

ASSEMBLY BILL

No. 2097

Introduced by Assembly Member Battin

January 24, 1996

An act to amend Sections 999e and 13853 of, and to repeal Section 13854.5 of, the Penal Code, relating to crime, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2097, as introduced, Battin. Career Criminals.

(1) Under existing law, an individual may be the subject of career criminal apprehension efforts if he or she is under investigation for the commission or attempted commission of one or more of several specified felonies and either has committed 3 or more separate felony offenses not arising out of the same transaction or has been convicted during the preceding 10 years of one or more of certain other felonies.

In addition, under existing law, a person is required to be the subject of career criminal prosecution efforts if he or she is under arrest for the commission or attempted commission of one or more of several specified felonies and either is being prosecuted for 3 or more separate offenses involving one of those felonies not arising out of the same transaction or has been convicted during the preceding 10 years of one or more of certain other felonies.

This bill would add several felonies to the list of felonies that subject a person to career criminal apprehension and prosecution efforts.

(2) Under existing law, the Career Criminal Apprehension Program is a program of financial and technical assistance for district attorneys' offices that is administered by the Office of Criminal Justice Planning. The program becomes inoperative on July 1, 1996, and is repealed as of January 1, 1997.

This bill would repeal that repeal date, thereby extending indefinitely that program.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. 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 999e of the Penal Code is
2 amended to read:

3 999e. (a) An individual ~~shall be the subject of career~~
4 ~~criminal prosecution efforts~~ who is under arrest for the
5 commission or attempted commission of one or more of
6 the following felonies: ~~robbery, carjacking, burglary,~~
7 ~~arson, any unlawful act relating to controlled substances~~
8 ~~in violation of Section 11351, 11351.5, or 11352 of the~~
9 ~~Health and Safety Code, receiving stolen property, grand~~
10 ~~theft and grand theft auto, and lewd or lascivious conduct~~
11 ~~upon a child; listed in paragraph (1) and who is either~~
12 being prosecuted for three or more separate offenses not
13 arising out of the same transaction involving one or more
14 of ~~these~~ *those* felonies, or has ~~suffered at least one~~
15 ~~conviction~~ *been convicted* during the preceding 10 years
16 for any felony listed in paragraph ~~(1)~~ (2) of this
17 subdivision, or at least two convictions during the
18 preceding 10 years for any felony listed in paragraph ~~(2)~~
19 (3) of this subdivision: *shall be the subject of career*
20 *criminal prosecution efforts.*

21 (1) *Murder, manslaughter, rape, sexual assault, child*
22 *molestation, robbery, carjacking, burglary, arson,*
23 *receiving stolen property, grand theft, grand theft auto,*
24 *lewd and lascivious conduct upon a child, assault with a*
25 *firearm, discharging a firearm into an inhabited structure*
26 *or vehicle, owning, possessing, or having custody or*



1 *control of a firearm, as specified in subdivision (a) or (b)*
2 *of Section 12021, or any unlawful act relating to controlled*
3 *substances in violation of Sections 11351, 11351.5, 11352, or*
4 *11378 of the Health and Safety Code.*

5 (2) Robbery of the first degree, carjacking, burglary of
6 the first degree, arson as defined in Section 451,
7 unlawfully causing a fire as defined in Section 452,
8 forcible rape, sodomy or oral copulation committed with
9 force, lewd or lascivious conduct committed upon a child,
10 kidnapping as defined in Section 209 or 209.5, ~~or~~ murder,
11 *or manslaughter.*

12 ~~(2)–~~

13 (3) Grand theft, grand theft auto, receiving stolen
14 property, robbery of the second degree, burglary of the
15 second degree, kidnapping as defined in Section 207,
16 assault with a deadly weapon or instrument, or any
17 unlawful act relating to controlled substances in violation
18 of Section 11351 or 11352 of the Health and Safety Code.

19 For purposes of this chapter, the 10-year periods
20 specified in this section shall be exclusive of any time
21 which the arrested person has served in state prison.

22 (b) In applying the career criminal selection criteria
23 set forth above, a district attorney may elect to limit
24 career criminal prosecution efforts to persons arrested for
25 any one or more of the felonies listed in subdivision (a)
26 of this section if crime statistics demonstrate that the
27 incidence of one or more of these felonies presents a
28 particularly serious problem in the county.

29 (c) In exercising the prosecutorial discretion granted
30 by Section 999g, the district attorney shall consider ~~the~~
31 ~~following:~~—(1) the character, background, and prior
32 criminal background of the defendant, and ~~(2)~~ the
33 number and the seriousness of the offenses currently
34 charged against the defendant.

35 SEC. 2. Section 13853 of the Penal Code is amended
36 to read:

37 13853. An individual ~~may be the subject of career~~
38 ~~criminal apprehension efforts~~ who is under investigation
39 for the commission or attempted commission of one or
40 more of the ~~following~~ felonies: ~~homicide, rape or sexual~~



1 assault, child molestation, robbery, carjacking, burglary,
2 arson, any unlawful act relating to controlled substances
3 in violation of Section 11351 or 11352 of the Health and
4 Safety Code, receiving stolen property, grand theft and
5 grand theft auto; listed in paragraph (1) of subdivision (a)
6 of Section 999e and who is determined to have committed
7 three or more separate felony offenses not arising out of
8 the same transaction, or has suffered at least one
9 conviction *been convicted* during the preceding 10 years
10 for the commission or attempted commission of any
11 felony listed in subdivision (a), or at least two convictions
12 during the preceding 10 years for the commission or
13 attempted commission of any felony listed in subdivision
14 (b); *may be the subject of career criminal apprehension*
15 *efforts.*

16 (a) Robbery of the first degree, carjacking, burglary of
17 the first degree, arson as defined in Section 451 or 452,
18 forcible rape, sodomy or oral copulation committed with
19 force, lewd or lascivious conduct committed upon a child,
20 kidnapping as defined in Section 209 or 209.5, ~~or~~ murder;
21 *or manslaughter.*

22 (b) Grand theft, grand theft auto, receiving stolen
23 property, robbery of the second degree, burglary of the
24 second degree, kidnapping as defined in Section 207,
25 assault with a deadly weapon or instrument, or any
26 unlawful act relating to controlled substances in violation
27 of Section 11351 or 11352 of the Health and Safety Code.

28 For purposes of this chapter, the 10-year periods
29 specified in this section shall be exclusive of any time
30 which the arrested person has served in state prison.

31 SEC. 3. Section 13854.5 of the Penal Code is repealed.

32 ~~13854.5. This chapter shall become inoperative on~~
33 ~~July 1, 1996, and as of January 1, 1997, is repealed, unless~~
34 ~~a later enacted statute, that becomes operative on or~~
35 ~~before January 1, 1997, deletes or extends the dates on~~
36 ~~which it becomes inoperative and is repealed.~~

37 SEC. 4. This act is an urgency statute necessary for the
38 immediate preservation of the public peace, health, or
39 safety within the meaning of Article IV of the



1 Constitution and shall go into immediate effect. The facts
2 constituting the necessity are:
3 In order to continue operation of the Career Criminal
4 Apprehension Program beyond the existing sunset date,
5 it is necessary for this act to take effect immediately.

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