

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 458

Introduced by Senator Wright

(Coauthors: Assembly Members Hall, Jones-Sawyer, and Rendon)

February 21, 2013

An act to ~~amend~~ *add* Section ~~13825.2~~ of *186.34* to the Penal Code, relating to gangs.

LEGISLATIVE COUNSEL'S DIGEST

SB 458, as amended, 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, the California Street Terrorism Enforcement and Prevention Act, makes it unlawful to engage in criminal gang activity, including actively participating in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and willfully promoting, furthering, or assisting in any felonious criminal conduct by members of the gang.~~

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.~~ *prior to a local law enforcement agency designating a*

person as a gang member, associate, or affiliate in a shared gang database, or as otherwise specified, the local law enforcement agency to notify the person and his or her parent or guardian of the designation and the basis for the designation if the person is under 18 years of age.

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~~-no.

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

1 *SECTION 1. Section 186.34 is added to the Penal Code, to*
2 *read:*

3 186.34. (a) *For purposes of this section, "shared gang*
4 *database" shall mean any database that allows access for more*
5 *than one local law enforcement agency and contains personal,*
6 *identifying information in which a person may be designated as a*
7 *suspected gang member, associate, or affiliate, or for which entry*
8 *of a person in the database reflects a designation of that person*
9 *as a suspected gang member, associate, or affiliate.*

10 (b) *Prior to a local law enforcement agency designating a*
11 *person as a gang member, associate, or affiliate in a shared gang*
12 *database, or submitting a document to the Attorney General's*
13 *office for the purpose of designating a person in a shared gang*
14 *database, or otherwise identifying the person in a shared gang*
15 *database, the local law enforcement agency shall, if the person is*
16 *under 18 years of age, notify the person and his or her parent or*
17 *guardian of the designation and the basis for the designation.*

18 (c) *If the Attorney General's office houses a statewide gang*
19 *database, the Attorney General's office shall update policies and*
20 *procedures regarding that database every five years.*

1 SECTION 1. ~~Section 13825.2 of the Penal Code is amended to~~
2 ~~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 Division of Juvenile Facilities, shall also be~~
23 ~~considered eligible to receive services through community-based~~
24 ~~organizations or nonprofit agencies that are operating programs~~
25 ~~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.~~

33 ~~(2) If the Attorney General's office houses a statewide gang~~
34 ~~database, the Attorney General's office shall update policies and~~
35 ~~procedures regarding that database every five years.~~

36 ~~SEC. 2. If the Commission on State Mandates determines that~~
37 ~~this act contains costs mandated by the state, reimbursement to~~
38 ~~local agencies and school districts for those costs shall be made~~
39 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
40 ~~4 of Title 2 of the Government Code.~~

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