

Assembly Bill No. 1505

Passed the Assembly August 25, 2016

Chief Clerk of the Assembly

Passed the Senate August 18, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 802 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1505, Roger Hernández. Statute of limitations: public contracts.

Existing law makes it a misdemeanor to split or separate into smaller work orders or projects any public work project for the purpose of evading the requirement that public work be done by contract after competitive bidding.

Existing law requires that the prosecution of a misdemeanor, unless otherwise provided by law, commence within one year of the commission of the offense.

This bill would require that prosecution for a misdemeanor resulting from evading provisions requiring public work projects to be done by contract after competitive bidding, as prescribed, be commenced within 3 years of the commission of the offense.

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

SECTION 1. Section 802 of the Penal Code is amended to read:

802. (a) Except as provided in subdivision (b), (c), (d), or (e), prosecution for an offense not punishable by death or imprisonment in the state prison or pursuant to subdivision (h) of Section 1170 shall be commenced within one year after commission of the offense.

(b) Prosecution for a misdemeanor violation of Section 647.6 or former Section 647a committed with or upon a minor under the age of 14 years shall be commenced within three years after commission of the offense.

(c) Prosecution of a misdemeanor violation of Section 729 of the Business and Professions Code shall be commenced within two years after commission of the offense.

(d) Prosecution of a misdemeanor violation of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code shall be commenced as follows:

(1) With respect to Sections 7028.17, 7068.5, and 7068.7 of the Business and Professions Code, within one year of the commission of the offense.

(2) With respect to Sections 7027.1, 7028.1, 7028.15, 7118.4, 7118.5, 7118.6, 7126, 7153, 7156, 7157, 7158, 7159.5 (licensee only), 7159.14 (licensee only), 7161, and 7189 of the Business and Professions Code, within two years of the commission of the offense.

(3) With respect to Sections 7027.3 and 7028.16 of the Business and Professions Code, within three years of the commission of the offense.

(4) With respect to Sections 7028, 7159.5 (nonlicensee only), and 7159.14 (nonlicensee only) of the Business and Professions Code, within four years of the commission of the offense.

(e) Prosecution for a misdemeanor violation of Section 6126, 10085.6, 10139, or 10147.6 of the Business and Professions Code or Section 2944.6 or 2944.7 of the Civil Code shall be commenced within three years after discovery of the commission of the offense, or within three years after completion of the offense, whichever is later.

(f) Prosecution for a violation of Section 20116, 20123.5, 20150.11, 20163, 20657, 20922, or 22033 of the Public Contract Code shall commence within three years of the commission of the offense.

Approved _____, 2016

Governor