

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1625**

---

---

**Introduced by Assembly Member Solorio**

February 23, 2007

---

---

An act to ~~amend Section 186.22 of the Penal Code, relating to crime~~ add Chapter 3.6 (commencing with Section 13827) to Title 6 of Part 4 of the Penal Code, relating to crime prevention.

LEGISLATIVE COUNSEL'S DIGEST

AB 1625, as amended, Solorio. Crime *prevention*: criminal gangs.  
*Existing law creates several crime suppression programs.*

*This bill would make legislative findings relating to gang violence and the lack of a state program that is specifically designed to coordinate multijurisdictional task forces that target gang activity.*

*This bill would established in the Office of Emergency Services a program designated the High Intensity Interstate Gang Activity Areas Task Force, as specified.*

*This bill would provide that the purpose of the task force is to formulate a comprehensive strategy for addressing high intensity gang activity throughout the state and to advise the Office of Emergency Services on the appropriate disbursements of funds to regional high activity gang areas.*

*This bill would require the task force to submit a report, as specified, to the Legislature no later than January 1, 2009.*

*This bill would specify task force members and other specified information relating to the operation of the task force.*

~~Existing law, as amended by Proposition 21 of the March 7, 2000, direct primary election, provides that any person who participates in~~

any criminal street gang with knowledge that its members engage in a pattern of criminal gang activity and who promotes felonious criminal conduct shall be punished by imprisonment, as specified.

~~This bill would make technical, nonsubstantive changes to those provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

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

1 SECTION 1. Chapter 3.6 (commencing with Section 13827)  
2 is added to Title 6 of Part 4 of the Penal Code, to read:

3  
4 CHAPTER 3.6. HIGH INTENSITY INTERSTATE GANG ACTIVITY  
5 AREAS TASK FORCE  
6

7 13827. (a) The Legislature hereby finds and declares:

8 (1) California has experienced an escalation in gang-related  
9 crimes, and violence is a threat to the safety of all citizens.

10 (2) There are no state law enforcement agencies with programs  
11 that are specifically and specially designed to coordinate  
12 multijurisdictional task forces that target gang activity.

13 (3) Gang suppression efforts, left uncoordinated, will remain  
14 disorganized and inefficient in addressing the problem of gang  
15 activity, and will allow violence to continue to terrorize California  
16 communities.

17 (b) There is hereby established in the Office of Emergency  
18 Services a program designated the High Intensity Interstate Gang  
19 Activity Areas Task Force to provide for the protection and safety  
20 of the state’s communities from gang activity and violence, and to  
21 enhance crime prevention efforts through increased federal, state,  
22 and local law enforcement coordination. All funds appropriated  
23 to the Office of Emergency Services for the purposes of this chapter  
24 shall be administered and disbursed by the executive director of  
25 the office in consultation with the High Intensity Interstate Gang  
26 Activity Areas Task Force as established in Section 13827.5 and  
27 shall, to the extent feasible, be coordinated with federal funds and  
28 private grants or private donations that are made available for  
29 these purposes.

1 13827.5. (a) *The High Intensity Interstate Gang Activity Areas*  
2 *Task Force is hereby established for the purposes of formulating*  
3 *a comprehensive strategy for addressing high intensity gang*  
4 *activity throughout the state and to advise the Office of Emergency*  
5 *Services on the appropriate disbursements of funds to regional*  
6 *high activity gang areas.*

7 (b) *In formulating that strategy, the task force shall:*

8 (1) *Identify and designate High Intensity Gang Activity Areas*  
9 *(HIIGAAAs) throughout the State of California. When establishing*  
10 *HIIGAAAs, the High Intensity Interstate Gang Activity Areas Task*  
11 *Force shall consider:*

12 (A) *The current and predicted levels of gang crime activity in*  
13 *the area, especially the number of gang-related homicides.*

14 (B) *The extent to which violent crime in the area appears to be*  
15 *related to criminal street gang activity, such as drug trafficking,*  
16 *murder, robbery, assaults, carjacking, arson, kidnapping, extortion,*  
17 *and other criminal activity.*

18 (C) *The extent to which state and local law enforcement agencies*  
19 *have committed resources to respond to the gang crime problem*  
20 *and to participate in a gang-enforcement team.*

21 (D) *The extent to which a significant increase in the allocation*  
22 *of state resources would enhance local response to the gang crime*  
23 *activities in the area.*

24 (2) *Establish regional high intensity interstate gang activity*  
25 *area law enforcement steering committees, and select the members*  
26 *of that committee.*

27 (3) *Submit a report to the Governor and the Legislature no later*  
28 *than January 1, 2009, that includes all of the following*  
29 *information:*

30 (A) *The designated HIIGAAAs.*

31 (B) *The established regional high intensity interstate gang*  
32 *activity area law enforcement steering committees.*

33 (C) *The stated goals and objectives of the High Intensity*  
34 *Interstate Gang Activity Areas Task Force.*

35 (c) *The Executive Director of the Office of Emergency Services*  
36 *shall appoint the following members to the task force:*

37 (1) *A designee of the Governor's office.*

38 (2) *A designee of the Office of Emergency Services.*

39 (3) *A designee of the Attorney General's office.*

40 (4) *A designee of the California Highway Patrol.*

1 (5) A designee of the California Department of Corrections and  
2 Rehabilitation.

3 (6) A designee of the California State Sheriff’s Association.

4 (7) A designee of the California Police Chief’s Association.

5 (8) A designee of the California District Attorney’s Association.

6 (9) A designee of the Chief Probation Officers of California.

7 (10) A designee of each federal High Intensity Drug Trafficking  
8 Areas (HIDTA) executive director’s office.

9 (d) The Executive Director of the Office of Emergency Services  
10 shall designate the chair of the High Intensity Interstate Gang  
11 Activity Areas Task Force from the appointed members.

12 (e) The HIIGAA Task Force shall not be required to meet more  
13 than 12 times per year. The task force may create subcommittees  
14 of its own membership, and each subcommittee shall meet as often  
15 as the subcommittee members find necessary. It is the intent of the  
16 Legislature that all task force members shall actively participate  
17 in all task force deliberation required by this chapter.

18 Any member who, without advance notice to the executive  
19 director and without designating an alternative representative,  
20 misses three scheduled meetings in any calendar year for any  
21 reason other than severe temporary illness or injury shall  
22 automatically be removed from the task force. If a member wishes  
23 to send an alternative representative in his or her place, advance  
24 written notification of this substitution shall be presented to the  
25 executive director. This notification shall be required for each  
26 meeting the appointed member elects not to attend.

27 Members of the task force shall receive no compensation for  
28 their services, but shall be reimbursed for travel and per diem  
29 expenses incurred as a result of attending meetings sponsored by  
30 the Office of Emergency Services.

31 SECTION 1. ~~Section 186.22 of the Penal Code is amended to~~  
32 ~~read:~~

33 ~~186.22. (a) Any person who actively participates in any~~  
34 ~~criminal street gang with knowledge that its members engage in,~~  
35 ~~or have engaged in, a pattern of criminal gang activity, and who~~  
36 ~~willfully promotes, furthers, or assists in any felonious criminal~~  
37 ~~conduct by members of that gang, shall be punished by~~  
38 ~~imprisonment in a county jail for a period not to exceed one year,~~  
39 ~~or by imprisonment in the state prison for 16 months, or two or~~  
40 ~~three years.~~

1 ~~(b) (1) Except as provided in paragraphs (4) and (5), any person~~  
2 ~~who is convicted of a felony committed for the benefit of, at the~~  
3 ~~direction of, or in association with any criminal street gang, with~~  
4 ~~the specific intent to promote, further, or assist in any criminal~~  
5 ~~conduct by gang members, shall, upon conviction of that felony,~~  
6 ~~in addition and consecutive to the punishment prescribed for the~~  
7 ~~felony or attempted felony of which he or she has been convicted,~~  
8 ~~be punished as follows:~~

9 ~~(A) Except as provided in subparagraphs (B) and (C), the person~~  
10 ~~shall be punished by an additional term of two, three, or four years~~  
11 ~~at the court's discretion.~~

12 ~~(B) If the felony is a serious felony, as defined in subdivision~~  
13 ~~(c) of Section 1192.7, the person shall be punished by an additional~~  
14 ~~term of five years.~~

15 ~~(C) If the felony is a violent felony, as defined in subdivision~~  
16 ~~(e) of Section 667.5, the person shall be punished by an additional~~  
17 ~~term of 10 years.~~

18 ~~(2) If the underlying felony described in paragraph (1) is~~  
19 ~~committed on the grounds of, or within 1,000 feet of, a public or~~  
20 ~~private elementary, vocational, junior high, or high school, during~~  
21 ~~hours when the facility is open for classes or school-related~~  
22 ~~programs or when minors are using the facility, that fact shall be~~  
23 ~~a circumstance in aggravation of the crime in imposing a term~~  
24 ~~under paragraph (1).~~

25 ~~(3) The court shall order the imposition of the middle term of~~  
26 ~~the sentence enhancement, unless there are circumstances in~~  
27 ~~aggravation or mitigation. The court shall state the reasons for its~~  
28 ~~choice of sentencing enhancements on the record at the time of~~  
29 ~~the sentencing.~~

30 ~~(4) Any person who is convicted of a felony enumerated in this~~  
31 ~~paragraph committed for the benefit of, at the direction of, or in~~  
32 ~~association with any criminal street gang, with the specific intent~~  
33 ~~to promote, further, or assist in any criminal conduct by gang~~  
34 ~~members, shall, upon conviction of that felony, be sentenced to~~  
35 ~~an indeterminate term of life imprisonment with a minimum term~~  
36 ~~of the indeterminate sentence calculated as the greater of:~~

37 ~~(A) The term determined by the court pursuant to Section 1170~~  
38 ~~for the underlying conviction, including any enhancement~~  
39 ~~applicable under Chapter 4.5 (commencing with Section 1170) of~~  
40 ~~Title 7 of Part 2, or any period prescribed by Section 3046, if the~~

1 felony is any of the offenses enumerated in subparagraph (B) or  
2 (C) of this paragraph.

3 (B) Imprisonment in the state prison for 15 years, if the felony  
4 is a home invasion robbery, in violation of subparagraph (A) of  
5 paragraph (1) of subdivision (a) of Section 213; carjacking, as  
6 defined in Section 215; a felony violation of Section 246; or a  
7 violation of Section 12022.55.

8 (C) Imprisonment in the state prison for seven years, if the  
9 felony is extortion, as defined in Section 519; or threats to victims  
10 and witnesses, as defined in Section 136.1.

11 (5) Except as provided in paragraph (4), any person who violates  
12 this subdivision in the commission of a felony punishable by  
13 imprisonment in the state prison for life shall not be paroled until  
14 a minimum of 15 calendar years have been served.

15 (e) If the court grants probation or suspends the execution of  
16 sentence imposed upon the defendant for a violation of subdivision  
17 (a), or in cases involving a true finding of the enhancement  
18 enumerated in subdivision (b), the court shall require that the  
19 defendant serve a minimum of 180 days in a county jail as a  
20 condition thereof.

21 (d) Any person who is convicted of a public offense punishable  
22 as a felony or a misdemeanor, which is committed for the benefit  
23 of, at the direction of or in association with, any criminal street  
24 gang with the specific intent to promote, further, or assist in any  
25 criminal conduct by gang members, shall be punished by  
26 imprisonment in the county jail not to exceed one year, or by  
27 imprisonment in the state prison for one, two, or three years,  
28 provided that any person sentenced to imprisonment in the county  
29 jail shall be imprisoned for a period not to exceed one year, but  
30 not less than 180 days, and shall not be eligible for release upon  
31 completion of sentence, parole, or any other basis, until he or she  
32 has served 180 days. If the court grants probation or suspends the  
33 execution of sentence imposed upon the defendant, it shall require  
34 as a condition thereof that the defendant serve 180 days in a county  
35 jail.

36 (e) As used in this chapter, "pattern of criminal gang activity"  
37 means the commission of, attempted commission of, conspiracy  
38 to commit, or solicitation of, sustained juvenile petition for, or  
39 conviction of two or more of the following offenses, provided at  
40 least one of these offenses occurred after the effective date of this

- 1 chapter and the last of those offenses occurred within three years  
2 after a prior offense, and the offenses were committed on separate  
3 occasions, or by two or more persons:
- 4 (1) Assault with a deadly weapon or by means of force likely  
5 to produce great bodily injury, as defined in Section 245.
  - 6 (2) Robbery, as defined in Chapter 4 (commencing with Section  
7 211) of Title 8 of Part 1.
  - 8 (3) Unlawful homicide or manslaughter, as defined in Chapter  
9 1 (commencing with Section 187) of Title 8 of Part 1.
  - 10 (4) The sale, possession for sale, transportation, manufacture,  
11 offer for sale, or offer to manufacture controlled substances as  
12 defined in Sections 11054, 11055, 11056, 11057, and 11058 of  
13 the Health and Safety Code.
  - 14 (5) Shooting at an inhabited dwelling or occupied motor vehicle,  
15 as defined in Section 246.
  - 16 (6) Discharging or permitting the discharge of a firearm from  
17 a motor vehicle, as defined in subdivisions (a) and (b) of Section  
18 12034.
  - 19 (7) Arson, as defined in Chapter 1 (commencing with Section  
20 450) of Title 13.
  - 21 (8) The intimidation of witnesses and victims, as defined in  
22 Section 136.1.
  - 23 (9) Grand theft, as defined in subdivision (a) or (c) of Section  
24 487.
  - 25 (10) Grand theft of any firearm, vehicle, trailer, or vessel.
  - 26 (11) Burglary, as defined in Section 459.
  - 27 (12) Rape, as defined in Section 261.
  - 28 (13) Looting, as defined in Section 463.
  - 29 (14) Money laundering, as defined in Section 186.10.
  - 30 (15) Kidnapping, as defined in Section 207.
  - 31 (16) Mayhem, as defined in Section 203.
  - 32 (17) Aggravated mayhem, as defined in Section 205.
  - 33 (18) Torture, as defined in Section 206.
  - 34 (19) Felony extortion, as defined in Sections 518 and 520.
  - 35 (20) Felony vandalism, as defined in paragraph (1) of  
36 subdivision (b) of Section 594.
  - 37 (21) Carjacking, as defined in Section 215.
  - 38 (22) The sale, delivery, or transfer of a firearm, as defined in  
39 Section 12072.

- 1     ~~(23) Possession of a pistol, revolver, or other firearm capable~~  
2     ~~of being concealed upon the person in violation of paragraph (1)~~  
3     ~~of subdivision (a) of Section 12101.~~
- 4     ~~(24) Threats to commit crimes resulting in death or great bodily~~  
5     ~~injury, as defined in Section 422.~~
- 6     ~~(25) Theft and unlawful taking or driving of a vehicle, as defined~~  
7     ~~in Section 10851 of the Vehicle Code.~~
- 8     ~~(26) Felony theft of an access card or account information, as~~  
9     ~~defined in Section 484e.~~
- 10    ~~(27) Counterfeiting, designing, using, attempting to use an~~  
11    ~~access card, as defined in Section 484f.~~
- 12    ~~(28) Felony fraudulent use of an access card or account~~  
13    ~~information, as defined in Section 484g.~~
- 14    ~~(29) Unlawful use of personal identifying information to obtain~~  
15    ~~credit, goods, services, or medical information, as defined in~~  
16    ~~Section 530.5.~~
- 17    ~~(30) Wrongfully obtaining Department of Motor Vehicles~~  
18    ~~documentation, as defined in Section 529.7.~~
- 19    ~~(31) Prohibited possession of a firearm in violation of Section~~  
20    ~~12021.~~
- 21    ~~(32) Carrying a concealed firearm in violation of Section 12025.~~
- 22    ~~(33) Carrying a loaded firearm in violation of Section 12031.~~
- 23    ~~(f) As used in this chapter, “criminal street gang” means any~~  
24    ~~ongoing organization, association, or group of three or more~~  
25    ~~persons, whether formal or informal, having as one of its primary~~  
26    ~~activities the commission of one or more of the criminal acts~~  
27    ~~enumerated in paragraphs (1) to (25), inclusive, or (31) to (33),~~  
28    ~~inclusive, of subdivision (e), having a common name or common~~  
29    ~~identifying sign or symbol, and whose members individually or~~  
30    ~~collectively engage in or have engaged in a pattern of criminal~~  
31    ~~gang activity.~~
- 32    ~~(g) Notwithstanding any other law, the court may strike the~~  
33    ~~additional punishment for the enhancements provided in this~~  
34    ~~section or refuse to impose the minimum jail sentence for~~  
35    ~~misdemeanors in an unusual case where the interests of justice~~  
36    ~~would best be served, if the court specifies on the record and enters~~  
37    ~~into the minutes the circumstances indicating that the interests of~~  
38    ~~justice would best be served by that disposition.~~
- 39    ~~(h) Notwithstanding any other law, for each person committed~~  
40    ~~to the Division of Juvenile Facilities for a conviction pursuant to~~

1 ~~subdivision (a) or (b) of this section, the offense shall be deemed~~  
2 ~~one for which the state shall pay the rate of 100 percent of the per~~  
3 ~~capita institutional cost of the Division of Juvenile Facilities,~~  
4 ~~pursuant to Section 912.5 of the Welfare and Institutions Code.~~

5 ~~(i) In order to secure a conviction or sustain a juvenile petition,~~  
6 ~~pursuant to subdivision (a) it is not necessary for the prosecution~~  
7 ~~to prove that the person devotes all, or a substantial part, of his or~~  
8 ~~her time or efforts to the criminal street gang, nor is it necessary~~  
9 ~~to prove that the person is a member of the criminal street gang.~~  
10 ~~Active participation in the criminal street gang is all that is~~  
11 ~~required.~~

12 ~~(j) A pattern of gang activity may be shown by the commission~~  
13 ~~of one or more of the offenses enumerated in paragraphs (26) to~~  
14 ~~(30), inclusive, of subdivision (e), and the commission of one or~~  
15 ~~more of the offenses enumerated in paragraphs (1) to (25),~~  
16 ~~inclusive, or (31) to (33), inclusive of subdivision (e). A pattern~~  
17 ~~of gang activity cannot be established solely by proof of~~  
18 ~~commission of offenses enumerated in paragraphs (26) to (30),~~  
19 ~~inclusive, of subdivision (e), alone.~~

O