

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN SENATE JUNE 18, 2012

AMENDED IN ASSEMBLY APRIL 26, 2012

AMENDED IN ASSEMBLY APRIL 18, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2333

Introduced by Assembly Member Solorio

February 24, 2012

An act to add Section 19920 to the Penal Code, relating to BB devices.

LEGISLATIVE COUNSEL'S DIGEST

AB 2333, as amended, Solorio. BB devices.

Existing law provides that furnishing a BB device to a minor without the express or implied consent of the minor's parent or legal guardian is a misdemeanor.

This bill would provide that any person who keeps a BB device within any premises that is under the person's custody or control, who knows or reasonably should know that a minor is likely to gain access to that BB device without the permission of the minor's parent or legal guardian, and a minor obtains access to that BB device and thereafter carries the BB device off-premises and openly displays or exposes the BB device in a public place in violation of provisions of existing law, *is may be* subject to a written warning ~~or a requirement to complete a course of instruction applicable to BB devices, or both~~, for the first instance, a civil fine of \$100 ~~or a requirement to complete a course applicable to BB devices, or both~~, for the 2nd instance, and a civil fine

of \$200 or a requirement to perform community service, or both, for the 3rd or subsequent instance. *The bill would provide that a written warning or civil fine issued or imposed pursuant to these provisions may only be imposed and administered by a local governmental entity acting under the authority of a city, county, or city and county.*

~~Because a violation of a court order issued pursuant to the above provisions would be punishable as contempt, a misdemeanor, this bill would create a new crime and would thereby 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-no*. State-mandated local program: *yes-no*.

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

1 SECTION 1. Section 19920 is added to the Penal Code, to
2 read:

3 19920. (a) Any person who keeps a BB device within any
4 premises that are under the person’s custody or control, who knows
5 or reasonably should know that a minor is likely to gain access to
6 that BB device without the permission of the minor’s parent or
7 legal guardian, and a minor obtains access to that BB device and
8 thereafter carries the BB device off-premises and openly displays
9 or exposes the BB device in a public place in violation of Section
10 20170,*is may be* subject to the following *by a local governmental*
11 *entity:*

12 (1) For the first instance, *a local governmental entity may issue*
13 *a written warning or a requirement to successfully complete a*
14 *course of instruction applicable to BB devices that includes the*
15 *principles of safe handling and storage, or both the written warning*
16 *and successfully completing the course of instruction.*

17 (2) For the second instance, *a local governmental entity may*
18 *impose a civil fine not to exceed one hundred dollars (\$100) or a*
19 *requirement to successfully complete an advanced course of*
20 *instruction applicable to BB devices that includes the principles*

1 of safe handling and storage, or both the fine and successfully
2 completing the course of instruction.

3 (3) For a third or subsequent instance, *a local governmental*
4 *entity may impose* a civil fine not to exceed two hundred dollars
5 (\$200) ~~or a requirement to perform community service, or both~~
6 ~~that fine and community service.~~

7 (b) *A written warning or civil fine issued or imposed pursuant*
8 *to this section may only be imposed and administered by a local*
9 *governmental entity acting under the authority of, and at the*
10 *discretion of, a city, county, or city and county.*

11 (c) *If a local governmental entity chooses to impose a fine*
12 *pursuant to this section, it shall provide notice to the person to be*
13 *fined of the alleged violation, including a description of the*
14 *conditions that gave rise to the allegation.*

15 (b)

16 (d) As used in this section, “off-premises” means premises other
17 than the premises where the BB device was stored.

18 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
19 ~~Section 6 of Article XIII B of the California Constitution because~~
20 ~~the only costs that may be incurred by a local agency or school~~
21 ~~district will be incurred because this act creates a new crime or~~
22 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
23 ~~for a crime or infraction, within the meaning of Section 17556 of~~
24 ~~the Government Code, or changes the definition of a crime within~~
25 ~~the meaning of Section 6 of Article XIII B of the California~~
26 ~~Constitution.~~