

AMENDED IN SENATE APRIL 16, 2013

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SENATE BILL

No. 458

Introduced by Senator Wright

(Coauthor: Senator Yee)

(Coauthors: Assembly Members *Brown*, Hall, Jones-Sawyer,
V. Manuel Pérez, ~~and Rendon Rendon~~, and *Ting*)

February 21, 2013

An act to add Section 186.34 to the Penal Code, relating to gangs.

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law, 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, 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.

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 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~~ any 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 as
9 a suspected gang member, associate, or affiliate.

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