

AMENDED IN ASSEMBLY JANUARY 4, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1068**

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**Introduced by Assembly Member Ma**

February 18, 2011

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~~An act to amend Section 8879.61 of the Government Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.~~ *An act to add and repeal Section 1380 of the Penal Code, relating to graffiti abatement.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1068, as amended, Ma. ~~Transportation bond funds.~~ *City and County of San Francisco: graffiti abatement.*

*Existing law, until January 1, 2012, authorized the City and County of San Francisco to establish a pilot project to require a person who has committed an act of vandalism by graffiti to complete a minimum of 24 hours of community service through graffiti abatement if the person engages in a civil compromise, as provided.*

*This bill would reenact these provisions and authorize the City and County of San Francisco to conduct the graffiti abatement pilot project until January 1, 2016.*

~~Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, authorizes the issuance of general obligation bonds for various transportation purposes. Existing law requires that \$1,000,000,000 of those funds be deposited in the Transit System Safety, Security, and Disaster Response Account, administered by the California Emergency Management Agency (Cal EMA), for capital projects that provide increased protection against a security and safety threat, and for capital expenditures to increase the capacity of~~

~~transit operators to develop disaster response transportation systems, as specified. Existing law requires 25% of the available funds to be allocated to certain regional public waterborne transit agencies. Existing law requires entities receiving funds from the account to expend those funds within 3 fiscal years of the fiscal year in which the funds were allocated and requires that funds remaining unexpended after those 3 years revert to Cal EMA for reallocation in subsequent fiscal years.~~

~~Notwithstanding these provisions, this bill would provide that entities receiving an allocation of the funds set aside for regional public waterborne transit agencies, relative to allocations of funds made prior to June 30, 2011, shall have 4 fiscal years from the last day of the fiscal year in which the funds were received by that entity to expend those funds.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote:  $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes-no. State-mandated local program: no.~~

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

- 1     *SECTION 1. Section 1380 is added to the Penal Code, to read:*
- 2     *1380. (a) The City and County of San Francisco may require*
- 3     *a person who has committed an act of vandalism by graffiti, as*
- 4     *specified in paragraph (1) of subdivision (a) of Section 594, to*
- 5     *complete a minimum of 24 hours of community service if the person*
- 6     *engages in a civil compromise, as provided in Section 1378.*
- 7     *(b) Community service shall be completed through graffiti*
- 8     *abatement. If a graffiti abatement program is not available, then*
- 9     *another form of community service may be performed.*
- 10    *(c) In order for the City and County of San Francisco to impose*
- 11    *subdivision (a) upon a person, the court shall determine that there*
- 12    *is community service available through the jurisdiction's*
- 13    *community service program.*
- 14    *(d) The program authorized by this section shall be a pilot*
- 15    *project for the purpose of determining the potential effectiveness*
- 16    *of the program.*
- 17    *(e) This section shall remain in effect only until January 1, 2016,*
- 18    *and as of that date is repealed, unless a later enacted statute, that*
- 19    *is enacted before January 1, 2016, deletes or extends that date.*

1 SECTION 1. ~~Section 8879.61 of the Government Code is~~  
2 ~~amended to read:~~

3 ~~8879.61. (a) (1) Entities described in subdivisions (a), (b),~~  
4 ~~and (c) of Section 8879.57 receiving an allocation of funds pursuant~~  
5 ~~to this article shall expend those funds within three fiscal years of~~  
6 ~~the fiscal year in which the funds were allocated. Funds remaining~~  
7 ~~unexpended thereafter shall revert to the California Emergency~~  
8 ~~Management Agency, as applicable, for reallocation under this~~  
9 ~~article in subsequent fiscal years.~~

10 ~~(2) Notwithstanding paragraph (1), for an allocation of funds~~  
11 ~~made prior to June 30, 2011, to an entity described in subdivision~~  
12 ~~(b) of Section 8879.57, that entity shall have four fiscal years from~~  
13 ~~the last day of the fiscal year in which the funds were received by~~  
14 ~~that entity to expend those funds.~~

15 ~~(b) Entities that receive grant awards from funds allocated~~  
16 ~~pursuant to subdivisions (b) or (c) of Section 8879.57 are not~~  
17 ~~eligible to receive awards from the funds allocated pursuant to~~  
18 ~~subdivision (a) of Section 8879.57.~~

19 ~~(c) Funds appropriated for the program established by this article~~  
20 ~~in the Budget Act of 2007 shall be allocated consistent with the~~  
21 ~~allocation schedule established in Section 8879.57.~~

22 SEC. 2. ~~This act is an urgency statute necessary for the~~  
23 ~~immediate preservation of the public peace, health, or safety within~~  
24 ~~the meaning of Article IV of the Constitution and shall go into~~  
25 ~~immediate effect. The facts constituting the necessity are:~~

26 ~~In order to ensure that regional public waterborne transit agencies~~  
27 ~~have sufficient time to complete projects using certain~~  
28 ~~transportation bond funds, it is necessary that this act take effect~~  
29 ~~immediately.~~