

**ASSEMBLY BILL**

**No. 1017**

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**Introduced by Assembly Member Ammiano**

February 18, 2011

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An act to amend Section 11358 of the Health and Safety Code, relating to marijuana cultivation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1017, as introduced, Ammiano. Marijuana cultivation: reduced penalty.

Existing law requires that every person who plants, cultivates, harvests, dries, or processes any marijuana, or any part thereof, except as otherwise provided by law, be punished by imprisonment in the state prison.

This bill would make that crime punishable by imprisonment in a county jail for a period of not more than one year or by imprisonment in the state prison. By changing the penalty for this crime to authorize imprisonment in a county jail, the 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: majority. 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 11358 of the Health and Safety Code is  
2 amended to read:

3 11358. Every person who plants, cultivates, harvests, dries, or  
4 processes any marijuana or any part thereof, except as otherwise  
5 provided by law, shall be punished by imprisonment in *a county*  
6 *jail for a period of not more than one year or by imprisonment in*  
7 *the state prison.*

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