

Assembly Bill No. 1773

CHAPTER 908

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

[Approved by Governor September 25, 2002. Filed with Secretary of State September 26, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1773, 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.

This bill would state findings and declarations of the Legislature with respect to the effect of these provisions in reducing the number of separate prosecutions, which would, in turn, produce a cost savings to local governments and the courts.

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.

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

SECTION 1. Section 786 of the Penal Code is amended to read:

786. (a) When property taken in one jurisdictional territory by burglary, carjacking, robbery, theft, or embezzlement has been brought into another, or when property is received in one jurisdictional territory with the knowledge that it has been stolen or embezzled and the property was stolen or embezzled in another jurisdictional territory, the jurisdiction of the offense is in any competent court within either jurisdictional territory, or any contiguous jurisdictional territory if the arrest is made within the contiguous territory, the prosecution secures on the record the defendant's knowing, voluntary, and intelligent waiver of the right of vicinage, and the defendant is charged with one or more property crimes in the arresting territory.

(b) (1) The jurisdiction of a criminal action for unauthorized use of personal identifying information, as defined in Section 530.5 of the Penal Code, shall also include the county where the theft of the personal identifying information occurred, or the county where the information was used for an illegal purpose. If multiple offenses of unauthorized use of personal identifying information, all involving the same defendant or defendants and the same personal identifying information belonging to the one person, occur in multiple jurisdictions, any one of those jurisdictions is a proper jurisdiction for all of the offenses.

(2) When charges alleging multiple offenses of unauthorized use of personal identifying information occurring in multiple territorial jurisdictions are filed in one county pursuant to this section, the court 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. The district attorney filing the complaint shall 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. In determining whether all counts in the complaint should be joined in one county for prosecution, the court shall consider the location and complexity of the likely evidence, where the majority of the offenses occurred, the rights of the defendant and the people, and the convenience of, or hardship to, the victim and witnesses.

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



SEC. 2. The Legislature finds and declares that this measure is intended to reduce the number of separate prosecutions, which will, in turn, produce a cost savings to local governments and the courts.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because this act provides for offsetting savings to local agencies or school districts that result in no net costs to the local agencies or school districts, within the meaning of Section 17556 of the Government Code.

