

AMENDED IN SENATE AUGUST 20, 2001

CALIFORNIA LEGISLATURE—2001–02 SECOND EXTRAORDINARY SESSION

**SENATE BILL**

**No. 88**

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**Introduced by Senator Figueroa**  
**(Coauthor: Senator Murray)**  
*(Coauthors: Assembly Members Alquist and Chu)*

June 28, 2001

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An act to add and repeal Section 130 of the Penal Code, relating to false statements, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 88, as amended, Figueroa. False statements: penalty.

Existing law establishes the offense of perjury, generally consisting of making false statements under oath, and punishable by imprisonment in the state prison for a term of 2, 3, or 4 years.

This bill would, in addition, establish the offense of making false statements to the Legislature, or any committee thereof, or a department or agency of the state by certain persons related to the California electricity market, as specified, and would provide the punishment for the offense would be a fine of up to \$100,000 per offense, or imprisonment in the state prison for not more than 5 years, or by both that fine and imprisonment.

By creating a new crime, this bill would impose a state-mandated local program.

This bill would make these provisions inoperative on July 1, 2003, and would repeal them as of January 1, 2004.

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 bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. 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 130 is added to the Penal Code, to read:  
2 130. Any executive, board member, employee, independent  
3 contractor, or agent of a *any* person, firm, corporation, or business  
4 that buys, sells or schedules electricity in the California electricity  
5 or ancillary services market, who, in any matter within the  
6 jurisdiction of the Legislature, or any committee thereof, or any  
7 department or agency of the State of California, knowingly and  
8 willfully does any of the following shall be punished by a fine of  
9 up to one hundred thousand dollars (\$100,000) per offense, or  
10 imprisonment in the state prison for a term of two, three, or five  
11 years, or by both that fine and imprisonment:  
12 (a) Falsifies, conceals, or covers up by any trick, scheme, or  
13 device, a material fact.  
14 (b) Makes any materially false, fictitious, or fraudulent  
15 statement or representation.  
16 (c) Makes or uses any false writing or document knowing the  
17 same to contain any materially false, fictitious, or fraudulent  
18 statement or entry.  
19 (d) This section shall become inoperative on July 1, 2003, and,  
20 as of January 1, 2004, is repealed, unless a later enacted statute that  
21 is enacted on or before January 1, 2004, deletes or extends the dates  
22 on which it becomes inoperative and is repealed.  
23 SEC. 2. No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution because  
25 the only costs that may be incurred by a local agency or school  
26 district will be incurred because this act creates a new crime or  
27 infraction, eliminates a crime or infraction, or changes the penalty



1 for a crime or infraction, within the meaning of Section 17556 of  
2 the Government Code, or changes the definition of a crime within  
3 the meaning of Section 6 of Article XIII B of the California  
4 Constitution.

5 SEC. 3. This act is an urgency statute necessary for the  
6 immediate preservation of the public peace, health, or safety  
7 within the meaning of Article IV of the Constitution and shall go  
8 into immediate effect. The facts constituting the necessity are:

9 In order to timely deter activity in ongoing hearings that may  
10 impede the delivery or unjustifiably increase the cost of electricity  
11 to California consumers, it is necessary that this act take effect  
12 immediately.

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