

AMENDED IN ASSEMBLY AUGUST 16, 1999

AMENDED IN ASSEMBLY JULY 7, 1999

AMENDED IN SENATE MAY 17, 1999

AMENDED IN SENATE APRIL 14, 1999

SENATE BILL

No. 175

Introduced by Senator Rainey
(~~Coauthors: Senators McPherson, Polanco, and~~
~~Vaseoneellos~~)
(*Coauthor: Senator McPherson*)

January 12, 1999

An act to add Section 11112.5 to, and to add and repeal Chapter 10.4 (commencing with Section 13895) of Title 6 of Part 4 of, the Penal Code, and to amend Section 12805 of the Vehicle Code, relating to warrants, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 175, as amended, Rainey. Warrants.

(1) Existing law empowers the Office of Criminal Justice Planning (OCJP) to, among other things, define, develop, and correlate programs and projects for the state criminal justice agencies.

~~Existing law establishes the California Law Enforcement Telecommunications System (CLETS) which makes records maintained by the Department of Justice accessible to, among others, law enforcement agencies.~~

This bill would establish in OCJP the Service of Arrest Warrants Pilot Program, a 3-year pilot program, to provide financial and technical assistance to local law enforcement agencies in the City and County of San Francisco and the Counties of Contra Costa and San Bernardino for the purpose of assisting in the apprehension of persons with outstanding arrest warrants. The bill would require: (a) the executive director of OCJP to prepare and issue administrative and procedural guidelines for the operation of the program; (b) the agencies receiving funds under this program to submit a specified report to OCJP one year after receipt of grant funds and annually thereafter; and (c) OCJP to report to the fiscal committees of the Legislature no later than January 1 following the year in which OCJP has received any report from an agency, as specified.

~~This bill would require the Department of Justice to transmit to the Department of Motor Vehicles records of all felony and misdemeanor warrants entered in CLETS by law enforcement agencies pursuant to this bill.~~

~~(2) Existing law establishes a number of specified conditions that, when applied to any person, prohibits the Department of Motor Vehicles from issuing a driver's license to, or renewing the driver's license of, that person.~~

~~This bill would include among these conditions the possession of an outstanding arrest warrant.~~

~~(3)~~

(2) The bill would appropriate \$1,500,000 from the General Fund to the Office of Criminal Justice Planning for expenditures in support of the Service of Arrest Warrants Pilot Program.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

1 ~~SECTION 1. Section 11112.5 is added to the Penal~~
 2 ~~Code, to read:~~
 3 ~~11112.5. The Department of Justice shall transmit to~~
 4 ~~the Department of Motor Vehicles records of all felony~~
 5 ~~and misdemeanor warrants entered in the California Law~~



1 ~~Enforcement Telecommunications System by law~~
2 ~~enforcement agencies pursuant to paragraph (1) of~~
3 ~~subdivision (e) of Section 13896.~~

4 ~~SEC. 2.~~

5 SECTION 1. Chapter 10.4 (commencing with
6 Section 13895) is added to Title 6 of Part 4 of the Penal
7 Code, to read:

8

9 CHAPTER 10.4. SERVICE OF ARREST WARRANTS PILOT
10 PROGRAM

11

12 13895. The Legislature finds and declares that the
13 apprehension of persons with outstanding arrest warrants
14 is vital to the protection of the public safety and the
15 maintenance of the criminal justice system. The
16 Legislature further finds that the prevalent law
17 enforcement “chance encounter” strategy has not been
18 effective in reducing the backlog of arrest and bench
19 warrants statewide. According to the Board of
20 Corrections’ estimates, there were 2,595,335 unserved
21 warrants at the end of 1998. The Legislature further finds
22 and declares that the ability of persons who have arrest
23 warrants pending against them to evade apprehension
24 undermines respect for the criminal justice system and
25 places public safety at risk. In enacting this chapter, it is
26 the intent of the Legislature to determine whether
27 increasing financial resources, providing technical
28 assistance, and promoting innovative practices can
29 reduce or eliminate the backlog of arrest warrants and
30 reduce crime in jurisdictions that receive this assistance.

31 13896. (a) There is hereby established in the Office
32 of Criminal Justice planning (OCJP) a pilot program of
33 financial and technical assistance for local law
34 enforcement agencies to assist in the apprehension of
35 persons with outstanding arrest warrants.

36 (b) The Office of Criminal Justice Planning shall, to
37 the extent that funds are made available for this purpose,
38 distribute funds to the City and County of San Francisco,
39 and to the Counties of Contra Costa and San Bernardino.
40 These funds shall be distributed to the San Francisco



1 Police Department and to the county sheriffs’
2 departments of the Counties of Contra Costa and San
3 Bernardino to be used for the hiring of personnel and the
4 development of policies to reduce or eliminate the
5 backlog of arrest warrants. As used in this section “arrest
6 warrants” includes bench warrants.

7 (c) The executive director of OCJP shall prepare and
8 issue administrative guidelines and procedures for the
9 Service of Arrest Warrants Pilot Program. The guidelines
10 do not constitute rules, regulations, orders, or standards
11 of general application. These guidelines shall, at a
12 minimum, do all of the following:

13 (1) Require law enforcement agencies receiving
14 funds to log all felony and misdemeanor warrants to the
15 Department of Justice’s California Law Enforcement
16 Telecommunications System.

17 (2) Require law enforcement agencies receiving
18 funds under this program to collaborate with other public
19 agencies, including law enforcement agencies in
20 neighboring jurisdictions, county probation
21 departments, social service agencies, and the state
22 Department of Motor Vehicles, to develop innovative
23 approaches to apprehend persons with outstanding arrest
24 warrants.

25 (3) Require that funds received under this chapter
26 supplement, rather than supplant, current expenditures.

27 (d) Agencies receiving funding under this program
28 shall report to OCJP one year after the receipt of grant
29 funds, and annually thereafter, on the effectiveness of the
30 grant in supporting their efforts to apprehend persons
31 with outstanding arrest warrants, reducing or eliminating
32 the backlog of outstanding arrest warrants, and reducing
33 crime.

34 (e) The Office of Criminal Justice Planning shall
35 report to the fiscal committees of the Legislature no later
36 than January 1 following the year in which it has received
37 any report from an agency required by this section,
38 evaluating the effectiveness of the grant program.

39 (f) Of the total funds appropriated for the purposes of
40 implementing the program established pursuant to this



1 chapter, OCJP may spend up to 5 percent on
2 administrative costs.

3 (g) This section shall remain in effect only until
4 January 1, 2003, and as of that date is repealed, unless a
5 later enacted statute, that is enacted before January 1,
6 2003, deletes or extends that date.

7 ~~SEC. 3. Section 12805 of the Vehicle Code is amended~~
8 ~~to read:~~

9 ~~12805. The department shall not issue a driver's~~
10 ~~license to, or renew a driver's license of, any person:~~

11 ~~(a) Who is not of legal age to receive a driver's license.~~

12 ~~(b) Who is unable, as shown by examination, to~~
13 ~~understand traffic signs or signals or who does not have~~
14 ~~a reasonable knowledge of the provisions of this code~~
15 ~~governing the operations of vehicles upon the highways.~~

16 ~~(c) When it is determined, by examination or other~~
17 ~~evidence, that the person is unable to safely operate a~~
18 ~~motor vehicle upon a highway.~~

19 ~~(d) Who is unable to read and understand simple~~
20 ~~English used in highway traffic and directional signs. This~~
21 ~~subdivision does not apply to any person holding an~~
22 ~~operator's or chauffeur's license issued by this state and~~
23 ~~valid on September 11, 1957.~~

24 ~~(e) Who holds a valid driver's license issued by a~~
25 ~~foreign jurisdiction unless the license has been~~
26 ~~surrendered to the department, or is lost or destroyed.~~

27 ~~(f) Who has ever held, or is the holder of, a license to~~
28 ~~drive issued by another state, territory, or possession of~~
29 ~~the United States, the District of Columbia, or the~~
30 ~~Commonwealth of Puerto Rico, and that license has been~~
31 ~~suspended by reason, in whole or in part, of a conviction~~
32 ~~of a traffic violation until the suspension period has~~
33 ~~terminated, except that the department may issue a~~
34 ~~license to the applicant if, in the opinion of the~~
35 ~~department, it will be safe to issue a license to a person~~
36 ~~whose license to drive was suspended by a state which is~~
37 ~~not a party to the Driver License Compact provided for~~
38 ~~in Chapter 6 (commencing with Section 15000) of~~
39 ~~Division 6.~~



1 ~~(g) Who has ever held, or is the holder of, a license to~~
 2 ~~drive issued by another state, territory, or possession of~~
 3 ~~the United States, the District of Columbia or the~~
 4 ~~Commonwealth of Puerto Rico, and that license has been~~
 5 ~~revoked by reason, in whole or in part, of a conviction of~~
 6 ~~a traffic violation, until the revocation has been~~
 7 ~~terminated or after the expiration of one year from the~~
 8 ~~date the license was revoked, whichever occurs first;~~
 9 ~~except that the department may issue a license to the~~
 10 ~~applicant if, in the opinion of the department, it will be~~
 11 ~~safe to issue a license to a person whose license to drive~~
 12 ~~was revoked by a state which is not a party to the Driver~~
 13 ~~License Compact provided for in Chapter 6~~
 14 ~~(commencing with Section 15000) of Division 6.~~

15 ~~(h) Who has an outstanding arrest warrant.~~

16 ~~SEC. 4.~~

17 *SEC. 2.* The sum of one million five hundred thousand
 18 dollars (\$1,500,000) is hereby appropriated from the
 19 General Fund to the Office of Criminal Justice Planning
 20 for expenditures in support of the Service of Arrest
 21 Warrants Pilot Program.

