

AMENDED IN SENATE JULY 10, 2001

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 require OCJP to 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 \$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. The Legislature hereby finds and declares the
2 following:

3 (a) In 1998, the California Environmental Protection Agency,
4 California District Attorneys Association, and the Legislature
5 created the Environmental Circuit Prosecutor Project.

6 (b) The purpose of the pilot project was to ensure that
7 environmental laws are effectively and uniformly prosecuted
8 statewide.

9 (c) The Environmental Circuit Prosecutor Project, although
10 established to provide direct assistance to small rural counties, is
11 a resource for all counties.

12 (d) Although environmental cases do not comprise a large
13 portion of criminal cases, they require specialized knowledge and
14 can be time and resource consuming.

15 (e) In more urban areas, where county district attorney offices
16 have an existing environmental law division, the environmental
17 circuit prosecutors are a resource for ideas, information, and
18 assistance.

19 (f) Many smaller, more rural counties, while home to some of
20 California's most significant natural resources, are also, due to the
21 rural nature of the area, subject to hazardous waste dumping and
22 other environmental abuses. Unfortunately, many of these
23 counties lack sufficient resources and staff expertise to ensure that
24 environmental laws are adequately enforced.

25 (g) The Environmental Circuit Prosecutor Project provides
26 assistance to smaller rural district attorneys, ranging from
27 information to hands-on participation in cases.

28 (h) The Environmental Circuit Prosecutor Project cases
29 include, but are not limited to, cases involving air pollution, water
30 pollution, hazardous waste, fisheries, and hunting and wildlife
31 violations.

32 (i) The Environmental Circuit Prosecutor Project has been a
33 success. In its first three years, circuit prosecutors opened over 500
34 cases and obtained nearly four million dollars (\$4,000,000) in
35 fines, penalties, and associated costs. In 2000 alone, circuit
36 prosecutors opened 280 cases and obtained one million six
37 hundred fifty thousand dollars (\$1,650,000) in fines, penalties,
38 and costs.



1 (j) Prosecuting these environmental cases protects the public
2 and the environment, particularly air and water quality, throughout
3 the state.

4 (k) It is, therefore, altogether fitting and proper, and within the
5 public interest, for the State of California, under the aegis of the
6 Office of Criminal Justice Planning, to contract with the California
7 District Attorneys Association for the purpose of continuing the
8 Environmental Circuit Prosecutor Project, thereby ensuring that
9 environmental law violations are prosecuted in a uniform and
10 effective manner.

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

12 13823.21. (a) (1) The Office of Criminal Justice Planning
13 shall establish the Environmental Circuit Prosecutor Project.

14 (2) The Office of Criminal Justice Planning shall contract with
15 the California District Attorneys Association, and funds for the
16 project shall be allocated to the California District Attorneys
17 Association, for the purpose of providing for the day-to-day
18 operations of the program.

19 (b) The purpose of the circuit prosecutor is to assist district
20 attorneys, particularly in rural counties, in the prosecution of
21 criminal violations of air and water pollution and other
22 environmental laws and regulations, where a district attorney has
23 requested assistance.

24 (c) (1) The Environmental Circuit Prosecutor Project shall
25 promote, through uniform and effective prosecution and local
26 assistance, the effective enforcement of environmental laws and
27 regulations.

28 (2) Circuit prosecutors shall also advance the uniform and
29 effective prosecution of environmental crime by providing
30 education and training to local peace officers, prosecutors, and
31 local and state environmental protection agencies and
32 organizations.

33 (d) (1) Circuit prosecutor project employees may be either
34 employees of the California District Attorneys Association or
35 employees on loan from local or state governmental agencies.

36 (2) The district attorney shall, as appropriate, deputize a circuit
37 prosecutor to handle a prosecution within the county.

38 (e) (1) Participating district attorney offices shall provide
39 matching funds or in-kind contributions equivalent to, but not less



1 than, 25 percent of the expense of the “deputized” environmental
2 circuit prosecutors.

3 (2) The matching funds or in-kind contributions may come
4 from governmental entities other than the state.

5 SEC. 3. The sum of three hundred thousand dollars
6 (\$300,000) is appropriated from the General Fund to the Office of
7 Criminal Justice Planning for allocation to the California District
8 Attorneys Association to continue funding the Environmental
9 Circuit Prosecutor Project.

10 (b) Up to ~~5~~ 3 percent of the amount appropriated pursuant to
11 this section shall be transferred, upon the approval of the Director
12 of Finance, to the Office of Criminal Justice Planning to
13 administer, and complete an evaluation of, the program described
14 in this section.

