

Senate Bill No. 288

Passed the Senate August 20, 2015

Secretary of the Senate

Passed the Assembly July 16, 2015

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Sections 594.9 and 803.7 to the Penal Code, relating to vandalism.

LEGISLATIVE COUNSEL'S DIGEST

SB 288, McGuire. Vandalism: redwood burls.

Existing law makes every person who maliciously defaces with graffiti or other inscribed material, damages, or destroys any real or personal property not his or her own guilty of vandalism, which is punishable by imprisonment, or fine, or both imprisonment and fine, as specified. Existing law requires prosecution for an offense punishable by imprisonment in the state prison or county jail to be commenced within 3 years after commission of the offense.

This bill would specifically include in the crime of vandalism maliciously defacing, damaging, or destroying a redwood tree on the property of another without the permission of the owner. The bill would create a permissive inference of a violation when a person violates these provisions with respect to property belonging to a public entity. By expanding the definition of a crime, this bill would impose a state-mandated local program. The bill would begin the running of the time for prosecution for this offense upon discovery of the offense.

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.

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

SECTION 1. Section 594.9 is added to the Penal Code, to read:

594.9. (a) A person who maliciously defaces, damages, or destroys a redwood tree on the property of another without the permission of the owner is guilty of vandalism. Whenever a person violates this section with respect to property belonging to a public entity, as defined by Section 811.2 of the Government Code, it

shall be a permissive inference that the person neither owned the property nor had the permission of the owner to deface, damage, or destroy the property.

(b) (1) If the amount of the defacement, damage, or destruction is four hundred dollars (\$400) or more, the person shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 or in a county jail for a period not to exceed one year, by a fine of not more than ten thousand dollars (\$10,000) or, if the amount of the defacement, damage, or destruction is ten thousand dollars (\$10,000) or more, by a fine not to exceed fifty thousand dollars (\$50,000), or by both that fine and imprisonment.

(2) (A) If the amount of defacement, damage, or destruction is less than four hundred dollars (\$400), vandalism is punishable by imprisonment in a county jail not exceeding one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment.

(B) If the amount of defacement, damage, or destruction is less than four hundred dollars (\$400), and the defendant has previously been convicted of violating this section, the current violation shall be punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than five thousand dollars (\$5,000), or by both that fine and imprisonment.

(c) For purposes of this section, “damages” includes damage caused to public or private property and facilities, public parks property and facilities, and public utilities and water property and facilities, in the course of stealing or attempting to steal, take, or carry away without consent of the owner the burl of a redwood tree from the property of another.

SEC. 2. Section 803.7 is added to the Penal Code, to read:

803.7. With respect to a violation of Section 594.9, a limitation of time prescribed in this chapter does not commence to run until the discovery of the offense.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2015

Governor