

AMENDED IN ASSEMBLY MAY 18, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2816

Introduced by Assembly Member Baugh

April 15, 1998

An act to add Section 701.5 to the Penal Code, relating to minors, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2816, as amended, Baugh. Minors: informants.

Existing law authorizes a finding of probable cause to make an arrest without a warrant or to grant an arrest warrant or a search warrant, based upon information provided by an informant under certain circumstances.

This bill would prohibit any law enforcement or correctional official from using a person under the age of 18 years as an informant, except as authorized pursuant to the Stop Tobacco Access to Kids Enforcement Act.

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

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

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

1 SECTION 1. Section 701.5 is added to the Penal Code,
2 to read:

1 701.5. (a) No law enforcement or correctional
2 official shall use a person under the age of 18 years as an
3 informant, except as authorized pursuant to the Stop
4 Tobacco Access to Kids Enforcement Act (Division 8.5
5 (commencing with Section 22950) of the Business and
6 Professions Code) for the purposes of that act.

7 (b) For purposes of this section, "police informant"
8 means a minor who participates, on behalf of a law
9 enforcement agency, in a prearranged transaction or
10 series of prearranged transactions with a third party,
11 when the minor's participation in the transaction is for
12 the purpose of obtaining or attempting to obtain
13 evidence of illegal activity by the third party.

14 (c) There is no exception to this section when the
15 minor is participating in a transaction as described in
16 subdivision (b) for the purpose of reducing or dismissing
17 a pending criminal prosecution against the minor.

18 SEC. 2. This act is an urgency statute necessary for the
19 immediate preservation of the public peace, health, or
20 safety within the meaning of Article IV of the
21 Constitution and shall go into immediate effect. The facts
22 constituting the necessity are:

23 In order to ensure that minors are no longer placed in
24 a position of danger of injury or death as a result of being
25 used as an informant, it is necessary that this act take
26 effect immediately.

