

AMENDED IN ASSEMBLY MARCH 28, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2004

Introduced by Assembly Member Evans
(Principal coauthor: Senator Wiggins)
(*Coauthor: Assembly Member Blakeslee*)

February 15, 2008

An act to amend Sections ~~23320, 23358, and 23390.5~~ 23358, 23390, and 23396.5 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 2004, as amended, Evans. Alcoholic beverages: licenses: adjacent areas: *winegrowers: licenses.*

The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon, alcoholic beverage licenses by the Department of Alcoholic Beverage Control. Existing law provides for various annual fees for the issuance of alcoholic beverage licenses depending upon the type of license issued *authorizes a licensed winegrower to, among other things, sell wine and brandy for consumption to consumers for on-premises consumption, as specified.*

This bill would ~~add an adjacent area wine license to the Alcoholic Beverage Control Act and would allow the licenseholder~~ *authorize a licensed winegrower to sell wine for consumption on the immediately adjacent area that is owned or operated by the winegrower to consumers for on-premises consumption.*

~~The Alcoholic Beverage Control Act provides that a violation of specified provisions of the act is a misdemeanor.~~

~~This bill, by including provisions that would be subject to those existing criminal sanctions, would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~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-no*.~~

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

1 SECTION 1. Section 23358 of the Business and Professions
 2 Code is amended to read:
 3 23358. (a) Licensed winegrowers, notwithstanding any other
 4 provisions of this division, may also ~~sell wine and brandy to any~~
 5 ~~person holding a license authorizing the sale of wine or brandy,~~
 6 ~~and to consumers for consumption off the premises where sold,~~
 7 ~~and may also sell all beers, wines, and brandies, regardless of~~
 8 ~~source, to consumers for consumption on the premises in a bona~~
 9 ~~fide eating place as defined in Section 23038 of this code, which~~
 10 ~~is located on the licensed premises or on premises owned by the~~
 11 ~~licensee that are contiguous to the licensed premises and which is~~
 12 ~~operated by and for the licensee. At such bona fide public eating~~
 13 ~~place beer, wine, and brandy may be used in the preparation of~~
 14 ~~food and beverages to be consumed on the premises. A winegrower~~
 15 ~~may also have upon the premises all beers, wines, and brandies,~~
 16 ~~regardless of source, for sale or service only to guests during~~
 17 ~~private events or private functions not open to the general public.~~
 18 ~~Alcoholic beverage products sold at the premises that are not~~
 19 ~~produced and bottled by, or produced and packaged for, the~~
 20 ~~winegrower shall be purchased by the winegrower only from a~~
 21 ~~licensed wholesaler. A winegrower shall actually produce on his~~
 22 ~~licensed premises by conversion of grapes, berries or other fruit,~~
 23 ~~into wine, not less than 50 percent of all wines sold to consumers~~
 24 ~~on his licensed premise or premises and any licensed branch~~
 25 ~~premise or premises. *exercise the following privileges:*~~
 26 ~~(1) Sell wine and brandy to any person holding a license~~
 27 ~~authorizing the sale of wine or brandy.~~

1 (2) *Sell wine and brandy to consumers for consumption off the*
2 *premises where sold.*

3 (3) *Sell wine to consumers for consumption on the premises.*

4 (4) *Sell all beers, wines, and brandies, regardless of source, to*
5 *consumers for consumption on the premises in a bona fide eating*
6 *place as defined in Section 23038 of this code, which is located*
7 *on the licensed premises or on premises owned by the licensee*
8 *that are contiguous to the licensed premises and which is operated*
9 *by and for the licensee. At such bona fide public eating place beer,*
10 *wine, and brandy may be used in the preparation of food and*
11 *beverages to be consumed on the premises.*

12 (b) *A winegrower may also have upon the premises all beers,*
13 *wines, and brandies, regardless of source, for sale or service only*
14 *to guests during private events or private functions not open to*
15 *the general public. Alcoholic beverage products sold at the*
16 *premises that are not produced and bottled by, or produced and*
17 *packaged for, the winegrower shall be purchased by the*
18 *winegrower only from a licensed wholesaler.*

19 (c) *A winegrower shall actually produce on his licensed*
20 *premises by conversion of grapes, berries, or other fruit, into wine,*
21 *not less than 50 percent of all wines sold to consumers on his*
22 *licensed premise or premises and any licensed branch premise or*
23 *premises.*

24 ~~The~~
25 (d) *The department may, if it shall determine for good cause*
26 *that the granting of any such privilege would be contrary to public*
27 *welfare or morals, deny the right to exercise—~~the~~ any on-sale*
28 *privilege authorized by this section in—~~any~~ either a bona fide eating*
29 *place the main entrance to which is within 200 feet of a school or*
30 *church, or on the licensed winery premises, or both.*

31 *SEC. 2. Section 23390 of the Business and Professions Code*
32 *is amended to read:*

33 23390. A licensed winegrower or brandy manufacturer, in
34 addition to exercising all the privileges of his or her license at his
35 or her licensed premises, may exercise all his or her license
36 privileges at or from branch offices or warehouses, or United States
37 bonded wine cellars located away from his or her place of
38 production or manufacture, other than production or manufacture,
39 *the sale of wine to consumers for consumption on the licensed*
40 *premises, the sale of wine or brandy to consumers for consumption*

1 on the premises in a bona fide eating place, and the sale or delivery
2 of wine to consumers in containers supplied, furnished, or sold by
3 the consumer. The department shall, upon request, issue to a
4 winegrower or brandy manufacturer a duplicate of his or her
5 original license for a location or locations other than his or her
6 wine production or brandy manufacture premises. The duplicate
7 license authorizes the maintenance and operation of each branch
8 or warehouse or United States bonded wine cellar declared and
9 designated by the winegrower or brandy manufacturer at the
10 location for which the duplicate license is issued. The fee for each
11 duplicate winegrower's license and for each duplicate brandy
12 manufacturer's license is as specified in Section 23320.

13 Notwithstanding the provisions of any other section of this
14 division, a duplicate winegrower's license or duplicate brandy
15 manufacturer's license shall be issued forthwith upon the
16 application therefor. In the event any protest is received by the
17 department concerning the issuance of the duplicate license, the
18 protest shall be considered as an accusation against the licensee
19 and a hearing had thereon as if an accusation had been filed.

20 For 30 days from the date of the issuance of the duplicate license,
21 no retail sales of wine or brandy shall be made at any branch office
22 for which a duplicate winegrower's license or duplicate brandy
23 manufacturer's license is issued pursuant to this section.

24 Notwithstanding any other provision of law, the department may
25 allow any person who held more than one original winegrower's
26 license, on or before January 1, 1981, to transfer any duplicate
27 license which has been issued, on or before January 1, 1981, on
28 any of the original winegrower's licenses to any other original
29 winegrower's license held by that person, on or before January 1,
30 1981, provided that the licensee cancels the original winegrower's
31 license from which any duplicate license is transferred. This
32 subdivision shall not authorize any person to acquire any additional
33 duplicate licenses other than those held by that licensee on or
34 before January 1, 1981.

35 *SEC. 3. Section 23396.5 of the Business and Professions Code*
36 *is amended to read:*

37 23396.5. Notwithstanding any other provision of law, any
38 on-sale licensee, which maintains a bona fide eating place in
39 conjunction with such license, *or any winegrower that is exercising*
40 *a privilege pursuant to Section 23358*, may allow any person who

1 has purchased and partially consumed a bottle of wine to remove
2 such partially consumed bottle from the premises upon departure.

3 SECTION 1. Section 23320 of the Business and Professions
4 Code is amended to read:

5 23320. (a) The following are the types of licenses and the
6 annual fees to be charged therefor:

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Name & License Type Number:	Fee Effective 01/01/02	Fee Effective 01/01/03	Fee Effective 01/01/04
(1) Beer Manufacturer:	-	-	-
(a) Beer manufacturers	-	-	-
that produce 60,000	-	-	-
barrels or less a year	-	-	-
(Type 23).....	\$127.00	\$134.00	\$140.00
(b) All other beer	-	-	-
manufacturers	-	-	-
(Type 1).....	\$1,043.00	\$1,098.00	\$1,153.00
(c) Branch Office	-	-	-
—Small Beer	-	-	-
Manufacturers	-	-	-
(Type 23D).....	\$69.00	\$71.00	\$73.00
—Beer Manufacturers	-	-	-
(Type 1D).....	\$69.00	\$71.00	\$73.00
(2) Winegrower or wine	-	-	-
blender (to be	-	-	-
computed only on the	-	-	-
gallonage produced	-	-	-
or blended) (Type 2 &	-	-	-
Type 22)	-	-	-
—5,000 gallons or	-	-	-
less.....	\$34.00	\$44.00	\$54.00
—Over 5,000 gallons	-	-	-
to 20,000 gallons per	-	-	-
year.....	\$65.00	\$80.00	\$99.00
—Over 20,000 to 100,000	-	-	-
gallons per year.....	\$130.00	\$155.00	\$180.00
—Over 100,000 to	-	-	-
200,000 gallons per	-	-	-
year.....	\$180.00	\$205.00	\$237.00

1	—Over 200,000 gallons	-	-	-
2	to 1,000,000 gallons	-	-	-
3	per year.....	\$250.00	\$300.00	\$351.00
4	—For Each 1,000,000	-	-	-
5	gallons or fraction	-	-	-
6	thereof over 1,000,000	-	-	-
7	gallons an additional	\$170.00	\$200.00	\$229.00
8	Winegrower (Branch	-	-	-
9	Office) — (Type 2D).....	\$69.00	\$71.00	\$73.00
10	Winegrower (Adjacent	-	-	-
11	Area) — (Type _____).....	\$10.00	\$10.00	\$10.00
12	(3) Brandy Manufacturer:	-	-	-
13	(Type 3).....	\$212.00	\$223.00	\$234.00
14	Brandy manufacturer	-	-	-
15	(Branch Office)	-	-	-
16	(Type 3D).....	\$204.00	\$210.00	\$215.00
17	(4) Distilled spirits	-	-	-
18	manufacturer (Type 4).....	\$348.00	\$366.00	\$384.00
19	(5) Distilled spirits	-	-	-
20	manufacturer's agent	-	-	-
21	(Type 5).....	\$348.00	\$366.00	\$384.00
22	(5a) California winegrower's	-	-	-
23	agent (Type 27).....	\$348.00	\$366.00	\$384.00
24	(6) Still (Type 6).....	\$33.00	\$46.00	\$58.00
25	(7) Rectifier (Type 7).....	\$348.00	\$366.00	\$384.00
26	(7a) Distilled spirits	-	-	-
27	rectifier's general license	-	-	-
28	(Type 24).....	\$348.00	\$366.00	\$384.00
29	(8) Wine rectifier	-	-	-
30	(Type 8).....	\$348.00	\$366.00	\$384.00
31	(9) Beer & wine importer	-	-	-
32	(Type 9).....	\$25.00	\$42.00	\$58.00
33	(10) Beer & wine importer's	-	-	-
34	general license	-	-	-
35	(Type 10).....	\$147.00	\$202.00	\$256.00
36	(11) Brandy importer	-	-	-
37	(Type 11).....	\$25.00	\$42.00	\$58.00
38	(12) Distilled spirits	-	-	-
39	importer (Type 12).....	\$25.00	\$42.00	\$58.00

1	(13) Distilled spirits	-	-	-
2	importer's general license	-	-	-
3	(Type 13).....	\$348.00	\$366.00	\$384.00
4	(14) Public warehouse	-	-	-
5	(Type 14).....	\$33.00	\$46.00	\$58.00
6	(15) Customs broker	-	-	-
7	(Type 15).....	\$33.00	\$46.00	\$58.00
8	(16) Wine broker (Type 16)	\$71.00	\$75.00	\$78.00
9	(17) Beer & wine wholesaler	-	-	-
10	(Type 17).....	\$147.00	\$202.00	\$256.00
11	(18) Distilled spirits	-	-	-
12	wholesaler (Type 18).....	\$348.00	\$366.00	\$384.00
13	(18a) California brandy	-	-	-
14	wholesaler (Type 25).....	\$348.00	\$366.00	\$384.00
15	(19) Industrial alcohol	-	-	-
16	dealer (Type 19).....	\$71.00	\$75.00	\$78.00
17	(20) Retail package off-sale	-	-	-
18	beer & wine (Type 20).....	\$105.00	\$157.00	\$209.00
19	(21) Retail package off-sale	-	-	-
20	general license (Type 21)	-	-	-
21	and controlled access	-	-	-
22	cabinet permit (Type 66)	\$431.00	\$448.00	\$464.00
23	(22) On-sale beer (Type	-	-	-
24	40 & Type 61); On-sale	-	-	-
25	beer & wine (Type 42);	-	-	-
26	Special on-sale beer &	-	-	-
27	wine (Theater) (Type 69);	-	-	-
28	and Special on-sale	-	-	-
29	beer & wine (Symphony)	-	-	-
30	(Type 65).....	\$204.00	\$210.00	\$215.00
31	(23) On-sale beer & wine	-	-	-
32	eating place (Type 41).....	\$236.00	\$263.00	\$290.00
33	(24) On-sale beer & wine	-	-	-
34	license for trains (per	-	-	-
35	train) (Type 43).....	\$48.00	\$68.00	\$87.00
36	(25) On-sale beer license for	-	-	-
37	fishing party boats (per	-	-	-
38	boat (Type 44).....	\$59.00	\$73.00	\$87.00
39	(26) On-sale beer & wine	-	-	-

1	license for boats (per	-	-	-
2	boat) (Type 45).....	\$75.00	\$81.00	\$87.00
3	(27) On-sale beer & wine	-	-	-
4	license for airplanes (per	-	-	-
5	scheduled flight)	-	-	-
6	(Type 46).....	\$48.00	\$68.00	\$87.00
7	(28) On-sale general license	-	-	-
8	(Types 47, 48, 57, 70, 75,	-	-	-
9	78, 78D (for 78D see	-	-	-
10	Section 23396.2)) and	-	-	-
11	club caterer's permit	-	-	-
12	(Type 58):	-	-	-
13	—In cities of 40,000	-	-	-
14	population or	-	-	-
15	over.....	\$698.00	\$715.00	\$731.00
16	—In cities of less than	-	-	-
17	40,000 but more	-	-	-
18	than 200,000	-	-	-
19	population.....	\$503.00	\$520.00	\$536.00
20	—In all other	-	-	-
21	localities.....	\$443.00	\$460.00	\$476.00
22	Duplicate on-sale general	-	-	-
23	license (Types 47D, 48D,	-	-	-
24	57D) and portable bar	-	-	-
25	license (Type 68):	-	-	-
26	—In cities of 40,000	-	-	-
27	population or over.....	\$499.00	\$513.00	\$526.00
28	—In cities of less than	-	-	-
29	40,000 but more than	-	-	-
30	20,000 population.....	\$295.00	\$303.00	\$311.00
31	—In all other	-	-	-
32	localities.....	\$233.00	\$239.00	\$245.00
33	(29) On-sale general	-	-	-
34	license for seasonal	-	-	-
35	business (Type 49):	-	-	-
36	—In cities of 40,000	-	-	-
37	population or over	-	-	-
38	(per quarter).....	\$176.00	\$181.00	\$186.00
39	—In cities of less than	-	-	-

1	40,000 but more than	-	-	-
2	200,000 population	-	-	-
3	(per quarter).....	\$126.00	\$129.00	\$132.00
4	—In all other localities	-	-	-
5	(per quarter)	\$109.00	\$112.00	\$115.00
6	Duplicate on-sale	-	-	-
7	general license for	-	-	-
8	seasonal business	-	-	-
9	(Type 49D):	-	-	-
10	—In cities of 40,000	-	-	-
11	population or over	-	-	-
12	(per quarter).....	\$126.00	\$129.00	\$132.00
13	—In cities of less than	-	-	-
14	40,000 but more than	-	-	-
15	20,000 population	-	-	-
16	(per quarter).....	\$74.00	\$76.00	\$78.00
17	—In all other localities	-	-	-
18	(per quarter)	\$59.00	\$61.00	\$62.00
19	(30) (a) On-sale general	-	-	-
20	license for bona fide	-	-	-
21	clubs, (b) Club license	-	-	-
22	(issued under Article 4	-	-	-
23	of this chapter), or	-	-	-
24	(c) Veterans' club	-	-	-
25	license (issued under	-	-	-
26	Article 5 (commencing	-	-	-
27	with Section 23450) of	-	-	-
28	this chapter) (Types	-	-	-
29	50, 51, 52, & 64):	-	-	-
30	—In cities of 40,000	-	-	-
31	population or over	\$400.00	\$411.00	\$422.00
32	—In cities of less than	-	-	-
33	40,000 but more than	-	-	-
34	20,000 population	\$301.00	\$309.00	\$317.00
35	—In all other	-	-	-
36	localities.....	\$267.00	\$274.00	\$281.00
37	(31) On-sale general	-	-	-
38	license for trains and	-	-	-
39	sleeping cars	-	-	-

1	(Type 53)	\$156.00	\$160.00	\$164.00
2	—Duplicate on-sale	-	-	-
3	general license for	-	-	-
4	trains and sleeping	-	-	-
5	car companies	-	-	-
6	(Type 53D).....	\$46.00	\$52.00	\$58.00
7	(32) On-sale general	-	-	-
8	license for boats	-	-	-
9	(Type 54).....	\$402.00	\$413.00	\$424.00
10	(33) On-sale general	-	-	-
11	license for airplanes	-	-	-
12	(Type 55).....	\$402.00	\$413.00	\$424.00
13	—Duplicate on-sale	-	-	-
14	general license for	-	-	-
15	air common carriers	-	-	-
16	(Type 55D).....	\$32.00	\$45.00	\$58.00
17	(34) On-sale general	-	-	-
18	license for vessels of	-	-	-
19	more than 1,000 tons	-	-	-
20	burden (Type 56) and	-	-	-
21	for Maritime Museum	-	-	-
22	(Type 76).....	\$156.00	\$160.00	\$164.00
23	—Duplicate on-sale	-	-	-
24	general license for	-	-	-
25	vessels of more than	-	-	-
26	1,000 tons burden	-	-	-
27	(Type 56D) and for	-	-	-
28	Maritime Museum	-	-	-
29	(Type 76D).....	\$46.00	\$52.00	\$58.00
30	(35) On-sale general bona	-	-	-
31	fide public eating place	-	-	-
32	intermittent dockside	-	-	-
33	license for vessels of	-	-	-
34	more than 7,000 tons	-	-	-
35	displacement (Type 62).....	\$435.00	\$447.00	\$459.00
36	(36) On-sale special beer	-	-	-
37	& wine license for	-	-	-
38	hospitals, convalescent	-	-	-
39	homes, and rest homes	-	-	-

1	(Type 63).....	\$68.00	\$70.00	\$72.00
2	(37) On-sale beer & wine	-	-	-
3	seasonal (Type 59) and	-	-	-
4	on-sale beer seasonal	-	-	-
5	(Type 60)	-	-	-
6	—Operating period	-	-	-
7	3-9 months.....	\$161.00	\$171.00	\$180.00
8	—Operating period	-	-	-
9	3-6 months.....	\$108.00	\$115.00	\$122.00

10
11 ~~(b) Beginning January 1, 2005, and each January 1 thereafter,~~
12 ~~the department may adjust each of the fees specified in the~~
13 ~~foregoing section by increasing each fee by an amount not to~~
14 ~~exceed the percentage that the Consumer Price Index (United States~~
15 ~~Bureau of Labor Statistics, West Region, All Urban Consumers,~~
16 ~~All Items, Base Period 1982-84 = 100) for the preceding April~~
17 ~~2003, and each April annually thereafter, has increased under the~~
18 ~~same index over the month of April 2002, which shall be the base~~
19 ~~period. No fee shall be decreased pursuant to this adjustment below~~
20 ~~the fee currently in effect on each December 31. In the event that~~
21 ~~this index is discontinued, the department shall consult with the~~
22 ~~Department of Finance to convert the increase calculations to an~~
23 ~~index then available. When approved by the Department of~~
24 ~~Finance, the new index shall replace the discontinued index.~~

25 ~~(e) The department shall calculate the percentage increase as~~
26 ~~specified in subdivision (b) and shall apply this increase to each~~
27 ~~fee. The increase to each fee shall be rounded to the nearest whole~~
28 ~~dollar. The adjusted fee list shall be published by the department~~
29 ~~and transmitted to the Legislature for approval as part of the~~
30 ~~department's budget submission for the fiscal year in which the~~
31 ~~adjusted fees would be implemented. This adjustment of fees and~~
32 ~~publication of the adjusted fee list is not subject to the requirements~~
33 ~~of Chapter 3.5 (commencing with Section 11340) of Part 1 of~~
34 ~~Division 3 of Title 2 of the Government Code.~~

35 ~~SEC. 2. Section 23358 of the Business and Professions Code~~
36 ~~is amended to read:~~

37 ~~23358. (a) Licensed winegrowers, notwithstanding any other~~
38 ~~provisions of this division, may also sell wine and brandy to any~~
39 ~~person holding a license authorizing the sale of wine or brandy,~~

1 and to consumers for consumption off the premises where sold,
2 and may also sell all beers, wines, and brandies, regardless of
3 source, to consumers for consumption on the premises in a bona
4 fide eating place as defined in Section 23038 of this code, which
5 is located on the licensed premises or on premises owned by the
6 licensee that are contiguous to the licensed premises and which is
7 operated by and for the licensee. At such bona fide public eating
8 place beer, wine, and brandy may be used in the preparation of
9 food and beverages to be consumed on the premises.

10 (b) A winegrower may also have upon the premises all beers,
11 wines, and brandies, regardless of source, for sale or service only
12 to guests during private events or private functions not open to the
13 general public. Alcoholic beverage products sold at the premises
14 that are not produced and bottled by, or produced and packaged
15 for, the winegrower shall be purchased by the winegrower only
16 from a licensed wholesaler.

17 (c) Licensed winegrowers may allow consumers who have
18 purchased wine at the premises to consume that wine within the
19 immediately adjacent area that is owned or operated by the
20 winegrower, provided that the winegrower has a Type _____ license
21 for the immediately adjacent area.

22 (d) A winegrower shall actually produce on his licensed
23 premises by conversion of grapes, berries, or other fruit, into wine,
24 not less than 50 percent of all wines sold to consumers on his
25 licensed premise or premises and any licensed branch premise or
26 premises.

27 (e) The department may, if it shall determine for good cause
28 that the granting of such privilege would be contrary to public
29 welfare or morals, deny the right to exercise the on-sale privilege
30 authorized by this section in any bona fide eating place the main
31 entrance to which is within 200 feet of a school or church.

32 SEC. 3. Section 23390.5 of the Business and Professions Code
33 is amended to read:

34 23390.5. (a) As used in this section, "licensed branch office"
35 means any branch office or warehouse, or United States bonded
36 wine cellar located away from the licensed winegrower's or brandy
37 manufacturer's place of production, or manufacture, for which a
38 duplicate license has been issued.

39 (b) Notwithstanding the provisions of Sections 23358, 23360,
40 and 23390, a licensed winegrower or brandy manufacturer shall

1 ~~not sell wine or brandy to consumers for consumption off the~~
2 ~~premises where sold or engage in winetasting activities at more~~
3 ~~than one licensed branch premise. A Type _____ adjacent area~~
4 ~~license provided for by subdivision (c) of Section 23358 shall not~~
5 ~~count toward this limit. This section is not and shall not be~~
6 ~~construed to be retroactive and notwithstanding any other~~
7 ~~provisions of this division shall not prohibit such sales or limit the~~
8 ~~quantity thereof or prohibit winetasting activities at any licensed~~
9 ~~branch office or branch offices under the existing duplicate license~~
10 ~~or licenses therefor in existence on the effective date of this section~~
11 ~~or any renewal or transfer thereof or at any licensed branch office~~
12 ~~opened by the licensee in place of such licensed branch office.~~

13 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
14 ~~Section 6 of Article XIII B of the California Constitution because~~
15 ~~the only costs that may be incurred by a local agency or school~~
16 ~~district will be incurred because this act creates a new crime or~~
17 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
18 ~~for a crime or infraction, within the meaning of Section 17556 of~~
19 ~~the Government Code, or changes the definition of a crime within~~
20 ~~the meaning of Section 6 of Article XIII B of the California~~
21 ~~Constitution.~~