

LAW REVIEW

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NEW CALIFORNIA LAWS FOR 2010

Here is the last in a series of articles on new laws for 2010.

New Arms Laws

As of January 1st, all new models of semi-automatic pistols approved for sale in California must include an innovative firing pin that stamps microscopic numbers onto cartridge cases—to ensure that every bullet casing is traceable to a statewide gun database. Also, new center-fire pistols in California (which would exclude a .22) must include a mechanism that prevents firing when the magazine (holding the ammo) is removed, as well as an indicator showing when a live round is in the chamber. I've never seen a gun with any of those new safety features. I've read that these controversial new laws are on hold while regulations are being drafted. More later.

Mechanic's Lien Law

A note of clarification regarding last week's column. The new Mechanic's Lien law is scheduled to take effect January 1st of 2011.

Witness Relocation Program

I can't believe this isn't already the law but Penal Code section 14029.5 now makes it illegal to post the home address, telephone number or personal identifying information that discloses the location of any witness or witness family

member participating in the Witness Relocation And Assistance Program with the intent that another person would commit a crime against the witness or the witness' family. The fine is up to \$2,500, or up to six months in county jail, or both. The fine increases up to \$5,000 or up to one year in jail or both if violation of the law leads to the injury of the witness or witness' family member.

Foster Children

The Legislature must be incensed about child welfare violations, particularly for foster children. There are at least a dozen new laws enhancing opportunities for foster children and penalties for foster child violations. We can give you citations of new statutes if you contact the office.

Adoptions

Several Family Codes have been added increasing the rights, visitation and sharing of information between the adopted child and the child's birth parents, as well as contacts between the child and other birth relatives.

Juveniles

A change to the Welfare and Institutions code aims to reduce juvenile offender recidivism by allowing those who have either reached maximum age or maximum time in custody to be placed on supervised parole. How does that reduce offender recidivism?

Domestic Violence

There are a handful of new laws protecting victims of domestic violence, including one replacing the term "primary aggressor" with "dominate aggressor." That should really help! Another allows officers to obtain search warrants to

remove firearms from the scene of a domestic violence incident even if there is no probable cause or exigent circumstances.

Jury Service

Changes have been made to the law mandating that a perspective trial juror show up for jury duty. Failure to do so allows the court, after a show-cause hearing, to find the perspective juror in contempt of court, which is punishable by fine, incarceration or both. Hey, it's your civic duty.

Child Pornography

As of January 1, anyone convicted of felony child pornography will soon see his or her name, photograph, physical description, address and criminal history on the California Megan's Law website. In a future column we will update you on local Megan's Law website postings.

Nooses

An addition to the Penal Code makes it a hate crime to display a noose on the property of another without authorization for the purpose of terrorizing the owner or occupant of the property. A violation carries a sentence of up to one year in jail or a \$15,000 fine, or both if the offender had a previous conviction.

"Move Over" Law

California's "slow down and move over" law is now permanent, meaning when approaching an emergency vehicle or tow truck on the highway, and now a Caltrans vehicle displaying emergency lights, motorists must move out of the lane adjacent to the emergency vehicle, however, if the lane change would be

unsafe or impractical, the motorist must slow to a reasonable and prudent speed.
Lawyer-speak.

Unlicensed Contractors

The penalties for building without a contractor's license have been increased to \$5,000 and or six months in county jail for a first offense. (Builders must be licensed to do home improvements when labor and materials are valued at \$500). The new law allows anyone hiring an unlicensed contractor to receive restitution for unfinished work whether or not they knew their contractor was unlicensed. Ouch. More on this law in a future column.

Real Estate Loan Disclosures

We will write more about this, but the "good-faith estimate" and the "settlement statement" requirements have changed.

(See: <http://hud.gov/offices/hsg/ramh/res/resparulefaqs.pdf> and <http://hud.gov/offices/hsg/ramh/res/gfestimate.pdf>.)

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