

AMENDED IN SENATE AUGUST 18, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 896**

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**Introduced by Assembly Member Wagner**

February 26, 2015

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An act to add Sections 26614.6 and 26614.7 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 896, as amended, Wagner. Counties: search or rescue: costs.

Existing law provides that persons whose specified actions cause an incident resulting in an appropriate emergency response are liable for the expenses of an emergency response by a public agency to the incident, up to \$12,000 per incident.

Existing law provides that the board of supervisors of a county may authorize the sheriff to search for and rescue persons, and that the expenses incurred by the sheriff in the performance of those duties are a proper county charge. Existing law also requires the county or city and county of residence of a person, searched for or rescued by a sheriff, to pay to the county or city and county conducting the search or rescue all of the reasonable search or rescue expenses in excess of \$100 within 30 days after the submission of a reimbursement claim.

This bill, notwithstanding the existing provisions relating to liability for specified emergency response expenses, would provide that whenever a county or city and county either receives a reimbursement claim from another county or city and county for a search or rescue, or conducts its own search or rescue, of one of its residents who is 16 years of age or older, the county or city and county may in turn seek reimbursement for the actual costs incurred from that resident, if the

need for the search or rescue necessitated the use of extraordinary methods and was caused by ~~specified acts or omissions~~. *an intentional act in knowing violation of any federal or state law or local ordinance that resulted in a criminal conviction of that person for that act.* The bill would require the resident to pay within 30 days after being billed. This bill would prohibit the county or city and county from collecting reimbursement from persons whom the county or city and county determines are unable to pay the charges. The bill would prohibit a county or city and county from billing a resident more than \$12,000, adjusted annually for inflation as determined by the Department of Industrial Relations, for a search or rescue, unless the search or rescue ~~is the result of a criminal violation punishable as a felony~~. *was caused by an act that resulted in a felony conviction of that resident under federal or state law.* This bill would provide that the county or city and county may only seek reimbursement if the board of supervisors of that county or city and county passes an ordinance consistent with this bill.

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

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

1 SECTION 1. Section 26614.6 is added to the Government  
2 Code, to read:  
3 26614.6. (a) Notwithstanding Article 8 (commencing with  
4 Section 53150) of Chapter 1 of Part 1 of Division 2 of Title 5,  
5 whenever a county or city and county is billed for a search or  
6 rescue of one of its residents who is 16 years of age or older by  
7 another county or city and county, the county or city and county  
8 receiving the bill may in turn seek reimbursement for the actual  
9 costs incurred, including, but not limited to, the cost of operating  
10 vehicles or aircraft, the salaries of employees, and the cost of  
11 providing emergency medical services, from that resident if the  
12 need for the search or rescue necessitated the use of extraordinary  
13 methods and was caused by ~~any of the following~~:  
14 (1) ~~Any~~ *an intentional act in knowing violation of any federal*  
15 ~~or state law or local ordinance.~~ *ordinance that resulted in a*  
16 *criminal conviction of that person for that act.*  
17 (2) ~~Any act or omission by the person searched for or rescued~~  
18 ~~that shows wanton and reckless misconduct in disregard for his or~~  
19 ~~her safety.~~

1 (b) (1) The county or city and county shall not collect charges  
2 from those persons whom the county or city and county determines  
3 are unable to pay the charges.

4 (2) A county or city and county shall not bill a resident under  
5 this section more than twelve thousand dollars (\$12,000), adjusted  
6 annually for inflation as measured by the percentage change in the  
7 California Consumer Price Index from January 1 of the prior year  
8 to January 1 of the current year, as determined by the Department  
9 of Industrial Relations, for a search or rescue unless the search or  
10 rescue was caused by ~~a criminal violation of an act described in~~  
11 ~~subdivision (a) that resulted in a felony conviction of that resident~~  
12 ~~under any federal or state law punishable as a felony. law.~~

13 (c) The county or city and county may only seek reimbursement  
14 as authorized by this section if the board of supervisors of that  
15 county or city and county passes an ordinance consistent with this  
16 section.

17 SEC. 2. Section 26614.7 is added to the Government Code, to  
18 read:

19 26614.7. (a) Notwithstanding Article 8 (commencing with  
20 Section 53150) of Chapter 1 of Part 1 of Division 2 of Title 5,  
21 when a person 16 years of age or older ~~who~~ is a resident of a county  
22 or city and county that conducts a search or rescue of that person,  
23 that person shall pay the county or city and county conducting the  
24 search or rescue for the actual cost incurred for the search or rescue,  
25 including, but not limited to, the cost of operating vehicles or  
26 aircraft, the salaries of employees, and the cost of providing  
27 emergency medical services, within 30 days after being billed for  
28 those charges if the need for the search or rescue necessitated the  
29 use of extraordinary methods and was caused by ~~any of the~~  
30 ~~following:~~

31 ~~(1) Any an intentional act in knowing violation of any federal~~  
32 ~~or state law or local ordinance. ordinance that resulted in a~~  
33 ~~criminal conviction of that person for that act.~~

34 ~~(2) Any act or omission by the person searched for or rescued~~  
35 ~~that shows wanton and reckless misconduct in disregard for his or~~  
36 ~~her safety.~~

37 (b) (1) The county or city and county shall not collect charges  
38 from those persons whom the county or city and county determines  
39 are unable to pay the charges.

1     (2) A county or city and county shall not bill a resident under  
2 this section more than twelve thousand dollars (\$12,000), adjusted  
3 annually for inflation as measured by the percentage change in the  
4 California Consumer Price Index from January 1 of the prior year  
5 to January 1 of the current year, as determined by the Department  
6 of Industrial Relations, for a search or rescue unless the search or  
7 rescue was caused by ~~a criminal violation of an act described in~~  
8 ~~subdivision (a) that resulted in a felony conviction of that resident~~  
9 ~~under any federal or state law punishable as a felony. law.~~  
10     (c) The county or city and county may only seek reimbursement  
11 as authorized by this section if the board of supervisors of that  
12 county or city and county passes an ordinance consistent with this  
13 section.