

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1330

Introduced by Senator Galgiani

February 19, 2016

An act to amend Section ~~12300~~ of the Fish and Game Code, relating to ~~Native Americans~~. *14215 of the Penal Code, relating to missing persons.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1330, as amended, Galgiani. ~~California Indian tribe members. Missing persons.~~

Existing law requires the Attorney General to maintain a directory of at-risk missing persons. Existing law requires police or sheriff departments, if there is evidence that a missing person is at-risk, to broadcast a bulletin within its jurisdiction. Existing law defines at-risk as including, among other things, a missing person who is mentally impaired.

This bill would clarify that an at-risk includes a person who is cognitively impaired or developmentally disabled.

~~Existing law, except as specified, exempts members of California Indian tribes from laws regulating fish and wildlife while on the tribal reservation.~~

~~This bill would make nonsubstantive changes to these provisions.~~

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

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

1 SECTION 1. Section 14215 of the Penal Code is amended to
2 read:

3 14215. (a) As used in this title, “missing person” includes, but
4 is not limited to, any of the following:

5 (1) An at-risk adult.

6 (2) A child who has been taken, detained, concealed, enticed
7 away, or retained by a parent in violation of Chapter 4
8 (commencing with Section 277) of Title 9 of Part 1.

9 (3) A child who is missing voluntarily or involuntarily, or under
10 circumstances not conforming to his or her ordinary habits or
11 behavior and who may be in need of assistance.

12 (b) As used in this title, ~~“at-risk”~~ “*at-risk*” means there is
13 evidence of, or there are indications of, any of the following:

14 (1) The person missing is the victim of a crime or foul play.

15 (2) The person missing is in need of medical attention.

16 (3) The person missing has no pattern of running away or
17 disappearing.

18 (4) The person missing may be the victim of parental abduction.

19 (5) The person missing is mentally ~~impaired~~. *impaired, including*
20 *cognitively impaired or developmentally disabled.*

21 (c) As used in this title, “child” is any person under 18 years of
22 age.

23 (d) As used in this title, “center” means the Violent Crime
24 Information Center.

25 (e) As used in this title, “dental or medical records or X-rays”
26 include all those records or X-rays which are in the possession of
27 a dentist, physician and surgeon, or medical facility.

28 (f) As used in this title, “unidentified person” means a person,
29 living or deceased, whose identity the local investigative agency
30 is unable to determine.

31 ~~SECTION 1. Section 12300 of the Fish and Game Code is~~
32 ~~amended to read:~~

33 ~~12300. (a) Notwithstanding any other law, the provisions of~~
34 ~~this code are not applicable to a member of a California Indian~~
35 ~~tribe whose name is inscribed upon the tribal roll, while on the~~
36 ~~reservation of that tribe and under those circumstances in this state~~
37 ~~where the code was not applicable to them immediately before the~~

1 effective date of Public Law 280, Chapter 505, First Session, 1953,
2 83d Congress of the United States:

3 ~~(b) A member of a California Indian tribe described in~~
4 ~~subdivision (a) shall not be prosecuted for a violation of this code~~
5 ~~occurring in the places and under the circumstances described in~~
6 ~~subdivision (a). Nothing in this section, however, prohibits or~~
7 ~~restricts the prosecution of any member of a California Indian tribe~~
8 ~~for the violation of a provision of this code prohibiting the sale of~~
9 ~~a bird, mammal, fish, amphibian, or reptile.~~

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