

AMENDED IN ASSEMBLY APRIL 30, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2114

**Introduced by Assembly Members La Suer and Robert Pacheco
(Coauthors: Assembly Members Aanestad, Bates, Bogh, Briggs,
Bill Campbell, Cogdill, Cox, Daucher, Harman, Hollingsworth,
Kelley, Leach, Leonard, Leslie, Maddox, Maldonado, Mountjoy,
Rod Pacheco, Pescetti, Runner, Wyland, Wyman, and Zettel)
(Coauthor: Senator Ackerman)**

February 19, 2002

An act to add Section 11010 to the Penal Code, relating to crimes, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2114, as amended, La Suer. Department of Justice: evidence.

Under existing law, state and local agencies contract with various laboratories to assist in the apprehension or prosecution of criminals.

This bill would require the Department of Justice to adopt standards and guidelines regarding the handling of potential evidence arising out of the testing of substances that are suspected to be related to activities of terrorists, to be used by laboratories operated by or contracting with the Department of Justice, any state agency, or any local agency, and ~~to~~ by any other laboratory in the state the department determines may test any material that may become evidence in a criminal prosecution for any crime committed in the commission of terrorist activities. *This bill would declare that its provisions shall be accomplished within existing departmental resources.*

The bill would declare that it shall take effect immediately as an urgency statute.

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

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

1 SECTION 1. Section 11010 is added to the Penal Code, to
2 read:

3 11010. (a) The Department of Justice shall adopt standards
4 and guidelines regarding the handling of potential evidence arising
5 out of the testing of substances that are suspected to be related to
6 activities of terrorists, to be used by laboratories operated by or
7 contracting with the Department of Justice, any state agency, or
8 any local agency, and ~~to~~ by any other laboratory in the state the
9 department determines may test any material that may become
10 evidence in a criminal prosecution for any crime committed in the
11 commission of terrorist activities.

12 (b) The standards and guidelines adopted pursuant to this
13 section shall include information on issues that may arise in the
14 chain of custody and the employment of controls that are suitable
15 for preserving evidence for use in the prosecution of a crime.

16 (c) In developing the standards for adoption pursuant to this
17 section, the Department of Justice shall consult with appropriate
18 laboratories of public agencies used by law enforcement agencies,
19 law enforcement agencies, and the State Department of Health
20 Services.

21 (d) The Department of Justice shall make the guidelines and
22 standards adopted pursuant to this section available to the
23 appropriate laboratories specified in subdivision (a).

24 (e) *The provisions of this section shall be accomplished within*
25 *existing departmental resources.*

26 SEC. 2. This act is an urgency statute necessary for the
27 immediate preservation of the public peace, health, or safety
28 within the meaning of Article IV of the Constitution and shall go
29 into immediate effect. The facts constituting the necessity are:



1 In order to make timely preparations for the collection and use
2 of evidence in the prosecution of terrorist activities, it is necessary
3 that this act take effect immediately.

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