

AMENDED IN ASSEMBLY APRIL 5, 2010

AMENDED IN ASSEMBLY MARCH 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1725

Introduced by Assembly Member Swanson

February 3, 2010

~~An act to add Section 671 to the Harbors and Navigation Code, relating to boating. An act to amend Section 3053 of the Penal Code, relating to prisoners.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1725, as amended, Swanson. ~~Boating: vessel operation by a minor. Parole: conditions of release: HIV/AIDS testing.~~

Existing law establishes the Board of Parole Hearings and grants it the power to allow prisoners imprisoned in state prisons to go outside the prison on parole. Existing law imposes specified conditions upon parole for various circumstances and allows the Board of Parole Hearings to impose additional conditions of parole that it deems proper.

Under existing law the board may impose as a condition of parole that any prisoner granted parole undergo an examination or test for tuberculosis if the board reasonably suspects the parolee has been exposed to tuberculosis.

This bill would also require that the board impose as a condition of parole that any prisoner granted parole undergo testing for HIV/AIDS. This bill would require the testing to be conducted within 120 days prior to the prisoner's release on parole.

This bill would make other technical changes.

Existing law regulates the operation of vessels, including imposing safety requirements on the operation of vessels, and authorizes the Department of Boating and Waterways to issue regulations to establish minimum safety standards for boats.

This bill would enact the Boating Certification and Child Safety Act, which would prohibit a person under 18 years of age from operating a vessel that is propelled by an engine unless that person is being supervised by a person who is 18 years of age or older and who has in his or her possession a vessel operator certificate issued by the department.

The bill would require the department to issue a vessel operator certificate to a person who provides the department with proof satisfactory to the department that the person has passed a vessel operator test approved by the department. The bill would require the department to charge a fee of no more than \$13 for the vessel operator certificate, and would require the fee revenue to be used to pay for the department's costs for implementing the act. The bill also would require the department to provide a vessel operator test on the department's Internet Web site and to provide links from its Internet Web site to other vessel operator tests that are on the Internet and have been approved by the department.

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

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

1 SECTION 1. This act shall be known as the Community
2 Re-Entry HIV/AIDS Prevention Act.

3 SEC. 2. Section 3053 of the Penal Code is amended to read:

4 3053. (a) The Board of ~~Prison Terms~~ Parole Hearings upon
5 granting any parole to any prisoner may also impose on the parole
6 any conditions that it may deem proper.

7 (b) The Board of ~~Prison Terms~~ Parole Hearings may impose
8 as a condition of parole that any prisoner granted parole undergo
9 an examination or test for tuberculosis when the board reasonably
10 suspects that the parolee has, has had, or has been exposed to,
11 tuberculosis in an infectious stage.

12 (c) The Board of Parole Hearings shall impose as a condition
13 of parole that any prisoner granted parole undergo an examination
14 or test for human immunodeficiency virus (HIV) and acquired

1 *immune deficiency syndrome (AIDS). The examination or test shall*
2 *be conducted within 120 days prior to the release of the prisoner*
3 *on parole.*

4 (e)

5 (d) For purposes of this section, an “examination or test for
6 tuberculosis” means testing and followup examinations or treatment
7 according to the Centers for Disease Control and American
8 Thoracic Society recommendations in effect at the time of the
9 initial examination.

10 SECTION 1. ~~Section 671 is added to the Harbors and~~
11 ~~Navigation Code, to read:~~

12 ~~671. (a) This section shall be known, and may be cited, as the~~
13 ~~Boating Certification and Child Safety Act.~~

14 (b) ~~A person under 18 years of age shall not operate a vessel~~
15 ~~that is propelled by an engine, regardless of whether the engine is~~
16 ~~the principal source of propulsion, unless that person is being~~
17 ~~supervised by a person who is 18 years of age or older and who~~
18 ~~has in his or her possession a vessel operator certificate issued by~~
19 ~~the department pursuant to this section.~~

20 (c) (1) ~~The department shall issue a vessel operator certificate~~
21 ~~to a person who provides the department with proof satisfactory~~
22 ~~to the department that the person has passed a vessel operator test~~
23 ~~approved by the department. The vessel operator certificate shall~~
24 ~~be valid for the life of the person to whom it is issued.~~

25 (2) ~~The department shall charge a fee of no more than thirteen~~
26 ~~dollars (\$13) for a vessel operator certificate.~~

27 (3) ~~The fee revenue received pursuant to this section shall be~~
28 ~~used to pay the department’s costs for implementing this section.~~

29 (d) ~~The department shall provide a vessel operator test on the~~
30 ~~department’s Internet Web site and shall provide links from its~~
31 ~~Internet Web site to other vessel operator tests that are on the~~
32 ~~Internet and have been approved by the department.~~