

Introduced by Senator Padilla

February 24, 2012

An act to amend Section 142 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 1535, as introduced, Padilla. Crime: county jails.

Existing law makes a peace officer who has the authority to receive or arrest a person charged with a criminal offense and who willfully refuses to receive or arrest that person guilty of a crime, punishable by a fine not to exceed \$10,000, imprisonment in a county jail, as specified, as either a misdemeanor or a felony, or by both that fine and imprisonment. Existing law also authorizes a sheriff to determine whether a jail, institution, or facility under his or her direction is designated as a reception, holding, or confinement facility and to designate the class of prisoners for which the facility is used.

This bill would make technical, nonsubstantive changes to these provisions.

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

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

- 1 SECTION 1. Section 142 of the Penal Code is amended to
- 2 read:
- 3 142. (a) ~~Any~~A peace officer who has the authority to receive
- 4 or arrest a person charged with a criminal offense and willfully
- 5 refuses to receive or arrest that person shall be punished by a fine
- 6 not exceeding ten thousand dollars (\$10,000), or by imprisonment

1 in a county jail not exceeding one year, or pursuant to subdivision
2 (h) of Section 1170, or by both that fine and imprisonment.

3 (b) Notwithstanding subdivision (a), the sheriff may determine
4 whether ~~any~~ a jail, institution, or facility under his or her direction
5 shall be designated as a reception, holding, or confinement facility,
6 or shall be used for several of those purposes, and may designate
7 the class of prisoners for which ~~any~~ a facility shall be used.

8 (c) This section shall not apply to arrests made pursuant to
9 Section 837.