

AMENDED IN ASSEMBLY APRIL 4, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2580

**Introduced by Assembly Member Cox
(Principal coauthor: Assembly Member Dickerson)**

February 25, 2000

An act to amend Section 8101 of the Health and Safety Code, *and* to amend Section 594.3 of the Penal Code, ~~and to add Section 9771 to the Business and Professions Code~~, relating to vandalism.

LEGISLATIVE COUNSEL'S DIGEST

AB 2580, as amended, Cox. Vandalism: cemeteries and places of worship.

(1) Existing law provides that every person is guilty of a crime and punishable by imprisonment in the state prison or by imprisonment in the county jail for not exceeding one year who maliciously does certain acts relating to the destruction or mutilation of cemetery graves and markers.

This bill would increase the penalty for these acts by making them a felony punishable by imprisonment in the state prison for not exceeding 5 years, and by a fine of not more than \$10,000.

(2) Existing law provides that any person who knowingly commits any act of vandalism to a church, synagogue, building owned and occupied by a religious educational institution, or other place primarily used as a place of worship where religious services are regularly conducted is guilty of a crime

punishable by imprisonment in the state prison or by imprisonment in the county jail for not exceeding one year.

This bill would increase the penalty for these acts by making them a felony punishable by imprisonment in the state prison for not exceeding 5 years, and by a fine of not more than \$10,000, and would make these provisions applicable to acts of vandalism to a cemetery. ~~It would also create the Cemetery Maintenance Fund, administered by the Department of Consumer Affairs, into which all civil penalties for vandalism to cemeteries and places of worship would be deposited and would authorize the department to allocate moneys from the fund, upon appropriation by the Legislature, to counties that apply to use the funds for cemetery maintenance purposes.~~

(3) Existing law provides that any person who knowingly commits any act of vandalism to a church, synagogue, building owned and occupied by a religious educational institution, or other place primarily used as a place of worship where religious services are regularly conducted, which is shown to have been committed by reason of the race, color, religion, or national origin of another individual or group of individuals and to have been committed for the purpose of intimidating and deterring persons from freely exercising their religious beliefs, is guilty of a felony punishable by imprisonment in the state prison.

This bill would make these provisions applicable to acts of vandalism to a cemetery.

By creating new crimes and changing the penalty for existing crimes, this bill would impose a state-mandated local program.

(4) 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 9771 is added to the Business and~~
2 ~~Professions Code, to read:~~

3 ~~9771. All civil penalties collected pursuant to Section~~
4 ~~8101 of the Health and Safety Code and Section 594.3 of~~
5 ~~the Penal Code shall be deposited into the Cemetery~~
6 ~~Maintenance Fund, which is hereby created in the State~~
7 ~~Treasury. The fund shall be administered by the~~
8 ~~department and moneys may be allocated by the~~
9 ~~department, upon appropriation by the Legislature, to~~
10 ~~counties that apply to use the funds for cemetery~~
11 ~~maintenance purposes.~~

12 ~~SEC. 2.—~~

13 *SECTION 1.* Section 8101 of the Health and Safety
14 Code is amended to read:

15 8101. ~~(a)~~Every person is guilty of a felony and
16 punishable by imprisonment in the state prison for not
17 exceeding five years, and by a fine of not more than ten
18 thousand dollars (\$10,000), who maliciously does any of
19 the following:

20 ~~(1)—~~

21 (a) Destroys, cuts, mutilates, effaces, or otherwise
22 injures, tears down, or removes any tomb, monument,
23 memorial, or marker in a cemetery, or any gate, door,
24 fence, wall, post or railing, or any inclosure for the
25 protection of a cemetery or mortuary or any property in
26 a cemetery or mortuary.

27 ~~(2)—~~

28 (b) Obliterates any grave, vault, niche, or crypt.

29 ~~(3)—~~

30 (c) Destroys, cuts, breaks or injures any mortuary
31 building or any building, statuary, or ornamentation
32 within the limits of a cemetery.

33 ~~(4)—~~

34 (d) Disturbs, obstructs, detains or interferes with any
35 person carrying or accompanying human remains to a
36 cemetery or funeral establishment, or engaged in a
37 funeral service, or an interment.



1 ~~(b) All civil penalties collected pursuant to this section~~
2 ~~shall be deposited in the Cemetery Maintenance Fund~~
3 ~~pursuant to Section 9771 of the Business and Professions~~
4 ~~Code.~~

5 ~~SEC. 3.—~~

6 *SEC. 2.* Section 594.3 of the Penal Code is amended to
7 read:

8 594.3. (a) ~~(1)~~ Any person who knowingly commits
9 any act of vandalism to a church, synagogue, building
10 owned and occupied by a religious educational
11 institution, or other place primarily used as a place of
12 worship where religious services are regularly conducted
13 or a cemetery is guilty of a felony punishable by
14 imprisonment in the state prison for not exceeding five
15 years, and by a fine of not more than ten thousand dollars
16 (\$10,000).

17 ~~(2) All civil penalties collected pursuant to this section~~
18 ~~shall be deposited in the Cemetery Maintenance Fund~~
19 ~~pursuant to Section 9771 of the Business and Professions~~
20 ~~Code.~~

21 (b) Any person who knowingly commits any act of
22 vandalism to a church, synagogue, building owned and
23 occupied by a religious educational institution, or other
24 place primarily used as a place of worship where religious
25 services are regularly conducted or a cemetery, which is
26 shown to have been committed by reason of the race,
27 color, religion, or national origin of another individual or
28 group of individuals and to have been committed for the
29 purpose of intimidating and deterring persons from
30 freely exercising their religious beliefs, is guilty of a felony
31 punishable by imprisonment in the state prison.

32 ~~SEC. 4.—~~

33 *SEC. 3.* No reimbursement is required by this act
34 pursuant to Section 6 of Article XIII B of the California
35 Constitution because the only costs that may be incurred
36 by a local agency or school district will be incurred
37 because this act creates a new crime or infraction,
38 eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section
40 17556 of the Government Code, or changes the definition



1 of a crime within the meaning of Section 6 of Article
2 XIII B of the California Constitution.

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