

ASSEMBLY BILL

No. 264

Introduced by Assembly Member Battin

February 6, 1995

An act to amend Section 11590 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 264, as introduced, Battin. Controlled substances: offender registration.

(1) Existing law provides that any person who is convicted of specified controlled substance offenses shall, within 30 days of becoming a resident of a city, county, or city and county, register with the law enforcement agency of that city, county, or city and county.

This bill would require any person who is convicted of possessing cocaine, heroin, methamphetamine, or phencyclidine while armed with a loaded firearm to also register. This bill would impose a state-mandated local program upon local agencies by increasing the duties of local law enforcement with respect to the registration of persons previously convicted of specified controlled substance offenses.

(2) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other

procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

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

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

1 SECTION 1. Section 11590 of the Health and Safety
2 Code is amended to read:
3 11590. (a) Except as provided in subdivisions (c) and
4 (d), any person who is convicted in the State of California
5 of any offense defined in Section 11350, 11351, 11351.5,
6 11352, 11353, 11353.5, 11353.7, 11354, 11355, 11357, 11358,
7 11359, 11360, 11361, 11363, 11366, 11366.5, 11366.6, 11368,
8 11370.1, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380,
9 11380.5, 11383, or 11550, or subdivision (a) of Section
10 11377, or any person who is discharged or paroled from a
11 penal institution where he or she was confined because
12 of the commission of any such offense, or any person who
13 is convicted in any other state of any offense which, if
14 committed or attempted in this state, would have been
15 punishable as one or more of the above-mentioned
16 offenses, shall within 30 days of his or her coming into any
17 county or city, or city and county in which he or she
18 resides or is temporarily domiciled for that length of time,
19 register with the chief of police of the city in which he or
20 she resides or the sheriff of the county if he or she resides
21 in an unincorporated area.
22 For persons convicted of an offense defined in Section
23 11377, 11378, 11379, or 11380, this subdivision shall apply
24 only to offenses involving controlled substances specified
25 in paragraph (12) of subdivision (d) of Section 11054 and
26 paragraph (2) of subdivision (d) of Section 11055, and to
27 analogs of these substances, as defined in Section 11401.
28 For persons convicted of an offense defined in Section



1 11379 or 11379.5, this subdivision shall not apply if the
2 conviction was for transporting, offering to transport, or
3 attempting to transport a controlled substance.

4 (b) Any person who is convicted in any federal court
5 of any offense which, if committed or attempted in this
6 state would have been punishable as one or more of the
7 offenses enumerated in subdivision (a) shall within 30
8 days of his or her coming into any county or city, or city
9 and county in which he or she resides or is temporarily
10 domiciled for that length of time, register with the chief
11 of police of the city in which he or she resides or the sheriff
12 of the county if he or she resides in an unincorporated
13 area.

14 (c) This section does not apply to a conviction of a
15 misdemeanor under Section 11357, 11360, or 11377.

16 (d) The registration requirements imposed by this
17 section for the conviction of offenses defined in Section
18 11353.7, 11366.5, 11366.6, *11370.1*, 11377, 11378, 11378.5,
19 11379, 11379.5, 11379.6, 11380, 11380.5, or 11383, shall apply
20 to any person who commits any of those offenses on and
21 after January 1, 1990.

22 SEC. 2. No reimbursement shall be made from the
23 State Mandates Claims Fund pursuant to Part 7
24 (commencing with Section 17500) of Division 4 of Title
25 2 of the Government Code for costs mandated by the
26 state pursuant to this act. It is recognized, however, that
27 a local agency or school district may pursue any remedies
28 to obtain reimbursement available to it under Part 7
29 (commencing with Section 17500) and any other
30 provisions of law.

31 Notwithstanding Section 17580 of the Government
32 Code, unless otherwise specified, the provisions of this act
33 shall become operative on the same date that the act
34 takes effect pursuant to the California Constitution.

