

AMENDED IN SENATE MAY 14, 2013
AMENDED IN SENATE APRIL 29, 2013
AMENDED IN SENATE APRIL 16, 2013
AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 458

**Introduced by Senator Wright
(Coauthor: Senator Yee)**

(Coauthors: Assembly Members Brown, Hall, Jones-Sawyer,
V. Manuel Pérez, 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, or submitting a document to the Attorney General's office for the purpose of designating, a person as a gang member, associate, or affiliate in a shared gang database, as defined, 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.

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 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 any local
5 law enforcement agency and contains personal, identifying
6 information in which a person may be designated as a suspected
7 gang member, associate, or affiliate, or for which entry of a person
8 in the database reflects a designation of that person as a suspected
9 gang member, associate, or affiliate.

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