

AMENDED IN SENATE JUNE 22, 2011

AMENDED IN ASSEMBLY MAY 10, 2011

AMENDED IN ASSEMBLY APRIL 11, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 486

Introduced by Assembly Member Hueso

February 15, 2011

~~An act to add Section 53069.35 to the Government Code, relating to graffiti abatement.~~ *An act to add Section 11375.5 to the Health and Safety Code, relating to controlled substances.*

LEGISLATIVE COUNSEL'S DIGEST

AB 486, as amended, Hueso. ~~Graffiti tracking system: funding.~~ *Controlled substances.*

Existing law classifies controlled substances into 5 schedules and places the greatest restrictions and penalties on the use of those substances placed in Schedule I. Existing law also prohibits the sale or possession for sale of various controlled substances, including opiates, as well as their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of those isomers, esters, ethers, and salts fall within a specific chemical designation.

This bill would make it a crime, punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding \$1,000, or by both that fine and imprisonment, to sell, dispense, distribute, furnish, administer, or give, to offer to sell, dispense, distribute, furnish, administer, or give, or to possess for sale, any synthetic stimulant compound or any specified synthetic stimulant derivative, including naphthylpyrovalerone and 2-amino-1-phenyl-1-propanone. By creating

new crimes, this bill would impose a state-mandated local program upon local governments.

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.

~~Existing law provides that a city or county may pass an ordinance to recover city or county funds used to remove graffiti or other inscribed material from publicly or privately owned real or personal property within the city or county. Existing law authorizes a city, county, or city and county to pass an ordinance directing the probation officer of the county to recoup its costs associated with defacement by minors of its property and the property of others by graffiti or other inscribed material, through juvenile court proceedings, as provided.~~

~~This bill would require a city or county within the jurisdiction of the San Diego Association of Governments (SANDAG) to pay 10% of the amounts collected pursuant to the above provisions to SANDAG for the purpose of funding a graffiti tracking system to be administered by SANDAG. The bill would become operative only upon the establishment and operation of a countywide graffiti tracking system administered by SANDAG and would become inoperative upon the adoption of a resolution by SANDAG discontinuing the operation of the graffiti tracking system.~~

~~This bill would make legislative findings and declarations as to the necessity of a special statute for the cities and counties within the jurisdiction of the San Diego Association of Governments.~~

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

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

- 1 SECTION 1. Section 11375.5 is added to the Health and Safety
- 2 Code, to read:
- 3 11375.5. (a) Every person who sells, dispenses, distributes,
- 4 furnishes, administers, or gives, or offers to sell, dispense,
- 5 distribute, furnish, administer, or give, or possesses for sale any
- 6 synthetic stimulant compound specified in subdivision (b), or any
- 7 synthetic stimulant derivative, to any person, is guilty of a

1 *misdemeanor punishable by imprisonment in a county jail not*
2 *exceeding six months, or by a fine not exceeding one thousand*
3 *dollars (\$1,000), or by both that fine and imprisonment.*

4 *(b) Unless specifically excepted, or contained within a*
5 *pharmaceutical product approved by the United States Food and*
6 *Drug Administration, or unless listed in another schedule,*
7 *subdivision (a) applies to any material, compound, mixture, or*
8 *preparation which contains any quantity of the following*
9 *substances having a stimulant effect on the central nervous system,*
10 *including its salts, isomers, esters, or ethers, and salts of isomers,*
11 *esters, or ethers whenever the existence of such salts, isomers,*
12 *esters, or ethers, and salts of isomers, esters, or ethers is possible*
13 *within any of the following specific chemical designations:*

14 *(1) Naphthylpyrovalerone whether or not further substituted in*
15 *the naphthyl ring to any extent with alkyl, alkoxy, alkylendioxy,*
16 *haloalkyl, or halide substituents, whether or not further substituted*
17 *in the naphthyl ring by one or more other univalent substituents,*
18 *or whether or not further substituted in the carbon chain at the 3-,*
19 *4-, or 5-position with an alkyl substituent.*

20 *(2) 2-amino-1-phenyl-1-propanone (cathinone) or variation in*
21 *any of the following ways:*

22 *(A) By substitution in the phenyl ring to any extent with alkyl,*
23 *alkoxy, alkylendioxy, haloalkyl, or halide substituents, whether*
24 *or not further substituted in the phenyl ring by one or more other*
25 *univalent substituents.*

26 *(B) By substitution at the 3-position with an alkyl substituent.*

27 *(C) By substitution at the nitrogen atom with alkyl, dialkyl, or*
28 *benzyl groups, or by inclusion of the nitrogen atom in a cyclic*
29 *structure.*

30 *SEC. 2. No reimbursement is required by this act pursuant to*
31 *Section 6 of Article XIII B of the California Constitution because*
32 *the only costs that may be incurred by a local agency or school*
33 *district will be incurred because this act creates a new crime or*
34 *infraction, eliminates a crime or infraction, or changes the penalty*
35 *for a crime or infraction, within the meaning of Section 17556 of*
36 *the Government Code, or changes the definition of a crime within*
37 *the meaning of Section 6 of Article XIII B of the California*
38 *Constitution.*

39 ~~SECTION 1. Section 53069.35 is added to the Government~~
40 ~~Code, to read:~~

1 ~~53069.35. (a) As used in this section, “SANDAG” means the~~
 2 ~~San Diego Association of Governments, as referenced in the San~~
 3 ~~Diego Regional Transportation Consolidation Act, Chapter 3~~
 4 ~~(commencing with Section 132350) of Division 12.7 of the Public~~
 5 ~~Utilities Code.~~

6 ~~(b) Ten percent of any amounts received by a city or county~~
 7 ~~within the jurisdiction of SANDAG pursuant to an ordinance~~
 8 ~~adopted pursuant to Section 53069.3 to recover funds used to~~
 9 ~~remove graffiti or other inscribed material from publicly owned~~
 10 ~~or privately owned real or personal property within the city or~~
 11 ~~county, and 10 percent of any amounts received by a city or county~~
 12 ~~within the jurisdiction of SANDAG pursuant to an ordinance~~
 13 ~~adopted pursuant to Section 742.14 of the Welfare and Institutions~~
 14 ~~Code to recoup its costs associated with defacement by minors of~~
 15 ~~its property and the property of others by graffiti or other inscribed~~
 16 ~~material, shall be paid to SANDAG on an annual basis.~~

17 ~~(c) Funds paid to SANDAG pursuant to subdivision (b) shall~~
 18 ~~be used exclusively for the purpose of funding a graffiti tracking~~
 19 ~~system to be administered by SANDAG.~~

20 ~~(d) This section shall become operative only upon the~~
 21 ~~establishment and operation of a countywide graffiti tracking~~
 22 ~~system administered by SANDAG. Upon the adoption of a~~
 23 ~~resolution by SANDAG to discontinue the operation of the~~
 24 ~~countywide graffiti tracking system administered by SANDAG,~~
 25 ~~this section shall cease to be operative.~~

26 ~~SEC. 2. The Legislature finds and declares that a special law~~
 27 ~~is necessary and that a general law cannot be made applicable~~
 28 ~~within the meaning of Section 16 of Article IV of the California~~
 29 ~~Constitution because this act will serve as a pilot program for local~~
 30 ~~government in San Diego County and therefore there is a need to~~
 31 ~~enact this act on a trial basis only prior to extending the act to other~~
 32 ~~jurisdictions.~~

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