

AMENDED IN SENATE JULY 18, 1995
AMENDED IN ASSEMBLY APRIL 17, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

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 amended, 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. A knowing failure to register is a misdemeanor.

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 expanding the scope of an existing crime and 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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



1 she resides or the sheriff of the county if he or she resides
2 in an unincorporated area.

3 For persons convicted of an offense defined in Section
4 11377, 11378, 11379, or 11380, this subdivision shall apply
5 only to offenses involving controlled substances specified
6 in paragraph (12) of subdivision (d) of Section 11054 and
7 paragraph (2) of subdivision (d) of Section 11055, and to
8 analogs of these substances, as defined in Section 11401.

9 For persons convicted of an offense defined in Section
10 11379 or 11379.5, this subdivision shall not apply if the
11 conviction was for transporting, offering to transport, or
12 attempting to transport a controlled substance.

13 (b) Any person who is convicted in any federal court
14 of any offense which, if committed or attempted in this
15 state would have been punishable as one or more of the
16 offenses enumerated in subdivision (a) shall, within 30
17 days of his or her coming into any county or city, or city
18 and county, in which he or she resides or is temporarily
19 domiciled for that length of time, register with the chief
20 of police of the city in which he or she resides or the sheriff
21 of the county if he or she resides in an unincorporated
22 area.

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

25 (d) The registration requirements imposed by this
26 section for the conviction of offenses defined in Section
27 11353.7, 11366.5, 11366.6, 11370.1, 11377, 11378, 11378.5,
28 11379, 11379.5, 11379.6, 11380, 11380.5, or 11383, shall apply
29 to any person who commits any of those offenses on and
30 after January 1, 1990.

31 *SEC. 2. This act shall become operative only if funds*
32 *are appropriated in the annual Budget Act or by another*
33 *statute to fund the cost of implementing this act.*

34 *SEC. 3.* No reimbursement is required by this act
35 pursuant to Section 6 of Article XIII B of the California
36 Constitution for certain costs that may be incurred by a
37 local agency or school district because in that regard this
38 act creates a new crime or infraction, eliminates a crime
39 or infraction, or changes the penalty for a crime or
40 infraction, within the meaning of Section 17556 of the



1 Government Code, or changes the definition of a crime
2 within the meaning of Section 6 of Article XIII B of the
3 California Constitution.

4 However, notwithstanding Section 17610 of the
5 Government Code, if the Commission on State Mandates
6 determines that this act contains other costs mandated by
7 the state, reimbursement to local agencies and school
8 districts for those costs shall be made pursuant to Part 7
9 (commencing with Section 17500) of Division 4 of Title
10 2 of the Government Code. If the statewide cost of the
11 claim for reimbursement does not exceed one million
12 dollars (\$1,000,000), reimbursement shall be made from
13 the State Mandates Claims Fund.

14 Notwithstanding Section 17580 of the Government
15 Code, unless otherwise specified, the provisions of this act
16 shall become operative on the same date that the act
17 takes effect pursuant to the California Constitution.

