

AMENDED IN SENATE APRIL 6, 1999

SENATE BILL

No. 1145

Introduced by Senator Rainey
(Principal coauthor: Assembly Member Rod Pacheco)

February 26, 1999

An act ~~relating to the reporting of crimes~~ to add Section 12282 to the Penal Code, relating to assault weapons.

LEGISLATIVE COUNSEL'S DIGEST

SB 1145, as amended, Rainey. ~~Crimes: reporting~~ Assault weapons: sentencing.

Existing law provides that any person who, within this state, possesses any assault weapon, except as specified, is guilty of a public offense punishable as a felony or a misdemeanor. Existing law further provides that any person who commits another crime while violating this provision may receive an additional consecutive punishment of one year for violating this provision in addition and consecutive to the punishment, including enhancements, that is prescribed for the other crime.

This bill would provide that any person convicted of a violation of this provision who previously has been convicted of a violent felony, as defined under specified provisions of existing law, shall receive, in addition to the sentence imposed by the court for the present offense, one 10-year enhancement for any such prior conviction or convictions. By creating a new sentence enhancement, this bill would impose a state-mandated local program.

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.

~~Existing law includes provisions that require the reporting of child abuse and elder abuse under certain conditions.~~

~~This bill would declare the intent of the Legislature to enact legislation that addresses the reporting of observed crimes.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

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

1 ~~SECTION 1. It is the intent of the Legislature to enact~~
2 ~~legislation that addresses the reporting of observed~~
3 ~~crimes.~~

4 SECTION 1. Section 12282 is added to the Penal
5 Code, to read:

6 12282. (a) Any person convicted of a violation of
7 subdivision (b) of Section 12280 who previously has been
8 convicted of a violent felony, as defined in subdivision (c)
9 of Section 667.5, shall receive, in addition to the sentence
10 imposed by the court for the present offense, one 10-year
11 enhancement for any such prior conviction or
12 convictions. The terms of the present offense and the
13 enhancement shall run consecutively.

14 (b) This subdivision shall not apply when the
15 punishment imposed under other provisions of law would
16 result in a longer term of imprisonment. There is no
17 requirement of prior incarceration or commitment for
18 this section to apply.

19 SEC. 2. No reimbursement is required by this act
20 pursuant to Section 6 of Article XIII B of the California
21 Constitution because the only costs that may be incurred
22 by a local agency or school district will be incurred
23 because this act creates a new crime or infraction,
24 eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section



1 *17556 of the Government Code, or changes the definition*
2 *of a crime within the meaning of Section 6 of Article*
3 *XIII B of the California Constitution.*

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