

AMENDED IN ASSEMBLY APRIL 14, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1438**

**Introduced by Assembly Member Briggs**

February 26, 1999

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~~An act to amend Section 1463.001 of the Penal Code, relating to fines and forfeitures. An act relating to firearms, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1438, as amended, Briggs. ~~Fines and forfeitures; exchange for sales tax receipts. Firearms.~~

*Existing law requires that a person who is convicted of a specified felony who was charged as a principal in the commission of an offense and personally used a firearm during the commission of the offense shall be punished by an additional term of 10 years in the state prison. If the firearm is intentionally discharged under those circumstances, the person would be punished by an additional term of 20 years in the state prison. If great bodily injury was proximately caused to any person other than an accomplice as a result of the firearm being discharged under those circumstances, the person would be punished by an additional term of 25 years to life in the state prison. Each of the above terms is required to be imposed consecutive to the punishment prescribed for the felony.*

*This bill would appropriate the sum of \$4,000,000 from the General Fund to the Office of Criminal Justice Planning for*

*the purpose of purchasing radio and television airtime and billboard space to publicize the provisions of the above firearm enhancement known as the "10-20-Life" firearm enhancement. The bill would require that 80% of the funds be dispersed for television spots, 15% for radio spots, and 5% for billboard posters and administrative costs. The bill would also require that the funds be distributed to local areas in direct proportion to their relative crime rates.*

~~Existing law requires that all fines and forfeitures imposed and collected for crimes other than specified offenses be deposited with the county treasurer, and each month the total fines and forfeitures that have accumulated within the past month are distributed as specified. However, in a county that had an agreement on a specified date, that provides for city fines and forfeitures to accrue to the county in exchange for sales tax receipts, base fines resulting from city arrests not included as specified, must be deposited into the proper funds of the county.~~

~~This bill would delete the provision relating to counties with agreements.~~

Vote: majority—<sup>2</sup>/<sub>3</sub>. Appropriation: ~~no~~—yes. Fiscal committee: yes. State-mandated local program: no.

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

- 1    ~~SECTION 1. Section 1463.001 of the Penal Code is~~
- 2    ~~amended to read:~~
- 3    ~~1463.001. Except as otherwise provided in this section,~~
- 4    ~~all fines and forfeitures imposed and collected for crimes~~
- 5    ~~other than parking offenses resulting from a filing in a~~
- 6    ~~court shall as soon as practicable after receipt thereof, be~~
- 7    ~~deposited with the county treasurer, and each month the~~
- 8    ~~total fines and forfeitures which have accumulated within~~
- 9    ~~the past month shall be distributed, as follows:~~
- 10    ~~(a) The state penalties, county penalties, special~~
- 11    ~~penalties, service charges, and penalty allocations shall be~~
- 12    ~~transferred to the proper funds as required by law.~~
- 13    ~~(b) The base fines shall be distributed, as follows:~~



1 ~~(1) Any base fines which are subject to specific~~  
2 ~~distribution under any other section shall be distributed~~  
3 ~~to the specified funds of the state or local agency.~~

4 ~~(2) Base fines resulting from county arrest not~~  
5 ~~included in paragraph (1), shall be transferred into the~~  
6 ~~proper funds of the county.~~

7 ~~(3) Base fines resulting from city arrests not included~~  
8 ~~in paragraph (1), an amount equal to the applicable~~  
9 ~~county percentages set forth in Section 1463.002, as~~  
10 ~~modified by Section 1463.28, shall be transferred into the~~  
11 ~~proper funds of the county. Until July 1, 1998, the~~  
12 ~~remainder of base fines resulting from city arrests shall be~~  
13 ~~divided between each city and county, with 50 percent~~  
14 ~~deposited to the county's general fund, and 50 percent~~  
15 ~~deposited to the treasury of the appropriate city, and~~  
16 ~~thereafter the remainder of base fines resulting from city~~  
17 ~~arrests shall be deposited to the treasury of the~~  
18 ~~appropriate city.~~

19 ~~(c) Each county shall keep a record of its deposits to~~  
20 ~~its treasury and its transmittal to each city treasury~~  
21 ~~pursuant to this section.~~

22 ~~(d) The distribution specified in subdivision (b)~~  
23 ~~applies to all funds subject thereto distributed on or after~~  
24 ~~July 1, 1992, regardless of whether the court has elected~~  
25 ~~to allocate and distribute funds pursuant to Section~~  
26 ~~1464.8.~~

27 ~~(e) Any amounts remitted to the county from amounts~~  
28 ~~collected by the Franchise Tax Board upon referral by a~~  
29 ~~county pursuant to Article 6 (commencing with Section~~  
30 ~~19280) of Chapter 5 of Part 10.2 of Division 2 of the~~  
31 ~~Revenue and Taxation Code shall be allocated pursuant~~  
32 ~~to this section.~~

33 *SECTION 1. (a) The sum of four-million dollars*  
34 *(\$4,000,000), is hereby appropriated from the General*  
35 *Fund to the Office of Criminal Justice Planning for the*  
36 *purpose of purchasing commercial air time on television*  
37 *and radio and space on billboards to inform the public*  
38 *about Assembly Bill 4 of the 1997-98 Regular Session,*  
39 *which added Section 12022.53 to the Penal Code, was*  
40 *chaptered as Chapter 503 of the Statutes of 1997, and is*



1 known as "10-20-Life" for the use of firearms in the  
2 commission of a crime.

3 (b) The Office of Criminal Justice Planning shall  
4 allocate the funds to local areas for the purchase of  
5 commercial airtime and billboard space specified in  
6 subdivision (a) in direct proportion to the crime rate of  
7 the local area compared to the total crime rate of the State  
8 of California.

9 (c) The funds shall be used to pay for advertisements  
10 as follows:

11 (1) Eighty percent of the funds shall be used for  
12 thirty-second television advertisements.

13 (2) Fifteen percent of the funds shall be used for radio  
14 advertisements.

15 (3) Five percent of the funds shall be used for billboard  
16 posters and administrative costs.

