

Assembly Bill No. 1922

CHAPTER 512

An act to add Section 96.5 to the Penal Code, relating to obstruction of justice.

[Approved by Governor September 15, 1998. Filed
with Secretary of State September 15, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1922, 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 add provisions that would make it a misdemeanor with specified criminal penalties for a judicial officer, court commissioner, or referee 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 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.

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

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

96.5. (a) Every judicial officer, court commissioner, or referee who commits any act that he or she knows, or should have known, perverts or obstructs justice or the due administration of the laws, is guilty of a public offense punishable by imprisonment in a county jail for not more than one year.

(b) Nothing in this section prohibits prosecution under paragraph (5) of subdivision (a) of Section 182 of the Penal Code or any other law.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the

only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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

