

Introduced by Senator De León

February 9, 2011

An act to amend Section 18897.93 of the Business and Professions Code, relating to athlete agents.

LEGISLATIVE COUNSEL'S DIGEST

SB 238, as introduced, De León. Athlete agents.

Existing law, the Miller-Ayala Athlete Agents Act, regulates specified activities of an athlete agent in representing or seeking to represent student athletes and professional athletes, and authorizes certain civil remedies for its violation. The act also makes a violation of its provisions a misdemeanor offense and authorizes the court to suspend or revoke the privilege of a person to conduct the business of an athlete agent if the person is convicted of a violation of the act.

This bill would, instead, require the court to suspend, or where appropriate, revoke the privilege of a person to conduct the business of an athlete agent if the person is convicted of a violation of the act. The bill would also require the court to order an athlete agent or an athlete agent's representative or employee to disgorge all revenues received in connection with a violation of the act.

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

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

- 1 SECTION 1. Section 18897.93 of the Business and Professions
- 2 Code is amended to read:
- 3 18897.93. (a) An athlete agent or athlete agent's representative
- 4 or employee who violates any provision of this chapter is guilty

1 of a misdemeanor, and shall be punished by a fine of not more
2 than fifty thousand dollars (\$50,000), or imprisonment in a county
3 jail not exceeding one year, or by both that fine and imprisonment.

4 The

5 (b) *The court may shall suspend or, where appropriate, revoke*
6 *the privilege of any person convicted of a violation of this chapter*
7 *to conduct the business of an athlete agent. In deciding whether*
8 *to suspend or revoke the privilege to conduct the business of an*
9 *athlete agent, the court shall consider any one or more of the*
10 *relevant circumstances presented by any of the parties to the case,*
11 *including, but not limited to, the nature and seriousness of the*
12 *misconduct, the number of violations, the persistence of the*
13 *misconduct, the length of time over which the misconduct occurred,*
14 *and the willfulness of the defendant's misconduct.*

15 (c) *Upon conviction of any provision of Article 3 (commencing*
16 *with Section 18897.6), the court shall, in addition to any*
17 *punishment imposed under subdivision (a), order an athlete agent*
18 *or athlete agent's representative or employee to disgorge all*
19 *revenues received in connection with the violation.*