

AMENDED IN ASSEMBLY APRIL 11, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2284**

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**Introduced by Assembly Member Chesbro**

February 24, 2012

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An act to add Section 12025 to the Fish and Game Code, and to ~~add and repeal Section 2429.7~~ *amend Section 2810* of the Vehicle Code, relating to ~~marijuana cultivation~~ *irrigation*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2284, as amended, Chesbro. ~~Marijuana cultivation~~ *Irrigation*.

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

This bill would impose ~~an additional civil penalty~~ *additional civil penalties* 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,~~ *as prescribed*.

Existing law ~~requires the Department of the California Highway Patrol to enforce the requirements of the Government Code~~ *authorizes a member of the California Highway Patrol to stop any vehicle transporting any timber products, livestock, poultry, farm products, crude oil, petroleum products, or inedible kitchen grease, and inspect the bills of lading, shipping, or delivery papers, or other evidence to determine whether the driver is in legal possession of the load, and, upon reasonable belief that the driver of the vehicle is not in legal*

*possession, to take custody of the vehicle and load and turn them over to the custody of the sheriff of the county in which any of those items are apprehended.*

*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 additionally authorize a member of the California Highway Patrol or the sheriff or a deputy sheriff to stop a vehicle transporting agricultural irrigation supplies, as defined, that are in plain view within the boundaries of a state park, state forest, or federal forest, or on timberland, and inspect the bills of lading, shipping, or delivery papers, or other evidence to determine whether the driver is in legal possession of the load, and, upon reasonable belief that the driver of the vehicle is not in legal possession, to take custody of the vehicle and load and turn them over to the custody of the sheriff of the county in which any of those items are apprehended. Because the sheriff would be required to receive and provide for the care and safekeeping of the seized agricultural irrigation supplies, this 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

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

*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 those
- 7 who recreate on these public resource lands. Some of the most

1 recent events that showed the relative danger were the murder of  
2 Matthew Coleman and Fort Bragg City Council Member Jere Melo  
3 who surveyed the forest for illegal marijuana growth in connection  
4 with local law enforcement and were killed in the course of their  
5 jobs.

6 (c) The marijuana growsites often are constructed without regard  
7 for the environment or wildlife.

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

11 (e) Many illegal marijuana growsites include water diversion  
12 with irrigation pipes, generators, and batteries to power the  
13 cultivation equipment and camp, illegal damming and water  
14 diversion, and pesticides and insecticides that are sometimes added  
15 directly to streams and ponds.

16 SEC. 2. Section 12025 is added to the Fish and Game Code,  
17 to read:

18 12025. (a) In addition to any penalties imposed by any other  
19 law, a person found to have violated Section ~~1600~~ 1602, 5650, or  
20 5652, ~~or 5937~~ in connection with marijuana cultivation on a unit  
21 of the state park system; or state forest, or on timberland shall be  
22 liable for a civil penalty in ~~an amount determined by the~~  
23 ~~commission that is necessary to cover the costs associated with~~  
24 ~~cleaning up the marijuana site.~~ *the following amounts:*

25 (1) *A person who violates Section 1602 in connection with the*  
26 *cultivation of marijuana is subject to a civil penalty of not more*  
27 *than ten thousand dollars (\$10,000) for each violation.*

28 (2) *A person who violates Section 5650 in connection with the*  
29 *cultivation of marijuana is subject to a civil penalty of not more*  
30 *than forty thousand dollars (\$40,000) for each violation.*

31 (3) *A person who violates Section 5652 in connection with the*  
32 *cultivation of marijuana is subject to a civil penalty of not more*  
33 *than forty thousand dollars (\$40,000) for each violation.*

34 (b) *The civil penalty imposed for each separate violation*  
35 *pursuant to this section is in addition to any other civil penalty*  
36 *imposed for another violation of this section, or any violation of*  
37 *any other law.*

38 (c) *All civil penalties collected for a separate violation pursuant*  
39 *to this section shall not be considered to be fines or forfeitures, as*

1 described in Section 13003, and shall be apportioned in the  
2 following manner:

3 (1) Thirty percent shall be distributed to the county in which  
4 the violation was committed pursuant to Section 13003. The county  
5 board of supervisors shall first use any revenues from those  
6 penalties to reimburse the costs incurred by the district attorney  
7 or city attorney in investigating and prosecuting the violation.

8 (2) Thirty percent shall be distributed to the lead investigating  
9 agency to be used to reimburse the cost of any investigation directly  
10 related to the violations described in this section.

11 (3) Forty percent shall be distributed to the primary  
12 investigating agency for the reimbursement for all reasonable  
13 costs associated with the clean up or abatement of the marijuana  
14 cultivation site.

15 (b)

16 (d) For the purposes of this section, “timberland” has the same  
17 meaning as that set forth in Section 51104 of the Government  
18 Code.

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

20 ~~2429.7. (a) The department shall establish a pilot~~  
21 ~~program authorizing a peace officer of the department or a county~~  
22 ~~sheriff’s office to stop a vehicle transporting agricultural irrigation~~  
23 ~~supplies into a unit of the state park system, state forest, national~~  
24 ~~forest, or timberland, upon reasonable belief that those supplies~~  
25 ~~will be used to cultivate marijuana on those lands, and ask the~~  
26 ~~driver of the vehicle about the purpose and destination of the~~  
27 ~~agricultural irrigation supplies.~~

28 ~~(b) A county may participate in the pilot program by adopting~~  
29 ~~a resolution opting into the pilot program.~~

30 ~~(c) The number of counties that may participate in the pilot~~  
31 ~~program shall not exceed six.~~

32 ~~(d) For the purposes of this section, the following terms have~~  
33 ~~the following meanings:~~

34 ~~(1) “Agricultural irrigation supplies” includes agricultural~~  
35 ~~irrigation water bladder and drip irrigation tubing.~~

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

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

1     *SEC. 3. Section 2810 of the Vehicle Code is amended to read:*

2     2810. (a) (1) A member of the California Highway Patrol  
3 may stop ~~any~~ a vehicle transporting any timber products, livestock,  
4 poultry, farm produce, crude oil, petroleum products, or inedible  
5 kitchen grease, *or any vehicle transporting agricultural irrigation*  
6 *supplies that are in plain view within the boundaries of a state*  
7 *park, state forest, or federal forest, or on timberland*, and inspect  
8 the bills of lading, shipping or delivery papers, or other evidence  
9 to determine whether the driver is in legal possession of the load,  
10 and, upon reasonable belief that the driver of the vehicle is not in  
11 legal possession, shall take custody of the vehicle and load and  
12 turn them over to the custody of the sheriff of the county in which  
13 the timber products, livestock, poultry, farm produce, crude oil,  
14 petroleum products, ~~or inedible kitchen grease, or any part thereof,~~  
15 *is or agricultural irrigation supplies are apprehended.*

16     (2) *The sheriff or a deputy sheriff may enforce paragraph (1)*  
17 *with regard to a vehicle transporting agricultural irrigation*  
18 *supplies that are in plain view within the boundaries of a state*  
19 *park, state forest, or federal forest, or on timberland.*

20     (b) The sheriff shall receive and provide for the care and  
21 safekeeping of the apprehended timber products, livestock, poultry,  
22 farm produce, crude oil, petroleum products, ~~or inedible kitchen~~  
23 ~~grease, or agricultural irrigation supplies that were in plain view~~  
24 ~~within the boundaries of a state park, state forest, or federal forest,~~  
25 ~~or on timberland, or any part thereof,~~ and immediately, in  
26 cooperation with the department, proceed with an investigation  
27 and its legal disposition.

28     (c) Any expense incurred by the sheriff in the performance of  
29 his or her duties under this section shall be a legal charge against  
30 the county.

31     (d) *For the purposes of this section, the following terms mean*  
32 *the following:*

33     (1) *“Agricultural irrigation supplies” include agricultural*  
34 *irrigation water bladder, drip irrigation tubing, and fertilizer.*

35     (2) *“Timberland” has the same meaning as set forth in Section*  
36 *51104 of the Government Code.*

37     *SEC. 4. If the Commission on State Mandates determines that*  
38 *this act contains costs mandated by the state, reimbursement to*  
39 *local agencies and school districts for those costs shall be made*

- 1 *pursuant to Part 7 (commencing with Section 17500) of Division*
- 2 *4 of Title 2 of the Government Code.*

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