

AMENDED IN ASSEMBLY MAY 31, 1995
AMENDED IN ASSEMBLY APRIL 25, 1995
AMENDED IN ASSEMBLY APRIL 17, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 888

**Introduced by Assembly Members Rogan and Hoge
(Coauthors: Assembly Members Aguiar, Boland, Bowler,
and Rainey)**

February 22, 1995

An act to amend Section 6250 of, and to add Article 4 (commencing with Section 6600) to Chapter 2 of Part 2 of Division 6 of, the Welfare and Institutions Code, relating to sexual predators.

LEGISLATIVE COUNSEL'S DIGEST

AB 888, as amended, Rogan. Sexually violent predators.

Existing law sets forth specified punishments for sex crimes, including, among others, rape, sodomy, oral copulation, penetration with a foreign object, and lewd and lascivious conduct.

This bill would provide that whenever the Director of Corrections determines that an individual who is under the jurisdiction of the Department of Corrections may be a sexually violent predator, he or she shall, at least 6 months prior to that individual's scheduled date for release from prison or termination of parole, refer the person for evaluation and, under specified circumstances, request that a

petition for commitment be filed, and the proceedings be handled, by either the district attorney or the county counsel of the county in which the person was convicted of the offense for which he or she is under the jurisdiction of the Department of Corrections. The bill would require the Department of Corrections and the Board of Prison Terms to screen the person based on whether the person has committed a sexually violent predatory offense and on a review of the person's social, criminal, and institutional history before referring the person to the State Department of Mental Health for a full evaluation.

This bill would impose a state-mandated local program by requiring the district attorney or county counsel to file, and handle all proceedings relating to, petitions for commitment.

This bill would set forth procedures and standards for the review of the petition for commitment and would provide that a person who is the subject of the petition is entitled to a trial by jury, the assistance of counsel, the right to retain experts or professional persons to perform an examination on his or her behalf, and access to all relevant medical and psychological records and reports.

This bill would require a court or jury to determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator, the court would be required to direct that the person be released at the conclusion of the term for which he or she was initially sentenced, or that the person be unconditionally released at the end of parole. If the court or jury determines that the person is a sexually violent predator, the person would be committed for 2 years to the custody of the State Department of Mental Health for appropriate treatment and confinement in a secure facility designated by the Director of Mental Health that is located on the grounds of an institution under the jurisdiction of the Department of Corrections until his or her mental abnormality or personality disorder has so changed that he or she is not likely to commit an act of sexual violence.

This bill would require annual evaluations of those individuals committed as sexually violent predators.



The bill also would set forth procedures and standards for requesting and hearing petitions for conditional and unconditional release.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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. The Legislature finds and declares that
2 a small but extremely dangerous group of sexually violent
3 predators that generally have personality disorders can
4 be identified while they are incarcerated ~~or while subject~~
5 ~~to the scrutiny of parole~~. These persons are not safe to be
6 at large and if released represent a danger to the health
7 and safety of others in that they are likely to engage in acts
8 of sexual violence. The Legislature further finds and
9 declares that it is in the interest of society to identify these
10 individuals prior to the expiration of their terms of
11 imprisonment ~~or while subject to the scrutiny of parole~~.
12 It is the intent of the Legislature that once identified,
13 these individuals, if found to be likely to commit acts of
14 sexually violent criminal behavior beyond a reasonable
15 doubt, be confined and treated until such time that it can
16 be determined that they no longer present a threat to
17 society.
18 The Legislature further finds and declares that the
19 treatment needs of this population are very long term and
20 the treatment modalities that are appropriate for this
21 population are substantially different from those persons

1 currently receiving mental health treatment under the
2 Lanterman-Petris-Short Act (Part 1 (commencing with
3 Section 5000) of Division 5 of the Welfare and Institutions
4 Code) and, accordingly, a new civil commitment needs
5 to be established to address the treatment needs of this
6 population.

7 SEC. 2. Section 6250 of the Welfare and Institutions
8 Code is amended to read:

9 6250. As used in this part, “persons subject to judicial
10 commitment” means persons who may be judicially
11 committed under this part as mentally disordered sex
12 offenders pursuant to Article 1 (commencing with
13 Section 6300), sexually violent predators pursuant to
14 Article 4 (commencing with Section 6600), or mentally
15 retarded persons pursuant to Article 2 (commencing
16 with Section 6500) of Chapter 2 of this part.

17 Nothing in this part shall be held to change or interfere
18 with the provisions of the Penal Code and other laws
19 relating to mentally disordered persons charged with
20 crime or to the criminally insane.

21 This part shall be liberally construed so that, as far as
22 possible and consistent with the rights of persons subject
23 to commitment, those persons shall be treated, not as
24 criminals, but as sick persons.

25 SEC. 3. Article 4 (commencing with Section 6600) is
26 added to Chapter 2 of Part 2 of Division 6 of the Welfare
27 and Institutions Code, to read:

28

29 Article 4. Sexually Violent Predators

30

31 6600. As used in this article, the following terms have
32 the following meanings:

33 (a) “Sexually violent predator” means a person who
34 has been convicted of a sexually violent offense against
35 two or more victims for which he or she received a
36 determinate sentence and who has a mental abnormality
37 or personality disorder that makes the person a danger to
38 the health and safety of others in that it is likely that he
39 or she will engage in sexually violent criminal behavior.



1 Conviction of one or more of the crimes enumerated in
2 this section shall constitute evidence that may support a
3 court or jury determination that a person is a sexually
4 violent predator, but shall not be the sole basis for the
5 determination.

6 (b) “Sexually violent offense” means the following
7 acts committed on, before, or after the effective date of
8 this article and resulting in a conviction and a
9 determinate sentence: a felony violation of paragraph (2)
10 of subdivision (a) of Section 261, paragraph (1) of
11 subdivision (a) of Section 262, Section 264.1, subdivision
12 (a) or (b) of Section 288, or subdivision (a) of Section 289
13 of the Penal Code, or sodomy or oral copulation in
14 violation of Section 286 or 288a of the Penal Code by force,
15 violence, duress, menace, or fear of immediate and
16 unlawful bodily injury on the victim or another person.

17 (c) “Mental abnormality” means a congenital or
18 acquired condition affecting the emotional or volitional
19 capacity that predisposes the person to the commission of
20 criminal sexual acts in a degree constituting the person a
21 menace to the health and safety of others.

22 (d) “Danger to the health and safety of others” does
23 not require proof of a recent overt act while the offender
24 is in custody.

25 (e) “Predatory” means an act is directed toward a
26 stranger or individual with whom a relationship has been
27 established or promoted for the primary purpose of
28 victimization.

29 (f) “Recent overt act” means any criminal act that
30 manifests a likelihood that the actor may engage in
31 sexually violent predatory criminal behavior.

32 6601. (a) Whenever the Director of Corrections
33 determines that an individual who is under the
34 jurisdiction of the Department of Corrections may be a
35 sexually violent predator, the director shall, at least six
36 months prior to that individual’s scheduled date for
37 release from prison or termination of parole, whichever
38 is applicable, refer the person for evaluation in
39 accordance with this section.

1 (b) The person shall be screened by the Department
2 of Corrections and the Board of Prison Terms based on
3 whether the person has committed a sexually violent
4 predatory offense and on a review of the person's social,
5 criminal, and institutional history. This screening shall be
6 conducted in accordance with a structured screening
7 instrument developed and updated by the State
8 Department of Mental Health in consultation with the
9 Department of Corrections. If as a result of this screening
10 it is determined that the person is likely to be a sexually
11 violent predator, the Department of Corrections shall
12 refer the person to the State Department of Mental
13 Health for a full evaluation of whether the person meets
14 the criteria in Section 6600.

15 (c) The State Department of Mental Health shall
16 evaluate the person in accordance with a standardized
17 assessment protocol, developed and updated by the State
18 Department of Mental Health, to determine whether the
19 person is a sexually violent predator as defined in this
20 article. The standardized assessment protocol shall
21 require assessment of mental abnormalities and
22 personality disorders, as well as various factors known to
23 be associated with the risk of reoffense among sex
24 offenders. Risk factors to be considered shall include
25 criminal and psychosexual history, type, degree, and
26 duration of sexual deviance, and severity of personality
27 disorder.

28 (d) Pursuant to subdivision (c), the person shall be
29 evaluated by two practicing psychiatrists or
30 psychologists, or one practicing psychiatrist and one
31 practicing psychologist, designated by the Director of
32 Mental Health. If both evaluators concur that the person
33 has a mental abnormality or personality disorder such
34 that he or she is likely to engage in acts of sexual violence
35 without appropriate treatment and custody, the Director
36 of Mental Health shall forward a request for a petition for
37 commitment under Section 6602 to the county
38 designated in subdivision (j). Copies of the evaluation
39 reports and any other supporting documents shall be
40 made available to the attorney designated by the county

1 pursuant to subdivision (j) who may file a petition for
2 commitment.

3 (e) If one of the professionals performing the
4 evaluation pursuant to subdivision (d) does not concur
5 that the person meets the criteria specified in subdivision
6 (d), but the other professional concludes that the person
7 meets those criteria, the Director of Mental Health shall
8 arrange for further examination of the person by two
9 independent professionals selected in accordance with
10 subdivision (g).

11 (f) If an examination by independent professionals
12 pursuant to subdivision (e) is conducted, a petition to
13 request commitment under this article shall only be filed
14 if both independent professionals who evaluate the
15 person pursuant to subdivision (e) concur that the person
16 meets the criteria for commitment specified in
17 subdivision (d). The professionals selected to evaluate
18 the person pursuant to subdivision (g) shall inform the
19 person that the purpose of their examination is not
20 treatment but to determine if the person meets certain
21 criteria to be involuntarily committed pursuant to this
22 article. It is not required that the person appreciate or
23 understand that information.

24 (g) Any independent professional who is designated
25 by the Director of Corrections or the Director of Mental
26 Health for purposes of this section shall not be a state
27 government employee, shall have at least five years of
28 experience in the diagnosis and treatment of mental
29 disorders, and shall include psychiatrists and licensed
30 psychologists who have a doctoral degree in psychology.
31 The requirements set forth in this section also shall apply
32 to any professionals appointed by the court to evaluate
33 the person for purposes of any other proceedings under
34 this article.

35 ~~(h) If the person being evaluated for commitment~~
36 ~~under this article is not currently in custody, evidence~~
37 ~~shall be shown that the person committed a recent overt~~
38 ~~act that indicates that he or she is likely to engage in~~
39 ~~sexually violent predatory criminal behavior if not~~
40 ~~evaluated and committed pursuant to this article. If there~~

~~1 is evidence of a recent overt act by a person not currently
2 in custody, the Director of Corrections may cause the
3 person to be brought into custody and placed in a facility
4 designated by the Director of Mental Health to facilitate
5 evaluation and treatment and to ensure public safety. The
6 facility shall be located on the grounds of an institution
7 under the jurisdiction of the Department of Corrections.~~

~~8 (i)–~~

9 (h) If the State Department of Mental Health
10 determines that the person is a sexually violent predator
11 as defined in this article, the Director of Mental Health
12 shall forward a request for a petition to be filed for
13 commitment under this article to the county designated
14 in subdivision (j). Copies of the evaluation reports and
15 any other supporting documents shall be made available
16 to the attorney designated by the county pursuant to
17 subdivision (j) who may file a petition for commitment.

18 (j) A petition for commitment shall be filed in the
19 superior court of the county in which the person was
20 convicted of the offense for which he or she is under the
21 jurisdiction of the Department of Corrections. The
22 petition shall be filed, and the proceedings shall be
23 handled, by either the district attorney or the county
24 counsel of that county. The county board of supervisors
25 shall designate either the district attorney or the county
26 counsel to assume responsibility for proceedings under
27 this article.

28 (k) The time limits set forth in this section shall not
29 apply during the first year that this article is operative.

30 6602. A judge of the superior court shall review the
31 petition and shall determine whether there is probable
32 cause to believe that the individual named in the petition
33 is likely to engage in sexually violent predatory criminal
34 behavior upon his or her release. The person named in
35 the petition shall be entitled to assistance of counsel at the
36 probable cause hearing. In the case of a person taken back
37 into custody pursuant to subdivision (h) of Section 6601,
38 the hearing to determine probable cause shall take place
39 within 72 hours of the time that the person is taken back
40 into custody. If the judge determines there is not

1 probable cause, he or she shall dismiss the petition. If the
2 judge determines that there is probable cause, the judge
3 shall order that a trial be conducted to determine
4 whether the person is, by reason of mental abnormality
5 or personality disorder, a danger to the health and safety
6 of others in that the person is likely to engage in acts of
7 sexual violence upon his or her release from the
8 jurisdiction of the Department of Corrections.

9 6603. (a) A person subject to this article shall be
10 entitled to a trial by jury, the assistance of counsel, the
11 right to retain experts or professional persons to perform
12 an examination on his or her behalf, and have access to all
13 relevant medical and psychological records and reports.
14 In the case of a person who is indigent, the court shall
15 appoint counsel to assist him or her, and, upon the
16 person's request, assist the person in obtaining an expert
17 or professional person to perform an examination or
18 participate in the trial on the person's behalf.

19 (b) The attorney petitioning for commitment under
20 this article shall have the right to demand that the trial be
21 before a jury.

22 (c) If no demand is made by the person subject to this
23 article or the petitioning attorney, the trial shall be before
24 the court without jury.

25 (d) A unanimous verdict shall be required in any jury
26 trial.

27 ~~(e) In the case of a person taken back into custody~~
28 ~~pursuant to subdivision (h) of Section 6601, the trial shall~~
29 ~~commence within 45 days of the time that the person is~~
30 ~~taken back into custody.~~

31 6604. The court or jury shall determine whether,
32 beyond a reasonable doubt, the person is a sexually
33 violent predator. If the court or jury is not satisfied
34 beyond a reasonable doubt that the person is a sexually
35 violent predator, the court shall direct that the person be
36 released at the conclusion of the term for which he or she
37 was initially sentenced, or that the person be
38 unconditionally released at the end of parole, whichever
39 is applicable. If the court or jury determines that the
40 person is a sexually violent predator, the person shall be

1 committed for two years to the custody of the State
2 Department of Mental Health for appropriate treatment
3 and confinement in a secure facility designated by the
4 Director of Mental Health, and the person shall not be
5 kept in actual custody longer than two years unless a
6 subsequent extended commitment is obtained from the
7 court incident to the filing of a new petition for
8 commitment under this article or unless the term of
9 commitment changes pursuant to subdivision (e) of
10 Section 6605. Time spent on conditional release shall not
11 count toward the two-year term of commitment, unless
12 the person is placed in a locked facility by the conditional
13 release program, in which case the time in a locked
14 facility shall count toward the two-year term of
15 commitment. The facility shall be located on the grounds
16 of an institution under the jurisdiction of the Department
17 of Corrections.

18 6605. (a) A person found to be a sexual violent
19 predator and committed to the custody of the State
20 Department of Mental Health shall have a current
21 examination of his or her mental condition made at least
22 once every year. The person may retain, or if he or she is
23 indigent and so requests, the court may appoint, a
24 qualified expert or professional person to examine him or
25 her, and the expert or professional person shall have
26 access to all records concerning the person.

27 (b) The director shall provide the committed person
28 with an annual written notice of his or her right to
29 petition the court for conditional release under Section
30 6608. The notice shall contain a waiver of rights. The
31 director shall forward the notice and waiver form to the
32 court with the annual report. If the person does not
33 affirmatively waive his or her right to petition the court
34 for conditional release, the court shall set a show cause
35 hearing to determine whether facts exist that warrant a
36 hearing on whether the person's condition has so changed
37 that he or she would not be a danger to the health and
38 safety of others if discharged. The committed person shall
39 have the right to be present and to have an attorney
40 represent him or her at the show cause hearing.



1 (c) If the court at the show cause hearing determines
2 that probable cause exists to believe that the committed
3 person's mental abnormality or personality disorder has
4 so changed that he or she is not a danger to the health and
5 safety of others and is not likely to engage in sexually
6 violent criminal behavior if discharged, then the court
7 shall set a hearing on the issue.

8 (d) At the hearing, the committed person shall have
9 the right to be present and shall be entitled to the benefit
10 of all constitutional protections that were afforded to him
11 or her at the initial commitment proceeding. The
12 attorney designated by the county pursuant to
13 subdivision (j) of Section 6601 shall represent the state
14 and shall have the right to demand a jury trial and to have
15 the committed person evaluated by experts chosen by the
16 state. The committed person also shall have the right to
17 have experts evaluate him or her on his or her behalf. The
18 court shall appoint an expert if the person is indigent and
19 requests an appointment. The burden of proof at the
20 hearing shall be on the state to prove beyond a reasonable
21 doubt that the committed person's mental abnormality or
22 personality disorder remains such that he or she is a
23 danger to the health and safety of others and is likely to
24 engage in sexually violent criminal behavior if
25 discharged.

26 (e) If the court or jury rules against the committed
27 person at the hearing conducted pursuant to subdivision
28 (d), the term of commitment of the person shall run for
29 a period of two years from the date of this ruling.

30 6606. (a) A person who is committed under this
31 article shall be provided with programming by the State
32 Department of Mental Health which shall afford the
33 person with treatment for his or her mental abnormality
34 or personality disorder.

35 (b) Amenability to treatment is not required for a
36 finding that any person is a person described in Section
37 6600, nor is it required for treatment of that person.
38 Treatment does not mean that the treatment be
39 successful or potentially successful, nor does it mean that

1 the person must recognize his or her problem and
2 willingly participate in the treatment program.

3 (c) The programming provided by the State
4 Department of Mental Health in facilities shall be
5 consistent with current institutional standards for the
6 treatment of sex offenders, and shall be based on a
7 structured treatment protocol developed by the State
8 Department of Mental Health. The protocol shall
9 describe the number and types of treatment components
10 that are provided in the program, and shall specify how
11 assessment data will be used to determine the course of
12 treatment for each individual offender. The protocol shall
13 also specify measures that will be used to assess treatment
14 progress and changes with respect to the individual's risk
15 of reoffense.

16 6607. (a) If the Director of Mental Health
17 determines that the person's mental abnormality or
18 personality disorder has so changed that the person is not
19 likely to commit acts of predatory sexual violence while
20 under supervision and treatment in the community, the
21 director shall forward a report and recommendation for
22 conditional release in accordance with Section 6608 to the
23 county attorney designated in subdivision (j) of Section
24 6601, the attorney of record for the person, and the
25 committing court.

26 (b) When a report and recommendation for
27 conditional release is filed by the Director of Mental
28 Health pursuant to subdivision (a), the court shall set a
29 hearing in accordance with the procedures set forth in
30 Section 6608.

31 6608. (a) Nothing in this article shall prohibit the
32 person who has been committed as a sexually violent
33 predator from petitioning the court for conditional
34 release and subsequent unconditional discharge without
35 the recommendation or concurrence of the Director of
36 Mental Health. If a person has previously filed a petition
37 for conditional release without the concurrence of the
38 director and the court determined, either upon review of
39 the petition or following a hearing, that the petition was
40 frivolous or that the committed person's condition had

1 not so changed that he or she would not be a danger to
2 others in that it is not likely that he or she will engage in
3 sexually violent criminal behavior if placed under
4 supervision and treatment in the community, then the
5 court shall deny the subsequent petition unless it contains
6 facts upon which a court could find that the condition of
7 the committed person had so changed that a hearing was
8 warranted. Upon receipt of a first or subsequent petition
9 from a committed person without the concurrence of the
10 director, the court shall endeavor whenever possible to
11 review the petition and determine if it is based upon
12 frivolous grounds and, if so, shall deny the petition
13 without a hearing. The person petitioning for conditional
14 release and unconditional discharge under this
15 subdivision shall be entitled to assistance of counsel.

16 (b) In no event shall a person who is committed
17 pursuant to this article be unconditionally released from
18 commitment until he or she has been placed in the
19 community under supervision and observation pursuant
20 to this section for at least one year, unless the community
21 program director sooner makes a recommendation for
22 unconditional release as described in subdivision (g).

23 (c) The court shall give notice of the hearing date to
24 the attorney designated in subdivision (j) of Section 6601,
25 the retained or appointed attorney for the committed
26 person, and the Director of Mental Health at least 15
27 court days before the hearing date.

28 (d) No hearing upon the petition shall be held until the
29 person who is committed has been under commitment
30 for confinement and care in a facility designated by the
31 Director of Mental Health for not less than one year from
32 the date of the order of commitment.

33 (e) The court shall hold a hearing to determine
34 whether the person committed would be a danger to the
35 health and safety of others in that it is likely that he or she
36 will engage in sexually violent criminal behavior due to
37 his or her mental abnormality or personality disorder if
38 under supervision and treatment in the community. If
39 the court at the hearing determines that the committed
40 person would not be a danger to others due to his or her

1 mental abnormality or personality disorder while under
2 supervision and treatment in the community, the court
3 shall order the committed person placed with an
4 appropriate forensic conditional release program
5 operated by the state for one year. A substantial portion
6 of the state-operated forensic conditional release
7 program shall include outpatient supervision and
8 treatment. The court shall retain jurisdiction of the
9 person throughout the course of the program. At the end
10 of one year, the court shall hold a hearing to determine
11 if the person should be unconditionally released from
12 commitment on the basis that, by reason of a mental
13 abnormality or personality disorder, he or she is not a
14 danger to the health and safety of others in that it is not
15 likely that he or she will engage in sexually violent
16 criminal behavior. The court shall not make this
17 determination until the person has completed at least one
18 year in the state-operated forensic conditional release
19 program. The court shall notify the Director of Mental
20 Health of the hearing date.

21 (f) Before placing a committed person in a
22 state-operated forensic conditional release program, the
23 community program director designated by the State
24 Department of Mental Health shall submit a written
25 recommendation to the court stating which forensic
26 conditional release program is most appropriate for
27 supervising and treating the committed person. If the
28 court does not accept the community program director's
29 recommendation, the court shall specify the reason or
30 reasons for its order on the record. The procedures
31 described in Sections 1605 to 1610, inclusive, of the Penal
32 Code shall apply to the person placed in the forensic
33 conditional release program.

34 (g) If the court determines that the person should be
35 transferred to a state-operated forensic conditional
36 release program, the community program director, or his
37 or her designee, shall make the necessary placement
38 arrangements and, within 21 days after receiving notice
39 of the court's finding, the person shall be placed in the
40 community in accordance with the treatment and

1 supervision plan unless good cause for not doing so is
2 presented to the court.

3 (h) If the court rules against the committed person at
4 the trial for unconditional release from commitment, the
5 court may place the committed person on outpatient
6 status in accordance with the procedures described in
7 Title 15 (commencing with Section 1600) of Part 2 of the
8 Penal Code.

9 (i) If the court denies the petition to place the person
10 in an appropriate forensic conditional release program or
11 if the petition for unconditional discharge is denied, the
12 person may not file a new application until one year has
13 elapsed from the date of the denial.

14 (j) In any hearing authorized by this section, the
15 petitioner shall have the burden of proof by a
16 preponderance of the evidence.

17 (k) If the petition for conditional release is not made
18 by the director of the treatment facility to which the
19 person is committed, no action on the petition shall be
20 taken by the court without first obtaining the written
21 recommendation of the director of the treatment facility.

22 (l) Time spent in a conditional release program
23 pursuant to this section shall not count toward the term
24 of commitment under this article unless the person is
25 confined in a locked facility by the conditional release
26 program, in which case the time spent in a locked facility
27 shall count toward the term of commitment.

28 SEC. 4. Notwithstanding Section 17610 of the
29 Government Code, if the Commission on State Mandates
30 determines that this act contains costs mandated by the
31 state, reimbursement to local agencies and school
32 districts for those costs shall be made pursuant to Part 7
33 (commencing with Section 17500) of Division 4 of Title
34 2 of the Government Code. If the statewide cost of the
35 claim for reimbursement does not exceed one million
36 dollars (\$1,000,000), reimbursement shall be made from
37 the State Mandates Claims Fund.

38 Notwithstanding Section 17580 of the Government
39 Code, unless otherwise specified, the provisions of this act

1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

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