

AMENDED IN ASSEMBLY MARCH 19, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 65

Introduced by Assembly Member Members Alejo and Holden
(Principal coauthor: Assembly Member Bonta)
(Coauthors: Assembly Members Chu and Lackey)
(Coauthor: Senator Anderson)

December 17, 2014

An act to amend Section 1464 of, and to add Title 14 (commencing with Section 14400) to Part 4 of the Penal Code, relating to peace officers, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 65, as amended, Alejo. Local law enforcement: body-worn cameras: ~~matching~~ grant program.

Existing law generally requires local agencies to provide each newly hired police officer and deputy sheriff with a pistol and other specified equipment.

~~This bill would appropriate an unspecified sum from the General Fund to the Department of Justice for purposes of matching federal funds available to purchase body-worn cameras and related equipment for use by local peace officers. The bill would require the department to develop a matching grant program for local jurisdictions that would either allow the state to apply for federal matching funds on behalf of a local law enforcement entity, or to reimburse a local law enforcement entity that has expended its funds for purposes of obtaining federal matching funds for body-worn cameras, as described.~~

This bill would require the Board of State and Community Corrections to develop a grant program to make funds available to local law

enforcement entities to purchase body-worn cameras and related data storage and equipment, and to hire personnel necessary to operate a local body-worn camera program. The bill would create the Body-worn Camera Fund, that would continuously appropriate funds to the board for those purposes.

Existing law creates the State Penalty Fund into which moneys collected by the courts from the imposition of fines, forfeitures, or penalties on criminal offenses are deposited. Once a month, certain percentages of money in that fund are transferred into other funds, including, among others, the Driver Training Penalty Assessment Fund.

This bill would delete the transfer requirement for the Driver Training Penalty Assessment Fund and instead require a transfer to the Body-worn Camera Fund.

By transferring general fund moneys into a continuously appropriated fund, this bill would make an appropriation.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
 State-mandated local program: no.

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

- 1 SECTION 1. Section 1464 of the Penal Code is amended to
- 2 read:
- 3 1464. (a) (1) Subject to Chapter 12 (commencing with Section
- 4 76000) of Title 8 of the Government Code, and except as otherwise
- 5 provided in this section, there shall be levied a state penalty in the
- 6 amount of ten dollars (\$10) for every ten dollars (\$10), or part of
- 7 ten dollars (\$10), upon every fine, penalty, or forfeiture imposed
- 8 and collected by the courts for all criminal offenses, including all
- 9 offenses, except parking offenses as defined in subdivision (i) of
- 10 Section 1463, involving a violation of a section of the Vehicle
- 11 Code or any local ordinance adopted pursuant to the Vehicle Code.
- 12 (2) Any bail schedule adopted pursuant to Section 1269b or bail
- 13 schedule adopted by the Judicial Council pursuant to Section 40310
- 14 of the Vehicle Code may include the necessary amount to pay the
- 15 penalties established by this section and Chapter 12 (commencing
- 16 with Section 76000) of Title 8 of the Government Code, and the
- 17 surcharge authorized by Section 1465.7, for all matters where a
- 18 personal appearance is not mandatory and the bail is posted
- 19 primarily to guarantee payment of the fine.

1 (3) The penalty imposed by this section does not apply to the
2 following:

3 (A) Any restitution fine.

4 (B) Any penalty authorized by Chapter 12 (commencing with
5 Section 76000) of Title 8 of the Government Code.

6 (C) Any parking offense subject to Article 3 (commencing with
7 Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

8 (D) The state surcharge authorized by Section 1465.7.

9 (b) Where multiple offenses are involved, the state penalty shall
10 be based upon the total fine or bail for each case. When a fine is
11 suspended, in whole or in part, the state penalty shall be reduced
12 in proportion to the suspension.

13 (c) When any deposited bail is made for an offense to which
14 this section applies, and for which a court appearance is not
15 mandatory, the person making the deposit shall also deposit a
16 sufficient amount to include the state penalty prescribed by this
17 section for forfeited bail. If bail is returned, the state penalty paid
18 thereon pursuant to this section shall also be returned.

19 (d) In any case where a person convicted of any offense, to
20 which this section applies, is in prison until the fine is satisfied,
21 the judge may waive all or any part of the state penalty, the
22 payment of which would work a hardship on the person convicted
23 or his or her immediate family.

24 (e) After a determination by the court of the amount due, the
25 clerk of the court shall collect the penalty and transmit it to the
26 county treasury. The portion thereof attributable to Chapter 12
27 (commencing with Section 76000) of Title 8 of the Government
28 Code shall be deposited in the appropriate county fund and 70
29 percent of the balance shall then be transmitted to the State
30 Treasury, to be deposited in the State Penalty Fund, which is hereby
31 created, and 30 percent to remain on deposit in the county general
32 fund. The transmission to the State Treasury shall be carried out
33 in the same manner as fines collected for the state by a county.

34 (f) The moneys so deposited in the State Penalty Fund shall be
35 distributed as follows:

36 (1) Once a month there shall be transferred into the Fish and
37 Game Preservation Fund an amount equal to 0.33 percent of the
38 state penalty funds deposited in the State Penalty Fund during the
39 preceding month, except that the total amount shall not be less
40 than the state penalty levied on fines or forfeitures for violation of

1 state laws relating to the protection or propagation of fish and
2 game. These moneys shall be used for the education or training of
3 department employees which fulfills a need consistent with the
4 objectives of the Department of Fish and ~~Game~~ *Wildlife*.

5 (2) Once a month there shall be transferred into the Restitution
6 Fund an amount equal to 32.02 percent of the state penalty funds
7 deposited in the State Penalty Fund during the preceding month.
8 Those funds shall be made available in accordance with Section
9 13967 of the Government Code.

10 (3) Once a month there shall be transferred into the Peace
11 Officers' Training Fund an amount equal to 23.99 percent of the
12 state penalty funds deposited in the State Penalty Fund during the
13 preceding month.

14 (4) Once a month there shall be transferred into the ~~Driver~~
15 ~~Training Penalty Assessment Fund~~ *Body-worn Camera Fund* an
16 amount equal to 25.70 percent of the state penalty funds deposited
17 in the State Penalty Fund during the preceding month.

18 (5) Once a month there shall be transferred into the Corrections
19 Training Fund an amount equal to 7.88 percent of the state penalty
20 funds deposited in the State Penalty Fund during the preceding
21 month. Money in the Corrections Training Fund is not continuously
22 appropriated and shall be appropriated in the Budget Act.

23 (6) Once a month there shall be transferred into the Local Public
24 Prosecutors and Public Defenders Training Fund established
25 pursuant to Section 11503 an amount equal to 0.78 percent of the
26 state penalty funds deposited in the State Penalty Fund during the
27 preceding month. The amount so transferred shall not exceed the
28 sum of eight hundred fifty thousand dollars (\$850,000) in any
29 fiscal year. The remainder in excess of eight hundred fifty thousand
30 dollars (\$850,000) shall be transferred to the Restitution Fund.

31 (7) Once a month there shall be transferred into the
32 Victim-Witness Assistance Fund an amount equal to 8.64 percent
33 of the state penalty funds deposited in the State Penalty Fund
34 during the preceding month.

35 (8) (A) Once a month there shall be transferred into the
36 Traumatic Brain Injury Fund, created pursuant to Section 4358 of
37 the Welfare and Institutions Code, an amount equal to 0.66 percent
38 of the state penalty funds deposited into the State Penalty Fund
39 during the preceding month. However, the amount of funds
40 transferred into the Traumatic Brain Injury Fund for the 1996-97

1 fiscal year shall not exceed the amount of five hundred thousand
 2 dollars (\$500,000). Thereafter, funds shall be transferred pursuant
 3 to the requirements of this section. Notwithstanding any other
 4 provision of law, the funds transferred into the Traumatic Brain
 5 Injury Fund for the 1997–98, 1998–99, and 1999–2000 fiscal years,
 6 may be expended by the State Department of Mental Health, in
 7 the current fiscal year or a subsequent fiscal year, to provide
 8 additional funding to the existing projects funded by the Traumatic
 9 Brain Injury Fund, to support new projects, or to do both.

10 (B) Any moneys deposited in the State Penalty Fund attributable
 11 to the assessments made pursuant to subdivision (i) of Section
 12 27315 of the Vehicle Code on or after the date that Chapter 6.6
 13 (commencing with Section 5564) of Part 1 of Division 5 of the
 14 Welfare and Institutions Code is repealed shall be utilized in
 15 accordance with paragraphs (1) to (8), inclusive, of this subdivision.

16 ~~SECTION 1.~~

17 *SEC. 2.* Title 14 (commencing with Section 14400) is added
 18 to Part 4 of the Penal Code, to read:

19

20 TITLE 14. BODY-WORN CAMERA ~~MATCHING GRANT~~
 21 PROGRAM FOR LOCAL LAW ENFORCEMENT

22

23 14400. ~~The Department of Justice Board of State and~~
 24 *Community Corrections shall develop a matching grant program*
 25 *for the purpose of matching federal making funds available to local*
 26 *law enforcement entities to purchase body-worn cameras and*
 27 *related data storage and equipment, and to hire personnel necessary*
 28 *to operate a local body-worn camera program. The matching grant*
 29 *program shall allow the state either to apply for federal matching*
 30 *funds on behalf of a local law enforcement entity, or to reimburse*
 31 *a local law enforcement entity that has expended its funds for*
 32 *federal matching fund purposes.*

33 14402. ~~The state matching grant program shall comport with~~
 34 *requirements of the federal matching fund program for purposes*
 35 *of purchasing body-worn cameras for use by local peace officers.*

36 14402. *The Body-worn Camera Fund is hereby created.*
 37 *Notwithstanding Section 13340 of the Government Code, all*
 38 *moneys in the fund are continuously appropriated to the Board of*
 39 *State and Community Corrections for the purposes of Section*
 40 *14400.*

1 14404. *If federal funds become available for the purpose of*
2 *purchasing body-worn cameras and related equipment for local*
3 *law enforcement, the Board of State and Community Corrections*
4 *shall adjust the grant program to maximize state and local*
5 *competitiveness in obtaining federal funds, and the board shall*
6 *either apply for federal funds on behalf of a local law enforcement*
7 *agency, or reimburse a local law enforcement agency that has*
8 *expended funds for federal funds purposes.*

9 ~~SEC. 2. There is hereby appropriated from the General Fund~~
10 ~~to the Department of Justice, the amount of _____ dollars (\$_____)~~
11 ~~for the purpose of matching federal funds available to local law~~
12 ~~enforcement entities to purchase body-worn cameras and related~~
13 ~~data storage and equipment.~~