

Introduced by Senator BlockFebruary 23, 2015

An act to amend Section 629.52 of the Penal Code, relating to money laundering.

LEGISLATIVE COUNSEL'S DIGEST

SB 298, as introduced, Block. Money laundering: interception of electronic communications.

Existing law, until January 1, 2020, requires an application for an order authorizing the interception of a wire, oral, or other specified electronic communication to be made in writing upon the personal oath or affirmation of the Attorney General, Chief Deputy Attorney General, or Chief Assistant Attorney General, Criminal Law Division, or of a district attorney. Existing law, until January 1, 2020, authorizes the court to issue an order authorizing interception of those communications if the judge finds, among other things, that there is probable cause to believe that an individual is committing, has committed, or is about to commit, one of several offenses, including, among others, possession for sale of certain controlled substances, murder, and certain felonies involving destructive devices.

This bill would add money laundering to the list of offenses for which interception of electronic communication may be ordered pursuant to those provisions if certain requirements are met, as specified.

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

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

1 SECTION 1. Section 629.52 of the Penal Code is amended to
2 read:

3 629.52. Upon application made under Section 629.50, the judge
4 may enter an ex parte order, as requested or modified, authorizing
5 interception of wire or electronic communications initially
6 intercepted within the territorial jurisdiction of the court in which
7 the judge is sitting, if the judge determines, on the basis of the
8 facts submitted by the applicant, all of the following:

9 (a) There is probable cause to believe that an individual is
10 committing, has committed, or is about to commit, one of the
11 following offenses:

12 (1) Importation, possession for sale, transportation, manufacture,
13 or sale of controlled substances in violation of Section 11351,
14 11351.5, 11352, 11370.6, 11378, 11378.5, 11379, 11379.5, or
15 11379.6 of the Health and Safety Code with respect to a substance
16 containing heroin, cocaine, PCP, methamphetamine, or their
17 precursors or analogs where the substance exceeds 10 gallons by
18 liquid volume or three pounds of solid substance by weight.

19 (2) Murder, solicitation to commit murder, a violation of Section
20 209, or the commission of a felony involving a destructive device
21 in violation of Section 18710, 18715, 18720, 18725, 18730, 18740,
22 18745, 18750, or 18755.

23 (3) *A violation of Section 186.10, if committed for the benefit*
24 *of, at the direction of, or in association with, an ongoing*
25 *organization, association, or group of three or more persons,*
26 *whether formal or informal, who collectively engage in or have*
27 *engaged in a pattern of criminal profiteering activity, as defined*
28 *in Section 186.2, and if the value of the transaction or transactions*
29 *exceed fifty thousand dollars (\$50,000).*

30 ~~(3)~~

31 (4) Any felony violation of Section 186.22.

32 ~~(4)~~

33 (5) Any felony violation of Section 11418, relating to weapons
34 of mass destruction, Section 11418.5, relating to threats to use
35 weapons of mass destruction, or Section 11419, relating to
36 restricted biological agents.

37 ~~(5)~~

38 (6) Any violation of Section 236.1.

1 ~~(6)~~

2 (7) An attempt or conspiracy to commit any of the
3 above-mentioned crimes.

4 (b) There is probable cause to believe that particular
5 communications concerning the illegal activities will be obtained
6 through that interception, including, but not limited to,
7 communications that may be utilized for locating or rescuing a
8 kidnap victim.

9 (c) There is probable cause to believe that the facilities from
10 which, or the place where, the wire or electronic communications
11 are to be intercepted are being used, or are about to be used, in
12 connection with the commission of the offense, or are leased to,
13 listed in the name of, or commonly used by the person whose
14 communications are to be intercepted.

15 (d) Normal investigative procedures have been tried and have
16 failed or reasonably appear either to be unlikely to succeed if tried
17 or to be too dangerous.

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