

AMENDED IN SENATE APRIL 11, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 117

Introduced by Committee on Budget (Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson)

January 10, 2011

~~An act relating to the Budget Act of 2011. An act to amend Section 115215 of the Health and Safety Code, to amend Sections 113, 114, 186.22, 186.26, 186.33, 298.2, 299.5, 598c, 598d, 666, 3000.09, and 3001 of the Penal Code, and to amend Section 1710.5 of the Welfare and Institutions Code, relating to criminal justice realignment, making an appropriation therefor, to take effect immediately, bill related to the budget.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 117, as amended, Committee on Budget. ~~Budget Act of 2011. Criminal justice realignment.~~

Existing law provides that certain specified felonies are punishable by incarceration in state prison. If AB 109 of the 2011–12 Regular Session becomes operative, certain of those felonies shall instead be punishable by incarceration in a county jail.

This bill would provide that, if AB 109 of the 2011–12 Regular Session becomes operative, certain specified felonies would continue to be punishable by incarceration in state prison. The bill would make other technical changes.

Existing law provides that petty theft is a misdemeanor, except that every person who, having been convicted 3 or more times of petty theft, grand theft, auto theft, burglary, carjacking, robbery, or receiving stolen

property and having served time in a penal institution therefor, is subsequently convicted of petty theft, is punishable by imprisonment in a county jail not exceeding one year, or in the state prison. Existing law also provides that persons required to register as sex offenders, or with a prior serious or violent felony conviction who have been convicted and imprisoned for the commission of specified crimes, including, among others, petty theft, auto theft, burglary, carjacking, or robbery, are subject to imprisonment in the state prison with one prior qualifying offense, rather than 3. If AB 109 of the 2011–12 Regular Session becomes operative, those provisions subjecting persons to imprisonment in the state prison with one prior qualifying offense would be deleted.

This bill would, if AB 109 of the 2011–12 Regular Session becomes operative, restore those provisions subjecting persons to imprisonment in the state prison with one prior qualifying offense and thereby maintain existing law.

This bill would appropriate \$1,000 from the General Fund to the Department of Corrections and Rehabilitation for purposes of state operations. This bill would declare that it is to take effect immediately as a bill providing appropriations related to the Budget Bill.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2011.~~

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

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

- 1 SECTION 1. Section 115215 of the Health and Safety Code,
- 2 as amended by Section 200 of Chapter 15 of the Statutes of 2011,
- 3 is amended to read:
- 4 115215. (a) Any person who violates this chapter, or rules,
- 5 regulations, or orders in effect adopted pursuant to this chapter, is
- 6 guilty of a misdemeanor and shall, upon conviction, be punished
- 7 by a fine not to exceed one thousand dollars (\$1,000) or by
- 8 imprisonment in a county jail for a period not to exceed 180 days,
- 9 or by both the fine and imprisonment.
- 10 (b) Any person who knowingly disposes or causes the disposal
- 11 of any radioactive material regulated by this chapter, or who
- 12 reasonably should have known that the person was disposing or
- 13 causing the disposal of the material, at a facility within the state

1 that does not have a license for disposal issued by the department
2 pursuant to this chapter, or at any point in the state that is not
3 authorized according to this chapter, or by any other local, state,
4 or federal agency having authority over radioactive materials, and
5 is in violation of this chapter, or any regulation or order adopted
6 pursuant to this chapter, is guilty of a public offense, and upon
7 conviction, may be punished as follows:

8 (1) If the disposal is found to have caused a substantial danger
9 to the public health or safety, the person may be punished by
10 imprisonment in a county jail for not more than one year or by
11 imprisonment pursuant to subdivision (h) of Section 1170 of the
12 Penal Code for 16, 24, or 36 months, except as otherwise provided
13 in paragraph (2). The court may also impose, upon a person
14 convicted of violating this subdivision, a fine of not more than one
15 hundred thousand dollars (\$100,000) for each day of violation,
16 except as otherwise provided in paragraph (2).

17 (2) If the act that violated this subdivision caused great bodily
18 injury or caused a substantial probability that death could result,
19 the person convicted may be punished by imprisonment pursuant
20 to subdivision (h) of Section 1170 of the Penal Code for three,
21 five, or seven years and may be fined not more than two hundred
22 fifty thousand dollars (\$250,000) for each day of violation.

23 (c) Any person who knowingly transports or causes the
24 transportation of any radioactive material regulated by this chapter,
25 or who reasonably should have known that the person was causing
26 the transportation of the material, to a facility in the state that does
27 not have a license from the department issued pursuant to this
28 chapter, to any point in the state that is not authorized by this
29 chapter, or to any point in the state that is not authorized by any
30 other local, state, or federal agency having authority over
31 radioactive materials, and is in violation of this chapter, or any
32 regulation or order adopted pursuant to this chapter, is guilty of a
33 public offense and, upon conviction, may be punished as follows:

34 (1) If the transportation is found to have caused a substantial
35 danger to the public health or safety, the person may be punished
36 by imprisonment in the county jail for not more than one year or
37 by imprisonment ~~in the state prison~~ pursuant to subdivision (h) of
38 Section 1170 of the Penal Code for 16, 24, or 36 months, except
39 as otherwise provided in paragraph (2). The court may also impose,
40 upon a person convicted of violating this subdivision, a fine of not

1 more than one hundred thousand dollars (\$100,000) for each day
2 of violation, except as provided by paragraph (2).

3 (2) If the transportation that violated this subdivision caused
4 great bodily injury or caused a substantial probability that death
5 could result, the person convicted may be punished by
6 imprisonment ~~in the state prison~~ pursuant to subdivision (h) of
7 Section 1170 of the Penal Code for three, five, or seven years and
8 may be fined not more than two hundred fifty thousand dollars
9 (\$250,000) for each day of violation.

10 (d) Notwithstanding any other provision of this chapter,
11 radioactive materials used in medical treatment or result from
12 medical treatment, that are disposed, stored, handled, or transported
13 in a manner authorized pursuant to this chapter, are exempt from
14 subdivisions (b) and (c).

15 (e) Notwithstanding subdivision (a), any person who violates
16 any provision of this chapter relating to mammography or
17 regulations adopted pursuant to those provisions is guilty of a
18 misdemeanor and shall, upon conviction thereof, be punished by
19 a fine not to exceed five thousand dollars (\$5,000), per day of
20 offense, or by imprisonment in the county jail not to exceed 180
21 days, or both the fine and imprisonment.

22 *SEC. 2. Section 113 of the Penal Code, as amended by Section*
23 *246 of Chapter 15 of the Statutes of 2011, is amended to read:*

24 113. Any person who manufactures, distributes or sells false
25 documents to conceal the true citizenship or resident alien status
26 of another person is guilty of a felony, and shall be punished by
27 imprisonment ~~pursuant to subdivision (h) of Section 1170 in the~~
28 *state prison* for five years or by a fine of seventy-five thousand
29 dollars (\$75,000).

30 *SEC. 3. Section 114 of the Penal Code, as amended by Section*
31 *247 of Chapter 15 of the Statutes of 2011, is amended to read:*

32 114. Any person who uses false documents to conceal his or
33 her true citizenship or resident alien status is guilty of a felony,
34 and shall be punished by imprisonment ~~pursuant to subdivision~~
35 ~~(h) of Section 1170 in the state prison~~ for five years or by a fine
36 of twenty-five thousand dollars (\$25,000).

37 *SEC. 4. Section 186.22 of the Penal Code, as amended by*
38 *Section 275 of Chapter 15 of the Statutes of 2011, is amended to*
39 *read:*

1 186.22. (a) Any person who actively participates in any
2 criminal street gang with knowledge that its members engage in
3 or have engaged in a pattern of criminal gang activity, and who
4 willfully promotes, furthers, or assists in any felonious criminal
5 conduct by members of that gang, shall be punished by
6 imprisonment in a county jail for a period not to exceed one year,
7 or by imprisonment ~~pursuant to subdivision (h) of Section 1170~~
8 *in the state prison* for 16 months, or two or three years.

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

17 (A) Except as provided in subparagraphs (B) and (C), the person
18 shall be punished by an additional term ~~pursuant to subdivision~~
19 ~~(h) of Section 1170~~ of two, three, or four years at the court's
20 discretion.

21 (B) If the felony is a serious felony, as defined in subdivision
22 (c) of Section 1192.7, the person shall be punished by an additional
23 term of five years ~~in the state prison~~.

24 (C) If the felony is a violent felony, as defined in subdivision
25 (c) of Section 667.5, the person shall be punished by an additional
26 term of 10 years ~~in the state prison~~.

27 (2) If the underlying felony described in paragraph (1) is
28 committed on the grounds of, or within 1,000 feet of, a public or
29 private elementary, vocational, junior high, or high school, during
30 hours in which the facility is open for classes or school-related
31 programs or when minors are using the facility, that fact shall be
32 a circumstance in aggravation of the crime in imposing a term
33 under paragraph (1).

34 (3) The court shall select the sentence enhancement which, in
35 the court's discretion, best serves the interests of justice and shall
36 state the reasons for its choice on the record at the time of the
37 sentencing in accordance with the provisions of subdivision (d) of
38 Section 1170.1.

39 (4) Any person who is convicted of a felony enumerated in this
40 paragraph committed for the benefit of, at the direction of, or in

1 association with any criminal street gang, with the specific intent
2 to promote, further, or assist in any criminal conduct by gang
3 members, shall, upon conviction of that felony, be sentenced to
4 an indeterminate term of life imprisonment with a minimum term
5 of the indeterminate sentence calculated as the greater of:

6 (A) The term determined by the court pursuant to Section 1170
7 for the underlying conviction, including any enhancement
8 applicable under Chapter 4.5 (commencing with Section 1170) of
9 Title 7 of Part 2, or any period prescribed by Section 3046, if the
10 felony is any of the offenses enumerated in subparagraph (B) or
11 (C) of this paragraph.

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

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

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

24 (c) If the court grants probation or suspends the execution of
25 sentence imposed upon the defendant for a violation of subdivision
26 (a), or in cases involving a true finding of the enhancement
27 enumerated in subdivision (b), the court shall require that the
28 defendant serve a minimum of 180 days in a county jail as a
29 condition thereof.

30 (d) Any person who is convicted of a public offense punishable
31 as a felony or a misdemeanor, which is committed for the benefit
32 of, at the direction of, or in association with any criminal street
33 gang, with the specific intent to promote, further, or assist in any
34 criminal conduct by gang members, shall be punished by
35 imprisonment in the county jail not to exceed one year, or by
36 imprisonment pursuant to subdivision (h) of Section 1170 in the
37 state prison for one, two, or three years, provided that any person
38 sentenced to imprisonment in the county jail not to exceed one
39 year shall be imprisoned for a period of not to exceed one year,
40 but not less than 180 days, and shall not be eligible for release

1 upon completion of sentence, parole, or any other basis, until he
2 or she has served 180 days. If the court grants probation or
3 suspends the execution of sentence imposed upon the defendant,
4 it shall require as a condition thereof that the defendant serve 180
5 days in a county jail.

6 (e) As used in this chapter, “pattern of criminal gang activity”
7 means the commission of, attempted commission of, conspiracy
8 to commit, or solicitation of, sustained juvenile petition for, or
9 conviction of two or more of the following offenses, provided at
10 least one of these offenses occurred after the effective date of this
11 chapter and the last of those offenses occurred within three years
12 after a prior offense, and the offenses were committed on separate
13 occasions, or by two or more persons:

14 (1) Assault with a deadly weapon or by means of force likely
15 to produce great bodily injury, as defined in Section 245.

16 (2) Robbery, as defined in Chapter 4 (commencing with Section
17 211) of Title 8 of Part 1.

18 (3) Unlawful homicide or manslaughter, as defined in Chapter
19 1 (commencing with Section 187) of Title 8 of Part 1.

20 (4) The sale, possession for sale, transportation, manufacture,
21 offer for sale, or offer to manufacture controlled substances as
22 defined in Sections 11054, 11055, 11056, 11057, and 11058 of
23 the Health and Safety Code.

24 (5) Shooting at an inhabited dwelling or occupied motor vehicle,
25 as defined in Section 246.

26 (6) Discharging or permitting the discharge of a firearm from
27 a motor vehicle, as defined in subdivisions (a) and (b) of Section
28 12034.

29 (7) Arson, as defined in Chapter 1 (commencing with Section
30 450) of Title 13.

31 (8) The intimidation of witnesses and victims, as defined in
32 Section 136.1.

33 (9) Grand theft, as defined in subdivision (a) or (c) of Section
34 487.

35 (10) Grand theft of any firearm, vehicle, trailer, or vessel.

36 (11) Burglary, as defined in Section 459.

37 (12) Rape, as defined in Section 261.

38 (13) Looting, as defined in Section 463.

39 (14) Money laundering, as defined in Section 186.10.

40 (15) Kidnapping, as defined in Section 207.

- 1 (16) Mayhem, as defined in Section 203.
- 2 (17) Aggravated mayhem, as defined in Section 205.
- 3 (18) Torture, as defined in Section 206.
- 4 (19) Felony extortion, as defined in Sections 518 and 520.
- 5 (20) Felony vandalism, as defined in paragraph (1) of
- 6 subdivision (b) of Section 594.
- 7 (21) Carjacking, as defined in Section 215.
- 8 (22) The sale, delivery, or transfer of a firearm, as defined in
- 9 Section 12072.
- 10 (23) Possession of a pistol, revolver, or other firearm capable
- 11 of being concealed upon the person in violation of paragraph (1)
- 12 of subdivision (a) of Section 12101.
- 13 (24) Threats to commit crimes resulting in death or great bodily
- 14 injury, as defined in Section 422.
- 15 (25) Theft and unlawful taking or driving of a vehicle, as defined
- 16 in Section 10851 of the Vehicle Code.
- 17 (26) Felony theft of an access card or account information, as
- 18 defined in Section 484e.
- 19 (27) Counterfeiting, designing, using, or attempting to use an
- 20 access card, as defined in Section 484f.
- 21 (28) Felony fraudulent use of an access card or account
- 22 information, as defined in Section 484g.
- 23 (29) Unlawful use of personal identifying information to obtain
- 24 credit, goods, services, or medical information, as defined in
- 25 Section 530.5.
- 26 (30) Wrongfully obtaining Department of Motor Vehicles
- 27 documentation, as defined in Section 529.7.
- 28 (31) Prohibited possession of a firearm in violation of Section
- 29 12021.
- 30 (32) Carrying a concealed firearm in violation of Section 12025.
- 31 (33) Carrying a loaded firearm in violation of Section 12031.
- 32 (f) As used in this chapter, “criminal street gang” means any
- 33 ongoing organization, association, or group of three or more
- 34 persons, whether formal or informal, having as one of its primary
- 35 activities the commission of one or more of the criminal acts
- 36 enumerated in paragraphs (1) to (25), inclusive, or (31) to (33),
- 37 inclusive, of subdivision (e), having a common name or common
- 38 identifying sign or symbol, and whose members individually or
- 39 collectively engage in or have engaged in a pattern of criminal
- 40 gang activity.

1 (g) Notwithstanding any other law, the court may strike the
2 additional punishment for the enhancements provided in this
3 section or refuse to impose the minimum jail sentence for
4 misdemeanors in an unusual case where the interests of justice
5 would best be served, if the court specifies on the record and enters
6 into the minutes the circumstances indicating that the interests of
7 justice would best be served by that disposition.

8 (h) Notwithstanding any other provision of law, for each person
9 committed to the Division of Juvenile Facilities for a conviction
10 pursuant to subdivision (a) or (b) of this section, the offense shall
11 be deemed one for which the state shall pay the rate of 100 percent
12 of the per capita institutional cost of the Division of Juvenile
13 Facilities, pursuant to Section 912.5 of the Welfare and Institutions
14 Code.

15 (i) In order to secure a conviction or sustain a juvenile petition,
16 pursuant to subdivision (a) it is not necessary for the prosecution
17 to prove that the person devotes all, or a substantial part, of his or
18 her time or efforts to the criminal street gang, nor is it necessary
19 to prove that the person is a member of the criminal street gang.
20 Active participation in the criminal street gang is all that is
21 required.

22 (j) A pattern of gang activity may be shown by the commission
23 of one or more of the offenses enumerated in paragraphs (26) to
24 (30), inclusive, of subdivision (e), and the commission of one or
25 more of the offenses enumerated in paragraphs (1) to (25),
26 inclusive, or (31) to (33), inclusive, of subdivision (e). A pattern
27 of gang activity cannot be established solely by proof of
28 commission of offenses enumerated in paragraphs (26) to (30),
29 inclusive, of subdivision (e), alone.

30 (k) This section shall remain in effect only until January 1, 2012,
31 and as of that date is repealed, unless a later enacted statute, that
32 is enacted before January 1, 2012, deletes or extends that date.

33 *SEC. 5. Section 186.22 of the Penal Code, as amended by*
34 *Section 276 of Chapter 15 of the Statutes of 2011, is amended to*
35 *read:*

36 186.22. (a) Any person who actively participates in any
37 criminal street gang with knowledge that its members engage in
38 or have engaged in a pattern of criminal gang activity, and who
39 willfully promotes, furthers, or assists in any felonious criminal
40 conduct by members of that gang, shall be punished by

1 imprisonment in a county jail for a period not to exceed one year,
2 or by imprisonment ~~pursuant to subdivision (h) of Section 1170~~
3 ~~in the state prison~~ for 16 months, or two or three years.

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

12 (A) Except as provided in subparagraphs (B) and (C), the person
13 shall be punished by an additional term ~~pursuant to subdivision~~
14 ~~(h) of Section 1170~~ of two, three, or four years at the court's
15 discretion.

16 (B) If the felony is a serious felony, as defined in subdivision
17 (c) of Section 1192.7, the person shall be punished by an additional
18 term of five years ~~in the state prison~~.

19 (C) If the felony is a violent felony, as defined in subdivision
20 (c) of Section 667.5, the person shall be punished by an additional
21 term of 10 years ~~in the state prison~~.

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

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

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

1 (A) The term determined by the court pursuant to Section 1170
2 for the underlying conviction, including any enhancement
3 applicable under Chapter 4.5 (commencing with Section 1170) of
4 Title 7 of Part 2, or any period prescribed by Section 3046, if the
5 felony is any of the offenses enumerated in subparagraph (B) or
6 (C) of this paragraph.

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

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

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

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

25 (d) Any person who is convicted of a public offense punishable
26 as a felony or a misdemeanor, which is committed for the benefit
27 of, at the direction of, or in association with any criminal street
28 gang, with the specific intent to promote, further, or assist in any
29 criminal conduct by gang members, shall be punished by
30 imprisonment in the county jail not to exceed one year, or by
31 imprisonment pursuant to subdivision (h) of Section 1170 in the
32 state prison for one, two, or three years, provided that any person
33 sentenced to imprisonment in the county jail ~~not exceeding one~~
34 ~~year~~ shall be imprisoned for a period of not to exceed one year,
35 but not less than 180 days, and shall not be eligible for release
36 upon completion of sentence, parole, or any other basis, until he
37 or she has served 180 days. If the court grants probation or
38 suspends the execution of sentence imposed upon the defendant,
39 it shall require as a condition thereof that the defendant serve 180
40 days in a county jail.

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

1 (20) Felony vandalism, as defined in paragraph (1) of
2 subdivision (b) of Section 594.

3 (21) Carjacking, as defined in Section 215.

4 (22) The sale, delivery, or transfer of a firearm, as defined in
5 Section 12072.

6 (23) Possession of a pistol, revolver, or other firearm capable
7 of being concealed upon the person in violation of paragraph (1)
8 of subdivision (a) of Section 12101.

9 (24) Threats to commit crimes resulting in death or great bodily
10 injury, as defined in Section 422.

11 (25) Theft and unlawful taking or driving of a vehicle, as defined
12 in Section 10851 of the Vehicle Code.

13 (26) Felony theft of an access card or account information, as
14 defined in Section 484e.

15 (27) Counterfeiting, designing, using, or attempting to use an
16 access card, as defined in Section 484f.

17 (28) Felony fraudulent use of an access card or account
18 information, as defined in Section 484g.

19 (29) Unlawful use of personal identifying information to obtain
20 credit, goods, services, or medical information, as defined in
21 Section 530.5.

22 (30) Wrongfully obtaining Department of Motor Vehicles
23 documentation, as defined in Section 529.7.

24 (31) Prohibited possession of a firearm in violation of Section
25 12021.

26 (32) Carrying a concealed firearm in violation of Section 12025.

27 (33) Carrying a loaded firearm in violation of Section 12031.

28 (f) As used in this chapter, “criminal street gang” means any
29 ongoing organization, association, or group of three or more
30 persons, whether formal or informal, having as one of its primary
31 activities the commission of one or more of the criminal acts
32 enumerated in paragraphs (1) to (25), inclusive, or (31) to (33),
33 inclusive, of subdivision (e), having a common name or common
34 identifying sign or symbol, and whose members individually or
35 collectively engage in or have engaged in a pattern of criminal
36 gang activity.

37 (g) Notwithstanding any other law, the court may strike the
38 additional punishment for the enhancements provided in this
39 section or refuse to impose the minimum jail sentence for
40 misdemeanors in an unusual case where the interests of justice

1 would best be served, if the court specifies on the record and enters
2 into the minutes the circumstances indicating that the interests of
3 justice would best be served by that disposition.

4 (h) Notwithstanding any other provision of law, for each person
5 committed to the Division of Juvenile Facilities for a conviction
6 pursuant to subdivision (a) or (b) of this section, the offense shall
7 be deemed one for which the state shall pay the rate of 100 percent
8 of the per capita institutional cost of the Division of Juvenile
9 Facilities, pursuant to Section 912.5 of the Welfare and Institutions
10 Code.

11 (i) In order to secure a conviction or sustain a juvenile petition,
12 pursuant to subdivision (a) it is not necessary for the prosecution
13 to prove that the person devotes all, or a substantial part, of his or
14 her time or efforts to the criminal street gang, nor is it necessary
15 to prove that the person is a member of the criminal street gang.
16 Active participation in the criminal street gang is all that is
17 required.

18 (j) A pattern of gang activity may be shown by the commission
19 of one or more of the offenses enumerated in paragraphs (26) to
20 (30), inclusive, of subdivision (e), and the commission of one or
21 more of the offenses enumerated in paragraphs (1) to (25),
22 inclusive, or (31) to (33), inclusive, of subdivision (e). A pattern
23 of gang activity cannot be established solely by proof of
24 commission of offenses enumerated in paragraphs (26) to (30),
25 inclusive, of subdivision (e), alone.

26 (k) This section shall become operative on January 1, 2012.

27 *SEC. 6. Section 186.26 of the Penal Code, as amended by*
28 *Section 277 of Chapter 15 of the Statutes of 2011, is amended to*
29 *read:*

30 186.26. (a) Any person who solicits or recruits another to
31 actively participate in a criminal street gang, as defined in
32 subdivision (f) of Section 186.22, with the intent that the person
33 solicited or recruited participate in a pattern of criminal street gang
34 activity, as defined in subdivision (e) of Section 186.22, or with
35 the intent that the person solicited or recruited promote, further,
36 or assist in any felonious conduct by members of the criminal street
37 gang, shall be punished by imprisonment pursuant to subdivision
38 (h) of Section 1170 in the state prison for 16 months, or two or
39 three years.

1 (b) Any person who threatens another person with physical
2 violence on two or more separate occasions within any 30-day
3 period with the intent to coerce, induce, or solicit any person to
4 actively participate in a criminal street gang, as defined in
5 subdivision (f) of Section 186.22, shall be punished by
6 imprisonment ~~pursuant to subdivision (h) of Section 1170~~ *in the*
7 *state prison* for two, three, or four years.

8 (c) Any person who uses physical violence to coerce, induce,
9 or solicit another person to actively participate in any criminal
10 street gang, as defined in subdivision (f) of Section 186.22, or to
11 prevent the person from leaving a criminal street gang, shall be
12 punished by imprisonment ~~pursuant to subdivision (h) of Section~~
13 ~~1170~~ *in the state prison* for three, four, or five years.

14 (d) If the person solicited, recruited, coerced, or threatened
15 pursuant to subdivision (a), (b), or (c) is a minor, an additional
16 term ~~pursuant to subdivision (h) of Section 1170~~ of three years
17 shall be imposed in addition and consecutive to the penalty
18 prescribed for a violation of any of these subdivisions.

19 (e) Nothing in this section shall be construed to limit prosecution
20 under any other provision of law.

21 *SEC. 7. Section 186.33 of the Penal Code, as amended by*
22 *Section 279 of Chapter 15 of the Statutes of 2011, is amended to*
23 *read:*

24 186.33. (a) Any person required to register pursuant to Section
25 186.30 who knowingly violates any of its provisions is guilty of
26 a misdemeanor.

27 (b) (1) Any person who knowingly fails to register pursuant to
28 Section 186.30 and is subsequently convicted of, or any person
29 for whom a petition is subsequently sustained for a violation of,
30 any of the offenses specified in Section 186.30, shall be punished
31 by an additional term of imprisonment ~~pursuant to subdivision (h)~~
32 ~~of Section 1170~~ *in the state prison* for 16 months, or two, or three
33 years. The court shall select the sentence enhancement which, in
34 the court's discretion, best serves the interests of justice and shall
35 state the reasons for its choice on the record at the time of
36 sentencing in accordance with the provisions of subdivision (d) of
37 Section 1170.1.

38 (2) The existence of any fact bringing a person under this
39 subdivision shall be alleged in the information, indictment, or

1 petition, and be either admitted by the defendant or minor in open
 2 court, or found to be true or not true by the trier of fact.

3 (c) This section shall remain in effect only until January 1, 2012,
 4 and as of that date is repealed, unless a later enacted statute, that
 5 is enacted before January 1, 2012, deletes or extends that date.

6 *SEC. 8. Section 186.33 of the Penal Code, as amended by*
 7 *Section 280 of Chapter 15 of the Statutes of 2011, is amended to*
 8 *read:*

9 186.33. (a) Any person required to register pursuant to Section
 10 186.30 who knowingly violates any of its provisions is guilty of
 11 a misdemeanor.

12 (b) (1) Any person who knowingly fails to register pursuant to
 13 Section 186.30 and is subsequently convicted of, or any person
 14 for whom a petition is subsequently sustained for a violation of,
 15 any of the offenses specified in Section 186.30, shall be punished
 16 by an additional term of imprisonment pursuant to subdivision (h)
 17 of Section 1170 in the state prison for 16 months, or two, or three
 18 years. The court shall order imposition of the middle term unless
 19 there are circumstances in aggravation or mitigation. The court
 20 shall state its reasons for the enhancement choice on the record at
 21 the time of sentencing.

22 (2) The existence of any fact bringing a person under this
 23 subdivision shall be alleged in the information, indictment, or
 24 petition, and be either admitted by the defendant or minor in open
 25 court, or found to be true or not true by the trier of fact.

26 (c) This section shall become operative on January 1, 2012.

27 *SEC. 9. Section 298.2 of the Penal Code, as amended by*
 28 *Section 322 of Chapter 15 of the Statutes of 2011, is amended to*
 29 *read:*

30 298.2. (a) Any person who is required to submit a specimen
 31 sample or print impression pursuant to this chapter who engages
 32 or attempts to engage in any of the following acts is guilty of a
 33 felony punishable by imprisonment pursuant to subdivision (h) of
 34 Section 1170 in the state prison for two, three, or four years:

35 (1) Knowingly facilitates the collection of a wrongfully
 36 attributed blood specimen, buccal swab sample, or thumb or palm
 37 print impression, with the intent that a government agent or
 38 employee be deceived as to the origin of a DNA profile or as to
 39 any identification information associated with a specimen, sample,
 40 or print impression required for submission pursuant to this chapter.

1 (2) Knowingly tampers with any specimen, sample, print, or
2 the collection container for any specimen or sample, with the intent
3 that any government agent or employee be deceived as to the
4 identity of the person to whom the specimen, sample, or print
5 relates.

6 *SEC. 10. Section 299.5 of the Penal Code, as amended by*
7 *Section 323 of Chapter 15 of the Statutes of 2011, is amended to*
8 *read:*

9 299.5. (a) All DNA and forensic identification profiles and
10 other identification information retained by the Department of
11 Justice pursuant to this chapter are exempt from any law requiring
12 disclosure of information to the public and shall be confidential
13 except as otherwise provided in this chapter.

14 (b) All evidence and forensic samples containing biological
15 material retained by the Department of Justice DNA Laboratory
16 or other state law enforcement agency are exempt from any law
17 requiring disclosure of information to the public or the return of
18 biological specimens, samples, or print impressions.

19 (c) Non-DNA forensic identification information may be filed
20 with the offender's file maintained by the Sex Registration Unit
21 of the Department of Justice or in other computerized data bank
22 or database systems maintained by the Department of Justice.

23 (d) The DNA and other forensic identification information
24 retained by the Department of Justice pursuant to this chapter shall
25 not be included in the state summary criminal history information.
26 However, nothing in this chapter precludes law enforcement
27 personnel from entering into a person's criminal history
28 information or offender file maintained by the Department of
29 Justice, the fact that the specimens, samples, and print impressions
30 required by this chapter have or have not been collected from that
31 person.

32 (e) The fact that the blood specimens, saliva or buccal swab
33 samples, and print impressions required by this chapter have been
34 received by the DNA Laboratory of the Department of Justice shall
35 be included in the state summary criminal history information as
36 soon as administratively practicable.

37 The full palm prints of each hand shall be filed and maintained
38 by the Automated Latent Print Section of the Bureau of Criminal
39 Identification and Information of the Department of Justice, and
40 may be included in the state summary criminal history information.

1 (f) DNA samples and DNA profiles and other forensic
2 identification information shall be released only to law enforcement
3 agencies, including, but not limited to, parole officers of the
4 Department of Corrections, hearing officers of the parole authority,
5 probation officers, the Attorney General's office, district attorneys'
6 offices, and prosecuting city attorneys' offices, unless otherwise
7 specifically authorized by this chapter. Dissemination of DNA
8 specimens, samples, and DNA profiles and other forensic
9 identification information to law enforcement agencies and district
10 attorneys' offices outside this state shall be performed in
11 conformity with the provisions of this chapter.

12 (g) A defendant's DNA and other forensic identification
13 information developed pursuant to this chapter shall be available
14 to his or her defense counsel upon court order made pursuant to
15 Chapter 10 (commencing with Section 1054) of Title 6 of Part 2.

16 (h) Except as provided in subdivision (g) and in order to protect
17 the confidentiality and privacy of database and data bank
18 information, the Department of Justice and local public DNA
19 laboratories shall not otherwise be compelled in a criminal or civil
20 proceeding to provide any DNA profile or forensic identification
21 database or data bank information or its computer database program
22 software or structures to any person or party seeking such records
23 or information whether by subpoena or discovery, or other
24 procedural device or inquiry.

25 (i) (1) (A) Any person who knowingly uses an offender
26 specimen, sample, or DNA profile collected pursuant to this chapter
27 for other than criminal identification or exclusion purposes, or for
28 other than the identification of missing persons, or who knowingly
29 discloses DNA or other forensic identification information
30 developed pursuant to this section to an unauthorized individual
31 or agency, for other than criminal identification or exclusion
32 purposes, or for the identification of missing persons, in violation
33 of this chapter, shall be punished by imprisonment in a county jail
34 not exceeding one year or by imprisonment pursuant to subdivision
35 ~~(h) of Section 1170 in the state prison for 16 months, or two or~~
36 ~~three years.~~

37 (B) Any person who, for the purpose of financial gain,
38 knowingly uses a specimen, sample, or DNA profile collected
39 pursuant to this chapter for other than criminal identification or
40 exclusion purposes or for the identification of missing persons or

1 who, for the purpose of financial gain, knowingly discloses DNA
2 or other forensic identification information developed pursuant to
3 this section to an unauthorized individual or agency, for other than
4 criminal identification or exclusion purposes or for other than the
5 identification of missing persons, in violation of this chapter, shall,
6 in addition to the penalty provided in subparagraph (A), be
7 punished by a criminal fine in an amount three times that of any
8 financial gain received or ten thousand dollars (\$10,000),
9 whichever is greater.

10 (2) (A) If any employee of the Department of Justice knowingly
11 uses a specimen, sample, or DNA profile collected pursuant to this
12 chapter for other than criminal identification or exclusion purposes,
13 or knowingly discloses DNA or other forensic identification
14 information developed pursuant to this section to an unauthorized
15 individual or agency, for other than criminal identification or
16 exclusion purposes or for other than the identification of missing
17 persons, in violation of this chapter, the department shall be liable
18 in civil damages to the donor of the DNA identification information
19 in the amount of five thousand dollars (\$5,000) for each violation,
20 plus attorney's fees and costs. In the event of multiple disclosures,
21 the total damages available to the donor of the DNA is limited to
22 fifty thousand dollars (\$50,000) plus attorney's fees and costs.

23 (B) (i) Notwithstanding any other law, this shall be the sole
24 and exclusive remedy against the Department of Justice and its
25 employees available to the donor of the DNA.

26 (ii) The Department of Justice employee disclosing DNA
27 identification information in violation of this chapter shall be
28 absolutely immune from civil liability under this or any other law.

29 (3) It is not a violation of this section for a law enforcement
30 agency in its discretion to publicly disclose the fact of a DNA
31 profile match, or the name of the person identified by the DNA
32 match when this match is the basis of law enforcement's
33 investigation, arrest, or prosecution of a particular person, or the
34 identification of a missing or abducted person.

35 (j) It is not a violation of this chapter to furnish DNA or other
36 forensic identification information of the defendant to his or her
37 defense counsel for criminal defense purposes in compliance with
38 discovery.

39 (k) It is not a violation of this section for law enforcement to
40 release DNA and other forensic identification information

1 developed pursuant to this chapter to a jury or grand jury, or in a
2 document filed with a court or administrative agency, or as part
3 of a judicial or administrative proceeding, or for this information
4 to become part of the public transcript or record of proceedings
5 when, in the discretion of law enforcement, disclosure is necessary
6 because the DNA information pertains to the basis for law
7 enforcement's identification, arrest, investigation, prosecution, or
8 exclusion of a particular person related to the case.

9 (l) It is not a violation of this section to include information
10 obtained from a file in a transcript or record of a judicial
11 proceeding, or in any other public record when the inclusion of
12 the information in the public record is authorized by a court, statute,
13 or decisional law.

14 (m) It is not a violation of this section for the DNA Laboratory
15 of the Department of Justice, or an organization retained as an
16 agent of the Department of Justice, or a local public laboratory to
17 use anonymous records or criminal history information obtained
18 pursuant to this chapter for training, research, statistical analysis
19 of populations, or quality assurance or quality control.

20 (n) The Department of Justice shall make public the
21 methodology and procedures to be used in its DNA program prior
22 to the commencement of DNA testing in its laboratories. The
23 Department of Justice shall review and consider on an ongoing
24 basis the findings and results of any peer review and validation
25 studies submitted to the department by members of the relevant
26 scientific community experienced in the use of DNA technology.
27 This material shall be available to criminal defense counsel upon
28 court order made pursuant to Chapter 10 (commencing with Section
29 1054) of Title 6 of Part 2.

30 (o) In order to maintain the computer system security of the
31 Department of Justice DNA and Forensic Identification Database
32 and Data Bank Program, the computer software and database
33 structures used by the DNA Laboratory of the Department of
34 Justice to implement this chapter are confidential.

35 *SEC. 11. Section 598c of the Penal Code, as amended by*
36 *Section 412 of Chapter 15 of the Statutes of 2011, is amended to*
37 *read:*

38 598c. (a) Notwithstanding any other provision of law, it is
39 unlawful for any person to possess, to import into or export from
40 the state, or to sell, buy, give away, hold, or accept any horse with

1 the intent of killing, or having another kill, that horse, if that person
2 knows or should have known that any part of that horse will be
3 used for human consumption.

4 (b) For purposes of this section, “horse” means any equine,
5 including any horse, pony, burro, or mule.

6 (c) Violation of this section is a felony punishable by
7 imprisonment ~~pursuant to subdivision (h) of Section 1170~~ *in the*
8 *state prison* for 16 months, or two or three years.

9 (d) It is not the intent of this section to affect any commonly
10 accepted commercial, noncommercial, recreational, or sporting
11 activity that relates to horses.

12 (e) It is not the intent of this section to affect any existing law
13 that relates to horse taxation or zoning.

14 *SEC. 12. Section 598d of the Penal Code, as amended by*
15 *Section 413 of Chapter 15 of the Statutes of 2011, is amended to*
16 *read:*

17 598d. (a) Notwithstanding any other provision of law,
18 horsemeat may not be offered for sale for human consumption.
19 No restaurant, cafe, or other public eating place may offer
20 horsemeat for human consumption.

21 (b) Violation of this section is a misdemeanor punishable by a
22 fine of not more than one thousand dollars (\$1,000), or by
23 confinement in jail for not less than 30 days nor more than two
24 years, or by both that fine and confinement.

25 (c) A second or subsequent offense under this section is
26 punishable by imprisonment ~~pursuant to subdivision (h) of Section~~
27 ~~1170~~ *in the state prison* for not less than two years nor more than
28 five years.

29 *SEC. 13. Section 666 of the Penal Code, as amended by Section*
30 *440 of Chapter 15 of the Statutes of 2011, is amended to read:*

31 666. (a) Notwithstanding Section 490, every person who,
32 having been convicted three or more times of petty theft, grand
33 theft, auto theft under Section 10851 of the Vehicle Code, burglary,
34 carjacking, robbery, or a felony violation of Section 496 and having
35 served a term therefor in any penal institution or having been
36 imprisoned therein as a condition of probation for that offense, is
37 subsequently convicted of petty theft, then the person convicted
38 of that subsequent offense is punishable by imprisonment in the
39 county jail not exceeding one year, or imprisonment pursuant to
40 subdivision (h) of Section 1170.

1 (b) Notwithstanding Section 490, any person described in
2 paragraph (1) who, having been convicted of petty theft, grand
3 theft, auto theft under Section 10851 of the Vehicle Code, burglary,
4 carjacking, robbery, or a felony violation of Section 496, and
5 having served a term of imprisonment therefor in any penal
6 institution or having been imprisoned therein as a condition of
7 probation for that offense, who is subsequently convicted of petty
8 theft, is punishable by imprisonment in the county jail not
9 exceeding one year, or in the state prison.

10 (1) This subdivision shall apply to any person who is required
11 to register pursuant to the Sex Offender Registration Act, or who
12 has a prior violent or serious felony conviction, as specified in
13 subdivision (c) of Section 667.5 or subdivision (c) of Section
14 1192.7.

15 (2) This subdivision shall not be construed to preclude
16 prosecution or punishment pursuant to subdivisions (b) to (i),
17 inclusive, of Section 667, or Section 1170.12.

18 SEC. 14. Section 3000.09 of the Penal Code, as added by
19 Section 470 of Chapter 15 of the Statutes of 2011, is amended to
20 read:

21 3000.09. (a) Notwithstanding any other law, any parolee who
22 was paroled from state prison prior to July 1, 2011, shall be subject
23 to this section.

24 (b) Parolees subject to this section shall remain under
25 supervision by the Department of Corrections and Rehabilitation
26 until one of the following occurs:

27 (1) Jurisdiction over the person is terminated by operation of
28 law.

29 (2) The supervising agent recommends to the jurisdictional
30 authority that the offender be discharged and the jurisdictional
31 authority approves the discharge.

32 (3) The offender, except an offender who if released from prison
33 after July 1, 2011, would be subject to parole based on the criteria
34 identified in subdivision (a) of Section 3000.08, completes six
35 consecutive months of parole without violating their conditions,
36 at which time the supervising agent shall review and make a
37 recommendation on whether to discharge the offender to the
38 jurisdictional authority and the jurisdictional authority approves
39 the discharge.

1 (c) Parolees subject to this section who are being held for a
2 parole violation in county jail on July 1, 2011, shall be subject to
3 the jurisdiction of the Board of Parole Hearings.

4 (d) Persons who are subject to this section and on parole for a
5 serious felony described in subdivision (c) of Section 1192.7, a
6 violent felony described in subdivision (c) of Section 667.5, a
7 crime for which the person was sentenced pursuant to paragraph
8 (2) of subdivision (e) of Section 667 or paragraph (2) of subdivision
9 (c) of Section 1170.12, or any crime where the person released
10 from prison was classified as a High Risk Sex Offender, whose
11 parole is revoked, as ordered by the Board of Parole Hearings,
12 shall be remanded to state prison. Upon completion of a revocation
13 term for imprisonment in state prison, the parolee shall remain
14 under the supervision of the Division of Adult Parole Operations.
15 Any subsequent revocation action shall be conducted by the court
16 in the county into which the parolee was released. Any subsequent
17 term of imprisonment as ordered by the court for a violation of the
18 person's conditions of parole shall be subject to Section 3000.08.

19 (e) Parolees subject to this section who are not on parole for a
20 crime or with a classification described in subdivision ~~(e)~~ (d) who
21 violate the conditions of their parole on or after July 1, 2011, shall
22 be under the jurisdiction of the court in the county into which the
23 parolee was released. Persons returned to custody for any violation
24 of a parole condition, as ordered by the court, shall serve any
25 custody term in a county jail.

26 (f) This section shall remain in effect until July 1, 2014, and on
27 that date and thereafter any person, who is not on parole for a crime
28 or with a classification described in subdivision ~~(e)~~ (d), shall be
29 discharged from parole.

30 *SEC. 15. Section 3001 of the Penal Code, as amended by*
31 *Section 472 of Chapter 15 of the Statutes of 2011, is amended to*
32 *read:*

33 3001. (a) Notwithstanding any other provision of law, when
34 any person referred to in paragraph (1) of subdivision (b) of Section
35 3000 who was not imprisoned for committing a violent felony, as
36 defined in subdivision (c) of Section 667.5, has been released on
37 parole from the state prison, and has been on parole continuously
38 for ~~six months~~ *one year* since release from confinement, within
39 30 days, that person shall be discharged from parole, unless the
40 Department of Corrections and Rehabilitation recommends to the

1 court that the person be retained on parole and the court, for good
2 cause, determines that the person will be retained. Notwithstanding
3 any other provision of law, when any person referred to in
4 paragraph (1) of subdivision (b) of Section 3000 who was
5 imprisoned for committing a violent felony, as defined in
6 subdivision (c) of Section 667.5, has been released on parole from
7 the state prison for a period not exceeding three years and has been
8 on parole continuously for two years since release from
9 confinement, or has been released on parole from the state prison
10 for a period not exceeding five years and has been on parole
11 continuously for three years since release from confinement, the
12 department shall discharge, within 30 days, that person from parole,
13 unless the department recommends to the court that the person be
14 retained on parole and the court, for good cause, determines that
15 the person will be retained. The court shall make a written record
16 of its determination and the department shall transmit a copy
17 thereof to the parolee.

18 (b) Notwithstanding any other provision of law, when any person
19 referred to in paragraph (2) of subdivision (b) of Section 3000 has
20 been released on parole from the state prison, and has been on
21 parole continuously for three years since release from confinement,
22 the court shall discharge, within 30 days, the person from parole,
23 unless the court, for good cause, determines that the person will
24 be retained on parole. The court shall state its findings on the record
25 and the department shall transmit a copy of those findings to the
26 parolee.

27 (c) Notwithstanding any other provision of law, when any person
28 referred to in paragraph (3) of subdivision (b) of Section 3000 has
29 been released on parole from the state prison, and has been on
30 parole continuously for six years and six months since release from
31 confinement, the court shall discharge, within 30 days, the person
32 from parole, unless the court, for good cause, determines that the
33 person will be retained on parole. The court shall make a written
34 record of its determination and the department shall transmit a
35 copy thereof to the parolee.

36 (d) In the event of a retention on parole, the parolee shall be
37 entitled to a review by the parole authority each year thereafter
38 until the maximum statutory period of parole has expired.

39 (e) The amendments to this section made during the 1987–88
40 Regular Session of the Legislature shall only be applied

1 prospectively and shall not extend the parole period for any person
2 whose eligibility for discharge from parole was fixed as of the
3 effective date of those amendments.

4 *SEC. 16. Section 1710.5 of the Welfare and Institutions Code,*
5 *as added by Section 619 of Chapter 15 of the Statutes of 2011, is*
6 *amended to read:*

7 1710.5. Notwithstanding any other law, on and after July 1,
8 2011, a county may enter into a memorandum of understanding
9 with the state, or a Joint Powers Authority created for this purpose,
10 to provide for the admission of minors adjudicated for an offense
11 that is a sex offense listed under subdivision (c) of Section 290.008
12 of the Penal Code, or that is listed under subdivision (b) of Section
13 707 of this code to the Division of Juvenile Justice.

14 *SEC. 17. This act shall only become operative no earlier than*
15 *July 1, 2011, and only if A.B. 109 of the 2011–12 Regular Session*
16 *becomes operative.*

17 *SEC. 18. In addition to any amounts provided in the Budget*
18 *Act of 2011, the sum of one thousand dollars (\$1,000) is hereby*
19 *appropriated from the General Fund to the Department of*
20 *Corrections and Rehabilitation for purposes of state operations*
21 *in the 2011–12 fiscal year.*

22 *SEC. 19. This act is a bill providing for appropriations related*
23 *to the Budget Bill within the meaning of subdivision (e) of Section*
24 *12 of Article IV of the California Constitution, has been identified*
25 *as related to the budget in the Budget Bill, and shall take effect*
26 *immediately.*

27 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
28 ~~changes relating to the Budget Act of 2011.~~

O