

AMENDED IN SENATE JUNE 21, 2004

AMENDED IN ASSEMBLY MARCH 17, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 6

**Introduced by Assembly Member Cohn
(Coauthors: Assembly Members Bermudez, Bogh, Goldberg,
Koretz, La Suer, and Spitzer)**

December 2, 2002

~~An act to amend Section 653w of the Penal Code, relating to crime.~~
An act to add Section 19135 to the Government Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 6, as amended, Cohn. ~~Crime~~ *Public contracts: Department of Corrections: medical care services.*

Existing law authorizes state agencies to enter into personal services contracts if certain conditions are met.

This bill would prohibit the Department of General Services from authorizing the Department of Corrections to enter into contracts for medical care services without seeking competitive bids for those contracts.

~~Existing law provides that a person is guilty of failure to disclose the origin of a recording or audiovisual work if, for commercial advantage or private financial gain, he or she advertises, sells, rents, or manufactures, or possesses for those purposes, a recording or audiovisual work which does not disclose the name of the manufacturer, author, artist, performer, or producer, as specified. Failure to disclose~~

~~the origin of a recording or audiovisual work is punishable by imprisonment in a county jail, imprisonment in the state prison, and fine, or by both imprisonment and fine, as specified, depending on the number of articles of audio recordings or audiovisual works involved, and whether the offense is a first offense or a second or subsequent offense.~~

~~This bill would provide that a violation of this provision involving at least 100 articles of audio recordings or 100 articles of audiovisual works would be punishable by imprisonment in a county jail for a period not to exceed one year, or by imprisonment in the state prison for 2, 3, or 5 years, or by a fine not to exceed \$250,000, or by both. Because this bill would increase the prosecutorial duties of local agencies, 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: yes. State-mandated local program: *yes no*.

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

- 1 ~~SECTION 1.—Section 653w of the Penal Code is amended to~~
- 2 ~~SECTION 1. Section 19135 is added to the Government Code,~~
- 3 ~~to read:~~
- 4 ~~19135. Notwithstanding any other provision of law, the~~
- 5 ~~Department of General Services shall not authorize the~~
- 6 ~~Department of Corrections to enter into a contract for medical~~
- 7 ~~care services without seeking competitive bids for that contract.~~
- 8 ~~read:~~
- 9 ~~653w.—(a) A person is guilty of failure to disclose the origin~~
- 10 ~~of a recording or audiovisual work if, for commercial advantage~~
- 11 ~~or private financial gain, he or she knowingly advertises or offers~~



1 ~~for sale or resale, or sells or resells, or causes the rental, sale or~~
2 ~~resale, or rents, or manufactures, or possesses for these purposes,~~
3 ~~any recording or audiovisual work, the cover, box, jacket, or label~~
4 ~~of which does not clearly and conspicuously disclose the actual~~
5 ~~true name and address of the manufacturer thereof and the name~~
6 ~~of the actual author, artist, performer, producer, programmer, or~~
7 ~~group thereon. This section does not require the original~~
8 ~~manufacturer or authorized licensees of software producers to~~
9 ~~disclose the contributing authors or programmers.~~

10 ~~As used in this section, “recording” means any tangible~~
11 ~~medium upon which information or sounds are recorded or~~
12 ~~otherwise stored, including any phonograph record, disc, tape,~~
13 ~~audio cassette, wire, film, or other medium on which information~~
14 ~~or sounds are recorded or otherwise stored, but does not include~~
15 ~~sounds accompanying a motion picture or other audiovisual work.~~

16 ~~As used in this section, “audiovisual works” are the physical~~
17 ~~embodiment of works that consist of related images which are~~
18 ~~intrinsicly intended to be shown by the use of machines or~~
19 ~~devices such as projectors, viewers, or electronic equipment,~~
20 ~~together with accompanying sounds, if any, regardless of the~~
21 ~~nature of the material objects such as films or tapes on which the~~
22 ~~works are embodied.~~

23 ~~(b) Any person who has been convicted of a violation of~~
24 ~~subdivision (a) shall be punished as follows:~~

25 ~~(1) If the offense involves the advertisement, offer for sale or~~
26 ~~resale, sale, rental, or manufacture, or possession for these~~
27 ~~purposes, of at least 100 articles of audio recordings or 100 articles~~
28 ~~of audiovisual works described in subdivision (a), the person shall~~
29 ~~be punished by imprisonment in a county jail not to exceed one~~
30 ~~year, or by imprisonment in the state prison for two, three, or five~~
31 ~~years, or by a fine not to exceed two hundred fifty thousand dollars~~
32 ~~(\$250,000), or by both.~~

33 ~~(2) Any other violation of subdivision (a) not described in~~
34 ~~paragraph (1), shall, upon a first offense, be punished by~~
35 ~~imprisonment in a county jail not to exceed one year, or by a fine~~
36 ~~not to exceed twenty-five thousand dollars (\$25,000), or by both.~~

37 ~~(3) A second or subsequent conviction under subdivision (a)~~
38 ~~not described in paragraph (1), shall be punished by imprisonment~~
39 ~~in a county jail not to exceed one year or in the state prison, or by~~



1 a fine not to exceed one hundred thousand dollars (\$100,000), or
2 by both.
3 SEC. 2. ~~Notwithstanding Section 17610 of the Government~~
4 ~~Code, if the Commission on State Mandates determines that this~~
5 ~~act contains costs mandated by the state, reimbursement to local~~
6 ~~agencies and school districts for those costs shall be made pursuant~~
7 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~
8 ~~2 of the Government Code. If the statewide cost of the claim for~~
9 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~
10 ~~reimbursement shall be made from the State Mandates Claims~~
11 ~~Fund.~~

