

AMENDED IN ASSEMBLY JUNE 27, 2013

AMENDED IN SENATE MAY 7, 2013

AMENDED IN SENATE APRIL 3, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 755

Introduced by Senator Wolk

(Principal coauthor: Assembly Member Alejo)

(Coauthors: Senators De León, DeSaulnier, Hancock, and Yee)

February 22, 2013

An act to amend Section 29805 of the Penal Code, and to amend Section 8103 of the Welfare and Institutions Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 755, as amended, Wolk. Firearms: prohibited persons.

(1) Existing law, subject to exceptions, provides that any person who has been convicted of certain misdemeanors may not, within 10 years of the conviction, own, purchase, receive, possess, or have under his or her custody or control, any firearm. Under existing law, a violation of this prohibition is punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding \$1,000, or by both that imprisonment and fine.

This bill would add to the list of misdemeanors, the conviction for which is subject to those prohibitions, misdemeanor offenses of violating the above provisions as well as threatening a peace officer, removing a weapon from the person of a peace officer, hazing, transferring a firearm without completing the transaction through a licensed firearms dealer, furnishing ammunition to a minor, possession of ammunition by a person prohibited from having a firearm, furnishing ammunition

to a person prohibited from possessing ammunition, carrying ammunition onto school grounds, carrying a loaded or concealed weapon if the person has been previously convicted of a crime against a person or property, or of a narcotics or dangerous drug violation, or if the firearm is not registered, participation in any criminal street gang, a public offense committed for the benefit of a criminal street gang, and disobedience to the terms of an injunction that restrains the activities of a criminal street gang.

The bill would also apply the above 10-year prohibition to a person who has been convicted of 2 or more specified ~~crimes~~ *misdemeanors*, or 2 or more convictions of a single specified *misdemeanor*, in a 3-year period involving intoxication or possession of certain controlled substances for sale, and a new 10-year prohibition to a person who commits another of those *misdemeanors* during the initial 10-year prohibition period. By changing the definition of a crime, this bill would impose a state-mandated local program.

(2) Existing law prohibits certain specified individuals, including a person who has been adjudicated a danger to others as a result of a mental disorder or mental illness, a person who has been adjudicated a mentally disordered sex offender, a person who has been found not guilty by reason of insanity, or a person who has been placed under conservatorship by a court, among others, from possessing firearms or deadly weapons.

Existing law authorizes a court to order a person to obtain assisted outpatient treatment if certain criteria are met, including that the person is suffering from a mental illness and is unlikely to survive safely in the community without supervision.

This bill would prohibit a person who has been ordered by a court to obtain assisted outpatient treatment from purchasing or possessing any firearm or other deadly weapon while subject to assisted outpatient treatment. The bill would require the court to notify the Department of Justice of the order prohibiting the person from possessing a firearm or other deadly weapon within 2 days of the order, and to notify the Department of Justice when the person is no longer subject to assisted outpatient treatment. Because a violation of this provision would be a crime, this bill would impose a state-mandated local program.

(3) Existing constitutional provisions require that a statute that limits the right of access to meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the

interest protected by that limitation and the need for protecting that interest.

This bill would make a legislative finding and declaration relating to the necessity of treating reports to the Department of Justice as confidential in order to protect the privacy of individuals ordered to obtain assisted outpatient treatment.

(4) 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 no reimbursement is required by this act for a specified reason.

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. The Legislature finds and declares that in order
2 to protect the privacy of individuals ordered to obtain assisted
3 outpatient treatment, it is necessary that reports made by a court
4 to the Department of Justice pursuant to Section 3 of this act be
5 confidential, except as provided in this act.

6 SEC. 2. Section 29805 of the Penal Code is amended to read:

7 29805. (a) Except as provided in Section 29855 or subdivision
8 (a) of Section 29800, any person who has been convicted of a
9 misdemeanor violation of this section, Section 69, 71, 76, 136.1,
10 136.5, or 140, subdivision (b) or (d) of Section 148, paragraph
11 (10) of subdivision (a) of Section 166, Section 171b, paragraph
12 (1) of subdivision (a) of Section 171c, Section 171d, subdivision
13 (a) or (d) of Section 186.22, Section 186.28, 240, 241, 242, 243,
14 243.4, 244.5, 245, 245.5, 245.6, 246.3, 247, 273.5, 273.6, 417,
15 417.6, 422, 626.9, 646.9, or 830.95, subdivision (a) of former
16 Section 12100, as that section read at any time from when it was
17 enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to
18 when it was repealed by Section 18 of Chapter 23 of the Statutes
19 of 1994, Section 17500, 17510, 25300, 25800, 26500, 30300,
20 30305, 30306, 30310, 30315, or 32625, subdivision (b) or (d) of
21 Section 26100, or Section 27510, or Section 8100, 8101, or 8103
22 of the Welfare and Institutions Code, any firearm-related offense
23 pursuant to Sections 871.5 and 1001.5 of the Welfare and
24 Institutions Code, Section 25400 that is punishable pursuant to

1 paragraph (5) or (6) of subdivision (c) of Section 25400, Section
2 25850 that is punishable pursuant to paragraph (5) or (6) of
3 subdivision (c) of Section 25850, or of the conduct punished in
4 subdivision (c) of Section 27590, and who, within 10 years of the
5 conviction, owns, purchases, receives, or has in possession or under
6 custody or control, any firearm is guilty of a public offense, which
7 shall be punishable by imprisonment in a county jail not exceeding
8 one year or in the state prison, by a fine not exceeding one thousand
9 dollars (\$1,000), or by both that imprisonment and fine.

10 (b) Except as provided in Section 29855 ~~or subdivision (a) of~~
11 ~~Section 29800~~, any person who has been convicted of misdemeanor
12 violations of two or more of any of the following offenses, *or two*
13 *or more misdemeanor violations of any one of the following*
14 *offenses*, within a three-year period and who, within 10 years of
15 the second conviction, owns, purchases, receives, or has in
16 possession or under custody or control, any firearm is guilty of a
17 public offense, which shall be punishable by imprisonment in a
18 county jail not exceeding one year or in the state prison, by a fine
19 not exceeding one thousand dollars (\$1,000), or by both that
20 imprisonment and fine:

21 (1) Possession of a controlled substance with intent to sell in
22 violation of Section 11357.5 of the Health and Safety Code.

23 (2) Possession of a controlled substance with intent to sell in
24 violation of paragraph (1) of subdivision (b) of Section 11375 of
25 the Health and Safety Code.

26 (3) Possession of a controlled substance with intent to sell in
27 violation of Section 11379.2 of the Health and Safety Code.

28 (4) Section 11550 of the Health and Safety Code.

29 (5) Section 191.5.

30 (6) Subdivision (f) of Section 647.

31 (7) Section 23152 of the Vehicle Code.

32 (8) Section 23153 of the Vehicle Code.

33 (9) Section 23154 of the Vehicle Code.

34 (c) *Except as provided in Section 29855, any person who is*
35 *prohibited pursuant to subdivision (b) from owning, purchasing,*
36 *receiving, or having in his or her custody or control any firearm,*
37 *who is subsequently convicted of a misdemeanor violation of any*
38 *offense specified in paragraphs (1) to (9), inclusive, of subdivision*
39 *(b) during the prohibitory period specified in subdivision (b), and*
40 *who, within 10 years of the subsequent conviction, owns,*

1 *purchases, receives, or has in possession or under custody or*
2 *control any firearm is guilty of a public offense, which shall be*
3 *punishable by imprisonment in a county jail not exceeding one*
4 *year or in the state prison, by a fine not exceeding one thousand*
5 *dollars (\$1,000), or by both that imprisonment and fine.*

6 (e)

7 (d) The court, on forms prescribed by the Department of Justice,
8 shall notify the department of persons subject to this section.
9 However, the prohibition in this section may be reduced,
10 eliminated, or conditioned as provided in Section 29855 or 29860.

11 SEC. 3. Section 8103 of the Welfare and Institutions Code is
12 amended to read:

13 8103. (a) (1) No person who after October 1, 1955, has been
14 adjudicated by a court of any state to be a danger to others as a
15 result of a mental disorder or mental illness, or who has been
16 adjudicated to be a mentally disordered sex offender, shall purchase
17 or receive, or attempt to purchase or receive, or have in his or her
18 possession, custody, or control any firearm or any other deadly
19 weapon unless there has been issued to the person a certificate by
20 the court of adjudication upon release from treatment or at a later
21 date stating that the person may possess a firearm or any other
22 deadly weapon without endangering others, and the person has
23 not, subsequent to the issuance of the certificate, again been
24 adjudicated by a court to be a danger to others as a result of a
25 mental disorder or mental illness.

26 (2) The court shall immediately notify the Department of Justice
27 of the court order finding the individual to be a person described
28 in paragraph (1). The court shall also notify the Department of
29 Justice of any certificate issued as described in paragraph (1).

30 (b) (1) No person who has been found, pursuant to Section
31 1026 of the Penal Code or the law of any other state or the United
32 States, not guilty by reason of insanity of murder, mayhem, a
33 violation of Section 207, 209, or 209.5 of the Penal Code in which
34 the victim suffers intentionally inflicted great bodily injury,
35 carjacking or robbery in which the victim suffers great bodily
36 injury, a violation of Section 451 or 452 of the Penal Code
37 involving a trailer coach, as defined in Section 635 of the Vehicle
38 Code, or any dwelling house, a violation of paragraph (1) or (2)
39 of subdivision (a) of Section 262 or paragraph (2) or (3) of
40 subdivision (a) of Section 261 of the Penal Code, a violation of

1 Section 459 of the Penal Code in the first degree, assault with
2 intent to commit murder, a violation of Section 220 of the Penal
3 Code in which the victim suffers great bodily injury, a violation
4 of Section 18715, 18725, 18740, 18745, 18750, or 18755 of the
5 Penal Code, or of a felony involving death, great bodily injury, or
6 an act which poses a serious threat of bodily harm to another
7 person, or a violation of the law of any other state or the United
8 States that includes all the elements of any of the above felonies
9 as defined under California law, shall purchase or receive, or
10 attempt to purchase or receive, or have in his or her possession or
11 under his or her custody or control any firearm or any other deadly
12 weapon.

13 (2) The court shall immediately notify the Department of Justice
14 of the court order finding the person to be a person described in
15 paragraph (1).

16 (c) (1) No person who has been found, pursuant to Section 1026
17 of the Penal Code or the law of any other state or the United States,
18 not guilty by reason of insanity of any crime other than those
19 described in subdivision (b) shall purchase or receive, or attempt
20 to purchase or receive, or shall have in his or her possession,
21 custody, or control any firearm or any other deadly weapon unless
22 the court of commitment has found the person to have recovered
23 sanity, pursuant to Section 1026.2 of the Penal Code or the law of
24 any other state or the United States.

25 (2) The court shall immediately notify the Department of Justice
26 of the court order finding the person to be a person described in
27 paragraph (1). The court shall also notify the Department of Justice
28 when it finds that the person has recovered his or her sanity.

29 (d) (1) No person found by a court to be mentally incompetent
30 to stand trial, pursuant to Section 1370 or 1370.1 of the Penal Code
31 or the law of any other state or the United States, shall purchase
32 or receive, or attempt to purchase or receive, or shall have in his
33 or her possession, custody, or control, any firearm or any other
34 deadly weapon, unless there has been a finding with respect to the
35 person of restoration to competence to stand trial by the committing
36 court, pursuant to Section 1372 of the Penal Code or the law of
37 any other state or the United States.

38 (2) The court shall immediately notify the Department of Justice
39 of the court order finding the person to be mentally incompetent
40 as described in paragraph (1). The court shall also notify the

1 Department of Justice when it finds that the person has recovered
2 his or her competence.

3 (e) (1) No person who has been placed under conservatorship
4 by a court, pursuant to Section 5350 or the law of any other state
5 or the United States, because the person is gravely disabled as a
6 result of a mental disorder or impairment by chronic alcoholism,
7 shall purchase or receive, or attempt to purchase or receive, or
8 shall have in his or her possession, custody, or control, any firearm
9 or any other deadly weapon while under the conservatorship if, at
10 the time the conservatorship was ordered or thereafter, the court
11 which imposed the conservatorship found that possession of a
12 firearm or any other deadly weapon by the person would present
13 a danger to the safety of the person or to others. Upon placing any
14 person under conservatorship, and prohibiting firearm or any other
15 deadly weapon possession by the person, the court shall notify the
16 person of this prohibition.

17 (2) The court shall immediately notify the Department of Justice
18 of the court order placing the person under conservatorship and
19 prohibiting firearm or any other deadly weapon possession by the
20 person as described in paragraph (1). The notice shall include the
21 date the conservatorship was imposed and the date the
22 conservatorship is to be terminated. If the conservatorship is
23 subsequently terminated before the date listed in the notice to the
24 Department of Justice or the court subsequently finds that
25 possession of a firearm or any other deadly weapon by the person
26 would no longer present a danger to the safety of the person or
27 others, the court shall immediately notify the Department of Justice.

28 (3) All information provided to the Department of Justice
29 pursuant to paragraph (2) shall be kept confidential, separate, and
30 apart from all other records maintained by the Department of
31 Justice, and shall be used only to determine eligibility to purchase
32 or possess firearms or other deadly weapons. Any person who
33 knowingly furnishes that information for any other purpose is
34 guilty of a misdemeanor. All the information concerning any person
35 shall be destroyed upon receipt by the Department of Justice of
36 notice of the termination of conservatorship as to that person
37 pursuant to paragraph (2).

38 (f) (1) No person who has been (A) taken into custody as
39 provided in Section 5150 because that person is a danger to himself,
40 herself, or to others, (B) assessed within the meaning of Section

1 5151, and (C) admitted to a designated facility within the meaning
2 of Sections 5151 and 5152 because that person is a danger to
3 himself, herself, or others, shall own, possess, control, receive, or
4 purchase, or attempt to own, possess, control, receive, or purchase
5 any firearm for a period of five years after the person is released
6 from the facility. A person described in the preceding sentence,
7 however, may own, possess, control, receive, or purchase, or
8 attempt to own, possess, control, receive, or purchase any firearm
9 if the superior court has, pursuant to paragraph (5), found that the
10 people of the State of California have not met their burden pursuant
11 to paragraph (6).

12 (2) (A) For each person subject to this subdivision, the facility
13 shall immediately, on the date of admission, submit a report to the
14 Department of Justice, on a form prescribed by the Department of
15 Justice, containing information that includes, but is not limited to,
16 the identity of the person and the legal grounds upon which the
17 person was admitted to the facility.

18 Any report submitted pursuant to this paragraph shall be
19 confidential, except for purposes of the court proceedings described
20 in this subdivision and for determining the eligibility of the person
21 to own, possess, control, receive, or purchase a firearm.

22 (B) Commencing July 1, 2012, facilities shall submit reports
23 pursuant to this paragraph exclusively by electronic means, in a
24 manner prescribed by the Department of Justice.

25 (3) Prior to, or concurrent with, the discharge, the facility shall
26 inform a person subject to this subdivision that he or she is
27 prohibited from owning, possessing, controlling, receiving, or
28 purchasing any firearm for a period of five years. Simultaneously,
29 the facility shall inform the person that he or she may request a
30 hearing from a court, as provided in this subdivision, for an order
31 permitting the person to own, possess, control, receive, or purchase
32 a firearm. The facility shall provide the person with a form for a
33 request for a hearing. The Department of Justice shall prescribe
34 the form. Where the person requests a hearing at the time of
35 discharge, the facility shall forward the form to the superior court
36 unless the person states that he or she will submit the form to the
37 superior court.

38 (4) The Department of Justice shall provide the form upon
39 request to any person described in paragraph (1). The Department
40 of Justice shall also provide the form to the superior court in each

1 county. A person described in paragraph (1) may make a single
2 request for a hearing at any time during the five-year period. The
3 request for hearing shall be made on the form prescribed by the
4 department or in a document that includes equivalent language.

5 (5) Any person who is subject to paragraph (1) who has
6 requested a hearing from the superior court of his or her county
7 of residence for an order that he or she may own, possess, control,
8 receive, or purchase firearms shall be given a hearing. The clerk
9 of the court shall set a hearing date and notify the person, the
10 Department of Justice, and the district attorney. The people of the
11 State of California shall be the plaintiff in the proceeding and shall
12 be represented by the district attorney. Upon motion of the district
13 attorney, or on its own motion, the superior court may transfer the
14 hearing to the county in which the person resided at the time of
15 his or her detention, the county in which the person was detained,
16 or the county in which the person was evaluated or treated. Within
17 seven days after the request for a hearing, the Department of Justice
18 shall file copies of the reports described in this section with the
19 superior court. The reports shall be disclosed upon request to the
20 person and to the district attorney. The court shall set the hearing
21 within 30 days of receipt of the request for a hearing. Upon
22 showing good cause, the district attorney shall be entitled to a
23 continuance not to exceed 14 days after the district attorney was
24 notified of the hearing date by the clerk of the court. If additional
25 continuances are granted, the total length of time for continuances
26 shall not exceed 60 days. The district attorney may notify the
27 county mental health director of the hearing who shall provide
28 information about the detention of the person that may be relevant
29 to the court and shall file that information with the superior court.
30 That information shall be disclosed to the person and to the district
31 attorney. The court, upon motion of the person subject to paragraph
32 (1) establishing that confidential information is likely to be
33 discussed during the hearing that would cause harm to the person,
34 shall conduct the hearing in camera with only the relevant parties
35 present, unless the court finds that the public interest would be
36 better served by conducting the hearing in public. Notwithstanding
37 any other law, declarations, police reports, including criminal
38 history information, and any other material and relevant evidence
39 that is not excluded under Section 352 of the Evidence Code shall
40 be admissible at the hearing under this section.

1 (6) The people shall bear the burden of showing by a
2 preponderance of the evidence that the person would not be likely
3 to use firearms in a safe and lawful manner.

4 (7) If the court finds at the hearing set forth in paragraph (5)
5 that the people have not met their burden as set forth in paragraph
6 (6), the court shall order that the person shall not be subject to the
7 five-year prohibition in this section on the ownership, control,
8 receipt, possession, or purchase of firearms. A copy of the order
9 shall be submitted to the Department of Justice. Upon receipt of
10 the order, the Department of Justice shall delete any reference to
11 the prohibition against firearms from the person's state mental
12 health firearms prohibition system information.

13 (8) Where the district attorney declines or fails to go forward
14 in the hearing, the court shall order that the person shall not be
15 subject to the five-year prohibition required by this subdivision
16 on the ownership, control, receipt, possession, or purchase of
17 firearms. A copy of the order shall be submitted to the Department
18 of Justice. Upon receipt of the order, the Department of Justice
19 shall, within 15 days, delete any reference to the prohibition against
20 firearms from the person's state mental health firearms prohibition
21 system information.

22 (9) Nothing in this subdivision shall prohibit the use of reports
23 filed pursuant to this section to determine the eligibility of persons
24 to own, possess, control, receive, or purchase a firearm if the person
25 is the subject of a criminal investigation, a part of which involves
26 the ownership, possession, control, receipt, or purchase of a
27 firearm.

28 (g) (1) No person who has been certified for intensive treatment
29 under Section 5250, 5260, or 5270.15 shall own, possess, control,
30 receive, or purchase, or attempt to own, possess, control, receive,
31 or purchase, any firearm for a period of five years.

32 Any person who meets the criteria contained in subdivision (e)
33 or (f) who is released from intensive treatment shall nevertheless,
34 if applicable, remain subject to the prohibition contained in
35 subdivision (e) or (f).

36 (2) (A) For each person certified for intensive treatment under
37 paragraph (1), the facility shall immediately submit a report to the
38 Department of Justice, on a form prescribed by the department,
39 containing information regarding the person, including, but not
40 limited to, the legal identity of the person and the legal grounds

1 upon which the person was certified. Any report submitted pursuant
2 to this paragraph shall only be used for the purposes specified in
3 paragraph (2) of subdivision (f).

4 (B) Commencing July 1, 2012, facilities shall submit reports
5 pursuant to this paragraph exclusively by electronic means, in a
6 manner prescribed by the Department of Justice.

7 (3) Prior to, or concurrent with, the discharge of each person
8 certified for intensive treatment under paragraph (1), the facility
9 shall inform the person of that information specified in paragraph
10 (3) of subdivision (f).

11 (4) Any person who is subject to paragraph (1) may petition the
12 superior court of his or her county of residence for an order that
13 he or she may own, possess, control, receive, or purchase firearms.
14 At the time the petition is filed, the clerk of the court shall set a
15 hearing date and notify the person, the Department of Justice, and
16 the district attorney. The people of the State of California shall be
17 the respondent in the proceeding and shall be represented by the
18 district attorney. Upon motion of the district attorney, or on its
19 own motion, the superior court may transfer the petition to the
20 county in which the person resided at the time of his or her
21 detention, the county in which the person was detained, or the
22 county in which the person was evaluated or treated. Within seven
23 days after receiving notice of the petition, the Department of Justice
24 shall file copies of the reports described in this section with the
25 superior court. The reports shall be disclosed upon request to the
26 person and to the district attorney. The district attorney shall be
27 entitled to a continuance of the hearing to a date of not less than
28 14 days after the district attorney was notified of the hearing date
29 by the clerk of the court. The district attorney may notify the county
30 mental health director of the petition, and the county mental health
31 director shall provide information about the detention of the person
32 that may be relevant to the court and shall file that information
33 with the superior court. That information shall be disclosed to the
34 person and to the district attorney. The court, upon motion of the
35 person subject to paragraph (1) establishing that confidential
36 information is likely to be discussed during the hearing that would
37 cause harm to the person, shall conduct the hearing in camera with
38 only the relevant parties present, unless the court finds that the
39 public interest would be better served by conducting the hearing
40 in public. Notwithstanding any other provision of law, any

1 declaration, police reports, including criminal history information,
2 and any other material and relevant evidence that is not excluded
3 under Section 352 of the Evidence Code, shall be admissible at
4 the hearing under this section. If the court finds by a preponderance
5 of the evidence that the person would be likely to use firearms in
6 a safe and lawful manner, the court may order that the person may
7 own, control, receive, possess, or purchase firearms. A copy of
8 the order shall be submitted to the Department of Justice. Upon
9 receipt of the order, the Department of Justice shall delete any
10 reference to the prohibition against firearms from the person's
11 state mental health firearms prohibition system information.

12 (h) For all persons identified in subdivisions (f) and (g), facilities
13 shall report to the Department of Justice as specified in those
14 subdivisions, except facilities shall not report persons under
15 subdivision (g) if the same persons previously have been reported
16 under subdivision (f).

17 Additionally, all facilities shall report to the Department of
18 Justice upon the discharge of persons from whom reports have
19 been submitted pursuant to subdivision (f) or (g). However, a report
20 shall not be filed for persons who are discharged within 31 days
21 after the date of admission.

22 (i) (1) No person who has been ordered by a court to obtain
23 assisted outpatient treatment pursuant to Article 9 (commencing
24 with Section 5345) of Chapter 2 of Part 1 of Division 5 shall
25 purchase or receive, or attempt to purchase or receive, or shall
26 have in his or her possession, custody, or control, any firearm or
27 any other deadly weapon while subject to assisted outpatient
28 treatment. Upon placing any person under assisted outpatient
29 treatment, the court shall notify the person of this prohibition.

30 (2) The court shall notify the Department of Justice of the court
31 order placing the person in assisted outpatient treatment and
32 prohibiting firearm or any other deadly weapon possession by the
33 person described in paragraph (1) within two days of the order.
34 The court shall also notify the Department of Justice when the
35 person subject to paragraph (1) is no longer subject to assisted
36 outpatient treatment. Any report submitted pursuant to this
37 paragraph shall be confidential, except for purposes of the court
38 proceedings specified in this subdivision and for purposes of
39 determining the eligibility of the person to own, possess, control,
40 receive, or purchase a firearm.

1 (j) Every person who owns or possesses or has under his or her
2 custody or control, or purchases or receives, or attempts to purchase
3 or receive, any firearm or any other deadly weapon in violation of
4 this section shall be punished by imprisonment pursuant to
5 subdivision (h) of Section 1170 of the Penal Code or in a county
6 jail for not more than one year.

7 (k) “Deadly weapon,” as used in this section, has the meaning
8 prescribed by Section 8100.

9 SEC. 4. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.

O