

AMENDED IN ASSEMBLY APRIL 15, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2238

Introduced by Assembly Member Spitzer

February 19, 2004

An act to amend Section 1299.12 of, *and to add Section 1299.14 to*, the Penal Code, relating to bail.

LEGISLATIVE COUNSEL'S DIGEST

AB 2238, as amended, Spitzer. Bail Fugitive Recovery Persons Act.

Existing law, the Bail Fugitive Recovery Persons Act, authorizes persons fitting the definition of a bail fugitive recovery person to apprehend, detain, or arrest a bail fugitive provided they meet specified requirements. A violation of any of the requirements imposed upon bail fugitive recovery persons is a misdemeanor. The act is scheduled to remain in effect only until January 1, 2005, at which time it would be repealed.

This bill would provide for the act to remain in effect instead until January 1, 2010. By continuing in existence crimes that were scheduled to be repealed, this bill would impose a state-mandated local program upon local governments.

The bill would also direct the California Research Bureau in the California State Library to conduct a study of the Bail Fugitive Recovery Act, as specified, and to submit a report thereon to the Legislature no later than January 1, 2009.

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.

Vote: majority. 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 1299.12 of the Penal Code is amended
2 to read:

3 1299.12. This article shall remain in effect only until January
4 1, 2010, and as of that date is repealed, unless a later enacted
5 statute, that is enacted before January 1, 2010, deletes or extends
6 that date.

7 SEC. 2. *Section 1299.14 is added to the Penal Code, to read:*

8 1299.14. *The California Research Bureau in the California
9 State Library shall conduct a study of the structure and
10 implementation of the Bail Fugitive Recovery Act. The bureau
11 shall design and complete a study evaluating the training
12 requirements, and regulatory status for persons subject to the act,
13 and whether the provisions of the act have improved the process for
14 the recovery of fugitives from bail. In conducting the study, the
15 bureau shall survey a representative sampling of law enforcement
16 agencies, bail associations, and the state departments or agencies
17 that certify the training courses. The bureau shall submit the
18 published findings of the study to the Legislature no later than
19 January 1, 2009.*

20 SEC. 3. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.

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