

AMENDED IN SENATE JULY 15, 2015

AMENDED IN ASSEMBLY MAY 4, 2015

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1051

Introduced by Assembly Member Maienschein
(Coauthors: Assembly Members Atkins, Baker, Bonilla, Chávez,
Gonzalez, Jones, Jones-Sawyer, Lackey, Steinorth, and Waldron)
(Coauthors: Senators Anderson, Bates, Block, and Hueso)

February 26, 2015

An act to amend Section 186.22 ~~of, and to add Section 266m to, of~~ the Penal Code, relating to human trafficking.

LEGISLATIVE COUNSEL'S DIGEST

AB 1051, as amended, Maienschein. Human trafficking.

Existing law, as amended by Proposition 21, as approved by the voters at the March 7, 2000, statewide primary election, provides that any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by members of that gang, shall be punished, as specified. Existing law defines “a pattern of criminal gang activity” as the commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction of, 2 or more listed offenses. Proposition 21 may be amended by a statute passed by a $\frac{2}{3}$ vote of the membership of each house of the Legislature.

This bill would add human trafficking as an offense that may be used to establish a pattern of criminal gang activity. Because this bill would amend Proposition 21, the bill requires a $\frac{2}{3}$ vote.

~~Existing law provides various penalties for human trafficking and sex trafficking offenses.~~

~~This bill would require that a person convicted of certain felony human trafficking offenses, where any part of the violation takes place upon the grounds of, or within 1,000 feet of, a public or private elementary school, vocational, junior high, or high school during the hours that the school is open for classes or school-related programs, or at any time when minors are using the facility, to receive, in addition to any other penalty imposed, punishment of one year in state prison.~~

~~Because this bill would change the definition of a crime, impose an enhancement on certain crimes, and require a higher level of service from local prosecutors in pleading and proving the enhancement, it would impose a state-mandated local program.~~

The bill would also correct cross-references and make conforming changes.

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: $\frac{2}{3}$. 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 186.22 of the Penal Code, as amended
- 2 by Section 1 of Chapter 508 of the Statutes of 2013, is amended
- 3 to read:
- 4 186.22. (a) A person who actively participates in any criminal
- 5 street gang with knowledge that its members engage in or have
- 6 engaged in a pattern of criminal gang activity, and who willfully
- 7 promotes, furthers, or assists in any felonious criminal conduct by
- 8 members of that gang, shall be punished by imprisonment in a
- 9 county jail for a period not to exceed one year, or by imprisonment
- 10 in the state prison for 16 months, or two or three years.
- 11 (b) (1) Except as provided in paragraphs (4) and (5), a person
- 12 who is convicted of a felony committed for the benefit of, at the

1 direction of, or in association with any criminal street gang, with
2 the specific intent to promote, further, or assist in any criminal
3 conduct by gang members, shall, upon conviction of that felony,
4 in addition and consecutive to the punishment prescribed for the
5 felony or attempted felony of which he or she has been convicted,
6 be punished as follows:

7 (A) Except as provided in subparagraphs (B) and (C), the person
8 shall be punished by an additional term of two, three, or four years
9 at the court's discretion.

10 (B) If the felony is a serious felony, as defined in subdivision
11 (c) of Section 1192.7, the person shall be punished by an additional
12 term of five years.

13 (C) If the felony is a violent felony, as defined in subdivision
14 (c) of Section 667.5, the person shall be punished by an additional
15 term of 10 years.

16 (2) If the underlying felony described in paragraph (1) is
17 committed on the grounds of, or within 1,000 feet of, a public or
18 private elementary, vocational, junior high, or high school, during
19 hours in which the facility is open for classes or school-related
20 programs or when minors are using the facility, that fact shall be
21 a circumstance in aggravation of the crime in imposing a term
22 under paragraph (1).

23 (3) The court shall select the sentence enhancement which, in
24 the court's discretion, best serves the interests of justice and shall
25 state the reasons for its choice on the record at the time of the
26 sentencing in accordance with the provisions of subdivision (d) of
27 Section 1170.1.

28 (4) A person who is convicted of a felony enumerated in this
29 paragraph committed for the benefit of, at the direction of, or in
30 association with any criminal street gang, with the specific intent
31 to promote, further, or assist in any criminal conduct by gang
32 members, shall, upon conviction of that felony, be sentenced to
33 an indeterminate term of life imprisonment with a minimum term
34 of the indeterminate sentence calculated as the greater of:

35 (A) The term determined by the court pursuant to Section 1170
36 for the underlying conviction, including any enhancement
37 applicable under Chapter 4.5 (commencing with Section 1170) of
38 Title 7 of Part 2, or any period prescribed by Section 3046, if the
39 felony is any of the offenses enumerated in subparagraph (B) or
40 (C) of this paragraph.

1 (B) Imprisonment in the state prison for 15 years, if the felony
2 is a home invasion robbery, in violation of subparagraph (A) of
3 paragraph (1) of subdivision (a) of Section 213; carjacking, as
4 defined in Section 215; a felony violation of Section 246; or a
5 violation of Section 12022.55.

6 (C) Imprisonment in the state prison for seven years, if the
7 felony is extortion, as defined in Section 519; or threats to victims
8 and witnesses, as defined in Section 136.1.

9 (5) Except as provided in paragraph (4), a person who violates
10 this subdivision in the commission of a felony punishable by
11 imprisonment in the state prison for life shall not be paroled until
12 a minimum of 15 calendar years have been served.

13 (c) If the court grants probation or suspends the execution of
14 sentence imposed upon the defendant for a violation of subdivision
15 (a), or in cases involving a true finding of the enhancement
16 enumerated in subdivision (b), the court shall require that the
17 defendant serve a minimum of 180 days in a county jail as a
18 condition thereof.

19 (d) A person who is convicted of a public offense punishable
20 as a felony or a misdemeanor, which is committed for the benefit
21 of, at the direction of, or in association with a criminal street gang,
22 with the specific intent to promote, further, or assist in any criminal
23 conduct by gang members, shall be punished by imprisonment in
24 a county jail not to exceed one year, or by imprisonment in a state
25 prison for one, two, or three years, provided that a person sentenced
26 to imprisonment in a county jail shall be imprisoned for a period
27 not to exceed one year, but not less than 180 days, and shall not
28 be eligible for release upon completion of sentence, parole, or any
29 other basis, until he or she has served 180 days. If the court grants
30 probation or suspends the execution of sentence imposed upon the
31 defendant, it shall require as a condition thereof that the defendant
32 serve 180 days in a county jail.

33 (e) As used in this chapter, “pattern of criminal gang activity”
34 means the commission of, attempted commission of, conspiracy
35 to commit, or solicitation of, sustained juvenile petition for, or
36 conviction of two or more of the following offenses, provided at
37 least one of these offenses occurred after the effective date of this
38 chapter and the last of those offenses occurred within three years
39 after a prior offense, and the offenses were committed on separate
40 occasions, or by two or more persons:

- 1 (1) Assault with a deadly weapon or by means of force likely
2 to produce great bodily injury, as defined in Section 245.
- 3 (2) Robbery, as defined in Chapter 4 (commencing with Section
4 211) of Title 8.
- 5 (3) Unlawful homicide or manslaughter, as defined in Chapter
6 1 (commencing with Section 187) of Title 8.
- 7 (4) The sale, possession for sale, transportation, manufacture,
8 offer for sale, or offer to manufacture controlled substances as
9 defined in Sections 11054, 11055, 11056, 11057, and 11058 of
10 the Health and Safety Code.
- 11 (5) Shooting at an inhabited dwelling or occupied motor vehicle,
12 as defined in Section 246.
- 13 (6) Discharging or permitting the discharge of a firearm from
14 a motor vehicle, as defined in subdivisions (a) and (b) of Section
15 12034 until January 1, 2012, and, on or after that date, subdivisions
16 (a) and (b) of Section 26100.
- 17 (7) Arson, as defined in Chapter 1 (commencing with Section
18 450) of Title 13.
- 19 (8) The intimidation of witnesses and victims, as defined in
20 Section 136.1.
- 21 (9) Grand theft, as defined in subdivision (a) or (c) of Section
22 487.
- 23 (10) Grand theft of any firearm, vehicle, trailer, or vessel.
- 24 (11) Burglary, as defined in Section 459.
- 25 (12) Rape, as defined in Section 261.
- 26 (13) Looting, as defined in Section 463.
- 27 (14) Money laundering, as defined in Section 186.10.
- 28 (15) Kidnapping, as defined in Section 207.
- 29 (16) Mayhem, as defined in Section 203.
- 30 (17) Aggravated mayhem, as defined in Section 205.
- 31 (18) Torture, as defined in Section 206.
- 32 (19) Felony extortion, as defined in Sections 518 and 520.
- 33 (20) Felony vandalism, as defined in paragraph (1) of
34 subdivision (b) of Section 594.
- 35 (21) Carjacking, as defined in Section 215.
- 36 (22) The sale, delivery, or transfer of a firearm, as defined in
37 Section 12072 until January 1, 2012, and, on or after that date,
38 Article 1 (commencing with Section 27500) of Chapter 4 of
39 Division 6 of Title 4 of Part 6.

1 (23) Possession of a pistol, revolver, or other firearm capable
2 of being concealed upon the person in violation of paragraph (1)
3 of subdivision (a) of Section 12101 until January 1, 2012, and, on
4 or after that date, Section 29610.

5 (24) Threats to commit crimes resulting in death or great bodily
6 injury, as defined in Section 422.

7 (25) Theft and unlawful taking or driving of a vehicle, as defined
8 in Section 10851 of the Vehicle Code.

9 (26) Felony theft of an access card or account information, as
10 defined in Section 484e.

11 (27) Counterfeiting, designing, using, or attempting to use an
12 access card, as defined in Section 484f.

13 (28) Felony fraudulent use of an access card or account
14 information, as defined in Section 484g.

15 (29) Unlawful use of personal identifying information to obtain
16 credit, goods, services, or medical information, as defined in
17 Section 530.5.

18 (30) Wrongfully obtaining Department of Motor Vehicles
19 documentation, as defined in Section 529.7.

20 (31) Prohibited possession of a firearm in violation of Section
21 12021 until January 1, 2012, and on or after that date, Chapter 2
22 (commencing with Section 29800) of Division 9 of Title 4 of Part
23 6.

24 (32) Carrying a concealed firearm in violation of Section 12025
25 until January 1, 2012, and, on or after that date, Section 25400.

26 (33) Carrying a loaded firearm in violation of Section 12031
27 until January 1, 2012, and, on or after that date, Section 25850.

28 (34) Human trafficking in violation of Section 236.1.

29 (f) As used in this chapter, “criminal street gang” means any
30 ongoing organization, association, or group of three or more
31 persons, whether formal or informal, having as one of its primary
32 activities the commission of one or more of the criminal acts
33 enumerated in paragraphs (1) to (25), inclusive, or (31) to (34),
34 inclusive, of subdivision (e), having a common name or common
35 identifying sign or symbol, and whose members individually or
36 collectively engage in or have engaged in a pattern of criminal
37 gang activity.

38 (g) Notwithstanding any other law, the court may strike the
39 additional punishment for the enhancements provided in this
40 section or refuse to impose the minimum jail sentence for

1 misdemeanors in an unusual case where the interests of justice
2 would best be served, if the court specifies on the record and enters
3 into the minutes the circumstances indicating that the interests of
4 justice would best be served by that disposition.

5 (h) Notwithstanding any other law, for each person committed
6 to the Department of Corrections and Rehabilitation, Division of
7 Juvenile Facilities for a conviction pursuant to subdivision (a) or
8 (b) of this section, the offense shall be deemed one for which the
9 state shall pay the rate of 100 percent of the per capita institutional
10 cost of the Department of Corrections and Rehabilitation, Division
11 of Juvenile Facilities.

12 (i) In order to secure a conviction or sustain a juvenile petition,
13 pursuant to subdivision (a) it is not necessary for the prosecution
14 to prove that the person devotes all, or a substantial part, of his or
15 her time or efforts to the criminal street gang, nor is it necessary
16 to prove that the person is a member of the criminal street gang.
17 Active participation in the criminal street gang is all that is
18 required.

19 (j) A pattern of gang activity may be shown by the commission
20 of one or more of the offenses enumerated in paragraphs (26) to
21 (30), inclusive, of subdivision (e), and the commission of one or
22 more of the offenses enumerated in paragraphs (1) to (25),
23 inclusive, or (31) to (34), inclusive, of subdivision (e). A pattern
24 of gang activity cannot be established solely by proof of
25 commission of offenses enumerated in paragraphs (26) to (30),
26 inclusive, of subdivision (e), alone.

27 (k) This section shall remain in effect only until January 1, 2017,
28 and as of that date is repealed, unless a later enacted statute, that
29 is enacted before January 1, 2017, deletes or extends that date.

30 SEC. 2. Section 186.22 of the Penal Code, as amended by
31 Section 2 of Chapter 508 of the Statutes of 2013, is amended to
32 read:

33 186.22. (a) A person who actively participates in any criminal
34 street gang with knowledge that its members engage in or have
35 engaged in a pattern of criminal gang activity, and who willfully
36 promotes, furthers, or assists in any felonious criminal conduct by
37 members of that gang, shall be punished by imprisonment in a
38 county jail for a period not to exceed one year, or by imprisonment
39 in the state prison for 16 months, or two or three years.

1 (b) (1) Except as provided in paragraphs (4) and (5), a person
2 who is convicted of a felony committed for the benefit of, at the
3 direction of, or in association with any criminal street gang, with
4 the specific intent to promote, further, or assist in any criminal
5 conduct by gang members, shall, upon conviction of that felony,
6 in addition and consecutive to the punishment prescribed for the
7 felony or attempted felony of which he or she has been convicted,
8 be punished as follows:

9 (A) Except as provided in subparagraphs (B) and (C), the person
10 shall be punished by an additional term of two, three, or four years
11 at the court's discretion.

12 (B) If the felony is a serious felony, as defined in subdivision
13 (c) of Section 1192.7, the person shall be punished by an additional
14 term of five years.

15 (C) If the felony is a violent felony, as defined in subdivision
16 (c) of Section 667.5, the person shall be punished by an additional
17 term of 10 years.

18 (2) If the underlying felony described in paragraph (1) is
19 committed on the grounds of, or within 1,000 feet of, a public or
20 private elementary, vocational, junior high, or high school, during
21 hours in which the facility is open for classes or school-related
22 programs or when minors are using the facility, that fact shall be
23 a circumstance in aggravation of the crime in imposing a term
24 under paragraph (1).

25 (3) The court shall order the imposition of the middle term of
26 the sentence enhancement, unless there are circumstances in
27 aggravation or mitigation. The court shall state the reasons for its
28 choice of sentencing enhancements on the record at the time of
29 the sentencing.

30 (4) A person who is convicted of a felony enumerated in this
31 paragraph committed for the benefit of, at the direction of, or in
32 association with any criminal street gang, with the specific intent
33 to promote, further, or assist in any criminal conduct by gang
34 members, shall, upon conviction of that felony, be sentenced to
35 an indeterminate term of life imprisonment with a minimum term
36 of the indeterminate sentence calculated as the greater of:

37 (A) The term determined by the court pursuant to Section 1170
38 for the underlying conviction, including any enhancement
39 applicable under Chapter 4.5 (commencing with Section 1170) of
40 Title 7 of Part 2, or any period prescribed by Section 3046, if the

1 felony is any of the offenses enumerated in subparagraph (B) or
2 (C) of this paragraph.

3 (B) Imprisonment in the state prison for 15 years, if the felony
4 is a home invasion robbery, in violation of subparagraph (A) of
5 paragraph (1) of subdivision (a) of Section 213; carjacking, as
6 defined in Section 215; a felony violation of Section 246; or a
7 violation of Section 12022.55.

8 (C) Imprisonment in the state prison for seven years, if the
9 felony is extortion, as defined in Section 519; or threats to victims
10 and witnesses, as defined in Section 136.1.

11 (5) Except as provided in paragraph (4), a person who violates
12 this subdivision in the commission of a felony punishable by
13 imprisonment in the state prison for life shall not be paroled until
14 a minimum of 15 calendar years have been served.

15 (c) If the court grants probation or suspends the execution of
16 sentence imposed upon the defendant for a violation of subdivision
17 (a), or in cases involving a true finding of the enhancement
18 enumerated in subdivision (b), the court shall require that the
19 defendant serve a minimum of 180 days in a county jail as a
20 condition thereof.

21 (d) A person who is convicted of a public offense punishable
22 as a felony or a misdemeanor, which is committed for the benefit
23 of, at the direction of, or in association with a criminal street gang,
24 with the specific intent to promote, further, or assist in any criminal
25 conduct by gang members, shall be punished by imprisonment in
26 a county jail not to exceed one year, or by imprisonment in a state
27 prison for one, two, or three years, provided that a person sentenced
28 to imprisonment in a county jail shall be imprisoned for a period
29 not to exceed one year, but not less than 180 days, and shall not
30 be eligible for release upon completion of sentence, parole, or any
31 other basis, until he or she has served 180 days. If the court grants
32 probation or suspends the execution of sentence imposed upon the
33 defendant, it shall require as a condition thereof that the defendant
34 serve 180 days in a county jail.

35 (e) As used in this chapter, “pattern of criminal gang activity”
36 means the commission of, attempted commission of, conspiracy
37 to commit, or solicitation of, sustained juvenile petition for, or
38 conviction of two or more of the following offenses, provided at
39 least one of these offenses occurred after the effective date of this
40 chapter and the last of those offenses occurred within three years

- 1 after a prior offense, and the offenses were committed on separate
2 occasions, or by two or more persons:
- 3 (1) Assault with a deadly weapon or by means of force likely
4 to produce great bodily injury, as defined in Section 245.
 - 5 (2) Robbery, as defined in Chapter 4 (commencing with Section
6 211) of Title 8.
 - 7 (3) Unlawful homicide or manslaughter, as defined in Chapter
8 1 (commencing with Section 187) of Title 8.
 - 9 (4) The sale, possession for sale, transportation, manufacture,
10 offer for sale, or offer to manufacture controlled substances as
11 defined in Sections 11054, 11055, 11056, 11057, and 11058 of
12 the Health and Safety Code.
 - 13 (5) Shooting at an inhabited dwelling or occupied motor vehicle,
14 as defined in Section 246.
 - 15 (6) Discharging or permitting the discharge of a firearm from
16 a motor vehicle, as defined in subdivisions (a) and (b) of Section
17 12034 until January 1, 2012, and, on or after that date, subdivisions
18 (a) and (b) of Section 26100.
 - 19 (7) Arson, as defined in Chapter 1 (commencing with Section
20 450) of Title 13.
 - 21 (8) The intimidation of witnesses and victims, as defined in
22 Section 136.1.
 - 23 (9) Grand theft, as defined in subdivision (a) or (c) of Section
24 487.
 - 25 (10) Grand theft of any firearm, vehicle, trailer, or vessel.
 - 26 (11) Burglary, as defined in Section 459.
 - 27 (12) Rape, as defined in Section 261.
 - 28 (13) Looting, as defined in Section 463.
 - 29 (14) Money laundering, as defined in Section 186.10.
 - 30 (15) Kidnapping, as defined in Section 207.
 - 31 (16) Mayhem, as defined in Section 203.
 - 32 (17) Aggravated mayhem, as defined in Section 205.
 - 33 (18) Torture, as defined in Section 206.
 - 34 (19) Felony extortion, as defined in Sections 518 and 520.
 - 35 (20) Felony vandalism, as defined in paragraph (1) of
36 subdivision (b) of Section 594.
 - 37 (21) Carjacking, as defined in Section 215.
 - 38 (22) The sale, delivery, or transfer of a firearm, as defined in
39 Section 12072 until January 1, 2012, and, on or after that date,

1 Article 1 (commencing with Section 27500) of Chapter 4 of
2 Division 6 of Title 4 of Part 6.

3 (23) Possession of a pistol, revolver, or other firearm capable
4 of being concealed upon the person in violation of paragraph (1)
5 of subdivision (a) of Section 12101 until January 1, 2012, and, on
6 or after that date, Section 29610.

7 (24) Threats to commit crimes resulting in death or great bodily
8 injury, as defined in Section 422.

9 (25) Theft and unlawful taking or driving of a vehicle, as defined
10 in Section 10851 of the Vehicle Code.

11 (26) Felony theft of an access card or account information, as
12 defined in Section 484e.

13 (27) Counterfeiting, designing, using, or attempting to use an
14 access card, as defined in Section 484f.

15 (28) Felony fraudulent use of an access card or account
16 information, as defined in Section 484g.

17 (29) Unlawful use of personal identifying information to obtain
18 credit, goods, services, or medical information, as defined in
19 Section 530.5.

20 (30) Wrongfully obtaining Department of Motor Vehicles
21 documentation, as defined in Section 529.7.

22 (31) Prohibited possession of a firearm in violation of Section
23 12021 until January 1, 2012, and, on or after that date, Chapter 2
24 (commencing with Section 29800) of Division 9 of Title 4 of Part
25 6.

26 (32) Carrying a concealed firearm in violation of Section 12025
27 until January 1, 2012, and, on or after that date, Section 25400.

28 (33) Carrying a loaded firearm in violation of Section 12031
29 until January 1, 2012, and, on or after that date, Section 25850.

30 (34) Human trafficking in violation of Section 236.1.

31 (f) As used in this chapter, “criminal street gang” means any
32 ongoing organization, association, or group of three or more
33 persons, whether formal or informal, having as one of its primary
34 activities the commission of one or more of the criminal acts
35 enumerated in paragraphs (1) to (25), inclusive, or (31) to (34),
36 inclusive, of subdivision (e), having a common name or common
37 identifying sign or symbol, and whose members individually or
38 collectively engage in or have engaged in a pattern of criminal
39 gang activity.

1 (g) Notwithstanding any other law, the court may strike the
2 additional punishment for the enhancements provided in this
3 section or refuse to impose the minimum jail sentence for
4 misdemeanors in an unusual case where the interests of justice
5 would best be served, if the court specifies on the record and enters
6 into the minutes the circumstances indicating that the interests of
7 justice would best be served by that disposition.

8 (h) Notwithstanding any other law, for each person committed
9 to the Department of Corrections and Rehabilitation, Division of
10 Juvenile Facilities for a conviction pursuant to subdivision (a) or
11 (b) of this section, the offense shall be deemed one for which the
12 state shall pay the rate of 100 percent of the per capita institutional
13 cost of the Department of Corrections and Rehabilitation, Division
14 of Juvenile Facilities.

15 (i) In order to secure a conviction or sustain a juvenile petition,
16 pursuant to subdivision (a) it is not necessary for the prosecution
17 to prove that the person devotes all, or a substantial part, of his or
18 her time or efforts to the criminal street gang, nor is it necessary
19 to prove that the person is a member of the criminal street gang.
20 Active participation in the criminal street gang is all that is
21 required.

22 (j) A pattern of gang activity may be shown by the commission
23 of one or more of the offenses enumerated in paragraphs (26) to
24 (30), inclusive, of subdivision (e), and the commission of one or
25 more of the offenses enumerated in paragraphs (1) to (25),
26 inclusive, or (31) to (34), inclusive, of subdivision (e). A pattern
27 of gang activity cannot be established solely by proof of
28 commission of offenses enumerated in paragraphs (26) to (30),
29 inclusive, of subdivision (e), alone.

30 (k) This section shall become operative on January 1, 2017.

31 ~~SEC. 3.— Section 266m is added to the Penal Code, to read:~~

32 ~~266m.— A person who is convicted of a felony violation of~~
33 ~~Section 236.1, where the offense was committed against a minor,~~
34 ~~or Section 267, where any part of the violation takes place on the~~
35 ~~grounds of, or within 1,000 feet of, a public or private elementary,~~
36 ~~vocational, junior high, or high school, during hours that the school~~
37 ~~is open for classes or school-related programs or at any time when~~
38 ~~minors are using the facility, shall receive, in addition to any other~~
39 ~~penalty imposed, punishment of one year in the state prison.~~

1 ~~SEC. 4.~~

2 *SEC. 3.* 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.

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