

AMENDED IN ASSEMBLY MAY 31, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 960

Introduced by Assembly Member Keeley
(Coauthor: Assembly Member Cardoza)

February 23, 2001

An act to add Section 13823.21 to the Penal Code, relating to crime prevention, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 960, as amended, Keeley. Crime prevention: environmental prosecution project.

Under existing law, various programs are established in the Office of Criminal Justice Planning (OCJP) and administered by that office.

This bill would ~~authorize~~ *require* OCJP to ~~administer the California District Attorneys Association's~~ *establish the Environmental Circuit Prosecutor Project, the purpose of which would be to promote, through uniform and effective prosecution and local assistance, particularly in rural counties, the effective enforcement of environmental laws and regulations, as specified.*

The bill would appropriate ~~\$900,000~~ \$300,000 from the General Fund to the Office of Criminal Justice Planning for the purpose of funding this project as well as administering, and performing a complete evaluation of, the project.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1.—It is the intent of the Legislature to continue the~~
2 ~~effective enforcement of environmental crime in California’s rural~~
3 ~~counties through the California District Attorneys Association’s~~
4 ~~Environmental Circuit Prosecutor Project.~~

5 ~~SEC. 2.—(a) The sum of nine hundred thousand dollars~~
6 ~~(\$900,000)~~

7 ~~SECTION 1. The Legislature hereby finds and declares the~~
8 ~~following:~~

9 ~~(a) In 1998, the California Environmental Protection Agency,~~
10 ~~California District Attorneys Association, and the Legislature~~
11 ~~created the Environmental Circuit Prosecutor Project.~~

12 ~~(b) The purpose of the pilot project was to ensure that~~
13 ~~environmental laws are effectively and uniformly prosecuted~~
14 ~~statewide.~~

15 ~~(c) The Environmental Circuit Prosecutor Project, although~~
16 ~~established to provide direct assistance to small rural counties, is~~
17 ~~a resource for all counties.~~

18 ~~(d) Although environmental cases do not comprise a large~~
19 ~~portion of criminal cases, they require specialized knowledge and~~
20 ~~can be time and resource consuming.~~

21 ~~(e) In more urban areas, where county district attorney offices~~
22 ~~have an existing environmental law division, the environmental~~
23 ~~circuit prosecutors are a resource for ideas, information, and~~
24 ~~assistance.~~

25 ~~(f) Many smaller, more rural counties, while home to some of~~
26 ~~California’s most significant natural resources, are also, due to the~~
27 ~~rural nature of the area, subject to hazardous waste dumping and~~
28 ~~other environmental abuses. Unfortunately, many of these~~
29 ~~counties lack sufficient resources and staff expertise to ensure that~~
30 ~~environmental laws are adequately enforced.~~

31 ~~(g) The Environmental Circuit Prosecutor Project provides~~
32 ~~assistance to smaller rural district attorneys, ranging from~~
33 ~~information to hands-on participation in cases.~~

34 ~~(h) The Environmental Circuit Prosecutor Project cases~~
35 ~~include, but are not limited to, cases involving air pollution, water~~
36 ~~pollution, hazardous waste, fisheries, and hunting and wildlife~~
37 ~~violations.~~



1 (i) *The Environmental Circuit Prosecutor Project has been a*
2 *success. In its first three years, circuit prosecutors opened over 500*
3 *cases and obtained nearly four million dollars (\$4,000,000) in*
4 *finances, penalties, and associated costs. In 2000 alone, circuit*
5 *prosecutors opened 280 cases and obtained one million six*
6 *hundred fifty thousand dollars (\$1,650,000) in fines, penalties,*
7 *and costs.*

8 (j) *Prosecuting these environmental cases protects the public*
9 *and the environment, particularly air and water quality,*
10 *throughout the state.*

11 (k) *It is, therefore, altogether fitting and proper, and within the*
12 *public interest, for the State of California, under the aegis of the*
13 *Office of Criminal Justice Planning, to contract with the*
14 *California District Attorneys Association for the purpose of*
15 *continuing the Environmental Circuit Prosecutor Project, thereby*
16 *ensuring that environmental law violations are prosecuted in a*
17 *uniform and effective manner.*

18 SEC. 2. *Section 13823.21 is added to the Penal Code, to read:*

19 13823.21. (a) (1) *The Office of Criminal Justice Planning*
20 *shall establish the Environmental Circuit Prosecutor Project.*

21 (2) *The Office of Criminal Justice Planning shall contract with*
22 *the California District Attorneys Association, and funds for the*
23 *project shall be allocated to the California District Attorneys*
24 *Association, for the purpose of providing for the day-to-day*
25 *operations of the program.*

26 (b) *The purpose of the circuit prosecutor is to assist district*
27 *attorneys, particularly in rural counties, in the prosecution of*
28 *criminal violations of air and water pollution and other*
29 *environmental laws and regulations, where a district attorney has*
30 *requested assistance.*

31 (c) (1) *The Environmental Circuit Prosecutor Project shall*
32 *promote, through uniform and effective prosecution and local*
33 *assistance, the effective enforcement of environmental laws and*
34 *regulations.*

35 (2) *Circuit prosecutors shall also advance the uniform and*
36 *effective prosecution of environmental crime by providing*
37 *education and training to local peace officers, prosecutors, and*
38 *local and state environmental protection agencies and*
39 *organizations.*



1 (d) (1) Circuit prosecutor project employees may be either
2 employees of the California District Attorneys Association or
3 employees on loan from local or state governmental agencies.
4 (2) The district attorney shall, as appropriate, deputize a
5 circuit prosecutor to handle a prosecution within the county.
6 (e) (1) Participating district attorney offices shall provide
7 matching funds or in-kind contributions equivalent to, but not less
8 than, 25 percent of the expense of the “deputized” environmental
9 circuit prosecutors.
10 (2) The matching funds or in-kind contributions may come from
11 governmental entities other than the state.
12 SEC. 3. The sum of three hundred thousand dollars
13 (\$300,000) is appropriated from the General Fund to the Office of
14 Criminal Justice Planning for allocation to the California District
15 Attorneys Association to continue funding the Environmental
16 Circuit Prosecutor Project.
17 (b) Up to 5 percent of the amount appropriated pursuant to this
18 section shall be transferred, upon the approval of the Director of
19 Finance, to the Office of Criminal Justice Planning to administer,
20 and complete an evaluation of, the program described in this
21 section.

