

ASSEMBLY BILL

No. 397

**Introduced by Assembly Member Florez, Senator Costa,
Assembly Member Cardoza, Senator Poochigian, and
Assembly Member Ashburn**

February 11, 1999

An act to amend Sections 14170 and 14175 of, and to add Sections 14170.1, 14170.3, 14170.5, and 14170.7 to, the Penal Code, relating to crime prevention.

LEGISLATIVE COUNSEL'S DIGEST

AB 397, as introduced, Florez. Crime prevention: rural crimes.

Existing law authorizes the County of Tulare to develop the Rural Crime Prevention Demonstration Project to be administered by the county district attorney's office pursuant to a joint powers agreement with the county sheriff's office for a 3-year period. The parties to the agreement are required to establish a rural crime task force that is required to develop crime control techniques, encourage timely reporting of crimes, and evaluate the results of these activities.

This bill would authorize each of the Counties of Fresno, Kern, Madera, Merced, and Tulare to develop the San Joaquin Valley Rural Crime Prevention Program, to be administered in each county pursuant to a joint powers agreement between the district attorney's office and the sheriff's office for the respective counties. The bill would require the parties to each joint powers agreement to form a task force, as specified, and to develop a reporting system for rural crimes, as defined, that

would enable swift recovery of stolen goods and the apprehension of criminal suspects, and require the task force to develop a computer software program to implement the reporting system. The bill would also require that the funds for the program be distributed equally to each designated county, and that the funding for the program be distributed according to specified percentages to the sheriff, district attorney, and agricultural commissioner.

Additionally, the bill would require all state and local law enforcement agencies to document whether a particular crime is a rural crime as defined, and to specify the estimated value of any property damage. By imposing additional reporting duties on local government entities, this bill would impose a state-mandated local program. The bill would also require reports to the Legislature by the participating counties and the regional task force, as specified.

Existing law authorizing the Rural Crime Demonstration Project also repeals the provisions establishing that project as of January 1, 2000, unless a later enacted statute deletes or extends that date.

This bill would specify that only those provisions establishing the Rural Crime Demonstration Project, and not the provisions authorizing the San Joaquin Rural Crime Prevention Program, will be subject to the above-described repeal provision.

Implementation of the bill would be contingent on appropriation of moneys for purposes of the bill.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 14170 of the Penal Code is
2 amended to read:

3 14170. The Legislature finds and declares that
4 California has experienced a severe escalation in crimes
5 in general, both property and personal, and that there has
6 been no concentrated effort applied to the prevention of
7 crimes against the ~~agricultural industry~~ *agricultural,*
8 *transportation, public utility, and petroleum industries.*
9 Currently, no national or state agency keeps track of
10 statistics on rural crime. According to media reports, this
11 state lost millions of dollars worth of crops, livestock, and
12 equipment in 1994 and 1995. A majority of these crimes
13 occurred in agricultural-based counties. However, there
14 has been no effort on the part of any state or local agency
15 to accurately record these types of crimes.

16 The Legislature further finds and declares that there
17 are no state or local law enforcement agencies in this state
18 with programs that are specially designed to detect or
19 monitor ~~agricultural-based~~ *rural-based* criminal
20 activities. In addition, local law enforcement agencies do
21 not possess the jurisdictional authority, investigative
22 facilities, or data systems to coordinate a comprehensive
23 approach to the state's agricultural crime problem.

24 The Legislature additionally finds and declares that the
25 proliferation of ~~agricultural~~ *rural* crime in the various
26 rural counties of this state is a threat to the vitality of our
27 rich agrarian tradition. Rural crime, if left unchecked,
28 endangers an entire industry that is vital to America's
29 continued economic role in the world, and therefore
30 requires a proactive response from the Legislature. The
31 intent of the Legislature in authorizing the *San Joaquin*
32 *Valley Rural Crime Prevention Program and the Rural*
33 *Crime Prevention Demonstration Project* pursuant to
34 this act is to provide for the protection and safety of the
35 state's agriculture industry by creating statewide
36 standards and methods of detecting and tracking agrarian
37 crime.



1 SEC. 2. Section 14170.1 is added to the Penal Code, to
2 read:

3 14170.1. (a) Each of the Counties of Fresno, Kern,
4 Merced, and Tulare, comprising Region 5 as defined by
5 the Office of Emergency Services, may implement,
6 within its respective jurisdiction, the San Joaquin Valley
7 Rural Crime Prevention Program. The San Joaquin
8 Valley Rural Crime Prevention Program shall be
9 administered by the district attorney's office of each
10 respective county under a joint powers agreement
11 entered into with the corresponding county sheriff's
12 office, and pursuant to Chapter 5 (commencing with
13 Section 6500) of Division 7 of Title 1 of the Government
14 Code. Each county that receives funding for the San
15 Joaquin Valley Rural Crime Prevention Program shall be
16 responsible for administering the activities that it
17 engages in for the purposes of the program. Each county
18 participating in the San Joaquin Valley Rural Crime
19 Prevention Program shall adopt rules and regulations for
20 the implementation and administration of the program.

21 (b) The staff for the San Joaquin Valley Rural Crime
22 Prevention Program for each county shall consist of the
23 following persons within each designated county:

24 (1) A county sheriff's sergeant selected by the sheriff.

25 (2) Four county deputy sheriffs selected by the sheriff
26 to provide the necessary patrol and protective services.

27 (3) A representative from local law enforcement,
28 other than a representative of the sheriff.

29 (4) An office assistant and an account clerk selected by
30 the district attorney, to support the task force, manage
31 the required budget, tabulate data for research, and
32 prepare all necessary reports.

33 (c) In order to receive funds for implementing the San
34 Joaquin Valley Rural Crime Prevention Program, the
35 parties to each joint powers agreement shall form a
36 regional task force, known as the San Joaquin Rural Crime
37 Task Force, that includes the county agricultural
38 commissioner for each respective county and interested
39 property owner groups or associations. In order to receive
40 funds for this program, each designated county shall



1 agree to participate in the task force, and shall appoint as
2 representatives of the county on the task force, the sheriff
3 or sheriff's designee, and the district attorney, or district
4 attorney's designee.

5 (1) The regional task force shall be an interactive team
6 working together to develop problemsolving and crime
7 control techniques, to encourage timely reporting of
8 crimes, and to evaluate the results of those activities. The
9 regional task force shall operate from a facility whose
10 location facilitates investigative coordination. The
11 regional task force shall consult with experts from the
12 United States military, the California Military
13 Department, the Department of Justice, other law
14 enforcement entities, and other state and private
15 organizations, as deemed necessary, to maximize the
16 effectiveness of the San Joaquin Valley Rural Crime
17 Prevention Program. Media and community support
18 shall be solicited to promote the program.

19 (2) The San Joaquin Rural Crime Task Force shall
20 develop a system for reporting rural crimes, as defined in
21 paragraph (3) of this subdivision, that enables the swift
22 recovery of stolen goods and the apprehension of criminal
23 suspects for prosecution. The regional task force shall
24 develop computer software and use communication
25 technology to implement the reporting system, although
26 the task force is not limited to the use of these means to
27 achieve the stated goals.

28 (3) "Rural crime" means any crime against an
29 individual, personal property, residence, or business
30 entity or its property, that occurs in an unincorporated
31 area of this state or in any incorporated community when
32 the crime is determined to have taken place in an
33 agricultural public utility or transportation facility, or oil
34 producing or refining property.

35 (d) The funding for the program under this section
36 shall be distributed as follows:

- 37 (1) Seventy-five percent to the sheriff.
- 38 (2) Fifteen percent to the district attorney.
- 39 (3) Ten percent to the agricultural commissioner.



1 (e) The funds for the San Joaquin Valley Rural Crime
2 Prevention Program shall be distributed in equal shares
3 to all counties participating in the program, without
4 regard to the agricultural output or the law enforcement
5 caseload of each county.

6 (f) A county implementing the San Joaquin Rural
7 Crime Prevention Program may work with and share
8 program resources with any federal agency if the county's
9 district attorney's office administering the program
10 determines that it is in the best interest of the county and
11 consistent with the requirements of the program to do so.
12 Where possible, and if funds and resources are available,
13 counties implementing the San Joaquin Valley Rural
14 Crime Prevention Program shall seek federal assistance
15 in the form of grants of funds and equipment.

16 SEC. 3. Section 14170.3 is added to the Penal Code, to
17 read:

18 14170.3. (a) Upon the election of any of the
19 designated counties to implement the San Joaquin Valley
20 Rural Crime Prevention Program pursuant to this title,
21 implementation shall commence within 120 days of the
22 date of the election, and shall continue for 36 months.
23 Evaluation of all data collected with respect to this
24 program shall continue during this 36-month period.
25 Upon expiration of the 36-month period, the participating
26 county shall have three months for the final compilation
27 of data and to draft a final report to be submitted to the
28 Legislature pursuant to the criteria set forth in Section
29 14170.7.

30 (b) The San Joaquin Valley Regional Task Force shall
31 report annually to the Legislature on the activities and
32 accomplishments of the San Joaquin Valley Rural Crime
33 Prevention Program. The report shall include all of the
34 following information:

35 (1) A summary of the program's operation, activities,
36 and costs.

37 (2) An itemized list of the number of arrests made
38 during the life of the program.



1 (3) An account of the county's investigative role and
2 itemization of the services provided by the county to
3 other law enforcement agencies.

4 SEC. 4. Section 14170.5 is added to the Penal Code, to
5 read:

6 14170.5. (a) All state and local law enforcement
7 agencies shall document whether a particular crime is a
8 rural crime and shall specify, if applicable, the estimated
9 value of any property damage caused by the crime. The
10 rural crime reporting required by this subdivision shall be
11 entered on every crime report.

12 (b) All state and local law enforcement agencies shall
13 amend their policies and procedures manual to comply
14 with the rural crime reporting requirements of this
15 subdivision.

16 (c) All state and local law enforcement agencies shall
17 comply with this section either by January 1, 2001, or by
18 the next printing of the agency's basic crime reporting
19 document, whichever is sooner.

20 (d) The Department of Justice shall include the
21 incidents of rural crime in its annual report on criminal
22 statistics.

23 SEC. 5. Section 14170.7 is added to the Penal Code, to
24 read:

25 14170.7. At the end of each fiscal year, each
26 designated county shall prepare and submit to the
27 Legislature a detailed cost-benefit analysis of the entire
28 project, wherein the cost to operate the project shall be
29 measured against savings realized from crime
30 prevention, crime suppression, and the number of
31 prosecutions resulting from the project. These savings
32 shall include the reduction of economic loss resulting
33 from crime during the life of the project.

34 SEC. 6. Section 14175 of the Penal Code is amended
35 to read:

36 14175. ~~This title is Sections 14171, 14172, 14173, and~~
37 ~~14174 of this title are~~ repealed as of January 1, 2000, unless
38 a later enacted statute, which is chaptered before this
39 date, deletes or extends the date.



1 SEC. 7. This act shall be implemented only to the
2 extent moneys are appropriated for its purposes.

3 SEC. 8. Notwithstanding Section 17610 of the
4 Government Code, if the Commission on State Mandates
5 determines that this act contains costs mandated by the
6 state, reimbursement to local agencies and school
7 districts for those costs shall be made pursuant to Part 7
8 (commencing with Section 17500) of Division 4 of Title
9 2 of the Government Code. If the statewide cost of the
10 claim for reimbursement does not exceed one million
11 dollars (\$1,000,000), reimbursement shall be made from
12 the State Mandates Claims Fund.

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

