

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 195**

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**Introduced by Assembly Member Chau**

January 28, 2015

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An act to amend ~~Sections 502 and~~ *Section* 653f of the Penal Code, relating to computer crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 195, as amended, Chau. Unauthorized access to computer systems.

~~(1) Existing~~

*Existing* law establishes various crimes related to computer services and systems. Existing law makes it a crime to knowingly, and without permission, access, cause to be accessed, or provide or assist in providing a means of accessing, a computer, computer system, computer network, or computer data in violation of prescribed provisions, and defines related terms.

~~This bill would specify that “computer network” for these purposes includes smartphones, as defined, and would make a conforming change.~~

~~(2) Existing~~

*Existing* law makes it a crime for a person, with the intent that the crime be committed, to solicit another to commit or join in the commission of prescribed crimes.

This bill would expand these provisions to make it a crime for a person, with the intent that the crime be committed, to solicit another to commit or join in the commission of the access crimes related to computer services and systems. The bill would make it a crime to offer to obtain or procure assistance for another to obtain unauthorized access,

or to assist others in locating hacking services, as defined. The bill would make a violation of this provision punishable by imprisonment in a county jail for a term not to exceed 6 months, or imprisonment for a term not to exceed one year for subsequent violations.

~~(3) By~~

By expanding the definitions of existing crimes, this bill would impose a state-mandated local program.

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. Section 502 of the Penal Code is amended to~~  
2     ~~read:~~

3     ~~502. (a) It is the intent of the Legislature in enacting this~~  
4     ~~section to expand the degree of protection afforded to individuals,~~  
5     ~~businesses, and governmental agencies from tampering,~~  
6     ~~interference, damage, and unauthorized access to lawfully created~~  
7     ~~computer data and computer systems. The Legislature finds and~~  
8     ~~declares that the proliferation of computer technology has resulted~~  
9     ~~in a concomitant proliferation of computer crime and other forms~~  
10    ~~of unauthorized access to computers, computer systems, and~~  
11    ~~computer data.~~

12    ~~The Legislature further finds and declares that protection of the~~  
13    ~~integrity of all types and forms of lawfully created computers,~~  
14    ~~computer systems, and computer data is vital to the protection of~~  
15    ~~the privacy of individuals as well as to the well-being of financial~~  
16    ~~institutions, business concerns, governmental agencies, and others~~  
17    ~~within this state that lawfully utilize those computers, computer~~  
18    ~~systems, and data.~~

19    ~~(b) For the purposes of this section, the following terms have~~  
20    ~~the following meanings:~~

21    ~~(1) "Access" means to gain entry to, instruct, cause input to,~~  
22    ~~cause output from, cause data processing with, or communicate~~

1 with, the logical, arithmetical, or memory function resources of a  
2 computer, computer system, or computer network.

3 (2) ~~“Computer network” means any system that provides~~  
4 ~~communications between one or more computer systems and~~  
5 ~~input/output devices including, but not limited to, display terminals,~~  
6 ~~remote systems, mobile devices, smartphones, and printers~~  
7 ~~connected by telecommunication facilities.~~

8 (3) ~~“Computer program or software” means a set of instructions~~  
9 ~~or statements, and related data, that when executed in actual or~~  
10 ~~modified form, cause a computer, computer system, or computer~~  
11 ~~network to perform specified functions.~~

12 (4) ~~“Computer services” includes, but is not limited to, computer~~  
13 ~~time, data processing, or storage functions, Internet services,~~  
14 ~~electronic mail services, electronic message services, or other uses~~  
15 ~~of a computer, computer system, or computer network.~~

16 (5) ~~“Computer system” means a device or collection of devices,~~  
17 ~~including support devices and excluding calculators that are not~~  
18 ~~programmable and capable of being used in conjunction with~~  
19 ~~external files, one or more of which contain computer programs,~~  
20 ~~electronic instructions, input data, and output data, that performs~~  
21 ~~functions including, but not limited to, logic, arithmetic, data~~  
22 ~~storage and retrieval, communication, and control.~~

23 (6) ~~“Government computer system” means any computer system,~~  
24 ~~or part thereof, that is owned, operated, or used by any federal,~~  
25 ~~state, or local governmental entity.~~

26 (7) ~~“Public safety infrastructure computer system” means any~~  
27 ~~computer system, or part thereof, that is necessary for the health~~  
28 ~~and safety of the public including computer systems owned,~~  
29 ~~operated, or used by drinking water and wastewater treatment~~  
30 ~~facilities, hospitals, emergency service providers,~~  
31 ~~telecommunication companies, and gas and electric utility~~  
32 ~~companies.~~

33 (8) ~~“Data” means a representation of information, knowledge,~~  
34 ~~facts, concepts, computer software, computer programs or~~  
35 ~~instructions, or smartphone applications. Data may be in any form,~~  
36 ~~in storage media, or as stored in the memory of the computer or~~  
37 ~~in transit or presented on a display device.~~

38 (9) ~~“Supporting documentation” includes, but is not limited to,~~  
39 ~~all information, in any form, pertaining to the design, construction,~~  
40 ~~classification, implementation, use, or modification of a computer,~~

1 computer system, computer network, computer program, or  
2 computer software, which information is not generally available  
3 to the public and is necessary for the operation of a computer,  
4 computer system, computer network, computer program, or  
5 computer software.

6 (10) “Injury” means any alteration, deletion, damage, or  
7 destruction of a computer system, computer network, computer  
8 program, or data caused by the access, or the denial of access to  
9 legitimate users of a computer system, network, or program.

10 (11) “Victim expenditure” means any expenditure reasonably  
11 and necessarily incurred by the owner or lessee to verify that a  
12 computer system, computer network, computer program, or data  
13 was or was not altered, deleted, damaged, or destroyed by the  
14 access.

15 (12) “Computer contaminant” means any set of computer  
16 instructions that are designed to modify, damage, destroy, record,  
17 or transmit information within a computer, computer system, or  
18 computer network without the intent or permission of the owner  
19 of the information. They include, but are not limited to, a group  
20 of computer instructions commonly called viruses or worms, that  
21 are self-replicating or self-propagating and are designed to  
22 contaminate other computer programs or computer data, consume  
23 computer resources, modify, destroy, record, or transmit data, or  
24 in some other fashion usurp the normal operation of the computer,  
25 computer system, or computer network.

26 (13) “Internet domain name” means a globally unique,  
27 hierarchical reference to an Internet host or service, assigned  
28 through centralized Internet naming authorities, comprising a series  
29 of character strings separated by periods, with the rightmost  
30 character string specifying the top of the hierarchy.

31 (14) “Electronic mail” means an electronic message or computer  
32 file that is transmitted between two or more telecommunications  
33 devices; computers; computer networks, regardless of whether the  
34 network is a local, regional, or global network; or electronic devices  
35 capable of receiving electronic messages, regardless of whether  
36 the message is converted to hard copy format after receipt, viewed  
37 upon transmission, or stored for later retrieval.

38 (15) “Profile” means either of the following:

1     ~~(A) A configuration of user data required by a computer so that~~  
2 ~~the user may access programs or services and have the desired~~  
3 ~~functionality on that computer.~~

4     ~~(B) An Internet Web site user's personal page or section of a~~  
5 ~~page that is made up of data, in text or graphical form, that displays~~  
6 ~~significant, unique, or identifying information, including, but not~~  
7 ~~limited to, listing acquaintances, interests, associations, activities,~~  
8 ~~or personal statements.~~

9     ~~(16) "Smartphone" means a cellular radio telephone or other~~  
10 ~~mobile communications device that performs many of the functions~~  
11 ~~of a computer, typically having a touchscreen interface, Internet~~  
12 ~~access, and an operating system capable of running downloaded~~  
13 ~~applications.~~

14     ~~(e) Except as provided in subdivision (h), any person who~~  
15 ~~commits any of the following acts is guilty of a public offense:~~

16     ~~(1) Knowingly accesses and without permission alters, damages,~~  
17 ~~deletes, destroys, or otherwise uses any data, computer, computer~~  
18 ~~system, or computer network in order to either (A) devise or~~  
19 ~~execute any scheme or artifice to defraud, deceive, or extort, or~~  
20 ~~(B) wrongfully control or obtain money, property, or data.~~

21     ~~(2) Knowingly accesses and without permission takes, copies,~~  
22 ~~or makes use of any data from a computer, computer system, or~~  
23 ~~computer network, or takes or copies any supporting~~  
24 ~~documentation, whether existing or residing internal or external~~  
25 ~~to a computer, computer system, or computer network.~~

26     ~~(3) Knowingly and without permission uses or causes to be used~~  
27 ~~computer services.~~

28     ~~(4) Knowingly accesses and without permission adds, alters,~~  
29 ~~damages, deletes, or destroys any data, computer software, or~~  
30 ~~computer programs which reside or exist internal or external to a~~  
31 ~~computer, computer system, or computer network.~~

32     ~~(5) Knowingly and without permission disrupts or causes the~~  
33 ~~disruption of computer services or denies or causes the denial of~~  
34 ~~computer services to an authorized user of a computer, computer~~  
35 ~~system, or computer network.~~

36     ~~(6) Knowingly and without permission provides or assists in~~  
37 ~~providing a means of accessing a computer, computer system, or~~  
38 ~~computer network in violation of this section.~~

39     ~~(7) Knowingly and without permission accesses or causes to be~~  
40 ~~accessed any computer, computer system, or computer network.~~

- 1     ~~(8) Knowingly introduces any computer contaminant into any~~  
2     ~~computer, computer system, or computer network.~~
- 3     ~~(9) Knowingly and without permission uses the Internet domain~~  
4     ~~name or profile of another individual, corporation, or entity in~~  
5     ~~connection with the sending of one or more electronic mail~~  
6     ~~messages or posts and thereby damages or causes damage to a~~  
7     ~~computer, computer data, computer system, or computer network.~~
- 8     ~~(10) Knowingly and without permission disrupts or causes the~~  
9     ~~disruption of government computer services or denies or causes~~  
10    ~~the denial of government computer services to an authorized user~~  
11    ~~of a government computer, computer system, or computer network.~~
- 12    ~~(11) Knowingly accesses and without permission adds, alters,~~  
13    ~~damages, deletes, or destroys any data, computer software, or~~  
14    ~~computer programs which reside or exist internal or external to a~~  
15    ~~public safety infrastructure computer system computer, computer~~  
16    ~~system, or computer network.~~
- 17    ~~(12) Knowingly and without permission disrupts or causes the~~  
18    ~~disruption of public safety infrastructure computer system computer~~  
19    ~~services or denies or causes the denial of computer services to an~~  
20    ~~authorized user of a public safety infrastructure computer system~~  
21    ~~computer, computer system, or computer network.~~
- 22    ~~(13) Knowingly and without permission provides or assists in~~  
23    ~~providing a means of accessing a computer, computer system, or~~  
24    ~~public safety infrastructure computer system computer, computer~~  
25    ~~system, or computer network in violation of this section.~~
- 26    ~~(14) Knowingly introduces any computer contaminant into any~~  
27    ~~public safety infrastructure computer system computer, computer~~  
28    ~~system, or computer network.~~
- 29    ~~(d) (1) Any person who violates any of the provisions of~~  
30    ~~paragraph (1), (2), (4), (5), (10), (11), or (12) of subdivision (c) is~~  
31    ~~punishable by a fine not exceeding ten thousand dollars (\$10,000);~~  
32    ~~or by imprisonment pursuant to subdivision (h) of Section 1170~~  
33    ~~for 16 months, or two or three years, or by both that fine and~~  
34    ~~imprisonment, or by a fine not exceeding five thousand dollars~~  
35    ~~(\$5,000), or by imprisonment in a county jail not exceeding one~~  
36    ~~year, or by both that fine and imprisonment.~~
- 37    ~~(2) Any person who violates paragraph (3) of subdivision (c)~~  
38    ~~is punishable as follows:~~
- 39    ~~(A) For the first violation that does not result in injury, and~~  
40    ~~where the value of the computer services used does not exceed~~

1 ~~nine hundred fifty dollars (\$950), by a fine not exceeding five~~  
2 ~~thousand dollars (\$5,000), or by imprisonment in a county jail not~~  
3 ~~exceeding one year, or by both that fine and imprisonment.~~

4 ~~(B) For any violation that results in a victim expenditure in an~~  
5 ~~amount greater than five thousand dollars (\$5,000) or in an injury,~~  
6 ~~or if the value of the computer services used exceeds nine hundred~~  
7 ~~fifty dollars (\$950), or for any second or subsequent violation, by~~  
8 ~~a fine not exceeding ten thousand dollars (\$10,000), or by~~  
9 ~~imprisonment pursuant to subdivision (h) of Section 1170 for 16~~  
10 ~~months, or two or three years, or by both that fine and~~  
11 ~~imprisonment, or by a fine not exceeding five thousand dollars~~  
12 ~~(\$5,000), or by imprisonment in a county jail not exceeding one~~  
13 ~~year, or by both that fine and imprisonment.~~

14 ~~(3) Any person who violates paragraph (6), (7), or (13) of~~  
15 ~~subdivision (c) is punishable as follows:~~

16 ~~(A) For a first violation that does not result in injury, an~~  
17 ~~infraction punishable by a fine not exceeding one thousand dollars~~  
18 ~~(\$1,000).~~

19 ~~(B) For any violation that results in a victim expenditure in an~~  
20 ~~amount not greater than five thousand dollars (\$5,000), or for a~~  
21 ~~second or subsequent violation, by a fine not exceeding five~~  
22 ~~thousand dollars (\$5,000), or by imprisonment in a county jail not~~  
23 ~~exceeding one year, or by both that fine and imprisonment.~~

24 ~~(C) For any violation that results in a victim expenditure in an~~  
25 ~~amount greater than five thousand dollars (\$5,000), by a fine not~~  
26 ~~exceeding ten thousand dollars (\$10,000), or by imprisonment~~  
27 ~~pursuant to subdivision (h) of Section 1170 for 16 months, or two~~  
28 ~~or three years, or by both that fine and imprisonment, or by a fine~~  
29 ~~not exceeding five thousand dollars (\$5,000), or by imprisonment~~  
30 ~~in a county jail not exceeding one year, or by both that fine and~~  
31 ~~imprisonment.~~

32 ~~(4) Any person who violates paragraph (8) or (14) of subdivision~~  
33 ~~(c) is punishable as follows:~~

34 ~~(A) For a first violation that does not result in injury, a~~  
35 ~~misdemeanor punishable by a fine not exceeding five thousand~~  
36 ~~dollars (\$5,000), or by imprisonment in a county jail not exceeding~~  
37 ~~one year, or by both that fine and imprisonment.~~

38 ~~(B) For any violation that results in injury, or for a second or~~  
39 ~~subsequent violation, by a fine not exceeding ten thousand dollars~~  
40 ~~(\$10,000), or by imprisonment in a county jail not exceeding one~~

1 year, or by imprisonment pursuant to subdivision (h) of Section  
2 1170, or by both that fine and imprisonment.

3 (5) Any person who violates paragraph (9) of subdivision (c)  
4 is punishable as follows:

5 (A) For a first violation that does not result in injury, an  
6 infraction punishable by a fine not exceeding one thousand dollars  
7 (\$1,000).

8 (B) For any violation that results in injury, or for a second or  
9 subsequent violation, by a fine not exceeding five thousand dollars  
10 (\$5,000), or by imprisonment in a county jail not exceeding one  
11 year, or by both that fine and imprisonment.

12 (e) (1) In addition to any other civil remedy available, the owner  
13 or lessee of the computer, computer system, computer network,  
14 computer program, or data who suffers damage or loss by reason  
15 of a violation of any of the provisions of subdivision (c) may bring  
16 a civil action against the violator for compensatory damages and  
17 injunctive relief or other equitable relief. Compensatory damages  
18 shall include any expenditure reasonably and necessarily incurred  
19 by the owner or lessee to verify that a computer system, computer  
20 network, computer program, or data was or was not altered,  
21 damaged, or deleted by the access. For the purposes of actions  
22 authorized by this subdivision, the conduct of an unemancipated  
23 minor shall be imputed to the parent or legal guardian having  
24 control or custody of the minor, pursuant to the provisions of  
25 Section 1714.1 of the Civil Code.

26 (2) In any action brought pursuant to this subdivision the court  
27 may award reasonable attorney's fees.

28 (3) A community college, state university, or academic  
29 institution accredited in this state is required to include  
30 computer-related crimes as a specific violation of college or  
31 university student conduct policies and regulations that may subject  
32 a student to disciplinary sanctions up to and including dismissal  
33 from the academic institution. This paragraph shall not apply to  
34 the University of California unless the Board of Regents adopts a  
35 resolution to that effect.

36 (4) In any action brought pursuant to this subdivision for a  
37 willful violation of the provisions of subdivision (c), where it is  
38 proved by clear and convincing evidence that a defendant has been  
39 guilty of oppression, fraud, or malice as defined in subdivision (c)

1 of Section 3294 of the Civil Code, the court may additionally award  
2 punitive or exemplary damages.

3 ~~(5) No action may be brought pursuant to this subdivision unless~~  
4 ~~it is initiated within three years of the date of the act complained~~  
5 ~~of, or the date of the discovery of the damage, whichever is later.~~

6 ~~(f) This section shall not be construed to preclude the~~  
7 ~~applicability of any other provision of the criminal law of this state~~  
8 ~~which applies or may apply to any transaction, nor shall it make~~  
9 ~~illegal any employee labor relations activities that are within the~~  
10 ~~scope and protection of state or federal labor laws.~~

11 ~~(g) Any computer, computer system, computer network, or any~~  
12 ~~software or data, owned by the defendant, that is used during the~~  
13 ~~commission of any public offense described in subdivision (e) or~~  
14 ~~any computer, owned by the defendant, which is used as a~~  
15 ~~repository for the storage of software or data illegally obtained in~~  
16 ~~violation of subdivision (e) shall be subject to forfeiture, as~~  
17 ~~specified in Section 502.01.~~

18 ~~(h) (1) Subdivision (e) does not apply to punish any acts which~~  
19 ~~are committed by a person within the scope of his or her lawful~~  
20 ~~employment. For purposes of this section, a person acts within the~~  
21 ~~scope of his or her employment when he or she performs acts~~  
22 ~~which are reasonably necessary to the performance of his or her~~  
23 ~~work assignment.~~

24 ~~(2) Paragraph (3) of subdivision (e) does not apply to penalize~~  
25 ~~any acts committed by a person acting outside of his or her lawful~~  
26 ~~employment, provided that the employee's activities do not cause~~  
27 ~~an injury, to the employer or another, or provided that the value~~  
28 ~~of supplies or computer services which are used does not exceed~~  
29 ~~an accumulated total of two hundred fifty dollars (\$250).~~

30 ~~(i) No activity exempted from prosecution under paragraph (2)~~  
31 ~~of subdivision (h) which incidentally violates paragraph (2), (4),~~  
32 ~~or (7) of subdivision (e) shall be prosecuted under those paragraphs.~~

33 ~~(j) For purposes of bringing a civil or a criminal action under~~  
34 ~~this section, a person who causes, by any means, the access of a~~  
35 ~~computer, computer system, or computer network in one~~  
36 ~~jurisdiction from another jurisdiction is deemed to have personally~~  
37 ~~accessed the computer, computer system, or computer network in~~  
38 ~~each jurisdiction.~~

1 ~~(k) In determining the terms and conditions applicable to a~~  
 2 ~~person convicted of a violation of this section the court shall~~  
 3 ~~consider the following:~~

4 ~~(1) The court shall consider prohibitions on access to and use~~  
 5 ~~of computers.~~

6 ~~(2) Except as otherwise required by law, the court shall consider~~  
 7 ~~alternate sentencing, including community service, if the defendant~~  
 8 ~~shows remorse and recognition of the wrongdoing, and an~~  
 9 ~~inclination not to repeat the offense.~~

10 ~~SEC. 2.~~

11 *SECTION 1.* Section 653f of the Penal Code is amended to  
 12 read:

13 653f. (a) Every person who, with the intent that the crime be  
 14 committed, solicits another to offer, accept, or join in the offer or  
 15 acceptance of a bribe, or to commit or join in the commission of  
 16 carjacking, robbery, burglary, grand theft, receiving stolen property,  
 17 extortion, perjury, subornation of perjury, forgery, kidnapping,  
 18 arson or assault with a deadly weapon or instrument or by means  
 19 of force likely to produce great bodily injury, or, by the use of  
 20 force or a threat of force, to prevent or dissuade any person who  
 21 is or may become a witness from attending upon, or testifying at,  
 22 any trial, proceeding, or inquiry authorized by law, shall be  
 23 punished by imprisonment in a county jail for not more than one  
 24 year or pursuant to subdivision (h) of Section 1170, or by a fine  
 25 of not more than ten thousand dollars (\$10,000), or the amount  
 26 which could have been assessed for commission of the offense  
 27 itself, whichever is greater, or by both the fine and imprisonment.

28 (b) Every person who, with the intent that the crime be  
 29 committed, solicits another to commit or join in the commission  
 30 of murder shall be punished by imprisonment in the state prison  
 31 for three, six, or nine years.

32 (c) Every person who, with the intent that the crime be  
 33 committed, solicits another to commit rape by force or violence,  
 34 sodomy by force or violence, oral copulation by force or violence,  
 35 or any violation of Section 264.1, 288, or 289, shall be punished  
 36 by imprisonment in the state prison for two, three, or four years.

37 (d) (1) Every person who, with the intent that the crime be  
 38 committed, solicits another to commit an offense specified in  
 39 Section 11352, 11379, 11379.5, 11379.6, or 11391 of the Health  
 40 and Safety Code shall be punished by imprisonment in a county

1 jail not exceeding six months. Every ~~person~~, *person* who, having  
2 been convicted of soliciting another to commit an offense specified  
3 in this subdivision, is subsequently convicted of the proscribed  
4 solicitation, shall be punished by imprisonment in a county jail  
5 not exceeding one year, or pursuant to subdivision (h) of Section  
6 1170.

7 (2) This subdivision does not apply where the term of  
8 imprisonment imposed under other provisions of law would result  
9 in a longer term of imprisonment.

10 (e) Every person who, with the intent that the crime be  
11 committed, solicits another to commit an offense specified in  
12 Section 14014 of the Welfare and Institutions Code shall be  
13 punished by imprisonment in a county jail for not exceeding six  
14 months. Every person who, having been convicted of soliciting  
15 another to commit an offense specified in this subdivision, is  
16 subsequently convicted of the proscribed solicitation, shall be  
17 punished by imprisonment in a county jail not exceeding one year,  
18 or pursuant to subdivision (h) of Section 1170.

19 (f) (1) Every person who, with the intent that the crime be  
20 committed, solicits another to commit an offense set forth in  
21 Section 502 shall be punished as set forth in paragraph (3).

22 (2) Every person who, with the intent that the crime be  
23 committed, offers to solicit assistance for another to conduct  
24 activities in violation of Section 502 shall be punished as set forth  
25 in paragraph (3). This includes persons operating Internet Web  
26 sites that offer to assist others in locating hacking services. For the  
27 purposes of this section “hacking services” means assistance in  
28 the unauthorized access to computers, computer systems, or  
29 ~~computer~~ data in violation of Section 502.

30 (3) Every person who violates this subdivision shall be punished  
31 by imprisonment in a county jail for a period not to exceed six  
32 months. Every subsequent violation of this subdivision by that  
33 same person shall be punished by imprisonment in a county jail  
34 not exceeding one year, ~~or pursuant to subdivision (h) of Section~~  
35 ~~1170~~. *year*.

36 (g) An offense charged in violation of subdivision (a), (b), or  
37 (c) shall be proven by the testimony of two witnesses, or of one  
38 witness and corroborating circumstances. An offense charged in  
39 violation of subdivision (d), (e), or (f) shall be proven by the  
40 testimony of one witness and corroborating circumstances.

1     ~~SEC. 3.~~  
2     *SEC. 2.* No reimbursement is required by this act pursuant to  
3 Section 6 of Article XIII B of the California Constitution because  
4 the only costs that may be incurred by a local agency or school  
5 district will be incurred because this act creates a new crime or  
6 infraction, eliminates a crime or infraction, or changes the penalty  
7 for a crime or infraction, within the meaning of Section 17556 of  
8 the Government Code, or changes the definition of a crime within  
9 the meaning of Section 6 of Article XIII B of the California  
10 Constitution.

O