

Introduced by Senator MargettFebruary 22, 2006

An act to amend Section 12838.1 of the Government Code, to amend Sections 121349.2 and 121349.3 of the Health and Safety Code, to amend Sections 19.8, 148.5, 538e, 667.7, 11106, 11166.01, 12001, and 12553, and to repeal Section 666.7 of the Penal Code, to amend Section 18631.7 of the Revenue and Taxation Code, and to amend Sections 241.1, 827, and 3150 of the Welfare and Institutions Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1422, as introduced, Margett. Public safety: omnibus bill.

Existing law generally regulates public safety.

This bill would make various technical, nonsubstantive changes to provisions related to, among other things, crime, firearms, child welfare, and controlled substance addiction.

Existing law provides that every person who reports to any peace officer, as specified, or to a district attorney or a deputy district attorney that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor.

This bill would also include a report to the Attorney General or to a deputy attorney general in these provisions.

Because this bill would expand the definition of a crime, this bill would impose a state-mandated local program.

Existing law, in a nonsubstantive provision, lists sentence enhancements.

This bill would delete that provision.

Existing law provides that it is a felony punishable by a fine not exceeding \$100,000 or imprisonment for not more than one year for a corporation to willfully fail to file or to fail to include all of the

information required to be shown on a filing submitted to the Franchise Tax Board regarding all check cashing transactions totaling more than \$10,000 in one transaction or two or more transactions for the same person within the calendar year.

This bill would specify that the term of imprisonment for violation of these provisions is a determinate term in the state prison for one year and one day.

Existing law provides that specified persons may inspect juvenile case files without obtaining a court order to do so.

This bill would specify that these persons may also copy those records.

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 12838.1 of the Government Code is
2 amended to read:

3 12838.1. (a) There is hereby created within the Department
4 of Corrections and Rehabilitation, under the Chief Deputy
5 Secretary for Adult Operations, the Division of Adult Institutions
6 and the Division of Adult Parole Operations. Each division shall
7 be headed by a division chief, who shall be appointed by the
8 Governor, upon recommendation of the secretary, subject to
9 Senate confirmation, who shall serve at the pleasure of the
10 Governor.

11 (b) The Governor shall, upon recommendation of the
12 secretary, appoint five subordinate officers to the Chief of the
13 Division of Adult Institutions, subject to Senate confirmation,
14 who shall serve at the pleasure of the Governor. Each subordinate
15 officer appointed pursuant to this subdivision shall oversee an
16 identified category of adult institutions, one of which shall be
17 female offender facilities.

1 SEC. 2. Section 121349.2 of the Health and Safety Code is
2 amended to read:

3 121349.2. Local government, local public health officials,
4 and law enforcement shall be given the opportunity to comment
5 on *clean needle and* syringe exchange programs on an annual
6 basis. The public shall be given the opportunity to provide input
7 to local leaders to ensure that any potential adverse impacts on
8 the public welfare of *clean needle and* syringe exchange
9 programs are addressed and mitigated.

10 SEC. 3. Section 121349.3 of the Health and Safety Code is
11 amended to read:

12 121349.3. The health officer of the participating jurisdiction
13 shall present annually at an open meeting of the board of
14 supervisors or city council a report detailing the status of *clean*
15 *needle and* syringe exchange programs including, but not limited
16 to, relevant statistics on blood-borne infections associated with
17 needle sharing activity. Law enforcement, administrators of
18 alcohol and drug treatment programs, other stakeholders, and the
19 public shall be afforded ample opportunity to comment at this
20 annual meeting. The notice to the public shall be sufficient to
21 assure adequate participation in the meeting by the public. This
22 meeting shall be noticed in accordance with all state and local
23 open meeting laws and ordinances, and as local officials deem
24 appropriate.

25 SEC. 4. Section 19.8 of the Penal Code is amended to read:

26 19.8. The following offenses are subject to subdivision (d) of
27 Section 17: Sections 193.8, 330, 415, 485, 555, 652, and 853.7 of
28 this code; subdivision—~~(m)~~ (n) of Section 602 of this code;
29 subdivision (b) of Section 25658 and Sections 21672, 25658.5,
30 25661, and 25662 of the Business and Professions Code; Section
31 27204 of the Government Code; subdivision (c) of Section 23109
32 and Sections 12500, 14601.1, 27150.1, 40508, and 42005 of the
33 Vehicle Code, and any other offense which the Legislature
34 makes subject to subdivision (d) of Section 17. Except where a
35 lesser maximum fine is expressly provided for a violation of any
36 of those sections, any violation which is an infraction is
37 punishable by a fine not exceeding two hundred fifty dollars
38 (\$250).

39 Except for the violations enumerated in subdivision (d) of
40 Section 13202.5 of the Vehicle Code, and Section 14601.1 of the

1 Vehicle Code based upon failure to appear, a conviction for any
2 offense made an infraction under subdivision (d) of Section 17 is
3 not grounds for the suspension, revocation, or denial of any
4 license, or for the revocation of probation or parole of the person
5 convicted.

6 This section shall become operative on January 1, 2005.

7 SEC. 5. Section 148.5 of the Penal Code is amended to read:

8 148.5. (a) Every person who reports to any peace officer
9 listed in Section 830.1 or 830.2, or subdivision (a) of Section
10 830.33, *the Attorney General, or a deputy attorney general, or a*
11 *district attorney, or a deputy district attorney* that a felony or
12 misdemeanor has been committed, knowing the report to be
13 false, is guilty of a misdemeanor.

14 (b) Every person who reports to any other peace officer, as
15 defined in Chapter 4.5 (commencing with Section 830) of Title 3
16 of Part 2, that a felony or misdemeanor has been committed,
17 knowing the report to be false, is guilty of a misdemeanor if (1)
18 the false information is given while the peace officer is engaged
19 in the performance of his or her duties as a peace officer and (2)
20 the person providing the false information knows or should have
21 known that the person receiving the information is a peace
22 officer.

23 (c) Except as provided in subdivisions (a) and (b), every
24 person who reports to any employee who is assigned to accept
25 reports from citizens, either directly or by telephone, and who is
26 employed by a state or local agency which is designated in
27 Section 830.1, 830.2, subdivision (e) of Section 830.3, Section
28 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37, or
29 830.4, that a felony or misdemeanor has been committed,
30 knowing the report to be false, is guilty of a misdemeanor if (1)
31 the false information is given while the employee is engaged in
32 the performance of his or her duties as an agency employee and
33 (2) the person providing the false information knows or should
34 have known that the person receiving the information is an
35 agency employee engaged in the performance of the duties
36 described in this subdivision.

37 (d) Every person who makes a report to a grand jury that a
38 felony or misdemeanor has been committed, knowing the report
39 to be false, is guilty of a misdemeanor. This subdivision shall not
40 be construed as prohibiting or precluding a charge of perjury or

1 contempt for any report made under oath in an investigation or
2 proceeding before a grand jury.

3 (e) This section does not apply to reports made by persons
4 who are required by statute to report known or suspected
5 instances of child abuse, dependent adult abuse, or elder abuse.

6 SEC. 6. Section 538e of the Penal Code is amended to read:

7 538e. (a) Any person, other than an officer or member of a
8 fire department, who willfully wears, exhibits, or uses the
9 authorized uniform, insignia, emblem, device, label, certificate,
10 card, or writing of an officer or member of a fire department or a
11 deputy state fire marshal, with the intent of fraudulently
12 ~~personating~~ *impersonating* an officer or member of a fire
13 department or the Office of the State Fire Marshal, or of
14 fraudulently inducing the belief that he or she is an officer or
15 member of a fire department or the Office of the State Fire
16 Marshal, is guilty of a misdemeanor.

17 (b) (1) Any person, other than the one who by law is given the
18 authority of an officer or member of a fire department, or a
19 deputy state fire marshal, who willfully wears, exhibits, or uses
20 the badge of a fire department or the Office of the State Fire
21 Marshal with the intent of fraudulently impersonating an officer,
22 or member of a fire department, or a deputy state fire marshal, or
23 of fraudulently inducing the belief that he or she is an officer or
24 member of a fire department, or a deputy state fire marshal, is
25 guilty of a misdemeanor punishable by imprisonment in a county
26 jail not to exceed one year, by a fine not to exceed two thousand
27 dollars (\$2,000), or by both that imprisonment and fine.

28 (2) Any person who willfully wears or uses any badge that
29 falsely purports to be authorized for the use of one who by law is
30 given the authority of an officer or member of a fire department,
31 or a deputy state fire marshal, or which so resembles the
32 authorized badge of an officer or member of a fire department, or
33 a deputy state fire marshal as would deceive any ordinary
34 reasonable person into believing that it is authorized for the use
35 of one who by law is given the authority of an officer or member
36 of a fire department or a deputy state fire marshal, for the
37 purpose of fraudulently impersonating an officer or member of a
38 fire department, or a deputy state fire marshal, or of fraudulently
39 inducing the belief that he or she is an officer or member of a fire
40 department, or a deputy state fire marshal, is guilty of a

1 misdemeanor punishable by imprisonment in a county jail not to
2 exceed one year, by a fine not to exceed two thousand dollars
3 (\$2,000), or by both that imprisonment and fine.

4 (c) Any person who willfully wears, exhibits, or uses, or who
5 willfully makes, sells, loans, gives, or transfers to another, any
6 badge, insignia, emblem, device, or any label, certificate, card, or
7 writing, which falsely purports to be authorized for the use of one
8 who by law is given the authority of an officer, or member of a
9 fire department or a deputy state fire marshal, or which so
10 resembles the authorized badge, insignia, emblem, device, label,
11 certificate, card, or writing of an officer or member of a fire
12 department or a deputy state fire marshal as would deceive an
13 ordinary reasonable person into believing that it is authorized for
14 use by an officer or member of a fire department or a deputy state
15 fire marshal, is guilty of a misdemeanor, except that any person
16 who makes or sells any badge under the circumstances described
17 in this subdivision is guilty of a misdemeanor punishable by a
18 fine not to exceed fifteen thousand dollars (\$15,000).

19 (d) Any person who, for the purpose of selling, leasing or
20 otherwise disposing of merchandise, supplies or equipment used
21 in fire prevention or suppression, falsely represents, in any
22 manner whatsoever, to any other person that he or she is a fire
23 marshal, fire inspector or member of a fire department, or that he
24 or she has the approval, endorsement or authorization of any fire
25 marshal, fire inspector or fire department, or member thereof, is
26 guilty of a misdemeanor.

27 (e) This section shall not apply to either of the following:

28 (1) Use of a badge solely as a prop for a motion picture,
29 television, or video production, or an entertainment or theatrical
30 event.

31 (2) A badge supplied by a recognized employee organization
32 as defined in Section 3501 of the Government Code representing
33 firefighters or a state or international organization to which it is
34 affiliated.

35 SEC. 7. Section 666.7 of the Penal Code is repealed.

36 ~~666.7. It is the intent of the Legislature that this section serve~~
37 ~~merely as a nonsubstantive comparative reference of current~~
38 ~~sentence enhancement provisions. Nothing in this section shall~~
39 ~~have any substantive effect on the application of any sentence~~
40 ~~enhancement contained in any provision of law, including, but~~

1 not limited to, all of the following: omission of any sentence
2 enhancement provision, inclusion of any obsolete sentence
3 enhancement provision, or inaccurate reference or summary of a
4 sentence enhancement provision.

5 It is the intent of the Legislature to amend this section as
6 necessary to accurately reflect current sentence enhancement
7 provisions, including the addition of new provisions and the
8 deletion of obsolete provisions.

9 For the purposes of this section, the term “sentence
10 enhancement” means an additional term of imprisonment in the
11 state prison added to the base term for the underlying offense. A
12 sentence enhancement is imposed because of the nature of the
13 offense at the time the offense was committed or because the
14 defendant suffered a qualifying prior conviction before
15 committing the current offense.

16 (a) The provisions listed in this subdivision imposing a
17 sentence enhancement of one year imprisonment in the state
18 prison may be referenced as Schedule A.

19 (1) Money laundering when the value of transactions exceeds
20 fifty thousand dollars (\$50,000), but is less than one hundred
21 fifty thousand dollars (\$150,000) (subpara. (A), para. (1), subd.
22 (e), Sec. 186.10, Pen. C.):

23 (2) Commission of two or more related felonies, a material
24 element of which is fraud or embezzlement, which involve a
25 pattern of related felony conduct, involving the taking of more
26 than one hundred thousand dollars (\$100,000) (para. (3), subd.
27 (a), Sec. 186.11, Pen. C.):

28 (3) Felony conviction of willful harm or injury to a child,
29 involving female genital mutilation (subd. (a), Sec. 273.4, Pen.
30 C.):

31 (4) Prior conviction of felony hate crime with a current
32 conviction of felony hate crime (subd. (e), Sec. 422.75, Pen. C.):

33 (5) Harming, obstructing, or interfering with any horse or dog
34 being used by any peace officer in the discharge or attempted
35 discharge of his or her duties and, with the intent to so harm,
36 obstruct, or interfere, personally causing the death, destruction,
37 or serious physical injury of any horse or dog (subd. (e), Sec.
38 600, Pen. C.):

39 (6) Prior prison term with current felony conviction (subd. (b),
40 Sec. 667.5, Pen. C.):

1 ~~(7) Commission of any specified offense against a person who~~
2 ~~is 65 years of age or older, blind, a paraplegic or quadriplegic, or~~
3 ~~under 14 years of age (subd. (a), Sec. 667.9, Pen. C.).~~

4 ~~(8) Showing child pornography to a minor prior to or during~~
5 ~~the commission or attempted commission of any lewd or~~
6 ~~lascivious act with the minor (subd. (a), Sec. 667.15, Pen. C.).~~

7 ~~(9) Felony conviction of forgery, grand theft, or false~~
8 ~~pretenses as part of a plan or scheme to defraud an owner in~~
9 ~~connection with repairs to a structure damaged by a natural~~
10 ~~disaster (subd. (a), Sec. 667.16, Pen. C.).~~

11 ~~(10) Impersonating a peace officer during the commission of a~~
12 ~~felony (Sec. 667.17, Pen. C.).~~

13 ~~(11) Felony conviction of any specified offense, including, but~~
14 ~~not limited to, forgery, grand theft, and false pretenses, as part of~~
15 ~~a plan or scheme to defraud an owner in connection with repairs~~
16 ~~to a structure damaged by natural disaster with a prior felony~~
17 ~~conviction of any of those offenses (subd. (c), Sec. 670, Pen. C.).~~

18 ~~(12) Commission or attempted commission of a felony while~~
19 ~~armed with a firearm (para. (1), subd. (a), Sec. 12022, Pen. C.).~~

20 ~~(13) Personally using a deadly or dangerous weapon in the~~
21 ~~commission or attempted commission of a felony (para. (1),~~
22 ~~subd. (b), Sec. 12022, Pen. C.).~~

23 ~~(14) Taking, damaging, or destroying any property in the~~
24 ~~commission or attempted commission of a felony with the intent~~
25 ~~to cause that taking, damage, or destruction when the loss~~
26 ~~exceeds fifty thousand dollars (\$50,000) (para. (1), subd. (a), Sec.~~
27 ~~12022.6, Pen. C.).~~

28 ~~(15) Transferring, lending, selling, or giving any assault~~
29 ~~weapon to a minor (para. (2), subd. (a), Sec. 12280, Pen. C.).~~

30 ~~(16) Manufacturing, causing to be manufactured, distributing,~~
31 ~~transporting, importing, keeping for sale, offering or exposing for~~
32 ~~sale, giving, or lending any assault weapon while committing~~
33 ~~another crime (subd. (d), Sec. 12280, Pen. C.).~~

34 ~~(17) Inducing, employing, or using a minor to commit a drug~~
35 ~~offense involving heroin, cocaine, or cocaine base, or unlawfully~~
36 ~~furnishing one of these controlled substances to a minor, upon~~
37 ~~the grounds of, or within, a church, playground, youth center,~~
38 ~~child day care facility, or public swimming pool during business~~
39 ~~hours or whenever minors are using the facility (para. (1), subd.~~
40 ~~(a), Sec. 11353.1, H.& S.C.).~~

1 ~~(18) Inducing another person to commit a drug offense as part~~
2 ~~of the drug transaction for which the defendant is convicted when~~
3 ~~the value of the controlled substance involved exceeds five~~
4 ~~hundred thousand dollars (\$500,000) (para. (1), subd. (a), Sec.~~
5 ~~11356.5, H.& S.C.).~~

6 ~~(19) Manufacturing, compounding, converting, producing,~~
7 ~~deriving, processing, or preparing methamphetamine or~~
8 ~~phenethylidine (PCP), or attempting to commit any of those acts,~~
9 ~~or possessing specified combinations of substances with the~~
10 ~~intent to manufacture either methamphetamine or phenethylidine~~
11 ~~(PCP), when the commission or attempted commission of the~~
12 ~~offense causes the death or great bodily injury of another person~~
13 ~~other than an accomplice (subd. (a), Sec. 11379.9, H.& S.C.).~~

14 ~~(20) Using a minor to commit a drug offense involving~~
15 ~~phenethylidine (PCP), methamphetamine, or lysergic acid~~
16 ~~diethylamide (LSD), or unlawfully furnishing one of these~~
17 ~~controlled substances to a minor, when the commission of the~~
18 ~~offense occurs upon the grounds of, or within, a church,~~
19 ~~playground, youth center, child day care facility, or public~~
20 ~~swimming pool during business hours or whenever minors are~~
21 ~~using the facility (para. (1), subd. (a), Sec. 11380.1, H.& S.C.).~~

22 ~~(21) Causing bodily injury or death to more than one victim in~~
23 ~~any one instance of driving under the influence of any alcoholic~~
24 ~~beverage or drug (Sec. 23558, Veh. C.).~~

25 ~~(22) Fraudulently appropriating food stamps, electronically~~
26 ~~transferred benefits, or authorizations to participate in the federal~~
27 ~~Food Stamp Program entrusted to a public employee, or~~
28 ~~knowingly using, transferring, selling, purchasing, or possessing~~
29 ~~any of the same in an unauthorized manner, when the offense is~~
30 ~~committed by means of an electronic transfer of benefits in an~~
31 ~~amount exceeding fifty thousand dollars (\$50,000), but less than~~
32 ~~one hundred fifty thousand dollars (\$150,000) (subpara. (A),~~
33 ~~para. (1), subd. (h), Sec. 10980, W.& I.C.).~~

34 ~~(b) The provisions listed in this subdivision imposing a~~
35 ~~sentence enhancement of one, two, or three years' imprisonment~~
36 ~~in the state prison may be refereneed as Schedule B.~~

37 ~~(1) Commission or attempted commission of a felony hate~~
38 ~~crime (subd. (a), Sec. 422.75, Pen. C.).~~

39 ~~(2) Commission or attempted commission of a felony against~~
40 ~~the property of a public or private institution because the~~

1 property is associated with a person or group of identifiable race,
2 color, religion, nationality, country of origin, ancestry, gender,
3 disability, or sexual orientation (subd. (b), Sec. 422.75, Pen. C.).

4 (3) ~~Felony conviction of unlawfully causing a fire of any~~
5 ~~structure, forest land, or property when the defendant has been~~
6 ~~previously convicted of arson or unlawfully causing a fire, or~~
7 ~~when a firefighter, peace officer, or emergency personnel~~
8 ~~suffered great bodily injury, or when the defendant proximately~~
9 ~~caused great bodily injury to more than one victim, or caused~~
10 ~~multiple structures to burn (subd. (a), Sec. 452.1, Pen. C.).~~

11 (4) ~~Carrying a loaded or unloaded firearm during the~~
12 ~~commission or attempted commission of any felony street gang~~
13 ~~crime (subd. (a), Sec. 12021.5, Pen. C.).~~

14 (5) ~~Personally using a deadly or dangerous weapon in the~~
15 ~~commission of carjacking or attempted carjacking (para. (2),~~
16 ~~subd. (b), Sec. 12022, Pen. C.).~~

17 (6) ~~Being a principal in the commission or attempted~~
18 ~~commission of any specified drug offense, knowing that another~~
19 ~~principal is personally armed with a firearm (subd. (d), Sec.~~
20 ~~12022, Pen. C.).~~

21 (7) ~~Furnishing or offering to furnish a firearm to another for~~
22 ~~the purpose of aiding, abetting, or enabling that person or any~~
23 ~~other person to commit a felony (Sec. 12022.4, Pen. C.).~~

24 (8) ~~Selling, supplying, delivering, or giving possession or~~
25 ~~control of a firearm to any person within a prohibited class or to~~
26 ~~a minor when the firearm is used in the subsequent commission~~
27 ~~of a felony (para. (4), subd. (g), Sec. 12072, Pen. C.).~~

28 (9) ~~Inducing, employing, or using a minor who is at least four~~
29 ~~years younger than the defendant to commit a drug offense~~
30 ~~involving any specified controlled substance, including, but not~~
31 ~~limited to, heroin, cocaine, and cocaine base, or unlawfully~~
32 ~~providing one of these controlled substances to a minor (para.~~
33 ~~(3), subd. (a), Sec. 11353.1, H.& S.C.).~~

34 (10) ~~Prior conviction of inducing, employing, or using a minor~~
35 ~~to commit a drug offense involving cocaine base, or unlawfully~~
36 ~~providing cocaine base to a minor that resulted in a prison~~
37 ~~sentence with a current conviction of the same offense (subd. (a),~~
38 ~~Sec. 11353.4, H.& S.C.).~~

39 (11) ~~Prior conviction of inducing, employing, or using a minor~~
40 ~~to commit a drug offense involving cocaine base, or unlawfully~~

1 ~~providing cocaine base to a minor with a current conviction of~~
2 ~~the same offense involving a minor who is 14 years of age or~~
3 ~~younger (subd. (b), Sec. 11353.4, H.& S.C.).~~

4 ~~(12) Inducing, employing, or using a minor who is at least four~~
5 ~~years younger than the defendant to commit a drug offense~~
6 ~~involving any specified controlled substance, including, but not~~
7 ~~limited to, phencyclidine (PCP), methamphetamine, and lysergie~~
8 ~~acid diethylamide (LSD), or unlawfully providing one of these~~
9 ~~controlled substances to a minor (para. (3), subd. (a), Sec.~~
10 ~~11380.1, H.& S.C.).~~

11 ~~(13) Causing great bodily injury or a substantial probability~~
12 ~~that death could result by the knowing disposal, transport,~~
13 ~~treatment, storage, burning, or incineration of any hazardous~~
14 ~~waste at a facility without permits or at an unauthorized point~~
15 ~~(subd. (e), Sec. 25189.5, and subd. (c), Sec. 25189.7, H.& S.C.).~~

16 ~~(e) The provisions listed in this subdivision imposing a~~
17 ~~sentence enhancement of one, two, or five years' imprisonment~~
18 ~~in the state prison may be referenced as Schedule C.~~

19 ~~(1) Wearing a bullet-resistant body vest in the commission or~~
20 ~~attempted commission of a violent offense (subd. (b), Sec.~~
21 ~~12022.2, Pen. C.).~~

22 ~~(2) Commission or attempted commission of any specified sex~~
23 ~~offense while armed with a firearm or deadly weapon (subd. (b);~~
24 ~~Sec. 12022.3, Pen. C.).~~

25 ~~(d) The provisions listed in this subdivision imposing a~~
26 ~~sentence enhancement of 16 months, or two or three years'~~
27 ~~imprisonment in the state prison may be referenced as Schedule~~
28 ~~D.~~

29 ~~Knowing failure to register pursuant to Section 186.30 and~~
30 ~~subsequent conviction or violation of Section 186.30, as~~
31 ~~specified (para. (1), subd. (b), Sec. 186.33, Pen. C.).~~

32 ~~(e) The provisions listed in this subdivision imposing a~~
33 ~~sentence enhancement of two years' imprisonment in the state~~
34 ~~prison may be referenced as Schedule E.~~

35 ~~(1) Money laundering when the value of the transactions~~
36 ~~exceeds one hundred fifty thousand dollars (\$150,000), but is less~~
37 ~~than one million dollars (\$1,000,000) (subpara. (B), para. (1),~~
38 ~~subd. (e), Sec. 186.10, Pen. C.).~~

39 ~~(2) Commission of two or more related felonies, a material~~
40 ~~element of which is fraud or embezzlement, which involve a~~

1 pattern of related felony conduct, involving the taking of more
2 than one hundred fifty thousand dollars (\$150,000) (para. (3);
3 subd. (a), Sec. 186.11, Pen. C.);

4 (3) Conviction of any specified felony sex offense that is
5 committed after fleeing to this state under specified
6 circumstances (subd. (d), Sec. 289.5, Pen. C.);

7 (4) Prior conviction of any specified insurance fraud offense
8 with a current conviction of willfully injuring, destroying,
9 secreting, abandoning, or disposing of any property insured
10 against loss or damage by theft, embezzlement, or any casualty
11 with the intent to defraud or prejudice the insurer (subd. (b), Sec.
12 548, Pen. C.);

13 (5) Prior conviction of any specified insurance fraud offense
14 with a current conviction of knowingly presenting any false or
15 fraudulent insurance claim or multiple claims for the same loss or
16 injury, or knowingly causing or participating in a vehicular
17 collision for the purpose of presenting any false or fraudulent
18 claim, or providing false or misleading information or concealing
19 information for purpose of insurance fraud (subd. (e), Sec. 550,
20 Pen. C.);

21 (6) Causing serious bodily injury as a result of knowingly
22 causing or participating in a vehicular collision or accident for
23 the purpose of presenting any false or fraudulent claim (subd. (g),
24 Sec. 550, Pen. C.);

25 (7) Harming, obstructing, or interfering with any horse or dog
26 being used by any peace officer in the discharge or attempted
27 discharge of his or her duties and, with the intent to cause great
28 bodily injury, personally causing great bodily injury to any
29 person other than an accomplice (subd. (d), Sec. 600, Pen. C.);

30 (8) Prior conviction of any specified offense with a current
31 conviction of any of those offenses committed against a person
32 who is 65 years of age or older, blind, a paraplegic or
33 quadriplegic, or under 14 years of age (subd. (b), Sec. 667.9, Pen.
34 C.);

35 (9) Prior conviction for sexual penetration with a current
36 conviction of the same offense committed against a person who
37 is 65 years of age or older, blind, deaf, developmentally disabled,
38 a paraplegic or quadriplegic, or under 14 years of age (subd. (a),
39 Sec. 667.10, Pen. C.);

- 1 ~~(10) Showing child pornography to a minor prior to or during~~
2 ~~the commission or attempted commission of continuous sexual~~
3 ~~abuse of the minor (subd. (b), Sec. 667.15, Pen. C.).~~
4 ~~(11) Primary care provider in a day care facility committing~~
5 ~~any specified felony sex offense against a minor entrusted to his~~
6 ~~or her care (subd. (a), Sec. 674, Pen. C.).~~
7 ~~(12) Commission of a felony offense while released from~~
8 ~~custody on bail or own recognizance (subd. (b), Sec. 12022.1,~~
9 ~~Pen. C.).~~
10 ~~(13) Taking, damaging, or destroying any property in the~~
11 ~~commission or attempted commission of a felony with the intent~~
12 ~~to cause that taking, damage, or destruction when the loss~~
13 ~~exceeds one hundred fifty thousand dollars (\$150,000) (para. (2),~~
14 ~~subd. (a), Sec. 12022.6, Pen. C.).~~
15 ~~(14) Inducing, employing, or using a minor to commit a drug~~
16 ~~offense involving heroin, cocaine, or cocaine base, or unlawfully~~
17 ~~furnishing one of these controlled substances to a minor, upon, or~~
18 ~~within 1,000 feet of, the grounds of a school during school hours~~
19 ~~or whenever minors are using the facility (para. (2), subd. (a),~~
20 ~~Sec. 11353.1, H.& S.C.).~~
21 ~~(15) Inducing another person to commit a drug offense as part~~
22 ~~of the drug transaction for which the defendant is convicted when~~
23 ~~the value of the controlled substance involved exceeds two~~
24 ~~million dollars (\$2,000,000) (para. (2), subd. (a), Sec. 11356.5,~~
25 ~~H.& S.C.).~~
26 ~~(16) Manufacturing, compounding, converting, producing,~~
27 ~~deriving, processing, or preparing methamphetamine or~~
28 ~~phenethylidine (PCP), or attempting to commit any of those acts,~~
29 ~~or possessing specified combinations of substances with the~~
30 ~~intent to manufacture either methamphetamine or phenethylidine~~
31 ~~(PCP), when the commission or attempted commission of the~~
32 ~~crime occurs in a structure where any child under 16 years of age~~
33 ~~is present (subd. (a), Sec. 11379.7, H.& S.C.).~~
34 ~~(17) Using a minor to commit a drug offense involving~~
35 ~~phenethylidine (PCP), methamphetamine, or lysergic acid~~
36 ~~diethylamide (LSD), or unlawfully furnishing one of these~~
37 ~~controlled substances to a minor, upon, or within 1,000 feet of,~~
38 ~~the grounds of a school during school hours or whenever minors~~
39 ~~are using the facility (para. (2), subd. (a), Sec. 11380.1, H.&~~
40 ~~S.C.).~~

1 ~~(18) Prior felony conviction of any specified insurance fraud~~
2 ~~offense with a current conviction of making false or fraudulent~~
3 ~~statements concerning a workers' compensation claim (subd. (c),~~
4 ~~Sec. 1871.4, Ins. C.).~~

5 ~~(19) Prior felony conviction of making or causing to be made~~
6 ~~any knowingly false or fraudulent statement of any fact material~~
7 ~~to the determination of the premium, rate, or cost of any policy of~~
8 ~~workers' compensation insurance for the purpose of reducing the~~
9 ~~premium, rate, or cost of the insurance with a current conviction~~
10 ~~of the same offense (subd. (b), Sec. 11760, Ins. C.).~~

11 ~~(20) Prior felony conviction of making or causing to be made~~
12 ~~any knowingly false or fraudulent statement of any fact material~~
13 ~~to the determination of the premium, rate, or cost of any policy of~~
14 ~~workers' compensation insurance issued or administered by the~~
15 ~~State Compensation Insurance Fund for the purpose of reducing~~
16 ~~the premium, rate, or cost of the insurance with a current~~
17 ~~conviction of the same offense (subd. (b), Sec. 11880, Ins. C.).~~

18 ~~(21) Fraudulently appropriating food stamps, electronically~~
19 ~~transferred benefits, or authorizations to participate in the federal~~
20 ~~Food Stamp Program entrusted to a public employee, or~~
21 ~~knowingly using, transferring, selling, purchasing, or possessing,~~
22 ~~any of the same in an unauthorized manner, when the offense is~~
23 ~~committed by means of an electronic transfer of benefits in an~~
24 ~~amount exceeding one hundred fifty thousand dollars (\$150,000),~~
25 ~~but less than one million dollars (\$1,000,000) (subpara. (B), para.~~
26 ~~(1), subd. (h), Sec. 10980, W.& I.C.).~~

27 ~~(f) The provisions listed in this subdivision imposing a~~
28 ~~sentence enhancement of two, three, or four years' imprisonment~~
29 ~~in the state prison may be referenced as Schedule F.~~

30 ~~(1) Commission of a felony, other than a serious or violent~~
31 ~~felony, for the benefit of, at the direction of, or in association~~
32 ~~with, any criminal street gang, with the specific intent to~~
33 ~~promote, further, or assist in any criminal conduct by gang~~
34 ~~members (subpara. (A), para. (1), subd. (b), Sec. 186.22, Pen.~~
35 ~~C.).~~

36 ~~(2) Acting in concert with another person or aiding or abetting~~
37 ~~another person in committing or attempting to commit a felony~~
38 ~~hate crime (subd. (c), Sec. 422.75, Pen. C.).~~

39 ~~(3) Carrying a loaded or unloaded firearm together with a~~
40 ~~detachable shotgun magazine, a detachable pistol magazine, a~~

1 detachable magazine, or a belt-feeding device during the
2 commission or attempted commission of any felony street gang
3 crime (subd. (b), Sec. 12021.5, Pen. C.).

4 (g) The provisions listed in this subdivision imposing a
5 sentence enhancement of two, three, or five years' imprisonment
6 in the state prison may be referenced as Schedule G.

7 Commission of two or more related felonies, a material
8 element of which is fraud or embezzlement, which involve a
9 pattern of related felony conduct, involving the taking of more
10 than five hundred thousand dollars (\$500,000) (para. (2), subd.
11 (a), Sec. 186.11, Pen. C.).

12 (h) The provisions listed in this subdivision imposing a
13 sentence enhancement of three years' imprisonment in the state
14 prison may be referenced as Schedule H.

15 (1) Money laundering when the value of transactions exceeds
16 one million dollars (\$1,000,000), but is less than two million five
17 hundred thousand dollars (\$2,500,000) (subpara. (C), para. (1),
18 subd. (c), Sec. 186.10, Pen. C.).

19 (2) Solicitation, recruitment, or coercion, of a minor to
20 actively participate in a criminal street gang (subd. (d), Sec.
21 186.26, Pen. C.).

22 (3) Willfully mingling any poison or harmful substance which
23 may cause death if ingested, or which causes the infliction of
24 great bodily injury on any person, with any food, drink,
25 medicine, or pharmaceutical product or willfully placing that
26 poison or harmful substance in any spring, well, reservoir, or
27 public water supply (para. (2), subd. (a), Sec. 347, Pen. C.).

28 (4) Causing great bodily injury by willfully causing or
29 permitting any elder or dependent adult to suffer, or inflicting
30 pain or mental suffering upon, or endangering the health of, an
31 elder or dependent adult when the victim is under 70 years of age
32 (subpara. (A), para. (2), subd. (b), Sec. 368, Pen. C.).

33 (5) Maliciously driving or placing, in any tree, saw-log,
34 shingle-bolt, or other wood, any iron, steel, ceramic, or other
35 substance sufficiently hard to injure saws and causing bodily
36 injury to another person other than an accomplice (subd. (b), Sec.
37 593a, Pen. C.).

38 (6) Prior prison term for a violent felony with a current violent
39 felony conviction (subd. (a), Sec. 667.5, Pen. C.).

1 ~~(7) Commission of any specified felony sex offense by a~~
2 ~~primary care provider in a day care facility against a minor~~
3 ~~entrusted to his or her care while voluntarily acting in concert~~
4 ~~with another (subd. (b), Sec. 674, Pen. C.).~~

5 ~~(8) Commission or attempted commission of a felony while~~
6 ~~armed with an assault weapon or a machinegun (para. (2), subd.~~
7 ~~(a), Sec. 12022, Pen. C.).~~

8 ~~(9) Taking, damaging, or destroying any property in the~~
9 ~~commission or attempted commission of a felony with the intent~~
10 ~~to cause that taking, damage, or destruction when the loss~~
11 ~~exceeds one million dollars (\$1,000,000) (para. (3), subd. (a),~~
12 ~~Sec. 12022.6, Pen. C.).~~

13 ~~(10) Personally inflicting great bodily injury on any person~~
14 ~~other than an accomplice in the commission or attempted~~
15 ~~commission of a felony (subd. (a), Sec. 12022.7, Pen. C.).~~

16 ~~(11) Administering by injection, inhalation, ingestion, or any~~
17 ~~other means, any specified controlled substance against the~~
18 ~~victim's will by means of force, violence, or fear of immediate~~
19 ~~and unlawful bodily injury to the victim or another person for the~~
20 ~~purpose of committing a felony (Sec. 12022.75, Pen. C.).~~

21 ~~(12) Commission of any specified sex offense with knowledge~~
22 ~~that the defendant has acquired immunodeficiency syndrome~~
23 ~~(AIDS) or with the knowledge that he or she carries antibodies of~~
24 ~~the human immunodeficiency virus at the time of the commission~~
25 ~~of the offense (subd. (a), Sec. 12022.85, Pen. C.).~~

26 ~~(13) Inducing another person to commit a drug offense as part~~
27 ~~of the drug transaction for which the defendant is convicted when~~
28 ~~the value of the controlled substance involved exceeds five~~
29 ~~million dollars (\$5,000,000) (para. (3), subd. (a), Sec. 11356.5,~~
30 ~~H.& S.C.).~~

31 ~~(14) Prior conviction of any specified drug offense with a~~
32 ~~current conviction of any specified drug offense (subds. (a), (b),~~
33 ~~and (c), Sec. 11370.2, H.& S.C.).~~

34 ~~(15) Commission of any specified drug offense involving a~~
35 ~~substance containing heroin, cocaine base, cocaine,~~
36 ~~methamphetamine, amphetamine, or phenethylidine (PCP), when~~
37 ~~the substance exceeds one kilogram or 30 liters (para. (1), subd.~~
38 ~~(a), and para. (1), subd. (b), Sec. 11370.4, H.& S.C.).~~

39 ~~(16) Manufacturing, compounding, converting, producing,~~
40 ~~deriving, processing, or preparing any substance containing~~

1 amphetamine, methamphetamine, or phenethylidine (PCP) or its
2 analogs or precursors, or attempting to commit any of those acts,
3 when the substance exceeds three gallons or one pound (para.
4 (1), subd. (a), Sec. 11379.8, H.& S.C.).

5 ~~(17) Four or more prior convictions of specified~~
6 ~~alcohol-related vehicle offenses with a current conviction of~~
7 ~~driving under the influence and causing great bodily injury (subd.~~
8 ~~(e), Sec. 23566, Veh. C.).~~

9 ~~(18) Fraudulently appropriating food stamps, electronically~~
10 ~~transferred benefits, or authorizations to participate in the federal~~
11 ~~Food Stamp Program entrusted to a public employee, or~~
12 ~~knowingly using, transferring, selling, purchasing, or possessing,~~
13 ~~any of the same in an unauthorized manner, when the offense is~~
14 ~~committed by means of an electronic transfer of benefits in an~~
15 ~~amount exceeding one million dollars (\$1,000,000), but less than~~
16 ~~two million five hundred thousand dollars (\$2,500,000) (subpara.~~
17 ~~(C), para. (1), subd. (h), Sec. 10980, W.& I.C.).~~

18 ~~(i) The provisions listed in this subdivision imposing a~~
19 ~~sentence enhancement of three, four, or five years' imprisonment~~
20 ~~in the state prison may be referenced as Schedule I.~~

21 ~~(1) Commission of felony arson with a prior conviction of~~
22 ~~arson or unlawfully starting a fire, or causing great bodily injury~~
23 ~~to a firefighter, peace officer, other emergency personnel, or~~
24 ~~multiple victims, or causing the burning of multiple structures, or~~
25 ~~using an accelerator or ignition delay device (subd. (a), Sec.~~
26 ~~451.1, Pen. C.).~~

27 ~~(2) Commission or attempted commission of any specified~~
28 ~~drug offense while personally armed with a firearm (subd. (c),~~
29 ~~Sec. 12022, Pen. C.).~~

30 ~~(3) Personally inflicting great bodily injury under~~
31 ~~circumstances involving domestic violence in the commission or~~
32 ~~attempted commission of a felony (subd. (e), Sec. 12022.7, Pen.~~
33 ~~C.).~~

34 ~~(4) Commission of any specified drug offense involving~~
35 ~~cocaine base, heroin, or methamphetamine, or a conspiracy to~~
36 ~~commit any of those offenses, upon the grounds of, or within~~
37 ~~1,000 feet of, a school during school hours or when minors are~~
38 ~~using the facility (subd. (b), Sec. 11353.6, H.& S.C.).~~

39 ~~(5) Commission of any specified drug offense involving~~
40 ~~cocaine base, heroin, or methamphetamine, or a conspiracy to~~

1 ~~violate any of those offenses, involving a minor who is at least~~
2 ~~four years younger than the defendant (subd. (c), Sec. 11353.6,~~
3 ~~H.& S.C.).~~

4 ~~(j) The provisions listed in this subdivision imposing a~~
5 ~~sentence enhancement of 3, 4, or 10 years' imprisonment in the~~
6 ~~state prison may be referenced as Schedule J.~~

7 ~~(1) Commission or attempted commission of any felony while~~
8 ~~armed with a firearm and in the immediate possession of~~
9 ~~ammunition for the firearm designed primarily to penetrate metal~~
10 ~~or armor (subd. (a), Sec. 12022.2, Pen. C.).~~

11 ~~(2) Commission or attempted commission of any specified sex~~
12 ~~offense while using a firearm or deadly weapon (subd. (a), Sec.~~
13 ~~12022.3, Pen. C.).~~

14 ~~(3) Commission or attempted commission of a felony while~~
15 ~~personally using a firearm (subd. (a), Sec. 12022.5, Pen. C.).~~

16 ~~(k) The provisions listed in this subdivision imposing a~~
17 ~~sentence enhancement of four years' imprisonment in the state~~
18 ~~prison may be referenced as Schedule K.~~

19 ~~(1) Money laundering when the value of transactions exceeds~~
20 ~~two million five hundred thousand dollars (\$2,500,000) (subpara.~~
21 ~~(D), para. (1), subd. (c), Sec. 186.10, Pen. C.).~~

22 ~~(2) Prior conviction of willfully inflicting upon a child any~~
23 ~~cruel or inhuman corporal punishment or injury resulting in a~~
24 ~~traumatic condition with a current conviction of that offense~~
25 ~~(subd. (b), Sec. 273d, Pen. C.).~~

26 ~~(3) Taking, damaging, or destroying any property in the~~
27 ~~commission or attempted commission of a felony with the intent~~
28 ~~to cause that taking, damage, or destruction when the loss~~
29 ~~exceeds two million five hundred thousand dollars (\$2,500,000)~~
30 ~~(para. (4), subd. (a), Sec. 12022.6, Pen. C.).~~

31 ~~(4) Willfully causing or permitting any child to suffer, or~~
32 ~~inflicting on the child unjustifiable physical pain or injury that~~
33 ~~results in death under circumstances or conditions likely to~~
34 ~~produce great bodily harm or death, or, having the care or~~
35 ~~custody of any child, willfully causing or permitting that child to~~
36 ~~be injured or harmed under circumstances likely to produce great~~
37 ~~bodily harm or death, when that injury or harm results in death~~
38 ~~(Sec. 12022.95, Pen. C.).~~

39 ~~(5) Fraudulently appropriating food stamps, electronically~~
40 ~~transferred benefits, or authorizations to participate in the federal~~

1 ~~Food Stamp Program entrusted to a public employee, or~~
2 ~~knowingly using, transferring, selling, purchasing, or possessing,~~
3 ~~any of the same in an unauthorized manner, when the offense is~~
4 ~~committed by means of an electronic transfer of benefits in an~~
5 ~~amount exceeding two million five hundred thousand dollars~~
6 ~~(\$2,500,000) (subpara. (D), para. (1), subd. (h), Sec. 10980, W.&~~
7 ~~I.C.).~~

8 ~~(6) Execution of a scheme or artifice to defraud the Medi-Cal~~
9 ~~program or any other health care program administered by the~~
10 ~~State Department of Health Services or its agents or contractors,~~
11 ~~or to obtain under false or fraudulent pretenses, representations,~~
12 ~~or promises any property owned by or under the custody of the~~
13 ~~Medi-Cal program or any health care program administered by~~
14 ~~the department, its agents, or contractors under circumstances~~
15 ~~likely to cause or that do cause two or more persons great bodily~~
16 ~~injury (subd. (d), Sec. 14107, W.& I.C.).~~

17 ~~(l) The provisions listed in this subdivision imposing a~~
18 ~~sentence enhancement of four, five, or six years' imprisonment in~~
19 ~~the state prison may be referenced as Schedule L.~~

20 ~~Personally inflicting great bodily injury on a child under the~~
21 ~~age of five years in the commission or attempted commission of~~
22 ~~a felony (subd. (d), Sec. 12022.7, Pen. C.).~~

23 ~~(m) The provisions listed in this subdivision imposing a~~
24 ~~sentence enhancement of five years' imprisonment in the state~~
25 ~~prison may be referenced as Schedule M.~~

26 ~~(1) Commission of a serious felony for the benefit of, at the~~
27 ~~direction of, or in association with, any criminal street gang, with~~
28 ~~the specific intent to promote, further, or assist in any criminal~~
29 ~~conduct by gang members (subpara. (B), para. (1), subd. (b), Sec.~~
30 ~~186.22, Pen. C.).~~

31 ~~(2) Using sex offender registration information to commit a~~
32 ~~felony (para. (1), subd. (c), Sec. 290.4, para. (1), subd. (c), Sec.~~
33 ~~290.45, and para. (2), subd. (j), Sec. 290.46, Pen. C.).~~

34 ~~(3) Causing great bodily injury by willfully causing or~~
35 ~~permitting any elder or dependent adult to suffer, or inflicting~~
36 ~~pain or mental suffering upon, or endangering the health of, an~~
37 ~~elder or dependent adult when the victim is 70 years of age or~~
38 ~~older (subpara. (B), para. (2), subd. (b), Sec. 368, Pen. C.).~~

39 ~~(4) Causing death by willfully causing or permitting any elder~~
40 ~~or dependent adult to suffer, or inflicting pain or mental suffering~~

1 upon, or endangering the health of, an elder or dependent adult
2 when the victim is under 70 years of age (subpara. (A), para. (3),
3 subd. (b), Sec. 368, Pen. C.).

4 (5) ~~Two prior felony convictions of knowingly causing or~~
5 ~~participating in a vehicular collision or accident for the purpose~~
6 ~~of presenting any false or fraudulent claim with a current~~
7 ~~conviction of the same (subd. (f), Sec. 550, Pen. C.).~~

8 (6) ~~Prior conviction of a serious felony with a current~~
9 ~~conviction of a serious felony (para. (1), subd. (a), Sec. 667, Pen.~~
10 ~~C.).~~

11 (7) ~~Prior conviction of any specified sex offense with a current~~
12 ~~conviction of lewd and lascivious acts with a child under 14~~
13 ~~years of age (subd. (a), Sec. 667.51, Pen. C.).~~

14 (8) ~~Prior conviction of any specified sex offense with a current~~
15 ~~conviction of any of those sex offenses (subd. (a), Sec. 667.6,~~
16 ~~Pen. C.).~~

17 (9) ~~Kidnapping or carrying away any child under 14 years of~~
18 ~~age with the intent to permanently deprive the parent or legal~~
19 ~~guardian custody of that child (Sec. 667.85, Pen. C.).~~

20 (10) ~~Personally inflicting great bodily injury on any person~~
21 ~~other than an accomplice in the commission or attempted~~
22 ~~commission of a felony that causes the victim to become~~
23 ~~comatose due to a brain injury or to suffer paralysis of a~~
24 ~~permanent nature (subd. (b), Sec. 12022.7, Pen. C.).~~

25 (11) ~~Personally inflicting great bodily injury on another person~~
26 ~~who is 70 years of age or older other than an accomplice in the~~
27 ~~commission or attempted commission of a felony (subd. (c), Sec.~~
28 ~~12022.7, Pen. C.).~~

29 (12) ~~Inflicting great bodily injury on any victim in the~~
30 ~~commission or attempted commission of any specified sex~~
31 ~~offense (Sec. 12022.8, Pen. C.).~~

32 (13) ~~Personally and intentionally inflicting injury upon a~~
33 ~~pregnant woman during the commission or attempted~~
34 ~~commission of a felony that results in the termination of the~~
35 ~~pregnancy when the defendant knew or reasonably should have~~
36 ~~known that the victim was pregnant (Sec. 12022.9, Pen. C.).~~

37 (14) ~~Using information disclosed to the licensee of a~~
38 ~~community care facility by a prospective client regarding his or~~
39 ~~her status as a sex offender to commit a felony (subd. (c), Sec.~~
40 ~~1522.01, H.& S.C.).~~

1 ~~(15) Commission of any specified drug offense involving a~~
2 ~~substance containing heroin, cocaine base, cocaine,~~
3 ~~methamphetamine, amphetamine, or phenethylidine (PCP), when~~
4 ~~the substance exceeds four kilograms or 100 liters (para. (2),~~
5 ~~subd. (a), and para. (2), subd. (b), Sec. 11370.4, H.& S.C.).~~

6 ~~(16) Manufacturing, compounding, converting, producing,~~
7 ~~deriving, processing, or preparing methamphetamine or~~
8 ~~phenethylidine (PCP), or attempting to commit any of those acts,~~
9 ~~or possessing specified combinations of substances with the~~
10 ~~intent to manufacture either methamphetamine or phenethylidine~~
11 ~~(PCP), when the commission of the crime causes any child under~~
12 ~~16 years of age to suffer great bodily injury (subd. (b), Sec.~~
13 ~~11379.7, H.& S.C.).~~

14 ~~(17) Manufacturing, compounding, converting, producing,~~
15 ~~deriving, processing, or preparing any substance containing~~
16 ~~amphetamine, methamphetamine, or phenethylidine (PCP) or its~~
17 ~~analog or precursor, or attempting to commit any of those acts,~~
18 ~~when the substance exceeds 10 gallons or three pounds (para. (2),~~
19 ~~subd. (a), Sec. 11379.8, H.& S.C.).~~

20 ~~(18) Fleeing the scene of the crime after the commission of~~
21 ~~vehicular manslaughter (subd. (c), Sec. 20001, Veh. C.).~~

22 ~~(n) The provisions listed in this subdivision imposing a~~
23 ~~sentence enhancement of 5, 6, or 10 years' imprisonment in the~~
24 ~~state prison may be referenced as Schedule N.~~

25 ~~(1) Commission or attempted commission of a felony while~~
26 ~~personally using an assault weapon or a machinegun (subd. (b),~~
27 ~~Sec. 12022.5, Pen. C.).~~

28 ~~(2) Discharging a firearm from a motor vehicle in the~~
29 ~~commission or attempted commission of a felony with the intent~~
30 ~~to inflict great bodily injury or death and causing great bodily~~
31 ~~injury or death (Sec. 12022.55, Pen. C.).~~

32 ~~(o) The provisions listed in this subdivision imposing a~~
33 ~~sentence enhancement of seven years' imprisonment in the state~~
34 ~~prison may be referenced as Schedule O.~~

35 ~~Causing death by willfully causing or permitting any elder or~~
36 ~~dependent adult to suffer, or inflicting pain or mental suffering~~
37 ~~upon, or endangering the health of, an elder or dependent adult~~
38 ~~when the victim is 70 years of age or older (subpara. (B), para.~~
39 ~~(3), subd. (b), Sec. 368, Pen. C.).~~

1 ~~(p) The provisions listed in this subdivision imposing a~~
2 ~~sentence enhancement of nine years' imprisonment in the state~~
3 ~~prison may be referenced as Schedule P.~~

4 ~~Kidnapping a victim for the purpose of committing any~~
5 ~~specified felony sex offense (subd. (a), Sec. 667.8, Pen. C.).~~

6 ~~(q) The provisions listed in this subdivision imposing a~~
7 ~~sentence enhancement of 10 years' imprisonment in the state~~
8 ~~prison may be referenced as Schedule Q.~~

9 ~~(1) Commission of a violent felony for the benefit of, at the~~
10 ~~direction of, or in association with, any criminal street gang, with~~
11 ~~the specific intent to promote, further, or assist in any criminal~~
12 ~~conduct by gang members (subpara. (C), para. (1), subd. (b), Sec.~~
13 ~~186.22, Pen. C.).~~

14 ~~(2) Two or more prior prison terms for any specified sex~~
15 ~~offense with a current conviction of any of those sex offenses~~
16 ~~(subd. (b), Sec. 667.6, Pen. C.).~~

17 ~~(3) Commission or attempted commission of any specified~~
18 ~~felony offense while personally using a firearm (subd. (b), Sec.~~
19 ~~12022.53, Pen. C.).~~

20 ~~(4) Commission of any specified drug offense involving a~~
21 ~~substance containing heroin, cocaine base, cocaine,~~
22 ~~methamphetamine, amphetamine, or phenethylidine (PCP), when~~
23 ~~the substance exceeds 10 kilograms or 200 liters (para. (3), subd.~~
24 ~~(a), and para. (3), subd. (b), Sec. 11370.4, H.& S.C.).~~

25 ~~(5) Manufacturing, compounding, converting, producing,~~
26 ~~deriving, processing, or preparing any substance containing~~
27 ~~amphetamine, methamphetamine, or phenethylidine (PCP) or its~~
28 ~~analogs or precursors, or attempting to commit any of those acts,~~
29 ~~when the substance exceeds 25 gallons or 10 pounds (para. (3),~~
30 ~~subd. (a), Sec. 11379.8, H.& S.C.).~~

31 ~~(r) The provisions listed in this subdivision imposing a~~
32 ~~sentence enhancement of 15 years' imprisonment in the state~~
33 ~~prison may be referenced as Schedule R.~~

34 ~~(1) Kidnapping a victim under 14 years of age for the purpose~~
35 ~~of committing any specified felony sex offense (subd. (b), Sec.~~
36 ~~667.8, Pen. C.).~~

37 ~~(2) Commission of any specified drug offense involving a~~
38 ~~substance containing heroin, cocaine base, cocaine,~~
39 ~~methamphetamine, amphetamine, or phenethylidine (PCP), when~~

1 the substance exceeds 20 kilograms or 400 liters (para. (4), subd.
2 (a), and para. (4), subd. (b), Sec. 11370.4, H.& S.C.):

3 ~~(3) Manufacturing, compounding, converting, producing,~~
4 ~~deriving, processing, or preparing any substance containing~~
5 ~~amphetamine, methamphetamine, or phencyclidine (PCP) or its~~
6 ~~analog or precursor, or attempting to commit any of those acts,~~
7 ~~when the substance exceeds 105 gallons or 44 pounds (para. (4),~~
8 ~~subd. (a), Sec. 11379.8, H.& S.C.):~~

9 ~~(s) The provisions listed in this subdivision imposing a~~
10 ~~sentence enhancement of 20 years' imprisonment in the state~~
11 ~~prison may be referenced as Schedule S:~~

12 ~~(1) Intentionally and personally discharging a firearm in the~~
13 ~~commission or attempted commission of any specified felony~~
14 ~~offense (subd. (e), Sec. 12022.53, Pen. C.):~~

15 ~~(2) Commission of any specified drug offense involving a~~
16 ~~substance containing heroin, cocaine base, or cocaine, when the~~
17 ~~substance exceeds 40 kilograms (para. (5), subd. (a), Sec.~~
18 ~~11370.4, H.& S.C.):~~

19 ~~(t) The provisions listed in this subdivision imposing a~~
20 ~~sentence enhancement of 25 years' imprisonment in the state~~
21 ~~prison may be referenced as Schedule T:~~

22 ~~Commission of any specified drug offense involving a~~
23 ~~substance containing heroin, cocaine base, or cocaine, when the~~
24 ~~substance exceeds 80 kilograms (para. (6), subd. (a), Sec.~~
25 ~~11370.4, H.& S.C.):~~

26 ~~(u) The provisions listed in this subdivision imposing a~~
27 ~~sentence enhancement of 25 years to life imprisonment in the~~
28 ~~state prison may be referenced as Schedule U:~~

29 ~~Intentionally and personally discharging a firearm in the~~
30 ~~commission or attempted commission of any specified felony~~
31 ~~offense and proximately causing great bodily injury to any~~
32 ~~person other than an accomplice (subd. (d), Sec. 12022.53, Pen.~~
33 ~~C.):~~

34 SEC. 8. Section 667.7 of the Penal Code is amended to read:

35 667.7. (a) Any person convicted of a felony in which the
36 person inflicted great bodily injury as provided in Section
37 12022.53 or 12022.7, or personally used force which was likely
38 to produce great bodily injury, who has served two or more prior
39 separate prison terms as defined in Section 667.5 for the crime of
40 murder; attempted murder; voluntary manslaughter; mayhem;

1 rape by force, violence, or fear of immediate and unlawful bodily
2 injury on the victim or another person; oral copulation by force,
3 violence, duress, menace, or fear of immediate and unlawful
4 bodily injury on the victim or another person; sodomy by force,
5 violence, duress, menace, or fear of immediate and unlawful
6 bodily injury on the victim or another person; lewd acts on a
7 child under the age of 14 years by use of force, violence, duress,
8 menace, or fear of immediate and unlawful bodily injury on the
9 victim or another person; a violation of subdivision (a) of Section
10 289 where the act is accomplished against the victim's will by
11 means of force, violence, duress, menace, or fear of immediate
12 and unlawful bodily injury on the victim or another person;
13 kidnapping as punished in former subdivision (d) of Section 208,
14 or for ransom, extortion, or robbery; robbery involving the use of
15 force or a deadly weapon; ~~assault with intent to commit murder;~~
16 ~~assault with a deadly weapon;~~ carjacking involving the use of a
17 deadly weapon; assault with intent to commit murder; assault
18 with a deadly weapon; assault with a force likely to produce great
19 bodily injury; assault with intent to commit rape, sodomy, oral
20 copulation, sexual penetration in violation of Section 289, or
21 lewd and lascivious acts on a child; arson of a structure; escape
22 or attempted escape by an inmate with force or violence in
23 violation of subdivision (a) of Section 4530, or of Section 4532;
24 exploding a destructive device with intent to murder in violation
25 of Section 12308; exploding a destructive device which causes
26 bodily injury in violation of Section 12309, or mayhem or great
27 bodily injury in violation of Section 12310; exploding a
28 destructive device with intent to injure, intimidate, or terrify, in
29 violation of Section 12303.3; any felony in which the person
30 inflicted great bodily injury as provided in Section 12022.53 or
31 12022.7; or any felony punishable by death or life imprisonment
32 with or without the possibility of parole is a habitual offender and
33 shall be punished as follows:

34 (1) A person who served two prior separate prison terms shall
35 be punished by imprisonment in the state prison for life and shall
36 not be eligible for release on parole for 20 years, or the term
37 determined by the court pursuant to Section 1170 for the
38 underlying conviction, including any enhancement applicable
39 under Chapter 4.5 (commencing with Section 1170) of Title 7 of
40 Part 2, or any period prescribed by Section 190 or 3046,

1 whichever is greatest. Article 2.5 (commencing with Section
2 2930) of Chapter 7 of Title 1 of Part 3 shall apply to reduce any
3 minimum term in a state prison imposed pursuant to this section,
4 but the person shall not otherwise be released on parole prior to
5 that time.

6 (2) Any person convicted of a felony specified in this
7 subdivision who has served three or more prior separate prison
8 terms, as defined in Section 667.5, for the crimes specified in
9 subdivision (a) of this section shall be punished by imprisonment
10 in the state prison for life without the possibility of parole.

11 (b) This section shall not prevent the imposition of the
12 punishment of death or imprisonment for life without the
13 possibility of parole. No prior prison term shall be used for this
14 determination which was served prior to a period of 10 years in
15 which the person remained free of both prison custody and the
16 commission of an offense which results in a felony conviction.
17 As used in this section, a commitment to the Department of the
18 Youth Authority after conviction for a felony shall constitute a
19 prior prison term. The term imposed under this section shall be
20 imposed only if the prior prison terms are alleged under this
21 section in the accusatory pleading, and either admitted by the
22 defendant in open court, or found to be true by the jury trying the
23 issue of guilt or by the court where guilt is established by a plea
24 of guilty or nolo contendere or by a trial by the court sitting
25 without a jury.

26 SEC. 9. Section 11106 of the Penal Code is amended to read:

27 11106. (a) In order to assist in the investigation of crime, the
28 prosecution of civil actions by city attorneys pursuant to
29 paragraph (3) of subdivision (c), the arrest and prosecution of
30 criminals, and the recovery of lost, stolen, or found property, the
31 Attorney General shall keep and properly file a complete record
32 of all copies of fingerprints, copies of licenses to carry firearms
33 issued pursuant to Section 12050, information reported to the
34 Department of Justice pursuant to Section 12053, dealers'
35 records of sales of firearms, reports provided pursuant to Section
36 12072 or 12078, forms provided pursuant to Section 12084, as
37 that section read prior to being repealed by the act that amended
38 this section, reports provided pursuant to Section 12071 that are
39 not dealers' records of sales of firearms, and reports of stolen,
40 lost, found, pledged, or pawned property in any city or county of

1 this state, and shall, upon proper application therefor, furnish this
2 information to the officers referred to in Section 11105.

3 (b) (1) Except as provided in subdivision (d), the Attorney
4 General shall not retain or compile any information from reports
5 filed pursuant to subdivision (a) of Section 12078 for firearms
6 that are not handguns, from forms submitted pursuant to Section
7 12084, as that section read prior to being repealed by the act that
8 amended this section, for firearms that are not handguns, or from
9 dealers' records of sales for firearms that are not handguns. All
10 copies of the forms submitted, or any information received in
11 electronic form, pursuant to Section 12084, as that section read
12 prior to being repealed by the act that amended this section, for
13 firearms that are not handguns, or of the dealers' records of sales
14 for firearms that are not handguns shall be destroyed within five
15 days of the clearance by the Attorney General, unless the
16 purchaser or transferor is ineligible to take possession of the
17 firearm. All copies of the reports filed, or any information
18 received in electronic form, pursuant to subdivision (a) of
19 Section 12078 for firearms that are not handguns shall be
20 destroyed within five days of the receipt by the Attorney General,
21 unless retention is necessary for use in a criminal prosecution.

22 (2) A peace officer, the Attorney General, a Department of
23 Justice employee designated by the Attorney General, or any
24 authorized local law enforcement employee shall not retain or
25 compile any information from a firearms transaction record, as
26 defined in paragraph (5) of subdivision (c) of Section 12071, for
27 firearms that are not handguns unless retention or compilation is
28 necessary for use in a criminal prosecution or in a proceeding to
29 revoke a license issued pursuant to Section 12071.

30 (3) A violation of this subdivision is a misdemeanor.

31 (c) (1) The Attorney General shall permanently keep and
32 properly file and maintain all information reported to the
33 Department of Justice pursuant to Sections 12071, 12072, 12078,
34 12082, and former Section 12084 or any other law, as to
35 handguns and maintain a registry thereof.

36 (2) The registry shall consist of all of the following:

37 (A) The name, address, identification of, place of birth (state
38 or country), complete telephone number, occupation, sex,
39 description, and all legal names and aliases ever used by the
40 owner or person being loaned the particular handgun as listed on

1 the information provided to the department on the Dealers’
2 Record of Sale, the Law Enforcement Firearms Transfer (LEFT),
3 as defined in former Section 12084, or reports made to the
4 department pursuant to Section 12078 or any other law.

5 (B) The name and address of, and other information about, any
6 person (whether a dealer or a private party) from whom the
7 owner acquired or the person being loaned the particular handgun
8 and when the firearm was acquired or loaned as listed on the
9 information provided to the department on the Dealers’ Record
10 of Sale, the LEFT, or reports made to the department pursuant to
11 Section 12078 or any other law.

12 (C) Any waiting period exemption applicable to the
13 transaction which resulted in the owner of or the person being
14 loaned the particular handgun acquiring or being loaned that
15 firearm.

16 (D) The manufacturer’s name if stamped on the firearm,
17 model name or number if stamped on the firearm, and, if
18 applicable, the serial number, other number (if more than one
19 serial number is stamped on the firearm), caliber, type of firearm,
20 if the firearm is new or used, barrel length, and color of the
21 firearm.

22 (3) Information in the registry referred to in this subdivision
23 shall, upon proper application therefor, be furnished to the
24 officers referred to in Section 11105, to a city attorney
25 prosecuting a civil action, solely for use in prosecuting that civil
26 action and not for any other purpose, or to the person listed in the
27 registry as the owner or person who is listed as being loaned the
28 particular handgun.

29 (4) If any person is listed in the registry as the owner of a
30 firearm through a Dealers’ Record of Sale prior to 1979, and the
31 person listed in the registry requests by letter that the Attorney
32 General store and keep the record electronically, as well as in the
33 record’s existing photographic, photostatic, or nonerasable
34 optically stored form, the Attorney General shall do so within
35 three working days of receipt of the request. The Attorney
36 General shall, in writing, and as soon as practicable, notify the
37 person requesting electronic storage of the record that the request
38 has been honored as required by this paragraph.

39 (d) (1) Any officer referred to in paragraphs (1) to (6),
40 inclusive, of subdivision (b) of Section 11105 may disseminate

1 the name of the subject of the record, the number of the firearms
2 listed in the record, and the description of any firearm, including
3 the make, model, and caliber, from the record relating to any
4 firearm's sale, transfer, registration, or license record, or any
5 information reported to the Department of Justice pursuant to
6 Section 12021.3, 12053, 12071, 12072, 12077, 12078, 12082, or
7 12285, if the following conditions are met:

8 (A) The subject of the record has been arraigned for a crime in
9 which the victim is a person described in subdivisions (a) to (f),
10 inclusive, of Section 6211 of the Family Code and is being
11 prosecuted or is serving a sentence for the crime, or the subject of
12 the record is the subject of an emergency protective order, a
13 temporary restraining order, or an order after hearing, which is in
14 effect and has been issued by a family court under the Domestic
15 Violence Protection Act set forth in Division 10 (commencing
16 with Section 6200) of the Family Code.

17 (B) The information is disseminated only to the victim of the
18 crime or to the person who has obtained the emergency
19 protective order, the temporary restraining order, or the order
20 after hearing issued by the family court.

21 (C) Whenever a law enforcement officer disseminates the
22 information authorized by this subdivision, that officer or another
23 officer assigned to the case shall immediately provide the victim
24 of the crime with a "Victims of Domestic Violence" card, as
25 specified in subparagraph ~~(G)~~ (H) of paragraph (9) of subdivision
26 (c) of Section 13701.

27 (2) The victim or person to whom such information is
28 disseminated may disclose it as he or she deems necessary to
29 protect himself or herself or another person from bodily harm by
30 the person who is the subject of the record.

31 SEC. 10. Section 11166.01 of the Penal Code is amended to
32 read:

33 11166.01. (a) Except as provided in subdivision (b), any
34 supervisor or administrator who violates paragraph (1) of
35 subdivision (h) of Section 11166 shall be punished by not more
36 than six months in a county jail, by a fine of not more than one
37 thousand dollars (\$1,000), or by both that fine and imprisonment.

38 (b) Notwithstanding Section 11162 *or subdivision (c) of*
39 *Section 11166*, any mandated reporter who willfully fails to
40 report abuse or neglect, or any person who impedes or inhibits a

1 report of abuse or neglect, in violation of this article, where that
2 abuse or neglect results in death or great bodily injury, shall be
3 punished by not more than one year in a county jail, by a fine of
4 not more than five thousand dollars (\$5,000), or by both that fine
5 and imprisonment.

6 SEC. 11. Section 12001 of the Penal Code is amended to
7 read:

8 12001. (a) (1) As used in this title, the terms “pistol,”
9 “revolver,” and “firearm capable of being concealed upon the
10 person” shall apply to and include any device designed to be used
11 as a weapon, from which is expelled a projectile by the force of
12 any explosion, or other form of combustion, and that has a barrel
13 less than 16 inches in length. These terms also include any device
14 that has a barrel 16 inches or more in length which is designed to
15 be interchanged with a barrel less than 16 inches in length.

16 (2) As used in this title, the term “handgun” means any
17 “pistol,” “revolver,” or “firearm capable of being concealed upon
18 the person.”

19 (b) As used in this title, “firearm” means any device, designed
20 to be used as a weapon, from which is expelled through a barrel,
21 a projectile by the force of any explosion or other form of
22 combustion.

23 (c) As used in Sections 12021, 12021.1, 12070, 12071, 12072,
24 12073, 12078, 12101, and 12801 of this code, and Sections 8100,
25 8101, and 8103 of the Welfare and Institutions Code, the term
26 “firearm” includes the frame or receiver of the weapon.

27 (d) For the purposes of Sections 12025 and 12031, the term
28 “firearm” also shall include any rocket, rocket propelled
29 projectile launcher, or similar device containing any explosive or
30 incendiary material whether or not the device is designed for
31 emergency or distress signaling purposes.

32 (e) For purposes of Sections 12070, 12071, and paragraph (8)
33 of subdivision (a), and subdivisions (b), (c), (d), and (f) of
34 Section 12072, the term “firearm” does not include an unloaded
35 firearm that is defined as an “antique firearm” in Section
36 921(a)(16) of Title 18 of the United States Code.

37 (f) Nothing shall prevent a device defined as a “handgun,”
38 “pistol,” “revolver,” or “firearm capable of being concealed upon
39 the person” from also being found to be a short-barreled shotgun
40 or a short-barreled rifle, as defined in Section 12020.

1 (g) For purposes of Sections 12551 and 12552, the term “BB
2 device” means any instrument that expels a projectile, such as a
3 BB or a pellet, not exceeding 6mm caliber, through the force of
4 air pressure, gas pressure, or spring action, or any spot marker
5 gun.

6 (h) As used in this title, “wholesaler” means any person who is
7 licensed as a dealer pursuant to Chapter 44 (commencing with
8 Section 921) of Title 18 of the United States Code and the
9 regulations issued pursuant thereto who sells, transfers, or
10 assigns firearms, or parts of firearms, to persons who are licensed
11 as manufacturers, importers, or gunsmiths pursuant to Chapter 44
12 (commencing with Section 921) of Title 18 of the United States
13 Code, or persons licensed pursuant to Section 12071, and
14 includes persons who receive finished parts of firearms and
15 assemble them into completed or partially completed firearms in
16 furtherance of that purpose.

17 “Wholesaler” shall not include a manufacturer, importer, or
18 gunsmith who is licensed to engage in those activities pursuant to
19 Chapter 44 (commencing with Section 921) of Title 18 of the
20 United States Code or a person licensed pursuant to Section
21 12071 and the regulations issued pursuant thereto. A wholesaler
22 also does not include those persons dealing exclusively in grips,
23 stocks, and other parts of firearms that are not frames or receivers
24 thereof.

25 (i) As used in Section 12071 or 12072, “application to
26 purchase” means any of the following:

27 (1) The initial completion of the register by the purchaser,
28 transferee, or person being loaned the firearm as required by
29 subdivision (b) of Section 12076.

30 (2) The initial completion and transmission to the department
31 of the record of electronic or telephonic transfer by the dealer on
32 the purchaser, transferee, or person being loaned the firearm as
33 required by subdivision (c) of Section 12076.

34 (j) For purposes of Section 12023, a firearm shall be deemed
35 to be “loaded” whenever both the firearm and the unexpended
36 ammunition capable of being discharged from the firearm are in
37 the immediate possession of the same person.

38 (k) For purposes of Sections 12021, 12021.1, 12025, 12070,
39 12072, 12073, 12078, 12101, and 12801 of this code, and
40 Sections 8100, 8101, and 8103 of the Welfare and Institutions

1 Code, notwithstanding the fact that the term “any firearm” may
2 be used in those sections, each firearm or the frame or receiver of
3 the same shall constitute a distinct and separate offense under
4 those sections.

5 (l) For purposes of Section 12020, a violation of that section as
6 to each firearm, weapon, or device enumerated therein shall
7 constitute a distinct and separate offense.

8 (m) Each application that requires any firearms eligibility
9 determination involving the issuance of any license, permit, or
10 certificate pursuant to this title shall include two copies of the
11 applicant’s fingerprints on forms prescribed by the Department
12 of Justice. One copy of the fingerprints may be submitted to the
13 United States Federal Bureau of Investigation.

14 (n) As used in this chapter, a “personal handgun importer”
15 means an individual who meets all of the following criteria:

16 (1) He or she is not a person licensed pursuant to Section
17 12071.

18 (2) He or she is not a licensed manufacturer of firearms
19 pursuant to Chapter 44 (commencing with Section 921) of Title
20 18 of the United States Code.

21 (3) He or she is not a licensed importer of firearms pursuant to
22 Chapter 44 (commencing with Section 921) of Title 18 of the
23 United States Code and the regulations issued pursuant thereto.

24 (4) He or she is the owner of a pistol, revolver, or other
25 firearm capable of being concealed upon the person.

26 (5) He or she acquired that pistol, revolver, or other firearm
27 capable of being concealed upon the person outside of California.

28 (6) He or she moves into this state on or after January 1, 1998,
29 as a resident of this state.

30 (7) He or she intends to possess that pistol, revolver, or other
31 firearm capable of being concealed upon the person within this
32 state on or after January 1, 1998.

33 (8) The pistol, revolver, or other firearm capable of being
34 concealed upon the person was not delivered to him or her by a
35 person licensed pursuant to Section 12071 who delivered that
36 firearm following the procedures set forth in Section ~~12071.2~~
37 *12071* and subdivision (c) of Section 12072.

38 (9) He or she, while a resident of this state, had not previously
39 reported his or her ownership of that pistol, revolver, or other
40 firearm capable of being concealed upon the person to the

1 Department of Justice in a manner prescribed by the department
2 that included information concerning him or her and a
3 description of the firearm.

4 (10) The pistol, revolver, or other firearm capable of being
5 concealed upon the person is not a firearm that is prohibited by
6 subdivision (a) of Section 12020.

7 (11) The pistol, revolver, or other firearm capable of being
8 concealed upon the person is not an assault weapon, as defined in
9 Section 12276 or 12276.1.

10 (12) The pistol, revolver, or other firearm capable of being
11 concealed upon the person is not a machinegun, as defined in
12 Section 12200.

13 (13) The person is 18 years of age or older.

14 (o) For purposes of paragraph (6) of subdivision (n):

15 (1) Except as provided in paragraph (2), residency shall be
16 determined in the same manner as is the case for establishing
17 residency pursuant to Section 12505 of the Vehicle Code.

18 (2) In the case of members of the Armed Forces of the United
19 States, residency shall be deemed to be established when he or
20 she was discharged from active service in this state.

21 (p) As used in this code, “basic firearms safety certificate”
22 means a certificate issued by the Department of Justice pursuant
23 to Article 8 (commencing with Section 12800) of Chapter 6 of
24 Title 2 of Part 4, prior to January 1, 2003.

25 (q) As used in this code, “handgun safety certificate” means a
26 certificate issued by the Department of Justice pursuant to Article
27 8 (commencing with Section 12800) of Chapter 6 of Title 2 of
28 Part 4, as that article is operative on or after January 1, 2003.

29 (r) As used in this title, “gunsmith” means any person who is
30 licensed as a dealer pursuant to Chapter 44 (commencing with
31 Section 921) of Title 18 of the United States Code and the
32 regulations issued pursuant thereto, who is engaged primarily in
33 the business of repairing firearms, or making or fitting special
34 barrels, stocks, or trigger mechanisms to firearms, or the agent or
35 employee of that person.

36 SEC. 12. Section 12553 of the Penal Code is amended to
37 read:

38 12553. (a) (1) Any person who changes, alters, removes, or
39 obliterates any coloration or markings that are required ~~for~~ by
40 any applicable state or federal law or regulation, for any imitation

1 firearm, or device described in subdivision (c) of Section 12555,
2 in any way that makes the imitation firearm or device look more
3 like a firearm is guilty of a misdemeanor.

4 (2) This subdivision shall not apply to a manufacturer,
5 importer, or distributor of imitation firearms or to the lawful use
6 in theatrical productions, including motion pictures, television,
7 and stage productions.

8 (b) Any manufacturer, importer, or distributor of imitation
9 firearms that fails to comply with any applicable federal law or
10 regulation governing the marking of a toy, look-alike or imitation
11 firearm as defined by federal law or regulation is guilty of a
12 misdemeanor.

13 SEC. 13. Section 18631.7 of the Revenue and Taxation Code
14 is amended to read:

15 18631.7. (a) Any check casher engaged in the trade or
16 business of cashing checks that, in the course of that trade or
17 business, cashes checks totaling more than ten thousand dollars
18 (\$10,000) in one transaction or two or more transactions for the
19 same person within the calendar year, shall file an informational
20 return with the Franchise Tax Board with respect to that
21 transaction or transactions.

22 (b) The return required in subdivision (a) shall be filed no later
23 than 90 days after the end of the calendar year and in the form
24 and manner prescribed by the Franchise Tax Board, and shall, at
25 a minimum, contain both of the following:

26 (1) The name, address, taxpayer identification number, and
27 any other identifying information of the person presenting the
28 check that the Franchise Tax Board deems necessary.

29 (2) The amount and date of the transaction or transactions.

30 (c) For purposes of this section both of the following
31 definitions apply:

32 (1) "Check casher" means any person as defined under Section
33 1789.31 of the Civil Code.

34 (2) "Checks" includes warrants, drafts, money orders, and
35 other commercial paper serving the same purpose.

36 (d) With respect to a person who fails to file the report
37 required by this section or fails to include all of the information
38 required to be shown on that report, both of the following apply:

39 (1) Sections 6721 and 6724 of the Internal Revenue Code, as
40 those sections read on January 1, 2005, apply, except that the

1 “Franchise Tax Board” is substituted for the “secretary” in each
2 place it appears in those sections.

3 (2) If the failure was willful, the person is guilty of a felony
4 and, upon conviction thereof, shall be fined not more than
5 twenty-five thousand dollars (\$25,000) or, in the case of a
6 corporation, not more than one hundred thousand dollars
7 (\$100,000), or imprisoned ~~not more than one year in the state~~
8 *prison for a determinate term of one year and one day*, or both,
9 together with the costs of prosecution.

10 SEC. 14. Section 241.1 of the Welfare and Institutions Code
11 is amended to read:

12 241.1. (a) Whenever a minor appears to come within the
13 description of both Section 300 and Section 601 or 602, the
14 county probation department and the child welfare services
15 department shall, pursuant to a jointly developed written protocol
16 described in subdivision (b), initially determine which status will
17 serve the best interests of the minor and the protection of society.
18 The recommendations of both departments shall be presented to
19 the juvenile court with the petition that is filed on behalf of the
20 minor, and the court shall determine which status is appropriate
21 for the minor. Any other juvenile court having jurisdiction over
22 the minor shall receive notice from the court, within five calendar
23 days, of the presentation of the recommendations of the
24 departments. The notice shall include the name of the judge to
25 whom, or the courtroom to which, the recommendations were
26 presented.

27 (b) The probation department and the child welfare services
28 department in each county shall jointly develop a written
29 protocol to ensure appropriate local coordination in the
30 assessment of a minor described in subdivision (a), and the
31 development of recommendations by these departments for
32 consideration by the juvenile court. These protocols shall require,
33 which requirements shall not be limited to, consideration of the
34 nature of the referral, the age of the minor, the prior record of the
35 minor’s parents for child abuse, the prior record of the minor for
36 out-of-control or delinquent behavior, the parents’ cooperation
37 with the minor’s school, the minor’s functioning at school, the
38 nature of the minor’s home environment, and the records of other
39 agencies which have been involved with the minor and his or her
40 family. The protocols also shall contain provisions for resolution

1 of disagreements between the probation and child welfare
2 services departments regarding the need for dependency or ward
3 status and provisions for determining the circumstances under
4 which a new petition should be filed to change the minor's status.

5 (c) Whenever a minor who is under the jurisdiction of the
6 juvenile court of a county pursuant to Section 300, 601, or 602 is
7 alleged to come within the description of Section 300, 601, or
8 602 by another county, the county probation department or child
9 welfare services department in the county that has jurisdiction
10 under Section 300, 601, or 602 and the county probation
11 department or child welfare services department of the county
12 alleging the minor to be within one of those sections shall
13 initially determine which status will best serve the best interests
14 of the minor and the protection of society. The recommendations
15 of both departments shall be presented to the juvenile court in
16 which the petition is filed on behalf of the minor, and the court
17 shall determine which status is appropriate for the minor. In
18 making their recommendation to the juvenile court, the
19 departments shall conduct an assessment consistent with the
20 requirements of subdivision (b). Any other juvenile court having
21 jurisdiction over the minor shall receive notice from the court in
22 which the petition is filed within five calendar days of the
23 presentation of the recommendations of the departments. The
24 notice shall include the name of the judge to whom, or the
25 courtroom to which, the recommendations were presented.

26 (d) Except as provided in subdivision (e), nothing in this
27 section shall be construed to authorize the filing of a petition or
28 petitions, or the entry of an order by the juvenile court, to make a
29 minor simultaneously both a dependent child and a ward of the
30 court.

31 (e) Notwithstanding the provisions of subdivision (d), the
32 probation department and the child welfare services department,
33 in consultation with the presiding judge of the juvenile court, in
34 any county may create a jointly written protocol to allow the
35 county probation department and the child welfare services
36 department to jointly assess and produce a recommendation that
37 the child be designated as a dual status child, allowing the child
38 to be simultaneously a dependent child and a ward of the court.
39 This protocol shall be signed by the chief probation officer, the
40 director of the county social services agency, and the presiding

1 judge of the juvenile court prior to its implementation. No
2 juvenile court may order that a child is simultaneously a
3 dependent child and a ward of the court pursuant to this
4 subdivision unless and until the required protocol has been
5 created and entered into. This protocol shall include:

6 (1) A description of the process to be used to determine
7 whether the child is eligible to be designated as a dual status
8 child.

9 (2) A description of the procedure by which the probation
10 department and the child welfare services department will assess
11 the necessity for dual status for specified children and the process
12 to make joint recommendations for the court's consideration
13 prior to making a determination under this section. These
14 recommendations shall ensure a seamless transition from
15 wardship to dependency jurisdiction, as appropriate, so that
16 services to the child are not disrupted upon termination of the
17 wardship.

18 (3) A provision for ensuring communication between the
19 judges who hear petitions concerning children for whom
20 dependency jurisdiction has been suspended while they are
21 within the jurisdiction of the juvenile court pursuant to Section
22 601 or 602. A judge may communicate by providing a copy of
23 any reports filed pursuant to Section 727.2 concerning a ward to
24 a court that has jurisdiction over dependency proceedings
25 concerning the child.

26 (4) A plan to collect data in order to evaluate the protocol
27 pursuant to Section 241.2.

28 (5) Counties that ~~exeereise~~ *exercise* the option provided for in
29 this subdivision shall adopt either an "on-hold" system as
30 described in subparagraph (A) or a "lead court/lead agency"
31 system as described in subparagraph (B). In no case shall there
32 be any simultaneous or duplicative case management or services
33 provided by both the county probation department and the child
34 welfare services department. It is the intent of the Legislature that
35 judges, in cases in which more than one judge is involved, shall
36 not issue conflicting orders.

37 (A) In counties in which an on-hold system is adopted, the
38 dependency jurisdiction shall be suspended or put on hold while
39 the child is subject to jurisdiction as a ward of the court. When it
40 appears that termination of the court's jurisdiction, as established

1 pursuant to Section 601 or 602, is likely and that reunification of
2 the child with his or her parent or guardian would be detrimental
3 to the child, the county probation department and the child
4 welfare services department shall jointly assess and produce a
5 recommendation for the court regarding whether the court's
6 dependency jurisdiction shall be resumed.

7 (B) In counties in which a lead court/lead agency system is
8 adopted, the protocol shall include a method for identifying
9 which court or agency will be the lead court/lead agency. That
10 court or agency shall be responsible for case management,
11 conducting statutorily mandated court hearings, and submitting
12 court reports.

13 SEC. 15. Section 827 of the Welfare and Institutions Code is
14 amended to read:

15 827. (a) (1) Except as provided in Section 828, a case file
16 may be inspected ~~only~~ *and copied* by the following:

17 (A) Court personnel.

18 (B) The district attorney, a city attorney, or city prosecutor
19 authorized to prosecute criminal or juvenile cases under state
20 law.

21 (C) The minor who is the subject of the proceeding.

22 (D) His or her parents or guardian.

23 (E) The attorneys for the parties, judges, referees, other
24 hearing officers, probation officers, and law enforcement officers
25 who are actively participating in criminal or juvenile proceedings
26 involving the minor.

27 (F) The superintendent or designee of the school district where
28 the minor is enrolled or attending school.

29 (G) Members of the child protective agencies as defined in
30 Section 11165.9 of the Penal Code.

31 (H) The State Department of Social Services to carry out its
32 duties pursuant to Division 9 (commencing with Section 10000),
33 and Part 5 (commencing with Section 7900) of Division 12, of
34 the Family Code to oversee and monitor county child welfare
35 agencies, children in foster care or receiving foster care
36 assistance, and out-of-state placements.

37 (I) Authorized legal staff or special investigators who are
38 peace officers who are employed by, or who are authorized
39 representatives of, the State Department of Social Services, as
40 necessary to the performance of their duties to inspect, license,

1 and investigate community care facilities, and to ensure that the
2 standards of care and services provided in those facilities are
3 adequate and appropriate and to ascertain compliance with the
4 rules and regulations to which the facilities are subject. The
5 confidential information shall remain confidential except for
6 purposes of inspection, licensing, or investigation pursuant to
7 Chapter 3 (commencing with Section 1500) and Chapter 3.4
8 (commencing with Section 1596.70) of Division 2 of the Health
9 and Safety Code, or a criminal, civil, or administrative
10 proceeding in relation thereto. The confidential information may
11 be used by the State Department of Social Services in a criminal,
12 civil, or administrative proceeding. The confidential information
13 shall be available only to the judge or hearing officer and to the
14 parties to the case. Names that are confidential shall be listed in
15 attachments separate to the general pleadings. The confidential
16 information shall be sealed after the conclusion of the criminal,
17 civil, or administrative hearings, and may not subsequently be
18 released except in accordance with this subdivision. If the
19 confidential information does not result in a criminal, civil, or
20 administrative proceeding, it shall be sealed after the State
21 Department of Social Services decides that no further action will
22 be taken in the matter of suspected licensing violations. Except as
23 otherwise provided in this subdivision, confidential information
24 in the possession of the State Department of Social Services may
25 not contain the name of the minor.

26 (J) Members of children’s multidisciplinary teams, persons, or
27 agencies providing treatment or supervision of the minor.

28 (K) A judge, commissioner, or other hearing officer assigned
29 to a family law case with issues concerning custody or visitation,
30 or both, involving the minor, and the following persons, if
31 actively participating in the family law case: a family court
32 mediator assigned to a case involving the minor pursuant to
33 Article 1 (commencing with Section 3160) of Chapter 11 of Part
34 2 of Division 8 of the Family Code, a court-appointed evaluator
35 or a person conducting a court-connected child custody
36 evaluation, investigation, or assessment pursuant to Section 3111
37 or 3118 of the Family Code, and counsel appointed for the minor
38 in the family law case pursuant to Section 3150 of the Family
39 Code. Prior to allowing counsel appointed for the minor in the
40 family law case to inspect the file, the court clerk may require

1 counsel to provide a certified copy of the court order appointing
2 him or her as the minor’s counsel.

3 (L) A court-appointed investigator who is actively
4 participating in a guardianship case involving a minor pursuant to
5 Part 2 (commencing with Section 1500) of Division 4 of the
6 Probate Code and acting within the scope of his or her duties in
7 that case.

8 (M) A local child support agency for the purpose of
9 establishing paternity and establishing and enforcing child
10 support orders.

11 (N) Juvenile justice commissions as established under Section
12 225. The confidentiality provisions of Section 10850 shall apply
13 to a juvenile justice commission and its members.

14 (O) Any other person who may be designated by court order
15 of the judge of the juvenile court upon filing a petition.

16 (2) Notwithstanding any other law and subject to subparagraph
17 (A) of paragraph (3), juvenile case files, except those relating to
18 matters within the jurisdiction of the court pursuant to Section
19 601 or 602, that pertain to a deceased child who was within the
20 jurisdiction of the juvenile court pursuant to Section 300, shall be
21 released to the public pursuant to an order by the juvenile court
22 after a petition has been filed and interested parties have been
23 afforded an opportunity to file an objection. Any information
24 relating to another child or which could identify another child,
25 except for information about the deceased, shall be redacted from
26 the juvenile case file prior to release, unless a specific order is
27 made by the juvenile court to the contrary. Except as provided in
28 this paragraph, the presiding judge of the juvenile court may
29 issue an order prohibiting or limiting access to the juvenile case
30 file, or any portion thereof, of a deceased child only upon a
31 showing that release of the juvenile case file or any portion
32 thereof is detrimental to the safety, protection, or physical or
33 emotional well-being of another child who is directly or
34 indirectly connected to the juvenile case that is the subject of the
35 petition.

36 (3) Access to juvenile case files pertaining to matters within
37 the jurisdiction of the juvenile court pursuant to Section 300 shall
38 be limited as follows:

39 (A) If a juvenile case file, or any portion thereof, is privileged
40 or confidential pursuant to any other state law or federal law or

1 regulation, the requirements of that state law or federal law or
2 regulation prohibiting or limiting release of the juvenile case file
3 or any portions thereof shall prevail. Unless a person is listed in
4 subparagraphs (A) to (N), inclusive, of paragraph (1) and is
5 entitled to access under the other state law or federal law or
6 regulation without a court order, all those seeking access,
7 pursuant to other authorization, to portions of, or information
8 relating to the contents of, juvenile case files protected under
9 another state law or federal law or regulation, shall petition the
10 juvenile court. The juvenile court may only release the portion
11 of, or information relating to the contents of, juvenile case files
12 protected by another state law or federal law or regulation if
13 disclosure is not detrimental to the safety, protection, or physical
14 or emotional well-being of a child who is directly or indirectly
15 connected to the juvenile case that is the subject of the petition.
16 This paragraph shall not be construed to limit the ability of the
17 juvenile court to carry out its duties in conducting juvenile court
18 proceedings.

19 (B) Prior to the release of the juvenile case file or any portion
20 thereof, the court shall afford due process, including a notice of
21 and an opportunity to file an objection to the release of the record
22 or report to all interested parties.

23 (4) A juvenile case file, any portion thereof, and information
24 relating to the content of the juvenile case file, may not be
25 disseminated by the receiving agencies to any persons or
26 agencies, other than those persons or agencies authorized to
27 receive documents pursuant to this section. Further, a juvenile
28 case file, any portion thereof, and information relating to the
29 content of the juvenile case file, may not be made as an
30 attachment to any other documents without the prior approval of
31 the presiding judge of the juvenile court, unless it is used in
32 connection with and in the course of a criminal investigation or a
33 proceeding brought to declare a person a dependent child or ward
34 of the juvenile court.

35 (b) (1) While the Legislature reaffirms its belief that juvenile
36 court records, in general, should be confidential, it is the intent of
37 the Legislature in enacting this subdivision to provide for a
38 limited exception to juvenile court record confidentiality to
39 promote more effective communication among juvenile courts,
40 family courts, law enforcement agencies, and schools to ensure

1 the rehabilitation of juvenile criminal offenders as well as to
2 lessen the potential for drug use, violence, other forms of
3 delinquency, and child abuse.

4 (2) Notwithstanding subdivision (a), written notice that a
5 minor enrolled in a public school, kindergarten to grade 12,
6 inclusive, has been found by a court of competent jurisdiction to
7 have committed any felony or any misdemeanor involving
8 curfew, gambling, alcohol, drugs, tobacco products, carrying of
9 weapons, a sex offense listed in Section 290 of the Penal Code,
10 assault or battery, larceny, vandalism, or graffiti shall be
11 provided by the court, within seven days, to the superintendent of
12 the school district of attendance. Written notice shall include
13 only the offense found to have been committed by the minor and
14 the disposition of the minor's case. This notice shall be
15 expeditiously transmitted by the district superintendent to the
16 principal at the school of attendance. The principal shall
17 expeditiously disseminate the information to those counselors
18 directly supervising or reporting on the behavior or progress of
19 the minor. In addition, the principal shall disseminate the
20 information to any teacher or administrator directly supervising
21 or reporting on the behavior or progress of the minor whom the
22 principal believes needs the information to work with the pupil in
23 an appropriate fashion, to avoid being needlessly vulnerable or to
24 protect other persons from needless vulnerability.

25 Any information received by a teacher, counselor, or
26 administrator under this subdivision shall be received in
27 confidence for the limited purpose of rehabilitating the minor and
28 protecting students and staff, and shall not be further
29 disseminated by the teacher, counselor, or administrator, except
30 insofar as communication with the juvenile, his or her parents or
31 guardians, law enforcement personnel, and the juvenile's
32 probation officer is necessary to effectuate the juvenile's
33 rehabilitation or to protect students and staff.

34 An intentional violation of the confidentiality provisions of this
35 paragraph is a misdemeanor punishable by a fine not to exceed
36 five hundred dollars (\$500).

37 (3) If a minor is removed from public school as a result of the
38 court's finding described in subdivision (b), the superintendent
39 shall maintain the information in a confidential file and shall
40 defer transmittal of the information received from the court until

1 the minor is returned to public school. If the minor is returned to
2 a school district other than the one from which the minor came,
3 the parole or probation officer having jurisdiction over the minor
4 shall so notify the superintendent of the last district of
5 attendance, who shall transmit the notice received from the court
6 to the superintendent of the new district of attendance.

7 (c) Each probation report filed with the court concerning a
8 minor whose record is subject to dissemination pursuant to
9 subdivision (b) shall include on the face sheet the school at which
10 the minor is currently enrolled. The county superintendent shall
11 provide the court with a listing of all of the schools within each
12 school district, within the county, along with the name and
13 mailing address of each district superintendent.

14 (d) Each notice sent by the court pursuant to subdivision (b)
15 shall be stamped with the instruction: “Unlawful Dissemination
16 Of This Information Is A Misdemeanor.” Any information
17 received from the court shall be kept in a separate confidential
18 file at the school of attendance and shall be transferred to the
19 minor’s subsequent schools of attendance and maintained until
20 the minor graduates from high school, is released from juvenile
21 court jurisdiction, or reaches the age of 18 years, whichever
22 occurs first. After that time the confidential record shall be
23 destroyed. At any time after the date by which a record required
24 to be destroyed by this section should have been destroyed, the
25 minor or his or her parent or guardian shall have the right to
26 make a written request to the principal of the school that the
27 minor’s school records be reviewed to ensure that the record has
28 been destroyed. Upon completion of any requested review and no
29 later than 30 days after the request for the review was received,
30 the principal or his or her designee shall respond in writing to the
31 written request and either shall confirm that the record has been
32 destroyed or, if the record has not been destroyed, shall explain
33 why destruction has not yet occurred.

34 Except as provided in paragraph (2) of subdivision (b), no
35 liability shall attach to any person who transmits or fails to
36 transmit any notice or information required under subdivision
37 (b).

38 (e) For purposes of this section, a “juvenile case file” means a
39 petition filed in any juvenile court proceeding, reports of the
40 probation officer, and all other documents filed in that case or

1 made available to the probation officer in making his or her
2 report, or to the judge, referee, or other hearing officer, and
3 thereafter retained by the probation officer, judge, referee, or
4 other hearing officer.

5 SEC. 16. Section 3150 of the Welfare and Institutions Code is
6 amended to read:

7 3150. (a) Commencing July 1, 2005, any reference to the
8 Narcotic Addict Evaluation Authority refers to the Board of
9 Parole Hearings, any reference to the chairperson of the authority
10 is to the chair of the board, and any reference to a member of the
11 authority is to a commissioner of the board.

12 (b) The board shall conduct a full and complete study of the
13 cases of all patients who are certified by the Secretary of the
14 Department of Corrections and Rehabilitation to the board as
15 having recovered from addiction or imminent danger of addiction
16 to such an extent that release in an outpatient status is warranted.

17 (c) Members of other similar boards may be assigned to hear
18 cases and make recommendations to the board on these matters.
19 Those recommendations shall be made in accordance with
20 policies established by a majority of the total membership of the
21 board.

22 SEC. 17. No reimbursement is required by this act pursuant
23 to Section 6 of Article XIII B of the California Constitution
24 because the only costs that may be incurred by a local agency or
25 school district will be incurred because this act creates a new
26 crime or infraction, eliminates a crime or infraction, or changes
27 the penalty for a crime or infraction, within the meaning of
28 Section 17556 of the Government Code, or changes the
29 definition of a crime within the meaning of Section 6 of Article
30 XIII B of the California Constitution.

31 SEC. 18. Any section of any act other than ____ enacted by
32 the Legislature during the 2006 calendar year that takes effect on
33 or before January 1, 2007, and that amends, amends and
34 renumbers, adds, repeals and adds, or repeals any one or more of
35 the sections affected by this act, shall prevail over this act,
36 whether this act is enacted prior to, or subsequent to, the
37 enactment of that act. The repeal, or repeal and addition, of any
38 article, chapter, part, title, or division of any code by this act shall
39 not become operative if any section of any other act other than
40 ____ that is enacted by the Legislature during the 2006 calendar

- 1 year and takes effect on or before January 1, 2007, amends,
- 2 amends and renumbers, adds, repeals and adds, or repeals any
- 3 section contained in that article, chapter, part, title, or division.

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