

AMENDED IN ASSEMBLY JUNE 4, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 786

Introduced by Assembly Member Machado

February 26, 1997

~~An act to add Chapter 10 (commencing with Section 13890) to Title 6 of Part 4 of the Penal Code, relating to firearms, and making an appropriation therefor. An act to add Sections 186.30, 186.31, 186.32, and 186.33 to the Penal Code, relating to criminal street gangs.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 786, as amended, Machado. ~~California Firearms Related Offender Apprehension and Prosecution Program~~ Criminal street gangs.

Existing law prohibits specified acts related to criminal street gangs and requires persons convicted of, or found to have committed, specified sex offenses to register with local law enforcement agencies.

This bill would set forth similar registration requirements, at the discretion of the court, for any person convicted in a criminal court or who has had findings sustained in a juvenile court of specified violent offenses, if the court finds that a specified enhancement has been applied. The bill would authorize the court to give notice regarding the registration requirements, as specified, and would require parole and probation officers to verify that these registration requirements have been met. The bill would provide that a

violation of the registration requirements is a misdemeanor. The bill would impose a state-mandated local program by creating a new crime and increasing the duties of local law enforcement agencies.

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.

~~Existing law regulates the sale, delivery, transfer, possession, and ownership of firearms.~~

~~This bill would establish The California Firearms Related Offender Apprehension and Prosecution Program for the purpose of providing financial and technical assistance to various local law enforcement agencies for the prosecution of persons who unlawfully possess, manufacture, carry, distribute, or import firearms, ammunition, and deadly weapons.~~

~~This bill would appropriate \$25,000,000 from the General Fund to the Office of Criminal Justice Planning for the 1998 calendar year to pay for the implementation and operation costs of the program.~~

Vote: $\frac{2}{3}$ majority. Appropriation: yes no. Fiscal committee: yes. State-mandated local program: no.

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

- 1 ~~SECTION 1. Chapter 10 (commencing with Section~~
- 2 ~~SECTION 1. Section 186.30 is added to the Penal~~
- 3 ~~Code, to read:~~



1 186.30. (a) A court may require any person described
2 in subdivision (b) to register with the chief of police of the
3 city in which he or she resides, or the sheriff of the county
4 if he or she resides in an unincorporated area, within 30
5 days of release from custody or within 30 days of his or her
6 arrival in any city, county, or city and county to reside
7 there, whichever occurs first.

8 (b) Subdivision (a) shall apply to any person convicted
9 in a criminal court or who has had a petition sustained in
10 a juvenile court in this state for any crime specified in
11 subdivision (b) of Section 707 of the Welfare and
12 Institutions Code or Section 667.5 of this code, if the court
13 finds, at the time of sentencing or disposition, that the
14 enhancement specified in subdivision (b) of Section
15 186.22 has been applied.

16 SEC. 2. Section 186.31 is added to the Penal Code, to
17 read:

18 186.31. At the time of sentencing in adult court, or at
19 the time of the dispositional hearing in the juvenile court,
20 the court may inform any person subject to Section 186.30
21 of his or her duty to register pursuant to that section. This
22 advisement shall be noted in the court minute order. The
23 court clerk shall send a copy of the minute order to the
24 law enforcement agency with jurisdiction for the last
25 known address of the person subject to registration under
26 Section 186.30. The parole officer or the probation officer
27 assigned to that person shall verify that he or she has
28 complied with the registration requirements of Section
29 186.30.

30 SEC. 3. Section 186.32 is added to the Penal Code, to
31 read:

32 186.32. (a) The registration required by Section
33 186.30 shall consist of the following:

34 (1) Juvenile registration shall include the following:

35 (A) The juvenile shall appear at the law enforcement
36 agency with a parent or guardian.

37 (B) The law enforcement agency shall serve the
38 juvenile and the parent with a California Street
39 Terrorism Enforcement and Prevention Act notification
40 which shall include, where applicable, that the juvenile



1 belongs to a gang whose members engage in or have
2 engaged in a pattern of criminal gang activity as
3 described in subdivision (e) of Section 186.22.

4 (C) A written statement signed by the juvenile, giving
5 any information that may be required by the law
6 enforcement agency, shall be submitted to the law
7 enforcement agency.

8 (D) The fingerprints and current photograph of the
9 juvenile shall be submitted to the law enforcement
10 agency.

11 (2) Adult registration shall include the following:

12 (A) The adult shall appear at the law enforcement
13 agency.

14 (B) The law enforcement agency shall serve the adult
15 with a California Street Terrorism Enforcement and
16 Prevention Act notification which shall include, where
17 applicable, that the adult belongs to a gang whose
18 members engage in or have engaged in a pattern of
19 criminal gang activity as described in subdivision (e) of
20 Section 186.22.

21 (C) A written statement signed by the adult, giving
22 any information that may be required by the law
23 enforcement agency, shall be submitted to the law
24 enforcement agency.

25 (D) The fingerprints and current photograph of the
26 adult shall be submitted to the law enforcement agency.

27 (b) Within 10 days of changing his or her residence
28 address, any person subject to Section 186.30 shall inform,
29 in writing, the law enforcement agency with whom he or
30 she last registered of his or her new address. If his or her
31 new residence address is located within the jurisdiction of
32 a law enforcement agency other than the agency where
33 he or she last registered, he or she shall register with the
34 new law enforcement agency, in writing, within 10 days
35 of the change of residence.

36 (c) All registration requirements set forth in this
37 article shall terminate five years after the last imposition
38 of a registration requirement pursuant to Section 186.30.

39 (d) The statements, photographs, and fingerprints
40 required under this section shall not be open to inspection



1 *by any person other than a regularly employed peace or*
2 *other law enforcement officer.*

3 *(e) Nothing in this section or Section 186.30 or 186.31*
4 *shall preclude a court in its discretion from imposing the*
5 *registration requirements as set forth in those sections in*
6 *a gang-related crime.*

7 *SEC. 4. Section 186.33 is added to the Penal Code, to*
8 *read:*

9 *186.33. Any person required to register pursuant to*
10 *Section 186.30 who knowingly violates any of its*
11 *provisions is guilty of a misdemeanor and shall be*
12 *punished by imprisonment in a county jail not exceeding*
13 *one year.*

14 *SEC. 5. No reimbursement is required by this act*
15 *pursuant to Section 6 of Article XIII B of the California*
16 *Constitution because the only costs that may be incurred*
17 *by a local agency or school district will be incurred*
18 *because this act creates a new crime or infraction,*
19 *eliminates a crime or infraction, or changes the penalty*
20 *for a crime or infraction, within the meaning of Section*
21 *17556 of the Government Code, or changes the definition*
22 *of a crime within the meaning of Section 6 of Article*
23 *XIII B of the California Constitution.*

24 *Notwithstanding Section 17580 of the Government*
25 *Code, unless otherwise specified, the provisions of this act*
26 *shall become operative on the same date that the act*
27 *takes effect pursuant to the California Constitution.*

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**All matter omitted in this version of the
bill appears in the bill as introduced in the
Senate, February 26, 1997 (JR 11)**

