

ASSEMBLY BILL

No. 1344

Introduced by Assembly Member Cox

February 23, 2001

An act to amend Section 148.9 of the Penal Code, relating to crimes against public justice.

LEGISLATIVE COUNSEL'S DIGEST

AB 1344, as introduced, Cox. Peace officers: false representation.

Existing law makes it a misdemeanor for any person to falsely represent or identify himself or herself as another person or as a fictitious person to any of certain specified peace officers, upon a lawful detention or arrest of the person, either to evade the process of the court, or to evade the proper identification of the person by the investigating officer.

This bill would include among the specified peace officers an additional class of officers that include, among others, certain state investigators, certain fire wardens, and other investigators. By expanding the scope of an existing crime this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 148.9 of the Penal Code is amended to
2 read:

3 148.9. (a) Any person who falsely represents or identifies
4 himself or herself as another person or as a fictitious person to any
5 peace officer listed in Section 830.1 ~~or~~, 830.2, *or* 830.3, or
6 subdivision (a) of Section 830.33, upon a lawful detention or arrest
7 of the person, either to evade the process of the court, or to evade
8 the proper identification of the person by the investigating officer
9 is guilty of a misdemeanor.

10 (b) Any person who falsely represents or identifies himself or
11 herself as another person or as a fictitious person to any other peace
12 officer defined in Chapter 4.5 (commencing with Section 830) of
13 Title 3 of Part 2, upon lawful detention or arrest of the person,
14 either to evade the process of the court, or to evade the proper
15 identification of the person by the arresting officer is guilty of a
16 misdemeanor if (1) the false information is given while the peace
17 officer is engaged in the performance of his or her duties as a peace
18 officer and (2) the person providing the false information knows
19 or should have known that the person receiving the information is
20 a peace officer.

21 SEC. 2. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.

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