

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 829**

---

---

**Introduced by Assembly Member Nazarian**

February 26, 2015

---

---

An act to amend ~~13825.2 of~~ *Section 13956 of the Government Code, to add Sections 186.36, 186.38, 186.40, 186.42, 186.44, 186.460, 186.462, 186.464, 186.466, 186.468, 186.470, 186.472, 186.474, 186.476, and 186.478 to, to add the headings of Article 1 (commencing with Section 186.20), Article 2 (commencing with Section 186.22), Article 3 (commencing with Section 186.30), and Article 4 (commencing with Section 186.34) to Chapter 11 of Title 7 of Part 1 to, and to repeal and add Section 186.34 of, the Penal Code, relating to gangs.*

LEGISLATIVE COUNSEL'S DIGEST

AB 829, as amended, Nazarian. ~~Gangs.~~ *Gangs: shared gang databases.*

*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. Existing law requires, 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 provide written notice to 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, except as specified. Existing law authorizes the person or his or her parent or guardian to submit written documentation contesting the designation and requires the local law enforcement agency to provide written verification of its decision within 60 days.*

*This bill would instead require a local law enforcement agency to provide written notice to a person, or if the person is under 18 years of age, his or her parent or guardian, prior to making the designation described above. This bill would authorize a person or his or her parent or guardian, as applicable, to request information regarding the status of the person in a shared gang database, and would require the law enforcement agency to provide that information, subject to specified exceptions. This bill would authorize that person, or his or her parent or guardian, as applicable, to contest the designation and request removal of information from the database in writing, on the ground that the person is not and has never been a gang member, associate, or affiliate. This bill would authorize a person whose written request for removal is denied to appeal the decision at an administrative hearing conducted by a hearing officer, as specified. This bill would authorize that person to request a review of an unfavorable decision of the hearing officer, and would authorize that person to commence an action to seek review of an unfavorable decision after review by a court of competent jurisdiction, as specified. This bill would require a local law enforcement agency to remove or cause to be removed a person designated in a shared gang database based on specified criteria, or if the designation is successfully contested, and to notify the person and his or her parent or guardian, as applicable, upon removal. This bill would require the Department of Justice to annually report specified information relating to requests for removal and removal of persons from the CalGang shared gang database system.*

*Existing law authorizes the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation and Government Claims Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Existing law sets forth eligibility requirements and specified limits on the amount of compensation the board may award.*

*This bill would prohibit the board from denying an application for compensation on the basis of the applicant's membership in, association with, or affiliation with, a gang, or on the basis of the applicant's*

*designation as a suspected gang member, associate, or affiliate in a shared gang database, as defined.*

~~Existing law establishes the California Gang, Crime, and Violence Prevention Partnership Program to be administered by the Department of Justice for the purposes of reducing gang, criminal activity, and youth violence in communities with a high incidence of gang violence, as specified.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

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

1     SECTION 1. Section 13956 of the Government Code is  
2     amended to read:

3     13956. Notwithstanding Section 13955, a person shall not be  
4     eligible for compensation under the following conditions:

5     (a) An application shall be denied if the board finds that the  
6     victim or, if compensation is sought by or on behalf of a derivative  
7     victim, either the victim or derivative victim, knowingly and  
8     willingly participated in the commission of the crime that resulted  
9     in the pecuniary loss for which compensation is being sought  
10    pursuant to this chapter. However, this subdivision shall not apply  
11    if the injury or death occurred as a direct result of a crime  
12    committed in violation of Section 261, 262, or 273.5 of, or a crime  
13    of unlawful sexual intercourse with a minor committed in violation  
14    of subdivision (d) of Section 261.5 of, the Penal Code.

15    (b) (1) An application shall be denied if the board finds that  
16    the victim or, if compensation is sought by, or on behalf of, a  
17    derivative victim, either the victim or derivative victim failed to  
18    cooperate reasonably with a law enforcement agency in the  
19    apprehension and conviction of a criminal committing the crime.  
20    However, in determining whether cooperation has been reasonable,  
21    the board shall consider the victim’s or derivative victim’s age,  
22    physical condition, and psychological state, cultural or linguistic  
23    barriers, any compelling health and safety concerns, including, but  
24    not limited to, a reasonable fear of retaliation or harm that would  
25    jeopardize the well-being of the victim or the victim’s family or  
26    the derivative victim or the derivative victim’s family, and giving

1 due consideration to the degree of cooperation of which the victim  
2 or derivative victim is capable in light of the presence of any of  
3 these factors.

4 (2) An application for a claim based on domestic violence shall  
5 not be denied solely because no police report was made by the  
6 victim. The board shall adopt guidelines that allow the board to  
7 consider and approve applications for assistance based on domestic  
8 violence relying upon evidence other than a police report to  
9 establish that a domestic violence crime has occurred. Factors  
10 evidencing that a domestic violence crime has occurred may  
11 include, but are not limited to, medical records documenting  
12 injuries consistent with allegations of domestic violence, mental  
13 health records, or the fact that the victim has obtained a temporary  
14 or permanent restraining order, or all of these.

15 (3) An application for a claim based on human trafficking as  
16 defined in Section 236.1 of the Penal Code shall not be denied  
17 solely because no police report was made by the victim. The board  
18 shall adopt guidelines that allow the board to consider and approve  
19 applications for assistance based on human trafficking relying  
20 upon evidence other than a police report to establish that a human  
21 trafficking crime as defined in Section 236.1 of the Penal Code  
22 has occurred. That evidence may include any reliable corroborating  
23 information approved by the board, including, but not limited to,  
24 the following:

25 (A) A Law Enforcement Agency Endorsement issued pursuant  
26 to Section 236.2 of the Penal Code.

27 (B) A human trafficking caseworker as identified in Section  
28 1038.2 of the Evidence Code, has attested by affidavit that the  
29 individual was a victim of human trafficking.

30 (4) (A) An application for a claim by a military personnel victim  
31 based on a sexual assault by another military personnel shall not  
32 be denied solely because it was not reported to a superior officer  
33 or law enforcement at the time of the crime.

34 (B) Factors that the board shall consider for purposes of  
35 determining if a claim qualifies for compensation include, but are  
36 not limited to, the evidence of the following:

37 (i) Restricted or unrestricted reports to a military victim  
38 advocate, sexual assault response coordinator, chaplain, attorney,  
39 or other military personnel.

40 (ii) Medical or physical evidence consistent with sexual assault.

- 1 (iii) A written or oral report from military law enforcement or  
2 a civilian law enforcement agency concluding that a sexual assault  
3 crime was committed against the victim.
- 4 (iv) A letter or other written statement from a sexual assault  
5 counselor, as defined in Section 1035.2 of the Evidence Code,  
6 licensed therapist, or mental health counselor, stating that the  
7 victim is seeking services related to the allegation of sexual assault.
- 8 (v) A credible witness to whom the victim disclosed the details  
9 that a sexual assault crime occurred.
- 10 (vi) A restraining order from a military or civilian court against  
11 the perpetrator of the sexual assault.
- 12 (vii) Other behavior by the victim consistent with sexual assault.
- 13 (C) For purposes of this subdivision, the sexual assault at issue  
14 shall have occurred during military service, including deployment.
- 15 (D) For purposes of this subdivision, the sexual assault may  
16 have been committed offbase.
- 17 (E) For purposes of this subdivision, a “perpetrator” means an  
18 individual who is any of the following at the time of the sexual  
19 assault:
  - 20 (i) An active duty military personnel from the United States  
21 Army, Navy, Marine Corps, Air Force, or Coast Guard.
  - 22 (ii) A civilian employee of any military branch specified in  
23 clause (i), military base, or military deployment.
  - 24 (iii) A contractor or agent of a private military or private security  
25 company.
  - 26 (iv) A member of the California National Guard.
- 27 (F) For purposes of this subdivision, “sexual assault” means an  
28 offense included in Section 261, 262, 264.1, 286, 288a, or 289 of  
29 the Penal Code, as of the date the act that added this paragraph  
30 was enacted.
- 31 (c) An application for compensation may be denied, in whole  
32 or in part, if the board finds that denial is appropriate because of  
33 the nature of the victim’s or other applicant’s involvement in the  
34 events leading to the crime or the involvement of the persons whose  
35 injury or death gives rise to the application. In the case of a minor,  
36 the board shall consider the minor’s age, physical condition, and  
37 psychological state, as well as any compelling health and safety  
38 concerns, in determining whether the minor’s application should  
39 be denied pursuant to this section. The application of a derivative  
40 victim of domestic violence under the age of 18 years of age or a

1 derivative victim of trafficking under 18 years of age may not be  
2 denied on the basis of the denial of the victim’s application under  
3 this subdivision.

4 (d) (1) Notwithstanding Section 13955, no person who is  
5 convicted of a felony may be granted compensation until that  
6 person has been discharged from probation or has been released  
7 from a correctional institution and has been discharged from parole,  
8 if any. In no case shall compensation be granted to an applicant  
9 pursuant to this chapter during any period of time the applicant is  
10 held in a correctional institution.

11 (2) A person who has been convicted of a felony may apply for  
12 compensation pursuant to this chapter at any time, but the award  
13 of that compensation may not be considered until the applicant  
14 meets the requirements for compensation set forth in paragraph  
15 (1).

16 (3) Applications of victims who are not felons shall receive  
17 priority in the award of compensation over an application submitted  
18 by a felon who has met the requirements for compensation set  
19 forth in paragraph (1).

20 (e) *The board shall not deny an application for compensation*  
21 *on the basis of the applicant’s membership in, association with,*  
22 *or affiliation with, a gang, or on the basis of the applicant’s*  
23 *designation as a suspected gang member, associate, or affiliate*  
24 *in a shared gang database as defined in Section 186.34 of the*  
25 *Penal Code.*

26 SEC. 2. *The heading of Article 1 (commencing with Section*  
27 *186.20) is added to Chapter 11 of Title 7 of Part 1 of the Penal*  
28 *Code, to read:*

29  
30 *Article 1. Title And Intent*

31  
32 SEC. 3. *The heading of Article 2 (commencing with Section*  
33 *186.22) is added to Chapter 11 of Title 7 of Part 1 of the Penal*  
34 *Code, to read:*

35  
36 *Article 2. Violations Of The Act*

37  
38 SEC. 4. *The heading of Article 3 (commencing with Section*  
39 *186.30) is added to Chapter 11 of Title 7 of Part 1 of the Penal*  
40 *Code, to read:*

1  
2 *Article 3. Registration With Local Law Enforcement Agency*

3  
4 *SEC. 5. The heading of Article 4 (commencing with Section*  
5 *186.34) is added to Chapter 11 of Title 7 of the Penal Code, to*  
6 *read:*

7  
8 *Article 4. Shared Gang Databases*

9  
10 *SEC. 6. Section 186.34 of the Penal Code is repealed.*

11 ~~186.34. (a) (1) For purposes of this section, “shared gang~~  
12 ~~database” shall mean any database that satisfies all of the following:~~

13 ~~(A) Allows access for any local law enforcement agency.~~

14 ~~(B) Contains personal, identifying information in which a person~~  
15 ~~may be designated as a suspected gang member, associate, or~~  
16 ~~affiliate, or for which entry of a person in the database reflects a~~  
17 ~~designation of that person as a suspected gang member, associate,~~  
18 ~~or affiliate.~~

19 ~~(C) Is subject to Part 23 of Title 28 of the Code of Federal~~  
20 ~~Regulations. If federal funding is no longer available to a database~~  
21 ~~through the federal Omnibus Crime Control and Safe Streets Act~~  
22 ~~of 1968 (42 U.S.C. Sec. 3711 et seq.), a database shall not have~~  
23 ~~to satisfy this subparagraph to meet the definition of a “shared~~  
24 ~~gang database.”~~

25 ~~(2) A “shared gang database” does not include dispatch operator~~  
26 ~~reports, information used for the administration of jail or custodial~~  
27 ~~facilities, criminal investigative reports, probation reports, or~~  
28 ~~information required to be collected pursuant to Section 186.30.~~

29 ~~(b) To the extent a local law enforcement agency elects to utilize~~  
30 ~~a shared gang database, as defined in subdivision (a), prior to a~~  
31 ~~local law enforcement agency designating a person as a suspected~~  
32 ~~gang member, associate, or affiliate in a shared gang database, or~~  
33 ~~submitting a document to the Attorney General’s office for the~~  
34 ~~purpose of designating a person in a shared gang database, or~~  
35 ~~otherwise identifying the person in a shared gang database, the~~  
36 ~~local law enforcement agency shall, if the person is under 18 years~~  
37 ~~of age, provide written notice to the person and his or her parent~~  
38 ~~or guardian of the designation and the basis for the designation,~~  
39 ~~unless providing that notification would compromise an active~~

1 criminal investigation or compromise the health or safety of the  
 2 minor.

3 (e) ~~Subsequent to the notice described in subdivision (b), the~~  
 4 ~~person to be designated as a suspected gang member, associate,~~  
 5 ~~or affiliate, or his or her parent or guardian, may submit written~~  
 6 ~~documentation to the local law enforcement agency contesting the~~  
 7 ~~designation. The local law enforcement agency shall review the~~  
 8 ~~documentation, and if the agency determines that the person is not~~  
 9 ~~a suspected gang member, associate, or affiliate, the agency shall~~  
 10 ~~remove the person from the shared gang database. The local law~~  
 11 ~~enforcement agency shall provide the person and his or her parent~~  
 12 ~~or guardian with written verification of the agency’s decision~~  
 13 ~~within 60 days of submission of the written documentation~~  
 14 ~~contesting the designation.~~

15 (d) ~~The person to be designated as a suspected gang member,~~  
 16 ~~associate, or affiliate, or his or her parent or guardian, shall be able~~  
 17 ~~to request information as to whether the person has been designated~~  
 18 ~~as a suspected gang member, associate, or affiliate, and the local~~  
 19 ~~law enforcement agency shall provide that information, unless~~  
 20 ~~doing so would compromise an active criminal investigation or~~  
 21 ~~compromise the health or safety of the minor.~~

22 (e) ~~The local law enforcement agency shall not disclose the~~  
 23 ~~location of the person to be designated as a suspected gang~~  
 24 ~~member, associate, or affiliate to his or her parent or guardian if~~  
 25 ~~the agency determines there is credible evidence that the~~  
 26 ~~information would endanger the health or safety of the minor.~~

27 (f) ~~A shared gang database, as defined in this section, shall retain~~  
 28 ~~records related to the gang activity of the individuals in the~~  
 29 ~~database consistent with the provisions contained in Section~~  
 30 ~~23.20(h) of Title 28 of the Code of Federal Regulations.~~

31 (g) ~~Nothing in this section shall require a local law enforcement~~  
 32 ~~agency to disclose any information protected under Section 1040~~  
 33 ~~or 1041 of the Evidence Code or Section 6254 of the Government~~  
 34 ~~Code.~~

35 *SEC. 7. Section 186.34 is added to the Penal Code, to read:*

36 *186.34. (a) (1) For purposes of this section, “shared gang*  
 37 *database” shall mean a database that satisfies all of the following:*

- 38 *(A) Allows access for any local law enforcement agency.*
- 39 *(B) Contains personal, identifying information in which a person*  
 40 *may be designated as a suspected gang member, associate, or*

1 *affiliate, or for which entry of a person in the database reflects a*  
2 *designation of that person as a suspected gang member, associate,*  
3 *or affiliate.*

4 *(C) Is subject to Part 23 of Title 28 of the Code of Federal*  
5 *Regulations. If federal funding is no longer available to a database*  
6 *through the federal Omnibus Crime Control and Safe Streets Act*  
7 *of 1968 (42 U.S.C. Sec. 3711 et seq.), a database shall not have*  
8 *to satisfy this subparagraph to meet the definition of a “shared*  
9 *gang database.”*

10 *(2) A “shared gang database” does not include dispatch*  
11 *operator reports, information used for the administration of jail*  
12 *or custodial facilities, criminal investigative reports, probation*  
13 *reports, or information required to be collected pursuant to Section*  
14 *186.30.*

15 *(3) A “shared gang database” includes the CalGang system,*  
16 *operated pursuant to Section 23 of Title 28 of the Code of Federal*  
17 *Regulations.*

18 *(b) A shared gang database, as defined in this section, shall*  
19 *retain records related to the gang activity of the individuals in the*  
20 *database consistent with the provisions contained in Section*  
21 *23.20(h) of Title 28 of the Code of Federal Regulations.*

22 *SEC. 8. Section 186.36 is added to the Penal Code, to read:*

23 *186.36. (a) Beginning on December 1, 2016, and annually on*  
24 *December 1 thereafter, the Department of Justice shall submit a*  
25 *report to the CalGang Executive Board and to the Legislature that*  
26 *contains, by ZIP Code, referring agency, race, gender, and age,*  
27 *the following information:*

28 *(1) The number of persons added to the CalGang system during*  
29 *the immediately preceding 12 months.*

30 *(2) The number of requests for removal of a person from the*  
31 *CalGang system received during the immediately preceding 12*  
32 *months.*

33 *(3) The number of requests for removal of a person from the*  
34 *CalGang system that were granted during the immediately*  
35 *preceding 12 months.*

36 *(4) The number of persons automatically removed from the*  
37 *CalGang system during the immediately preceding 12 months.*

38 *(b) A report submitted to the Legislature pursuant to subdivision*  
39 *(a) shall comply with Section 9795 of the Government Code.*

40 *SEC. 9. Section 186.38 is added to the Penal Code, to read:*

1 186.38. (a) To the extent a local law enforcement agency elects  
2 to utilize a shared gang database, as defined in Section 186.34,  
3 prior to the local law enforcement agency designating a person  
4 as a suspected gang member, associate, or affiliate in a shared  
5 gang database, or submitting a document to the Attorney General's  
6 office for the purpose of designating a person in a shared gang  
7 database, or otherwise identifying the person in a shared gang  
8 database, the local law enforcement agency shall provide written  
9 notice to the person, and, if the person is under 18 years of age,  
10 his or her parent or guardian, of the designation and the basis for  
11 the designation, unless providing that notification would  
12 compromise an active criminal investigation or compromise the  
13 health or safety of the person if the person is under 18 years of  
14 age.

15 (b) The notice described in subdivision (a) shall describe the  
16 process for the person, or, if the person is under 18 years of age,  
17 his or her parent or guardian, to contest the designation or  
18 identification of the person in the database, as applicable. The  
19 notice shall also inform the person of the reason for his or her  
20 designation in the database.

21 (c) (1) A person to be designated as a suspected gang member,  
22 associate, or affiliate, or, if the person is under 18 years of age,  
23 his or her parent or guardian, may request information of a local  
24 law enforcement agency as to whether the person has been  
25 designated as a suspected gang member, associate, or affiliate in  
26 a shared gang database, and the local law enforcement agency  
27 shall provide that information, unless doing so would compromise  
28 an active criminal investigation or compromise the health or safety  
29 of the person if the person is under 18 years of age.

30 (2) A person requesting information pursuant to paragraph (1)  
31 shall make the request in writing.

32 (3) The local law enforcement agency shall respond to a valid  
33 request pursuant to paragraph (1) in writing to the person making  
34 the request within 30 calendar days of receipt of the request.

35 (4) If the person about whom information is requested is under  
36 18 years of age, the local law enforcement agency may not disclose  
37 the location of the person to his or her parent or guardian if the  
38 agency determines disclosure of that information would endanger  
39 the health or safety of the person.

1 (d) Nothing in this section requires a local law enforcement  
2 agency to disclose any information protected under Section 1040  
3 or 1041 of the Evidence Code or Section 6254 of the Government  
4 Code.

5 SEC. 10. Section 186.40 is added to the Penal Code, to read:

6 186.40. (a) A law enforcement agency that elects to utilize  
7 and administer a shared gang database shall remove or cause to  
8 be removed a person who is designated as a suspected gang  
9 member, associate, or affiliate from a shared gang database under  
10 one or more of the following circumstances:

11 (1) The person is designated in the shared gang database, but  
12 has not been arrested, charged with, or convicted of a crime in  
13 the five-year period after initial entry in the database.

14 (2) The person is designated in the database, and was  
15 subsequently arrested for, but not charged with or convicted of, a  
16 crime in the five-year period after the date of arrest.

17 (3) The person is designated in the database as the result of an  
18 arrest, but was not charged with or convicted of a crime in the  
19 five-year period after the date of the arrest.

20 (4) The person is designated in the database and is subsequently  
21 arrested and charged with a crime, but is not convicted of a crime  
22 within the five-year period after the date of the arrest.

23 (b) A law enforcement agency that elects to utilize and  
24 administer a shared gang database shall remove or cause to be  
25 removed a person who is designated as a suspected gang member,  
26 associate, or affiliate, and who is subsequently arrested for,  
27 charged with, and convicted of a crime, if the person successfully  
28 completes his or her probation or parole and more than five years  
29 have passed since the date of the last modification to his or her  
30 entry in the database.

31 (c) Subdivision (b) does not apply to a person convicted of a  
32 violent felony, as defined in subdivision (c) of Section 667.5.

33 (d) A law enforcement agency that removes a person from a  
34 shared gang database pursuant to this section shall give written  
35 notice of the removal to the person, and, if the person is under 18  
36 years of age, his or her parent or guardian, within 30 calendar  
37 days after removal. The notice shall be mailed to the last known  
38 address of record for the person, and, if the person is under 18  
39 years of age, his or her parent or guardian.

40 SEC. 11. Section 186.42 is added to the Penal Code, to read:

1     186.42. (a) A person designated as a suspected gang member,  
2     associate, or affiliate in a shared gang database or who has  
3     received a notice described in subdivision (a) of Section 186.38,  
4     or, if the person is under 18 years of age, his or her parent or  
5     guardian, may contest the designation in writing.

6     (b) A person, or, if the person is under 18 years of age, his or  
7     her parent or guardian, may contest his or her designation as a  
8     suspected gang member, associate, or affiliate in a shared gang  
9     database on the ground that the person is not, and has never been,  
10    a member, associate, or affiliate of a gang.

11    (c) The person contesting the designation bears the burden of  
12    proving the grounds for contesting the designation.

13    (d) This section does not apply to a person designated in a  
14    shared gang database who has been convicted of a violent felony,  
15    as defined in subdivision (c) of Section 667.5.

16    SEC. 12. Section 186.44 is added to the Penal Code, to read:

17    186.44. (a) A person, or, if the person is under 18 years of  
18    age, his or her parent or guardian, may contest in writing the  
19    person's designation as a suspected gang member, associate, or  
20    affiliate in a shared gang database by mailing a written request  
21    for removal from the database to the law enforcement agency that  
22    created the designation. The written request shall set forth the  
23    ground for contesting the designation and may include supporting  
24    documentation.

25    (b) The law enforcement agency shall review the written request  
26    and supporting documentation. If the agency determines that the  
27    ground for removal is satisfied, the agency shall remove the person  
28    from the shared gang database.

29    (c) The law enforcement agency shall give written notice of its  
30    determination, and, if applicable, the removal of the person from  
31    the shared gang database to the person, and, if the person is under  
32    18 years of age, the person's parent or guardian, within 60  
33    calendar days after receipt of the written request contesting the  
34    designation.

35    (d) If the law enforcement agency denies the request for removal,  
36    the notice of its determination shall state the reason for the denial.

37    SEC. 13. Section 186.460 is added to the Penal Code, to read:

38    186.460. If a law enforcement agency that elects to utilize a  
39    shared gang database denies a written request for removal of a  
40    person from the database under Section 186.44, the person who

1 *made the initial request, may make a demand on the law*  
2 *enforcement agency for an administrative hearing to contest the*  
3 *denial, and the law enforcement agency shall grant the request*  
4 *for a hearing.*

5 *SEC. 14. Section 186.462 is added to the Penal Code, to read:*

6 *186.462. (a) When a law enforcement agency grants a hearing*  
7 *under this article, the agency shall fix a time and place for the*  
8 *hearing and shall give no less than 10 calendar days' notice of*  
9 *the hearing to the person who requested the hearing.*

10 *(b) The law enforcement agency shall, to the extent possible,*  
11 *fix a place for the hearing at a location close to the address of*  
12 *record for the person who requested the hearing. The law*  
13 *enforcement agency is not required to fix a place for the hearing*  
14 *outside of the geographic boundaries of its jurisdiction.*

15 *(c) The notice of the hearing shall be in English, or one of the*  
16 *non-English languages described in paragraph (3) of subdivision*  
17 *(a) of Section 1632 of the Civil Code, if requested.*

18 *(d) The notice of the hearing shall contain the following*  
19 *information:*

20 *(1) A description of the hearing process.*

21 *(2) A statement of the discovery rights of the person requesting*  
22 *the hearing pursuant to Section 11507.6 of the Government Code.*

23 *(e) The person who requested the hearing may request a*  
24 *continuance of the hearing, which shall be granted. A request for*  
25 *a continuance shall be in writing and may be served via first class*  
26 *mail. The person who requested the continuance shall serve the*  
27 *request no less than three calendar days before the date of the*  
28 *hearing. The person who requested the hearing may make no more*  
29 *than two requests for a continuance.*

30 *SEC. 15. Section 186.464 is added to the Penal Code, to read:*

31 *186.464. (a) Any hearing granted pursuant to Section 186.460*  
32 *shall be conducted by an officer or employee of the agency selected*  
33 *by the head of the law enforcement agency that granted the*  
34 *hearing, who shall be the hearing officer for the purposes of this*  
35 *article.*

36 *(b) The entire proceedings at any hearing may be recorded by*  
37 *a phonographic recorder or any mechanical, electronic, or other*  
38 *means capable of reproduction or transcription.*

1 (c) *The person who requested the hearing may be accompanied*  
2 *by an advocate. The law enforcement agency shall permit the*  
3 *advocate to be present during the hearing.*

4 (d) *The person who requested the hearing may request an*  
5 *interpreter, which the agency shall provide, or may bring his or*  
6 *her own interpreter to the hearing.*

7 SEC. 16. *Section 186.466 is added to the Penal Code, to read:*

8 186.466. (a) *Before a hearing granted pursuant to Section*  
9 *186.460 has commenced, the hearing officer shall issue subpoenas*  
10 *or subpoenas duces tecum, or both, at the request of any party,*  
11 *for attendance by a person at or production of documents at the*  
12 *hearing. After the hearing has commenced the hearing officer may*  
13 *issue subpoenas or subpoenas duces tecum, or both.*

14 (b) *Notwithstanding Section 11450.20 of the Government Code,*  
15 *subpoenas and subpoenas duces tecum issued in conjunction with*  
16 *the hearing may be served by first-class mail.*

17 SEC. 17. *Section 186.468 is added to the Penal Code, to read:*

18 186.468. (a) *At a hearing granted pursuant to Section 186.460,*  
19 *the hearing officer shall consider the official records of the law*  
20 *enforcement agency that granted the hearing, and shall receive*  
21 *sworn testimony and documentary evidence as applicable.*

22 (b) *The hearing officer shall permit the person who requested*  
23 *the hearing to submit evidence in support of grounds for the*  
24 *removal of a person from the shared gang database.*

25 (c) *Within 14 calendar days after the conclusion of the hearing,*  
26 *the person who requested the hearing may submit additional*  
27 *evidence in support of his or her grounds for removal of a person*  
28 *from the database.*

29 SEC. 18. *Section 186.470 is added to the Penal Code, to read:*

30 186.470. (a) *Within 60 calendar days after the conclusion of*  
31 *a hearing granted pursuant to Section 186.460, the hearing officer*  
32 *shall make findings and render a written decision on behalf of the*  
33 *law enforcement agency that granted the hearing.*

34 (b) *If the hearing officer determines that a ground for removal*  
35 *specified in Section 186.42 is satisfied, the law enforcement agency*  
36 *shall remove the person from the shared gang database.*

37 (c) *The law enforcement agency that granted the hearing shall*  
38 *give written notice of the decision, and if applicable, the removal*  
39 *of a person from a shared gang database pursuant to that decision,*

1 *by first-class mail to the parties to the hearing within 15 calendar*  
2 *days after the decision is rendered.*

3 *(d) The decision may be modified at any time after issuance to*  
4 *correct mistakes or clerical errors.*

5 *SEC. 19. Section 186.472 is added to the Penal Code, to read:*

6 *186.472. (a) The person to whom a hearing was granted*  
7 *pursuant to Section 186.460 may request a review of the decision*  
8 *taken under Section 186.470 within 20 calendar days after the*  
9 *decision is mailed to the person. A request for review shall be in*  
10 *writing and submitted to the law enforcement agency that issued*  
11 *the decision.*

12 *(b) On receipt of a request for review, the law enforcement*  
13 *agency shall examine the decision, the hearing officer's findings,*  
14 *and the record of the hearing, including admitted documentary*  
15 *evidence and testimony. The hearing officer who conducted the*  
16 *original hearing may not participate in the review process.*

17 *(c) Following the review, the law enforcement agency shall mail*  
18 *a written notice of its decision after review to the person who*  
19 *requested the review.*

20 *(d) The decision after review may be modified at any time after*  
21 *issuance to correct mistakes or clerical errors.*

22 *SEC. 20. Section 186.474 is added to the Penal Code, to read:*

23 *186.474. (a) All matters in a hearing granted pursuant to*  
24 *Section 186.460 and not covered by this chapter shall be governed,*  
25 *as far as applicable, by Chapter 5 (commencing with Section*  
26 *11500) of Part 1 of Division 3 of Title 2 of the Government Code.*

27 *(b) Subdivision (a) of Section 11425.30 of the Government Code*  
28 *does not apply to a proceeding to contest the designation of a*  
29 *person as a suspected gang member, associate, or affiliate pursuant*  
30 *to this chapter.*

31 *SEC. 21. Section 186.476 is added to the Penal Code, to read:*

32 *186.476. Nothing in this chapter shall be deemed to prevent a*  
33 *review or other action as may be permitted by the California*  
34 *Constitution and law of this state by a court of competent*  
35 *jurisdiction of any decision of a law enforcement agency with*  
36 *respect to the designation of a person as a suspected gang member,*  
37 *associate, or affiliate in a shared gang database.*

38 *SEC. 22. Section 186.478 is added to the Penal Code, to read:*

39 *186.478. (a) An action brought in a court of competent*  
40 *jurisdiction to review a decision of a law enforcement agency with*

1 *respect to the designation of a person as a suspected gang member,*  
2 *associate, or affiliate in a shared gang database shall be*  
3 *commenced pursuant to Section 1094.6 of the Code of Civil*  
4 *Procedure.*

5 *(b) Upon final completion of all administrative appeals, the*  
6 *person who was granted a hearing pursuant to Section 186.460*  
7 *shall be given written notice by the law enforcement agency that*  
8 *granted the hearing of his or her right to a review by a court*  
9 *pursuant to subdivision (a).*

10 SECTION 1. ~~Section 13825.2 of the Penal Code is amended~~  
11 ~~to read:~~

12 ~~13825.2. (a) The California Gang, Crime, and Violence~~  
13 ~~Prevention Partnership Program shall be administered by the~~  
14 ~~Department of Justice for the purposes of reducing gang, criminal~~  
15 ~~activity, and youth violence to the extent authorized pursuant to~~  
16 ~~this chapter in communities with a high incidence of gang violence,~~  
17 ~~including, but not limited to, the communities of Fresno, Glendale,~~  
18 ~~Long Beach, Los Angeles, Oakland, Riverside, Santa Ana, Santa~~  
19 ~~Cruz, San Bernardino, San Diego, San Jose, San Francisco, San~~  
20 ~~Mateo, Santa Monica, and Venice. The department shall also~~  
21 ~~consider communities that meet one or more of the following~~  
22 ~~criteria:~~

23 ~~(1) An at-risk youth population, as defined in subdivision (e)~~  
24 ~~of Section 13825.4, that is significantly disproportionate to the~~  
25 ~~general youth population of that community.~~

26 ~~(2) A juvenile arrest rate that is significantly disproportionate~~  
27 ~~to the general youth population of that community.~~

28 ~~(3) Significant juvenile gang problems or a high number of~~  
29 ~~juvenile gang-affiliated acts of violence.~~

30 ~~(b) All state and local juvenile detention facilities, including,~~  
31 ~~but not limited to, facilities, juvenile halls, youth ranches, and~~  
32 ~~youth camps of the Department of Corrections and Rehabilitation,~~  
33 ~~Division of Juvenile Facilities, shall also be considered eligible to~~  
34 ~~receive services through community-based organizations or~~  
35 ~~nonprofit agencies that are operating programs funded under this~~  
36 ~~chapter.~~