

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2284

Introduced by Assembly Member Chesbro

February 24, 2012

~~An act to amend Section 145 of the Penal Code, relating to crime.~~
An act to add Section 12025 to the Fish and Game Code, and to add and repeal Section 2429.7 of the Vehicle Code, relating to marijuana cultivation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2284, as amended, Chesbro. ~~Criminal procedure. Marijuana cultivation.~~

Existing law establishes fines and penalties for a violation of the Fish and Game Code.

This bill would impose an additional civil penalty for a violation of specified provisions of the Fish and Game Code connected to marijuana cultivation on a unit of the state park system, state forest, and timberland, as defined, at an amount determined by the Fish and Game Commission sufficient to cover the costs associated with cleaning up the marijuana site.

Existing law requires the Department of the California Highway Patrol to enforce the requirements of the Government Code.

This bill would, until January 1, 2023, require the department to establish a pilot program authorizing a peace officer of the department or a county sheriff's office to stop a vehicle transporting agricultural irrigation supplies into a unit of the state park system, state forest, national forest, or timberland, and make specified inquiries.

~~Under existing law, a public officer or other person who has arrested a person on a criminal charge and who willfully delays taking that person before a magistrate, as specified, is guilty of a misdemeanor.~~

~~This bill would make, nonsubstantive changes to this provision.~~

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

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

1 SECTION 1. *The Legislature finds and declares all of the*
2 *following:*

3 (a) *As a result of the closure and lack of staffing at numerous*
4 *state parks, those parks and other resource lands have become*
5 *infested with illegal marijuana cultivation.*

6 (b) *The illegal marijuana growing sites create a hazard for*
7 *those who recreate on these public resource lands. Some of the*
8 *most recent events that showed the relative danger were the murder*
9 *of Matthew Coleman and Fort Bragg City Council Member Jere*
10 *Melo who surveyed the forest for illegal marijuana growth in*
11 *connection with local law enforcement and were killed in the*
12 *course of their jobs.*

13 (c) *The marijuana grow sites often are constructed without*
14 *regard for the environment or wildlife.*

15 (d) *Because the illegal marijuana cultivation operations are set*
16 *up deep in resource land, all the equipment is brought in and*
17 *constructed without consideration for the environmental effects.*

18 (e) *Many illegal marijuana grow sites include water diversion*
19 *with irrigation pipes, generators, and batteries to power the*
20 *cultivation equipment and camp, illegal damming and water*
21 *diversion, and pesticides and insecticides that are sometimes added*
22 *directly to streams and ponds.*

23 SEC. 2. *Section 12025 is added to the Fish and Game Code,*
24 *to read:*

25 12025. (a) *In addition to any penalties imposed by any other*
26 *law, a person found to have violated Section 1600, 5650, 5652, or*
27 *5937 in connection with marijuana cultivation on a unit of the*
28 *state park system, state forest, or timberland shall be liable for a*
29 *civil penalty in an amount determined by the commission that is*
30 *necessary to cover the costs associated with cleaning up the*
31 *marijuana site.*

1 (b) For the purposes of this section, “timberland” has the same
2 meaning as that set forth in Section 51104 of the Government
3 Code.

4 SEC. 3. Section 2429.7 is added to the Vehicle Code, to read:

5 2429.7. (a) The department shall establish a pilot program
6 authorizing a peace officer of the department or a county sheriff’s
7 office to stop a vehicle transporting agricultural irrigation supplies
8 into a unit of the state park system, state forest, national forest, or
9 timberland, upon reasonable belief that those supplies will be used
10 to cultivate marijuana on those lands, and ask the driver of the
11 vehicle about the purpose and destination of the agricultural
12 irrigation supplies.

13 (b) A county may participate in the pilot program by adopting
14 a resolution opting into the pilot program.

15 (c) The number of counties that may participate in the pilot
16 program shall not exceed six.

17 (d) For the purposes of this section, the following terms have
18 the following meanings:

19 (1) “Agricultural irrigation supplies” includes agricultural
20 irrigation water bladder and drip irrigation tubing.

21 (2) “Timberland” has the same meaning as that set forth in
22 Section 51104 of the Government Code.

23 (e) This section shall remain in effect only until January 1, 2023,
24 and as of that date is repealed, unless a later enacted statute, that
25 is enacted before January 1, 2023, deletes or extends that date.

26 SECTION 1. ~~Section 145 of the Penal Code is amended to~~
27 ~~read:~~

28 ~~145. Every public officer or other person who has arrested a~~
29 ~~person upon a criminal charge, who willfully delays to take the~~
30 ~~person before a magistrate having jurisdiction, to take his~~
31 ~~examination, is guilty of a misdemeanor.~~