



1-1-2013

Cover

Pacific McGeorge School of Law

Follow this and additional works at: <https://scholarlycommons.pacific.edu/mlr>

Recommended Citation

Pacific McGeorge School of Law, *Cover*, 44 MCGEORGE L. REV. (2013).
Available at: <https://scholarlycommons.pacific.edu/mlr/vol44/iss3/1>

This Front Matter is brought to you for free and open access by the Journals and Law Reviews at Scholarly Commons. It has been accepted for inclusion in McGeorge Law Review by an authorized editor of Scholarly Commons. For more information, please contact mgibney@pacific.edu.

UNIVERSITY OF THE PACIFIC

McGEORGE LAW REVIEW

Member, National Conference of Law Reviews

BOARD OF EDITORS * VOLUME 44

ALLISON L. CROSS
Editor-in-Chief

ANTHONY BENTO
Chief Legislation Editor

MARK FREEMAN
Chief Comment Editor

CHRISTINA BUCCI
Chief Technical Editor

AMBER DUVALL
Chief Managing Editor

RONAK PATEL
Chief Articles Editor

JEFF DODD
Chief Symposium Editor

EDITORIAL STAFF

SARA ARFMANN
ERIC BONNETT
STEVEN THOMAS FAZZI
PETER HANDY
ALEXANDER HOGUE
REBECCA SEM
HUNTER STARR
Legislation Editors

SARA ARFMANN
REVITAL BRAUN
ANDREW DUCART
PETER HANDY
EAMON JAFARI
REBECCA SEM
HUNTER STARR
REBECCA TATUM WHITE
Managing Editors

SUNI ALEXANDER
RUSSELL COOPER
ANDREW DUCART
ANDREW HSIEH
STEVEN THOMAS FAZZI
AMY ODENS
SAMIRA SHOKRGOZAR
Comment Editors

REVITAL BRAUN
JUSTIN GIOVANNETTONE
ALEXANDER HOGUE
Articles & Symposium Editors

STAFF MEMBERS

CHRISTOPHER BLAU
MICHELLE CHESTER
NICHOLAS CLAIR
MICHAEL COLEMAN
WILLIAM CRONICAN
ANNAKARINA DE LA
TORRE-FENNELL
REBECCA DIEL
SCOTT DYLE
CAMERON EASTERLING
ROMAN EDWARDS

BENJAMIN GRIMES
KAILEY HACKBARTH
KEVIN HEITZ
JOSH HUNSUCKER
AMANDA ILER
SHAUN JOYCE
NATALIE KUFFEL
DANIELLE LENTH
SEAN O'DOWD
KATHERINE PANKOW
RAYMOND QUIGLEY
MATTHEW READ

RYAN REY REYES
ZACHARY SCALZO
MICHELLE SCHEINMAN
ANTHONY SCHIAVO
THERESA SCHRIEVER
SYDNEY SMITH
ELIZABETH SMUTZ
MYLES TAYLOR
HAYLEY THOMAS
KENTON TRIGGER
DAVID VIDAL

RACHAEL E. SALCIDO
Faculty Advisor

PAULINE RODRIGUEZ
Computer Publishing Specialist

FACULTY OF LAW

RAQUEL ALDANA, B.A., J.D.
*Director, Inter-American Program
Professor of Law*

LEXIS M. ALLEN, B.A., J.D.
Adjunct Professor of Law

JUSTIN S. ALTMANN, B.S., J.D.
Adjunct Professor of Law

LOUIS J. ANAPOLSKY, B.A., J.D.
Adjunct Professor of Law

JOHN BALAZS, B.S., J.D.
Adjunct Professor of Law

RACHELLE BARBOUR, B.A., J.D.
Adjunct Professor of Law

KAREN BETTENCOURT, B.A., J.D.
Adjunct Professor of Law

ANNE BLOOM, B.A., J.D., PH.D.
*Associate Dean for Scholarship
Professor of Law*

STEVEN J. BLOXHAM, B.A., J.D.
Adjunct Professor of Law

CARY A. BRICKER, B.A., J.D.
Professor of Lawyering Skills

THOMAS D. BRIERTON, B.B.A., J.D.
Adjunct Professor of Law

MELISSA BROWN, B.A., J.D.
Associate Professor of Lawyering Skills

ADRIENNE L. BRUNGESS, B.A., J.D.
*Professor of Lawyering Skills
Director, Capital Certificate in Public Law &
Policy Program; Director, Capital
Commendation for Public Service*

GERALD M. CAPLAN, B.A., M.A., J.D.
Professor of Law

MARTIN D. CARR, B.A., J.D.
Adjunct Professor of Law

LINDA E. CARTER, B.A., J.D.
*Co-Director, Global Center
Professor of Law*

MICHAEL COLATRELLA, B.A., J.D., LL.M.
Associate Professor of Law

RAYMOND R. COLETTA, A.B., J.D.
Professor of Law

KEVIN R. CULHANE, B.A., J.D., J.S.M.
*Judge, Sacramento Superior Court
Adjunct Professor of Law*

DONALD J. CURRIER, B.A., J.D.
*Judge, Sacramento Superior Court
Adjunct Professor of Law*

OMAR M. DAJANI, B.A., J.D.
Professor of Law

WALTER DAHL, B.A., J.D.
Adjunct Professor of Law

JULIE ANNE DAVIES, B.A., J.D.
*Associate Dean for Academic Affairs
Professor of Law*

HECTOR DE AVILA GONZALEZ, LL.B., LL.M.
Adjunct Professor of Law

ANTHONY DICCE, B.S., J.D.
Adjunct Professor of Law

MATTHEW DOWNS, B.A., M.S.L.S., J.D., LL.M.
*Assistant Dean, Library Resources &
Program Support
Lecturer in Law*

JENNIFER DUGGAN, B.A. J.D.
Adjunct Professor of Law

LAURA ENDERTON-SPEED, B.A., J.D.
Adjunct Professor of Law

GLENN A. FAIT, B.A., J.D.
*Associate Dean, Special Programs
Lecturer in Law*

STEVEN H. FELDERSTEIN, B.A., J.D.
Adjunct Professor of Law

MARJORIE FLORESTAL, B.A., J.D.
Professor of Law

ERIC M. FOGEL, B.A., M.A., M.B.A., J.D.
Visiting Professor of Law

JENNIFER FORDYCE, B.A., J.D.
Adjunct Professor of Law

GRETCHEN FRANZ, B.A., J.D.
Professor of Lawyering Skills

REX FRAZIER, B.A., M.P.P., J.D.
Adjunct Professor of Law

FRED A. GALVES, B.A., J.D.
Professor of Law

EMILY GARCIA UHRIG, B.A., J.D.
Professor of Law

STEVEN M. GEVERCER, B.A., J.D.
*Judge, Sacramento Superior Court
Adjunct Professor of Law*

FRANKLIN A. GEVURTZ, B.S., J.D.
*Co-Director, Institute for Global Business
and Development
Distinguished Professor and Scholar
Professor of Law*

JENNIFER A. GIBSON, B.A., J.D.
Adjunct Professor of Law

LESLIE GIELOW JACOBS, B.A., J.D.
*Director, Capitol Center for Public Law
& Policy
Professor of Law*

JOSHUA GOLKA, B.S., M.B.A., J.D.
Adjunct Professor of Law

KIMBERLY GRANGER, B.A., J.D.
Adjunct Professor of Law

JAMES GROSS, A.B., J.D.
Adjunct Professor of Law

JENNIFER HARDER, B.A., J.D.
Adjunct Professor of Law

ROBERT A. HAWLEY, B.A., J.D., LL.M.
Adjunct Professor of Law

MICHAEL HERSHER, B.A., J.D.
Adjunct Professor of Law

GÜNTER HERZIG, J.D., PH.D.
Visiting Professor of Law

KEITH HILL, B.A., J.D.
Adjunct Professor of Law

BRIANNA LIERMAN HINTZE, B.A., J.D.
Adjunct Professor of Law

PAUL HOWARD, B.A., J.D., M.L.S.
Head of International Services/Librarian

DARCIE L. HOUCK, B.A., J.D.
Adjunct Professor of Law

WILLIAM D. JEFFREY, B.A., J.D.
Adjunct Professor of Law

RUTH JONES, A.B., J.D.
Professor of Law

WARREN A. JONES, B.A., J.D.
Professor of Law

CHRISTIAN M. KEINER, B.A., J.D.
Adjunct Professor of Law

CHARLES D. KELSO, A.B., J.D., LL.M., LL.D., J.S.D.
Professor of Law

J. CLARK KELSO, B.A., J.D.
Professor of Law
Sr. Counsel, Capital Center for Public Law & Policy

JUSTICE ANTHONY M. KENNEDY, A.B., LL.B.
Associate Justice, Supreme Court of the United States

KATHARINE KILLEEN, B.A., J.D.
Adjunct Professor of Law

DANIEL KING, B.A., J.D.
Adjunct Professor of Law

AMY LANDERS, B.F.A., J.D.
Director, Intellectual Property Concentration

BRIAN K. LANDSBERG, B.A., J.D.
Distinguished Professor and Scholar

DOROTHY S. LANDSBERG, B.A., J.D.
Director, Legal Clinics
Associate Professor of Lawyering Skills

R. STEVEN LAPHAM, B.A., J.D.
Adjunct Professor of Law

ROBERT LAURIE, B.A., J.D.
Adjunct Professor of Law

THOMAS J. LEACH, B.A., M.A.T., J.D.
Director, Advocacy Certificate Program

COURTNEY G. LEE, B.A., J.D.
Director, Academic Success
Associate Professor of Lawyering Skills

JAMES L. LEET, A.B., J.D., LL.M.
Adjunct Professor of Law

MIRANDA LEKANDER, B.A., J.D.
Adjunct Professor of Law

GINA LERA, B.A., J.D.
Adjunct Professor of Law

LAWRENCE C. LEVINE, B.A., J.D.
Professor of Law

STEVEN A. LEWIS, A.B., J.D.
Adjunct Professor of Law

DREW LIEBERT, B.A., J.D.
Adjunct Professor of Law

COURTNEY J. LINN, A.B., J.D.
Adjunct Professor of Law

HETHER CLASH MACFARLANE, A.B., M.A., J.D.
Professor of Lawyering Skills
Faculty Advisor, Int'l. Legal Studies Certificate Program

C. EMMETT MAHLE, B.S., M.B.A., J.D.
Adjunct Professor of Law

MICHAEL P. MALLOY, B.A., J.D., PH.D.
Distinguished Professor and Scholar

CHRISTINE MANOLAKAS, B.A., J.D., LL.M.
Director, Tax Concentration

CAITLIN MANOOGIAN, B.A., J.D.
Adjunct Professor of Law, Global Lawyering Skills

SAMUEL MCADAM, B.A., M.P.P., J.D.
Judge, Yolo County Superior Court

STEPHEN C. MCCAFFREY, B.A., J.D., DR., IUR.
Distinguished Professor and Scholar

MICHAEL MCMANUS, B.A., J.D.
Judge, U.S. Bankruptcy Court, Eastern District of California

GREGORY T. MEATH, B.A., J.D.
Adjunct Professor of Law

DAVID W. MILLER, A.B., J.D.
Professor Emeritus

MICHAEL S. MIRELES, B.S., J.D., LL.M.
Professor of Law

BREANN MOEBIUS, B.A., J.D.
Adjunct Professor of Law

FRANCES DEAN MOOTZ, III, B.A., A.M., J.D.
Dean

MAUREEN MORAN, B.A., J.D., M.L.I.S.
Instructional Services & Legal Research Librarian

MARY-BETH MOYLAN, B.A., J.D.
Director, Global Lawyering Skills

STEVEN MUNI, B.A., J.D., LL.M.
Adjunct Professor of Law

ROBERT E. MURPHY, B.A., J.D.
Adjunct Professor of Law

JOHN E. B. MYERS, B.S., J.D.
Professor of Law
Director, Criminal Justice Concentration

TIMOTHY E. NACCARATO, B.A., J.D.
Assistant Dean for Academic Programs

PAULINE NGUYEN, B.A., J.D.
Adjunct Professor of Law

BLAKE C. NORDAHL, B.A., J.D.
*Supv. Attorney, Immigration Clinic
 Instructor of Law*

THOMAS J. NUSSBAUM, B.A., J.D.
Adjunct Professor of Law

ELIZABETH RINDSKOPF PARKER, B.A., J.D.
Professor of Law

PAUL D. PATON, B.A., LL.B., M.PHIL
 J.S.M., J.S.D.
*Vice-Provost
 Director, Ethics Across the Professions
 Initiative
 Professor of Law*

JOHN P. PEZONE, B.A., J.D.
Adjunct Professor of Law

TIMOTHY PIGANELLI, A.A.S., B.S.
Adjunct Professor of Law

MICHAEL L. PINKERTON, B.A., J.D.
*Adjunct Professor of Law, Global Lawyering
 Skills*

JEFFREY E. PROSKE, B.A., J.D.
Associate Professor of Lawyering Skills

KIRUPA PUSHPARAJ, B.S., M.S., J.D.
Adjunct Professor of Law

JOY REDMON, B.A., J.D.
Adjunct Professor of Law

RONALD B. ROBIE, B.A., M.A., J.D.
*Justice, Court of Appeal, Third Appellate
 District
 Adjunct Professor of Law*

CLAUDE D. ROHWER, A.B., J.D.
Professor Emeritus

C. ATHENA ROUSSOS, B.A., J.D.
Adjunct Professor of Law

WANDA HILL ROUZAN, B.A., J.D.
Adjunct Professor of Law

RACHAEL E. SALCIDO, B.A., J.D.
*Director, Sustainable Dev. Inst., Director,
 Environmental Law Concentration
 Professor of Law*

TIVON SCHARDL, B.A., J.D.
Adjunct Professor of Law

RICHARD SCHICKELE, B.A., M.A., J.D.
Adjunct Professor of Law

MCGREGOR SCOTT, B.A., J.D.
Adjunct Professor of Law

GLENDALEE SCULLY, B.A., J.D.
Professor Emeritus

JED SCULLY, B.A., J.D.
Professor Emeritus

MONICA SHARUM, B.S., J.D., M.L.S.
*Head Library Technology & Instructional
 Support
 Adjunct Professor of Law*

JOHN CARY SIMS, A.B., J.D.
*Sr. Editor, Journal of National Security &
 Policy
 Professor of Law*

ANTHONY M. SKROCKI, J.D., LL.M.
Professor Emeritus

BRIAN G. SLOCUM, B.B.A., J.D.
Professor of Law

MARY ANN SMITH, B.A., J.D.
Adjunct Professor of Law

JOHN G. SPRANKLING, B.A., J.D., J.S.M.
*Distinguished Professor and Scholar
 Professor of Law*

B.J. SUSICH, B.S., M.B.A., J.D.
Adjunct Professor of Law

MARY SWANSON, B.S., J.D.
*Director, Institute for Administrative Justice
 Lecturer in Law*

JOSEPH E. TAYLOR, J.D., M.B.A.
Professor of Law

EDWARD H. TELFEYAN, B.A., J.D.
*Professor of Lawyering Skills
 Director, Moot Court Program*

STEPHANIE THOMPSON, B.A., J.D.
*Assistant Director, Global Lawyering Skills
 Professor of Lawyering Skills*

KATHRYN TOBIAS, B.A., M.A., M.R.P., J.D.
Adjunct Professor of Law

COLLEEN TRUDEN, B.A., J.D., LL.M.
*Director, Field Placement
 Lecturer in Law*

WINFRIED VAN DEN MUIJSENBERG, Dr. Jur.
Visiting Professor of Law

MICHAEL VITIELLO, B.A., J.D.
*Director, Center for Advocacy and
 Dispute Resolution
 Distinguished Professor and Scholar
 Professor of Law*

FRANCIS S.L. (FRANK) WANG, B.S., J.D.
Visiting Professor of Law

MAUREEN WATKINS, B.A., J.D.
Assistant Professor of Lawyering Skills

GREGORY S. WEBER, A.B., J.D.
*Director, Water Resources Law Program
 Professor of Law*

PHILIP WILE, A.B., J.D.
Professor Emeritus

ANTHONY WILLIAMS, B.A., J.D.
Adjunct Professor of Law

JAMES WIRRELL, B.A., M.C.S., LL.B., J.D.,
 M.S.L.I.S.
*Head of Access Services/Sr. Reference
 Librarian
 Adjunct Professor of Law*

DONALD WOLLETT, J.D.
Professor Emeritus

JARROD WONG, B.A., LL.M., J.D.
Associate Professor of Law

RYAN WOOD, B.A., J.D.
Adjunct Professor of Law

KOJO YELPAALA, B.L., LL.B., M.B.A., M.Sc., J.S.D.
Professor of Law

LAURA YOUNG, B.A., J.D.
Visiting Professor of Law

Note from the Chief Legislation Editor

As the Chief Legislation Editor for *McGeorge Law Review (MLR)*, I am privileged to present *MLR*'s annual Review of Selected California Legislation, affectionately called Greensheets.

Student-edited law journals such as *MLR* possess little institutional memory. Virtually no student serves for more than two years. In spite of this flux, *MLR* has the privilege of having one constant. Greensheets has persisted as an integral and unique part of *MLR* since its inception (as the *Pacific Law Journal*) in 1970. All of us who contributed to this forty-fourth edition of Greensheets owe a debt of gratitude to our many predecessors.

Greensheets is an entirely student-written issue of *MLR*, the goal of which is to provide an overview and analysis of selected recently enacted California legislation. It is a product of countless hours of research, writing, and editing by a dedicated group of twenty-six staff writers, six Primary Legislation Editors, eight Primary Managing Editors, and the *MLR* Board of Editors.

2012 was a transitional year for both *MLR* and California's state government. With a slow improvement in the economy and the approval in November 2012 of new tax revenue through Propositions 30 and 39, California saw a reprieve from years of gaping budget deficits. Additionally, in a wide range of areas, from autonomous vehicles to gay rights, the state legislature grappled with California's evolving economy and society. This issue discusses many of these laws.

Here at *MLR*, we made strives to improve and modernize our journal. Under the helm of Chief Articles Editor Ronak Patel, *MLR* implemented a new electronic system to catalogue and review cited material. This system transformed the editing process. During the summer of 2012, *MLR* moved out of the aging Law Review House and into a newly christened Student Publications Center, where the staff and editors of *MLR* and the *Pacific McGeorge Business & Development Law Journal* work alongside one another in a bright and spacious facility. Finally, in April 2012, *MLR* selected an amazing group of twenty-six legislative staff writers—*MLR*'s largest staff in recent memory. These staff writers spent many hours researching, writing, and editing the articles in this issue.

Serving as *MLR*'s Chief Legislation Editor has provided me with an opportunity to work alongside a fantastic group of friends and colleagues. They, the editors and staff writers of *MLR*, have my deepest gratitude; without them, Greensheets would not be possible.

Anthony Bento
Chief Legislation Editor
McGeorge Law Review, Volume 44

UNIVERSITY OF THE PACIFIC

McGEORGE LAW REVIEW

Member, National Conference of Law Reviews

REVIEW OF SELECTED 2012 CALIFORNIA LEGISLATION

TABLE OF CONTENTS

| | |
|---------------------------------------|-----|
| Table of Contents..... | i |
| Business and Professions | 543 |
| Civil | 559 |
| Education | 591 |
| Elections..... | 639 |
| Family | 655 |
| Fish and Game | 669 |
| Government..... | 681 |
| Health and Safety..... | 703 |
| Labor..... | 731 |
| Penal..... | 745 |
| Public Contract..... | 763 |
| Public Resources..... | 771 |
| Public Utilities | 781 |
| Vehicle | 787 |
| Water..... | 803 |
| Welfare and Institutions..... | 811 |
| Table of Code Sections Affected | 817 |
| Table of Bill Numbers | 821 |
| Table of Chapter Numbers..... | 822 |

TABLE OF CONTENTS

BUSINESS AND PROFESSIONS

CHAPTER 96

Read My Lips, No Inappropriate Beer Taxes: Chapter 96 Amends the Definition of Beer, Protecting Craft Brewers

Josh Hunsucker..... 543

CHAPTER 835

Chapter 835: “Gay Conversion Therapy” Ban: Protecting Children or Infringing Rights?

Nick Clair..... 550

CIVIL

CHAPTER 383

Advocates for the Disabled, or Extortionist Vampires? Chapter 383 Attempts to Prevent Plaintiffs’ Attorneys from Bleeding Small Businesses Dry

Katherine Pankow..... 559

CHAPTER 514

Beginning to Seize the Instrumentalities of Human Trafficking: Chapter 514 Allows Criminal Forfeiture of Property Used to Facilitate the Sex Trafficking of Minors

Scott Davidson Dyle..... 575

CHAPTER 515

Chapter 515: Combating Human Trafficking by Enhancing Awareness Through Public Postings

Scott Davidson Dyle..... 583

EDUCATION

CHAPTER 157

Cyberbullying in Schools: Chapter 157 Updates the Law on Suspension for Online Conduct

Sydney Smith..... 591

CHAPTER 173

“When in Doubt, Sit Them Out”: Chapter 173 Effectively Supplements California Concussion Law and Raises Awareness Among Coaches

Josh Hunsucker..... 600

CHAPTER 585

Chapter 585: A Renewed Effort to Restore Integrity to California’s Vocational and Postsecondary Educational Institutions

Michael Coleman..... 608

CHAPTER 619

Friend Request Denied: Chapter 619 Prohibits Colleges from Requesting Access to Social Media Accounts

Katherine Pankow..... 620

CHAPTER 621

Chapter 621: Using Open-Source Textbooks to Lower the Cost of Education

Benjamin Grimes 628

ELECTIONS

CHAPTER 160

Chapter 160: Felons Who Violate “Public Trust” Banned from Elected Office

Kevin Heitz..... 639

CHAPTER 497

Chapter 497: A Vote for Greater Participation in Elections

Danielle Lenth..... 646

FAMILY

CHAPTER 718

Chapter 718: Financial Protection for Victims of Sexually Violent Felonies by a Spouse

Kailey Hackbarth..... 655

CHAPTER 834

Chapter 834: Clearing a Roadblock in the Battle over Same-Sex Marriage

Sean D. O’Dowd..... 661

FISH AND GAME

CHAPTER 595

Chapter 595: Banning the Use of Dogs to Hunt Bears and Bobcats

Sean D. O’Dowd..... 669

GOVERNMENT

CHAPTER 271

Chapter 271: Another Step in California’s Redistricting Reform

Elizabeth Smutz..... 681

CHAPTER 287

Chapter 287: Religious Accommodation for Employees

David Vidal..... 689

CHAPTER 837

Chapter 837: Inmate Medical Release Under Realignment

Cameron Easterling..... 697

HEALTH AND SAFETY

CHAPTER 415

Chapter 415: Big Help for Small Businesses

Matthew Read 703

CHAPTER 709

Chapter 709: Expanding Access to Prescription Medication for Indigent Patients

Amanda Iler 712

CHAPTER 821

Chapter 821: Mandated Vaccinations Bring Informed Consent

Annakarina De La Torre-Fennell 719

LABOR

CHAPTER 618

Cyberfrontier: New Guidelines for Employers Regarding Employee Social Media

Michelle Scheinman..... 731

PENAL

CHAPTER 700

Please Leave Your Shotguns at Home: Chapter 700 Prohibits Openly Carrying Long Guns on California Streets

Roman Edwards 745

CHAPTER 828

Getting a Break from Forever: Chapter 828 Provides an Opportunity for Juveniles Sentenced to Life Without Parole to Get Their Lives Back

Roman Edwards 753

PUBLIC CONTRACT

CHAPTER 11

Closing the Loophole: Termination of State Funding for Some Charter City Construction Projects

Michelle Scheinman..... 763

PUBLIC RESOURCES

CHAPTER 533

Chapter 533: Bipartisan Efforts to Limit California State Park Closures

David Vidal..... 771

PUBLIC UTILITIES

CHAPTER 733

Chapter 733: R.I.P. Regulations on V.O.I.P.

Cameron Easterling 781

VEHICLE

CHAPTER 570

Chapter 570: Paving the Way for Autonomous Vehicles

Danielle Lenth..... 787

CHAPTER 720

Chapter 720: Throwback License Plates Give Old Cars New Flair

Anthony Schiavo 798

WATER

CHAPTER 215

Chapter 215: Clarifying the Roles of Water Providers in Southern California

Michelle Chester 803

WELFARE AND INSTITUTIONS

CHAPTER 659

Chapter 659: Overcoming Obstacles to Elder Abuse Prevention

Anthony Schiavo 811