

AMENDED IN SENATE AUGUST 14, 2002
AMENDED IN ASSEMBLY MARCH 20, 2002
CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1773

Introduced by Assembly Member Wayne

January 9, 2002

An act to amend Section 786 of the Penal Code, relating to identity theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 1773, as amended, Wayne. Crime.

Existing law provides with respect to certain property crimes that occur in one jurisdictional territory and the property is taken to another jurisdictional territory, that jurisdiction of the offense is any court within either of those 2 jurisdictional territories or any contiguous territory, as specified.

This bill would also provide that the jurisdiction of a criminal action for unauthorized use of the personal identifying information of another is the county where the theft occurred or where the information was illegally used, and if multiple offenses of unauthorized use of personal identifying information occur in multiple jurisdictions, as specified, any one of those jurisdictions is a proper jurisdiction for all of the offenses.

This bill would provide that a court in which a complaint alleging multiple offenses of unauthorized use of personal identifying information occurring in multiple territorial jurisdictions has been filed shall hold a hearing to consider whether the matter should proceed in

the county of filing or whether one or more counts should be severed, as specified. This bill would require the district attorney filing the complaint to present evidence to the court that the district attorney in each county where any of the charges could have been filed has agreed that the matter should proceed in the county of filing. Because this bill would increase the duties of prosecutors, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 786 of the Penal Code is amended to
 2 read:
 3 786. (a) When property taken in one jurisdictional territory
 4 by burglary, carjacking, robbery, theft, or embezzlement has been
 5 brought into another, or when property is received in one
 6 jurisdictional territory with the knowledge that it has been stolen
 7 or embezzled and the property was stolen or embezzled in another
 8 jurisdictional territory, the jurisdiction of the offense is in any
 9 competent court within either jurisdictional territory, or any
 10 contiguous jurisdictional territory if the arrest is made within the
 11 contiguous territory, the prosecution secures on the record the
 12 defendant’s knowing, voluntary, and intelligent waiver of the right
 13 of vicinage, and the defendant is charged with one or more
 14 property crimes in the arresting territory.
 15 (b) (1) The jurisdiction of a criminal action for unauthorized
 16 use of personal identifying information, as defined in Section
 17 530.5 of the Penal Code, shall also include the county where the



1 theft of the personal identifying information occurred, or the
2 county where the information was used for an illegal purpose. If
3 multiple offenses of unauthorized use of personal identifying
4 information, all involving the same defendant or defendants and
5 the same personal identifying information belonging to the one
6 person, occur in multiple jurisdictions, any one of those
7 jurisdictions is a proper jurisdiction for all of the offenses.

8 *(2) When charges alleging multiple offenses of unauthorized*
9 *use of personal identifying information occurring in multiple*
10 *territorial jurisdictions are filed in one county pursuant to this*
11 *section, the court shall hold a hearing to consider whether the*
12 *matter should proceed in the county of filing, or whether one or*
13 *more counts should be severed. The district attorney filing the*
14 *complaint shall present evidence to the court that the district*
15 *attorney in each county where any of the charges could have been*
16 *filed has agreed that the matter should proceed in the county of*
17 *filing. In determining whether all counts in the complaint should*
18 *be joined in one county for prosecution, the court shall consider*
19 *the location and complexity of the likely evidence, where the*
20 *majority of the offenses occurred, the rights of the defendant and*
21 *the people, and the convenience of, or hardship to, the victim and*
22 *witnesses.*

23 *(c) This section shall not be interpreted to alter victims' rights*
24 *under Section 530.6.*

25 *SEC. 2. Notwithstanding Section 17610 of the Government*
26 *Code, if the Commission on State Mandates determines that this*
27 *act contains costs mandated by the state, reimbursement to local*
28 *agencies and school districts for those costs shall be made*
29 *pursuant to Part 7 (commencing with Section 17500) of Division*
30 *4 of Title 2 of the Government Code. If the statewide cost of the*
31 *claim for reimbursement does not exceed one million dollars*
32 *(\$1,000,000), reimbursement shall be made from the State*
33 *Mandates Claims Fund.*

