

AMENDED IN ASSEMBLY APRIL 27, 1998
AMENDED IN ASSEMBLY MARCH 30, 1998

CALIFORNIA LEGISLATURE—1997-98 REGULAR SESSION

ASSEMBLY BILL

No. 1922

Introduced by Assembly Member Firestone

February 17, 1998

An act to ~~amend Section 96 of, and to add Section 96.5 to, the Penal Code,~~ *add Section 96.5 to the Penal Code*, relating to obstruction of justice.

LEGISLATIVE COUNSEL'S DIGEST

AB 1922, as amended, Firestone. Obstruction of justice: judicial officials.

Under existing law, a juror, or person summoned as a juror, or chosen arbitrator or umpire, or appointed referee, who either makes a promise or agreement to give a verdict or decision for or against any party, or willfully and corruptly permits any communication to be made to him or her, or receives any book, paper, instrument, or information relating to any cause or matter pending before him or her, except according to the regular course of proceedings, is punishable by a specified fine or imprisonment.

This bill would ~~apply these criminal penalties to a judicial officer and court commissioner and would expand the crime with respect to all applicable parties to include solicitation of communications and the specified information. The bill also would~~ add provisions that would make it a crime with

specified criminal penalties for ~~any person, to knowingly~~ pervert or obstruct justice or the due administration of laws. The bill additionally would impose greater penalties for these actions ~~where committed by a judicial officer, court commissioner, or referee, arbitrator, or umpire,~~ or any person authorized by law to hear or determine any question or controversy *to commit an act that he or she knows or should have known perverts or obstructs justice or the due administration of the laws.* By creating a new ~~crimes~~ crime, this bill would impose a state-mandated local program.

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.

This bill would provide that no reimbursement is required by this act for a specified reason.

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 96 of the Penal Code is amended~~
 2 ~~to read:~~

3 96. ~~Every juror, judicial officer, court commissioner,~~
 4 ~~or person drawn or summoned as a juror, or chosen~~
 5 ~~arbitrator or umpire, or appointed referee, except~~
 6 ~~pursuant to the regular course of proceedings, who~~
 7 ~~either: (a) makes any promise or agreement to give a~~
 8 ~~verdict or decision for or against any party; or, (b)~~
 9 ~~willfully and corruptly solicits or permits any~~
 10 ~~communication to be made to him or her, or solicits or~~
 11 ~~receives any book, paper, instrument, or information~~
 12 ~~relating to any cause or matter pending before him or~~
 13 ~~her, is punishable by fine not exceeding ten thousand~~
 14 ~~dollars (\$10,000), or by imprisonment in the state prison.~~

15 SEC. 2.

16 SECTION 1. Section 96.5 is added to the Penal Code
 17 to read:

18 96.5. (a) ~~Every person who commits any act that he~~
 19 ~~or she knows, or should have known, perverts or obstructs~~



1 ~~justice or the due administration of laws shall be punished~~
2 ~~by a fine not exceeding ten thousand dollars (\$10,000), or~~
3 ~~by imprisonment in the state prison, in a county jail not~~
4 ~~exceeding one year, or by both that fine and~~
5 ~~imprisonment.~~

6 ~~(b) Every judicial officer, court commissioner,~~
7 ~~referee, arbitrator, or umpire or referee, or any person~~
8 ~~authorized by law to hear or determine any question or~~
9 ~~controversy, who commits any act that he or she knows,~~
10 ~~or should have known, perverts or obstructs justice or the~~
11 ~~due administration of the laws, is guilty of a felony~~
12 ~~punishable by two, three, or four years in the state prison.~~

13 ~~(c) administration of the laws, is guilty of a public~~
14 ~~offense punishable by imprisonment in a county jail for~~
15 ~~not more than one year or imprisonment in the state~~
16 ~~prison.~~

17 (b) Nothing in this section prohibits prosecution
18 under any other law.

19 ~~SEC. 3.~~

20 SEC. 2. No reimbursement is required by this act
21 pursuant to Section 6 of Article XIII B of the California
22 Constitution because the only costs that may be incurred
23 by a local agency or school district will be incurred
24 because this act creates a new crime or infraction,
25 eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section
27 17556 of the Government Code, or changes the definition
28 of a crime within the meaning of Section 6 of Article
29 XIII B of the California Constitution.

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

