

AMENDED IN SENATE APRIL 19, 2007

**SENATE BILL**

**No. 846**

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**Introduced by Senator Harman**

February 23, 2007

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An act to amend Section 186.30 of the Penal Code, relating to criminal street gangs.

LEGISLATIVE COUNSEL'S DIGEST

SB 846, as amended, Harman. Criminal street gangs: registration.

Existing law, as added by Proposition 21, approved by the voters at the March 7, 2000, statewide primary election, requires persons convicted of street gang crimes, as specified, to register with the chief of police or the sheriff, as applicable, regarding residence, within 10 days of release from custody or within 10 days of arrival, as specified. Existing law provides that these provisions may be amended by a  $\frac{2}{3}$  vote of each house of the Legislature.

This bill would require annual registration and registration each time residence is changed. The bill would also provide that violation of these provisions would be punishable as a misdemeanor. *The bill would also require the Department of Justice to establish a database containing gang registrant information for use by law enforcement entities, as specified.*

By creating a new crime, this bill would impose a state-mandated local program.

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

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote:  $\frac{2}{3}$ . 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 186.30 of the Penal Code is amended to  
2 read:  
3 186.30. (a) (1) Any person described in subdivision (b) shall  
4 register with the chief of police of the city in which he or she  
5 resides, or the sheriff of the county if he or she resides in an  
6 unincorporated area *or city that has no police department*, within  
7 10 days of release from custody or within 10 days of his or her  
8 arrival in any city, county, or city and county to reside there,  
9 whichever occurs first, and annually thereafter, and upon changing  
10 residence.  
11 (2) *If the person who is registering has more than one residence*  
12 *address at which he or she regularly resides, he or she shall*  
13 *register in accordance with paragraph (1) in each of the*  
14 *jurisdictions in which he or she regularly resides, regardless of*  
15 *the number of days or nights spent there. If all of the addressees*  
16 *are within the same jurisdiction, the person shall provide the*  
17 *registering authority with all of the addresses where he or she*  
18 *regularly resides.*  
19 (b) Subdivision (a) shall apply to any person convicted in a  
20 criminal court or who has had a petition sustained in a juvenile  
21 court in this state for any of the following offenses:  
22 (1) Subdivision (a) of Section 186.22.  
23 (2) Any crime where the enhancement specified in subdivision  
24 (b) of Section 186.22 is found to be true.  
25 (3) Any crime that the court finds is gang related at the time of  
26 sentencing or disposition.  
27 (c) A violation of this section is a misdemeanor.  
28 (d) (1) *The Legislature finds and declares all the following:*  
29 (A) *Organized gang activity has cost immeasurable loss of life*  
30 *and property.*  
31 (B) *The registration of gang members and the creation of a*  
32 *gang registration database is intended to encourage interagency*  
33 *coordination in law enforcement's effort to stem this devastating*  
34 *criminal activity.*

1 (C) *The database is intended to help law enforcement agencies*  
2 *work together and share valuable information, ultimately*  
3 *improving public safety.*

4 (2) *The Department of Justice shall establish, maintain, and*  
5 *coordinate an intranet database containing information about*  
6 *individuals registered pursuant to this section that shall be*  
7 *accessible to law enforcement agencies, including, but not limited*  
8 *to, police, sheriff, probation, parole, and district attorneys.*

9 SEC. 2. No reimbursement is required by this act pursuant to  
10 Section 6 of Article XIII B of the California Constitution because  
11 the only costs that may be incurred by a local agency or school  
12 district will be incurred because this act creates a new crime or  
13 infraction, eliminates a crime or infraction, or changes the penalty  
14 for a crime or infraction, within the meaning of Section 17556 of  
15 the Government Code, or changes the definition of a crime within  
16 the meaning of Section 6 of Article XIII B of the California  
17 Constitution.