

AMENDED IN ASSEMBLY MAY 4, 2016
AMENDED IN ASSEMBLY APRIL 28, 2016
AMENDED IN ASSEMBLY APRIL 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2195

Introduced by Assembly Member Bonilla

February 18, 2016

An act to add Section 13015 to the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2195, as amended, Bonilla. Crimes: felony murder: data.

Existing law requires the Department of Justice to collect certain criminal justice data from specified persons and agencies and to present an annual report to the Governor containing the criminal statistics of the preceding calendar year, as specified. Existing law requires the department to maintain a specified data set, updated annually, that is made available through a prominently displayed hypertext link on the department's Internet Web site. Existing law also requires the department to annually publish a report containing specified demographic information on victims of, and persons who are charged with, homicide.

~~Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system.~~

~~Existing law specifies which species of murder are murder of the first degree, including all murder that is committed in the perpetration of, or attempt to perpetrate, certain crimes, including, among others, burglary, arson, rape, robbery, and kidnapping. Existing law provides that all other kinds of murders are of the second degree.~~

~~This bill would, notwithstanding any other law, on or before January 1, 2018, require the Department of Justice, in consultation with the Department of Corrections and Rehabilitation, to collect data on the number of persons currently convicted of, and sentenced for, first and second degree felony murder pursuant to the provisions described above. The bill would also require the Department of Justice to disaggregate the data by county and by race and gender within each county. The bill would require the Department of Justice to update the data annually and would require the department to post the data in a prominent place on the department’s Internet Web site.~~

This bill would require the district attorney of each county to collect data on the number of persons charged with and convicted of felony murder, disaggregated by race and gender, and, beginning July 1, 2017, to report that data to the Department of Justice. The bill would require the Department of Justice, beginning July 1, 2018, to include the most recent data collected and reported pursuant to that provision in the report described above relating to homicide data. By imposing new duties on district attorneys, 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. Section 13015 is added to the Penal Code, to
- 2 read:
- 3 13015. (a) The district attorney of each county shall collect
- 4 data on the number of persons charged with and convicted of
- 5 felony murder pursuant to Chapter 1 (commencing with Section
- 6 187) of Title 8 of Part 1, disaggregated by race and gender, and
- 7 shall annually report that data to the Department of Justice
- 8 beginning July 1, 2017.

1 (b) Beginning July 1, 2018, the Department of Justice shall
2 include the most recent data collected and reported pursuant to
3 subdivision (a), disaggregated by county, race, and gender, in the
4 report published pursuant to Section 13014.

5 SEC. 2. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.

10 SECTION 1. ~~Section 13015 is added to the Penal Code, to~~
11 ~~read:~~

12 ~~13015. (a) Notwithstanding any other law, on or before January~~
13 ~~1, 2018, the Department of Justice, in consultation with the~~
14 ~~Department of Corrections and Rehabilitation, shall collect data~~
15 ~~on both of the following:~~

16 ~~(1) The number of persons currently convicted of, and sentenced~~
17 ~~for, first degree felony murder pursuant to Chapter 1 (commencing~~
18 ~~with Section 187) of Title 8 of Part 1.~~

19 ~~(2) The number of persons currently convicted of, and sentenced~~
20 ~~for, second degree felony murder pursuant to Chapter 1~~
21 ~~(commencing with Section 187) of Title 8 of Part 1.~~

22 ~~(b) The Department of Justice shall also disaggregate the data~~
23 ~~required by subdivision (a) by county and by race and gender~~
24 ~~within each county.~~

25 ~~(c) The Department of Justice shall update the data required by~~
26 ~~this section annually.~~

27 ~~(d) The Department of Justice shall post the data required by~~
28 ~~this section in a prominent place on the department's Internet Web~~
29 ~~site.~~