

Introduced by Senator WrightFebruary 21, 2013

An act to amend Section 13825.2 of the Penal Code, relating to gangs.

LEGISLATIVE COUNSEL'S DIGEST

SB 458, as introduced, Wright. Gangs: statewide database.

Existing law establishes the California Gang, Crime, and Violence Prevention Partnership Program to be administered by the Department of Justice for the purposes of reducing gang, criminal activity, and youth violence in communities with a high incidence of gang violence, as specified.

This bill would require, whenever a local law enforcement entity submits a document to the Attorney General's office for the purpose of enrolling, or whenever a local law enforcement agency enrolls, a person who is under 18 years of age into a statewide gang database that is overseen by the Attorney General's office, the local law enforcement entity to simultaneously send a notification to the parents or guardians of the person regarding that enrollment. By imposing new duties on local law enforcement agencies, the bill would impose a state-mandated local program.

The bill would also require, if the Attorney General's office houses a statewide gang database, the Attorney General's office to update policies and procedures regarding that database every 5 years.

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: yes.

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

1 SECTION 1. Section 13825.2 of the Penal Code is amended
2 to read:

3 13825.2. (a) The California Gang, Crime, and Violence
4 Prevention Partnership Program shall be administered by the
5 Department of Justice for the purposes of reducing gang, criminal
6 activity, and youth violence to the extent authorized pursuant to
7 this chapter in communities with a high incidence of gang violence,
8 including, but not limited to, the communities of Fresno, Glendale,
9 Long Beach, Los Angeles, Oakland, Riverside, Santa Ana, Santa
10 Cruz, San Bernardino, San Diego, San Jose, San Francisco, San
11 Mateo, Santa Monica, and Venice. The department shall also
12 consider communities that meet any one of the following criteria:

13 (1) An at-risk youth population, as defined in subdivision (c)
14 of Section 13825.4, that is significantly disproportionate to the
15 general youth population of that community.

16 (2) A juvenile arrest rate that is significantly disproportionate
17 to the general youth population of that community.

18 (3) Significant juvenile gang problems or a high number of
19 juvenile gang-affiliated acts of violence.

20 (b) All state and local juvenile detention facilities, including,
21 but not limited to, facilities, juvenile halls, youth ranches, and
22 youth camps of the ~~Department of the Youth Authority~~ *Division*
23 *of Juvenile Facilities*, shall also be considered eligible to receive
24 services through community-based organizations or nonprofit
25 agencies that are operating programs funded under this chapter.

26 (c) (1) *Whenever a local law enforcement entity submits a*
27 *document to the Attorney General’s office for the purpose of*
28 *enrolling, or whenever a local law enforcement agency enrolls, a*
29 *person who is under 18 years of age into a statewide gang database*
30 *that is overseen by the Attorney General’s office, the local law*
31 *enforcement entity shall simultaneously send a notification to the*
32 *parents or guardians of the person regarding that enrollment.*

1 (2) *If the Attorney General's office houses a statewide gang*
2 *database, the Attorney General's office shall update policies and*
3 *procedures regarding that database every five years.*

4 SEC. 2. If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.

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