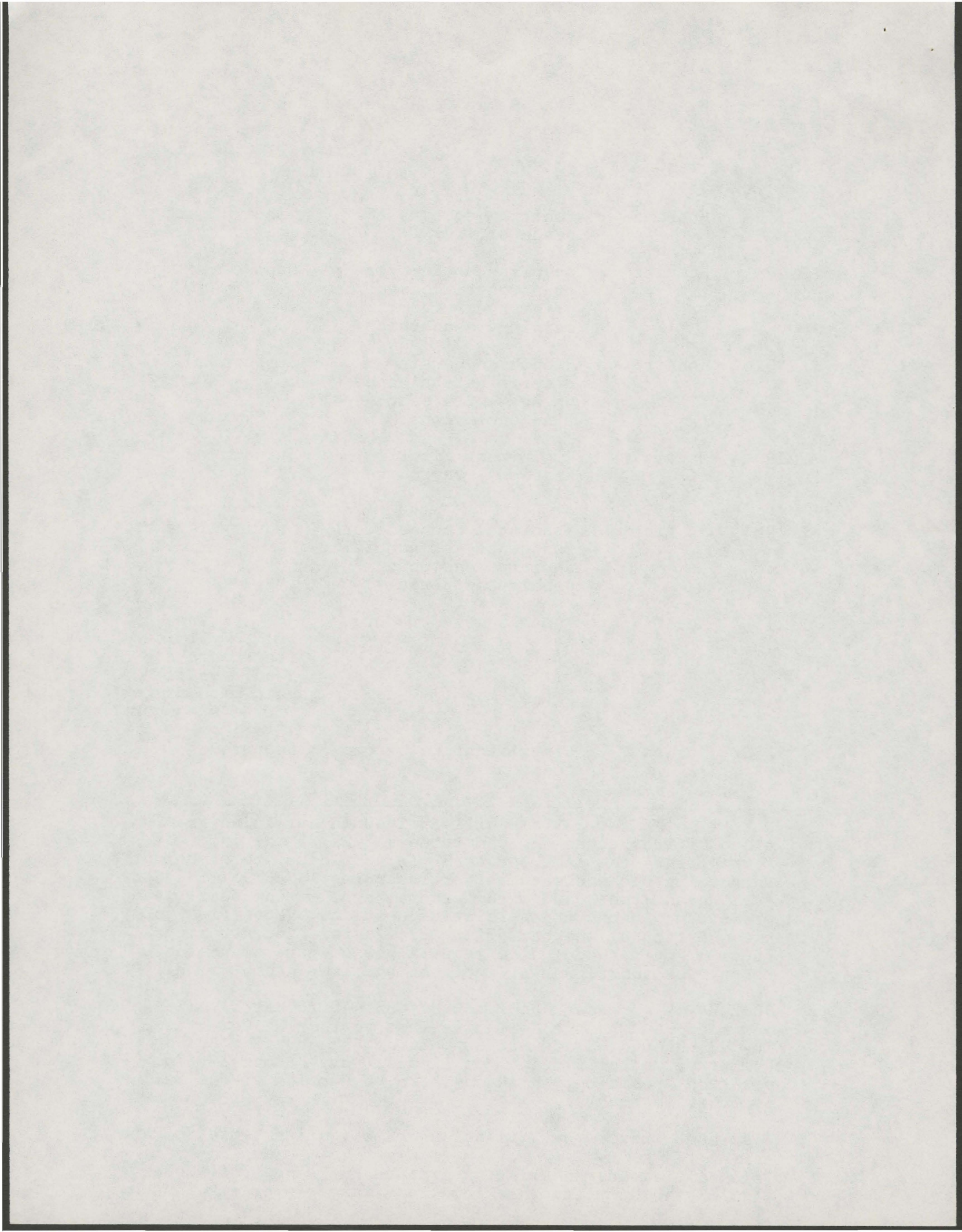
SB 1799	Robbins	Punitive damages - peace officers.	Inquiry letter
SB 1814	Schmitz	Requires court order or parental consent prior to a minor ob- taining an abortion.	Oppose ³
SB 2024	Roberti	Prohibits housing discrimination based on age, with speci- fied exceptions.	Support ⁴
AB 290	Waters	Employment discrim- ination - reproduc- tive capacity.	Support
AB 1934	Mc Vittie	Appointed Counsel for indigents - financial declarations under penalty of perjury.	Inquiry letter ⁵
AB 2117	Mc Alister	Repeals sole trader act.	No position - bill of limited importance and should easily pass without Com- mittee's support.
AB 2244	Hughes	Discrimination by pro- fessionals.	Support ⁶

3) Note also AB **2956**. This bill arrived in bar's San Francisco Offices after the Committee's 3/22/80 meeting. It accomplishes the same end as SB 1814. Therefore, consider forwarding the enclosed letter regarding AB **2956**. The Conference and the Board of Governors have, in the past, been presented with abortion-related questions. Most frequently, the question of whether prior U.S. Supreme Court rulings (e.g.: Roe v. Wade) also require use of government funds to pay for abortions for indigent and low-income women.

4) SB 2024 is successor bill to 1979 SB 440 (Roberti). SB 440 was supported by the Committee last year. The Committee, in 1979, sought State Bar support of SB 440. The Board Committee on Legislation, on a split vote, adopted a "no position" position, which was also the action of the full Board of Governors.

5) Also under review by Criminal Law Section - no vote to date.

6) This bill amends an existing statute, Bus. and Prof. Code §125.6; the Committee has some long range interests in the

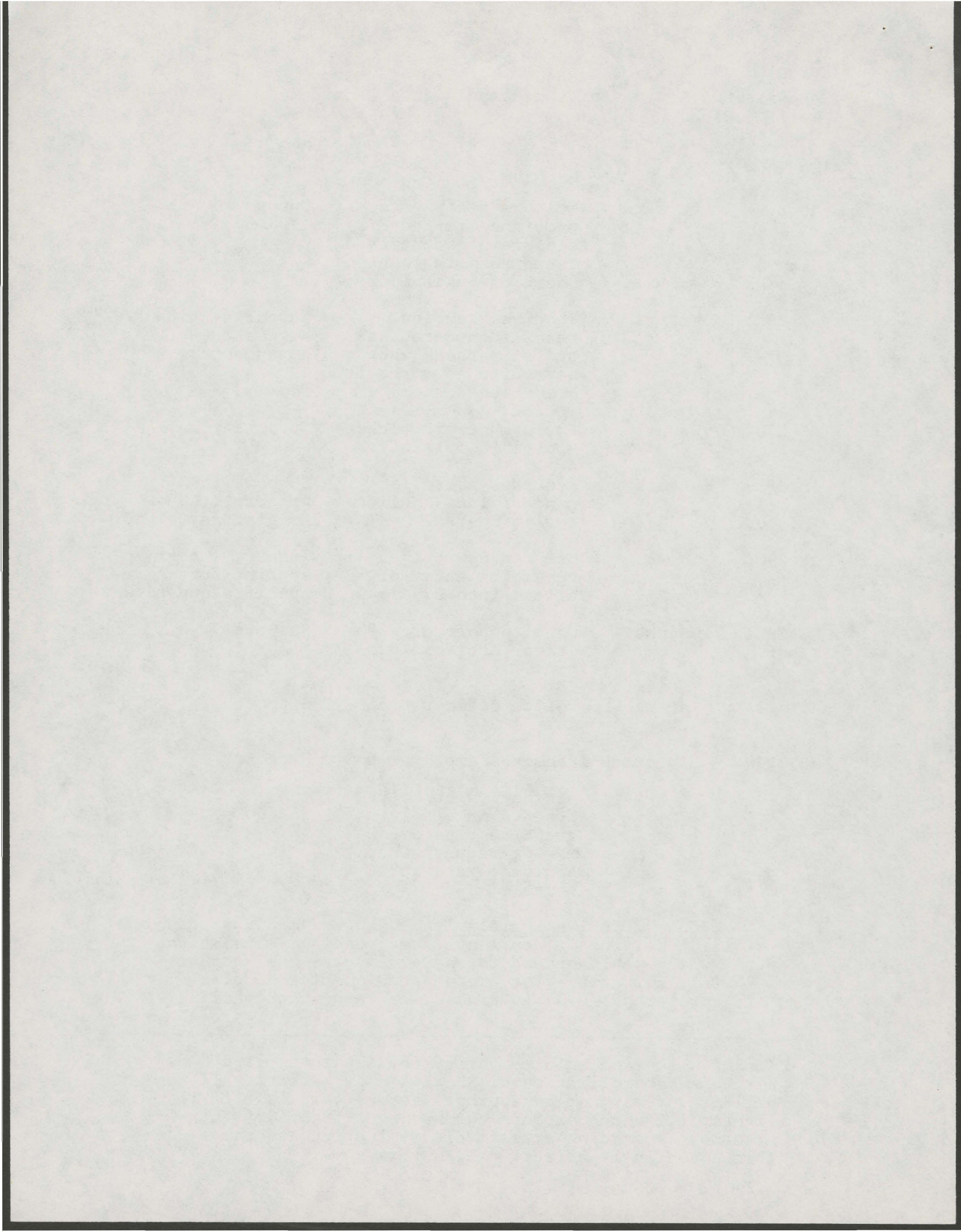


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AB 2274	Leonard	Welfare recipients - provides limited disclosure of identity of recipients to county Board of Supervisors.	Oppose
AB 2631	Waters	Requires keeping records on race, sex, age of persons who have died as a result of police action.	Support - with suggested amendments.
AB 2702	Waters	Employment practices - class complaints.	Support
AB 2809	Waters	Requires establishment of local police review boards.	Support in principle, but suggest revisions.
AB 2904	Torres	Creates new crimes regarding entry of aliens into U.S.	Inquiry letter setting forth specific questions.
AB 2921	Greene	Equal opportunity - school athletic programs.	Support
AB 3219	Waters	Police officer training	Support
AB 3290	Alatorre	Requires employer to advise employee of his/her right to refuse to take polygraph test before making request that employee take such tests.	Support

Federal Indian Legislation: Congressman Edwards (of California) currently has pending legislation which would extend for several years the statute of limitations for trespass to American Indian property. U.S. government lawyers, rather than

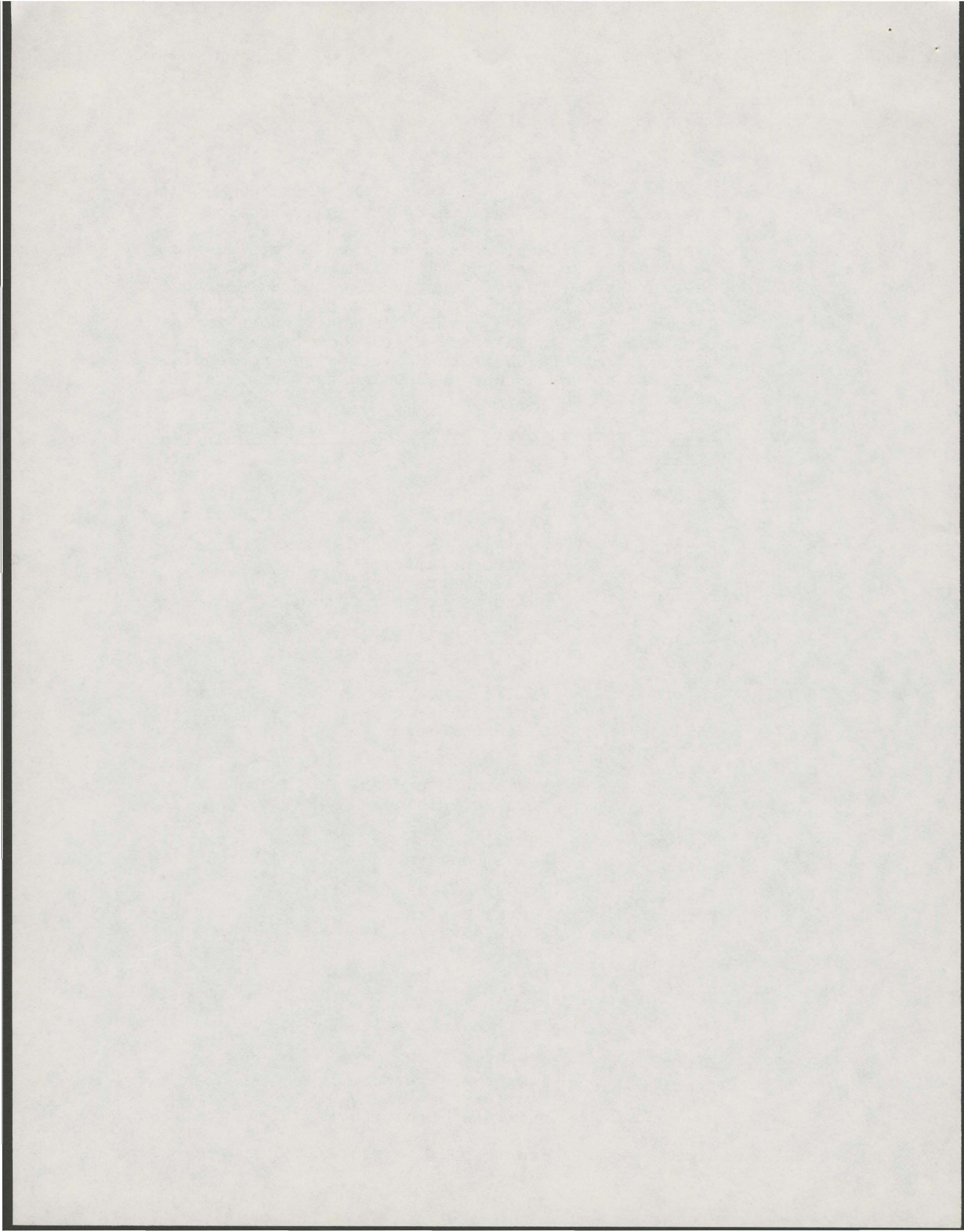
impact, level of enforcement of this statute. The Committee's categorization of AB 2244 as a "Priority II" bill may or may not be appropriate, as this is a civil rights bill which expands the basis of liability for attorneys regarding acts of discrimination and therefore potentially affects all lawyers.



the Indian tribes, are charged with responsibility for bringing the lawsuits. There has been some history of neglect, delay, and the statute has to be extended so that the violations of rights can be redressed. The bill would also address methods for clearing the backlog of existing cases. The Committee voted, subject to the Chair's obtaining clearance from a majority of the Committee's Board Liaison, for the Chair to be authorized to send a telegram to the author expressing the Committee's support for the bill.

C. Matters carried over for action at April 26th, 1980 meeting (F.Y.I.):

<u>Bill</u>	<u>Author</u>	<u>Subject</u>	<u>Member Assigned</u>
SB 410	Roberti	Patients' records/ confidentiality developmentally dis- abled patients.	C. Curtis
SB 1478	Watson	Creates "California Fair Dealership Law".	K. Ryer
SB 1512	Petris	Skilled nursing facilities - com- plainants' rights.	D. Donovan & J. Mitchell
SB 1930	Watson, et.al.	Rape - Modifies resistance preven- tion definition.	C. Curtis & D. Donovan
SB 1951	Petris	Mental Health - L.P.S. act amend- ments.	J. McCrary & R. Lemon
AB 2044	Perino	Mental Health - convulsive treat- ment.	J. McCrary
AB 2144	Bates	Patient's informa- tion release - families of patients	J. McCrary
AB 2397	Ellis	Authorizes local laws that are more in- clusive than state law regarding prostitution.	C. Curtis
AB 2402	Elder	Handicapped persons- insurance	B. Moore



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AB 2441	Levine, et.al.	Funding for representation of juveniles	K. Ryer ⁷
AB 2499	Leonard	Public employee layoffs - use of employee "effectiveness" as a criteria (vs. seniority).	A. Da Vigo ⁸
AB 2597	Moore & Sieroty	Human relations Commissions.	L. Marston
AB 2619	Chacon & Bannai	Alien students - post secondary education.	H. Aguiluz
AB 2727	Stirling	Mental Health - L.P.S. act amendments.	J. McCrary
AB 2745	Bates	Mental Health - L.P.S. act record confidentiality.	B. Moore
AB 2790	Knox	Public social service - confidentiality of records.	A. Da Vigo
AB 2804	Costa	Local zoning - discrimination.	B. Moore
AB 3250	Harris	Local prostitution ordinances - restricts subject matter.	C. Curtis
AB's 3115 - 3117	Felando	Developmentally disabled persons.	B. Moore

7) Also referred to Juvenile Justice Committee, Criminal Law Section by your office.

8) Has this also been referred to Public Law Section?

MV:gl

Enclosures - position or inquiry letters regarding 19 bills.

cc: Lester Marston, Chair
Human Rights Committee

Marian Johnston, Vice Chair
Human Rights Committee

