

AMENDED IN SENATE AUGUST 3, 2010

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2217

Introduced by Assembly Member Fuentes

February 18, 2010

An act to amend Sections 611, 613, and 1209 of the Code of Civil Procedure, and to amend Sections 166, 1122, and 1128 of the Penal Code, relating to jurors.

LEGISLATIVE COUNSEL'S DIGEST

AB 2217, as amended, Fuentes. Jurors: electronic communications.

(1) Existing law requires the court in a jury trial to admonish the jury that it is their duty not to converse with, or permit themselves to be addressed by, any other person on any subject of the trial. The court is required to provide the admonishment in a civil proceeding when the jurors are permitted to separate during the trial, and when the case is submitted to the jury, and, in a criminal proceeding, after the jury has been sworn and before the people's opening address, at each adjournment of the court, and when the jurors are permitted by the court to separate after the case is submitted to the jury. An officer having the jury under his or her charge shall not permit any communication to be made to them, or make any himself or herself, as specified.

This bill would expand those admonishments to include the conduct of research or dissemination of information on any subject of the trial. The bill would require the court, when admonishing the jury against conversation, research, or dissemination of information pursuant to these provisions, to clearly explain, as part of the admonishment, that

the prohibition applies to all forms of electronic and wireless communication. The bill would require the officer in charge of a jury to prevent any form of electronic or wireless communication.

(2) Existing law provides that certain acts or omissions in respect to a court of justice, or proceedings therein, are civil contempts of the authority of the court, including, among other things, disobedience of any lawful judgment, order, or process of the court. Existing law also specifies certain criminal contempts of court, punishable as a misdemeanor, including, among other things, resistance willfully offered by a person to the lawful order or process of a court.

This bill would make the willful disobedience by a juror of a court admonishment related to the prohibition on any form of communication or research about the case, including all forms of electronic or wireless communication or research, is punishable as either a civil or criminal contempt of court pursuant to those provisions. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

(3) *This bill would incorporate additional changes in Section 166 of the Penal Code made by AB 2632 that would become operative if both bills are enacted and this bill is enacted after AB 2632.*

~~(3)~~

(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 611 of the Code of Civil Procedure is
- 2 amended to read:
- 3 611. If the jury are permitted to separate, either during the trial
- 4 or after the case is submitted to them, they shall be admonished
- 5 by the court that it is their duty not to conduct research, disseminate
- 6 information, or converse with, or permit themselves to be addressed
- 7 by, any other person on any subject of the trial, and that it is their
- 8 duty not to form or express an opinion thereon until the case is
- 9 finally submitted to them. The court shall clearly explain, as part

1 of the admonishment, that the prohibition on research,
2 dissemination of information, and conversation applies to all forms
3 of electronic and wireless communication.

4 SEC. 2. Section 613 of the Code of Civil Procedure is amended
5 to read:

6 613. When the case is finally submitted to the jury, they may
7 decide in court or retire for deliberation. If they retire, they must
8 be kept together in some convenient place, under charge of an
9 officer, until at least three-fourths of them agree upon a verdict or
10 are discharged by the court. Unless by order of the court, the officer
11 having them under his or her charge shall not permit any
12 communication to be made to them, including any form of
13 electronic or wireless communication, or make any himself or
14 herself, except to ask them if they or three-fourths of them are
15 agreed upon a verdict. The officer shall not, before their verdict
16 is rendered, communicate to any person the state of their
17 deliberations, or the verdict agreed upon.

18 SEC. 3. Section 1209 of the Code of Civil Procedure is
19 amended to read:

20 1209. (a) The following acts or omissions in respect to a court
21 of justice, or proceedings therein, are contempts of the authority
22 of the court:

23 (1) Disorderly, contemptuous, or insolent behavior toward the
24 judge while holding the court, tending to interrupt the due course
25 of a trial or other judicial proceeding.

26 (2) A breach of the peace, boisterous conduct, or violent
27 disturbance, tending to interrupt the due course of a trial or other
28 judicial proceeding.

29 (3) Misbehavior in office, or other willful neglect or violation
30 of duty by an attorney, counsel, clerk, sheriff, coroner, or other
31 person, appointed or elected to perform a judicial or ministerial
32 service.

33 (4) Abuse of the process or proceedings of the court, or falsely
34 pretending to act under authority of an order or process of the
35 court.

36 (5) Disobedience of any lawful judgment, order, or process of
37 the court.

38 (6) Willful disobedience by a juror of a court admonishment
39 related to the prohibition on any form of communication or research

1 about the case, including all forms of electronic or wireless
2 communication or research.

3 (7) Rescuing any person or property in the custody of an officer
4 by virtue of an order or process of that court.

5 (8) Unlawfully detaining a witness or party to an action while
6 going to, remaining at, or returning from the court where the action
7 is on the calendar for trial.

8 (9) Any other unlawful interference with the process or
9 proceedings of a court.

10 (10) Disobedience of a subpoena duly served, or refusing to be
11 sworn or answer as a witness.

12 (11) When summoned as a juror in a court, neglecting to attend
13 or serve as a juror, or improperly conversing with a party to an
14 action to be tried at the court, or with any other person, in relation
15 to the merits of the action, or receiving a communication from a
16 party or other person in respect to the action, without immediately
17 disclosing the communication to the court.

18 (12) Disobedience by an inferior tribunal or judicial officer of
19 the lawful judgment, order, or process of a superior court, or
20 proceeding in an action or special proceeding contrary to law, after
21 the action or special proceeding is removed from the jurisdiction
22 of the inferior tribunal or judicial officer.

23 (b) A speech or publication reflecting upon or concerning a
24 court or an officer thereof shall not be treated or punished as a
25 contempt of the court unless made in the immediate presence of
26 the court while in session and in such a manner as to actually
27 interfere with its proceedings.

28 (c) Notwithstanding Section 1211 or any other law, if an order
29 of contempt is made affecting an attorney, his or her agent,
30 investigator, or any person acting under the attorney's direction,
31 in the preparation and conduct of an action or proceeding, the
32 execution of any sentence shall be stayed pending the filing within
33 three judicial days of a petition for extraordinary relief testing the
34 lawfulness of the court's order, the violation of which is the basis
35 of the contempt, except for conduct proscribed by subdivision (b)
36 of Section 6068 of the Business and Professions Code, relating to
37 an attorney's duty to maintain respect due to the courts and judicial
38 officers.

39 (d) Notwithstanding Section 1211 or any other law, if an order
40 of contempt is made affecting a public safety employee acting

1 within the scope of employment for reason of the employee's
2 failure to comply with a duly issued subpoena or subpoena duces
3 tecum, the execution of any sentence shall be stayed pending the
4 filing within three judicial days of a petition for extraordinary relief
5 testing the lawfulness of the court's order, a violation of which is
6 the basis for the contempt.

7 As used in this subdivision, "public safety employee" includes
8 any peace officer, firefighter, paramedic, or any other employee
9 of a public law enforcement agency whose duty is either to
10 maintain official records or to analyze or present evidence for
11 investigative or prosecutorial purposes.

12 SEC. 4. Section 166 of the Penal Code is amended to read:

13 166. (a) Except as provided in subdivisions (b), (c), and (d),
14 a person guilty of any of the following contempts of court is guilty
15 of a misdemeanor:

16 (1) Disorderly, contemptuous, or insolent behavior committed
17 during the sitting of a court of justice, in the immediate view and
18 presence of the court, and directly tending to interrupt its
19 proceedings or to impair the respect due to its authority.

20 (2) Behavior specified in paragraph (1) that is committed in the
21 presence of a referee, while actually engaged in a trial or hearing,
22 pursuant to the order of a court, or in the presence of a jury while
23 actually sitting for the trial of a cause, or upon an inquest or other
24 proceeding authorized by law.

25 (3) A breach of the peace, noise, or other disturbance directly
26 tending to interrupt the proceedings of the court.

27 (4) Willful disobedience of the terms as written of any process
28 or court order or out-of-state court order, lawfully issued by a
29 court, including orders pending trial.

30 (5) Resistance willfully offered by any person to the lawful
31 order or process of a court.

32 (6) Willful disobedience by a juror of a court admonishment
33 related to the prohibition on any form of communication or research
34 about the case, including all forms of electronic or wireless
35 communication or research.

36 (7) The contumacious and unlawful refusal of a person to be
37 sworn as a witness or, when so sworn, the like refusal to answer
38 a material question.

39 (8) The publication of a false or grossly inaccurate report of the
40 proceedings of a court.

(9) Presenting to a court having power to pass sentence upon a prisoner under conviction, or to a member of the court, an affidavit, testimony, or representation of any kind, verbal or written, in aggravation or mitigation of the punishment to be imposed upon the prisoner, except as provided in this code.

(b) (1) A person who is guilty of contempt of court under paragraph (4) of subdivision (a) by willfully contacting a victim by telephone or mail, or directly, and who has been previously convicted of a violation of Section 646.9 shall be punished by imprisonment in a county jail for not more than one year, by a fine of five thousand dollars (\$5,000), or by both that fine and imprisonment.

(2) For the purposes of sentencing under this subdivision, each contact shall constitute a separate violation of this subdivision.

(3) The present incarceration of a person who makes contact with a victim in violation of paragraph (1) is not a defense to a violation of this subdivision.

(c) (1) Notwithstanding paragraph (4) of subdivision (a), a willful and knowing violation of a protective order or stay-away court order issued pursuant to Section 136.2, in a pending criminal proceeding involving domestic violence, as defined in Section 13700, or issued as a condition of probation after a conviction in a criminal proceeding involving domestic violence, as defined in Section 13700, or elder or dependent adult abuse, as defined in Section 368, or that is an order described in paragraph (3), shall constitute contempt of court, a misdemeanor, punishable by imprisonment in a county jail for not more than one year, by a fine of not more than one thousand dollars (\$1,000), or by both that imprisonment and fine.

(2) If a violation of paragraph (1) results in a physical injury, the person shall be imprisoned in a county jail for at least 48 hours, whether a fine or imprisonment is imposed, or the sentence is suspended.

(3) Paragraphs (1) and (2) apply to the following court orders:

(A) An order issued pursuant to Section 6320 or 6389 of the Family Code.

(B) An order excluding one party from the family dwelling or from the dwelling of the other.

1 (C) An order enjoining a party from specified behavior that the
2 court determined was necessary to effectuate the orders described
3 in paragraph (1).

4 (4) A second or subsequent conviction for a violation of an order
5 described in paragraph (1) occurring within seven years of a prior
6 conviction for a violation of any of those orders and involving an
7 act of violence or “a credible threat” of violence, as provided in
8 subdivisions (c) and (d) of Section 139, is punishable by
9 imprisonment in a county jail not to exceed one year, or in the
10 state prison for 16 months or two or three years.

11 (5) The prosecuting agency of each county shall have the
12 primary responsibility for the enforcement of the orders described
13 in paragraph (1).

14 (d) (1) A person who owns, possesses, purchases, or receives
15 a firearm knowing he or she is prohibited from doing so by the
16 provisions of a protective order as defined in Section 136.2 of this
17 code, Section 6218 of the Family Code, or Section 527.6 or 527.8
18 of the Code of Civil Procedure, shall be punished under subdivision
19 (g) of Section 12021.

20 (2) A person subject to a protective order described in paragraph
21 (1) shall not be prosecuted under this section for owning,
22 possessing, purchasing, or receiving a firearm to the extent that
23 firearm is granted an exemption pursuant to subdivision (h) of
24 Section 6389 of the Family Code.

25 (e) (1) If probation is granted upon conviction of a violation of
26 subdivision (c), the court shall impose probation consistent with
27 Section 1203.097 of the Penal Code.

28 (2) If probation is granted upon conviction of a violation of
29 subdivision (c), the conditions of probation may include, in lieu
30 of a fine, one or both of the following requirements:

31 (A) That the defendant make payments to a battered women’s
32 shelter, up to a maximum of one thousand dollars (\$1,000).

33 (B) That the defendant provide restitution to reimburse the
34 victim for reasonable costs of counseling and other reasonable
35 expenses that the court finds are the direct result of the defendant’s
36 offense.

37 (3) For an order to pay a fine, make payments to a battered
38 women’s shelter, or pay restitution as a condition of probation
39 under this subdivision or subdivision (c), the court shall make a
40 determination of the defendant’s ability to pay. In no event shall

1 an order to make payments to a battered women's shelter be made
2 if it would impair the ability of the defendant to pay direct
3 restitution to the victim or court-ordered child support.

4 (4) If the injury to a married person is caused in whole, or in
5 part, by the criminal acts of his or her spouse in violation of
6 subdivision (c), the community property shall not be used to
7 discharge the liability of the offending spouse for restitution to the
8 injured spouse required by Section 1203.04, as operative on or
9 before August 2, 1995, or Section 1202.4, or to a shelter for costs
10 with regard to the injured spouse and dependents required by this
11 subdivision, until all separate property of the offending spouse is
12 exhausted.

13 (5) A person violating an order described in subdivision (c) may
14 be punished for any substantive offenses described under Section
15 136.1 or 646.9. A finding of contempt shall not be a bar to
16 prosecution for a violation of Section 136.1 or 646.9. However, a
17 person held in contempt for a violation of subdivision (c) shall be
18 entitled to credit for any punishment imposed as a result of that
19 violation against any sentence imposed upon conviction of an
20 offense described in Section 136.1 or 646.9. A conviction or
21 acquittal for a substantive offense under Section 136.1 or 646.9
22 shall be a bar to a subsequent punishment for contempt arising out
23 of the same act.

24 *SEC. 4.5. Section 166 of the Penal Code is amended to read:*

25 166. (a) Except as provided in subdivisions (b), (c), and (d),
26 ~~every a person guilty of any contempt of court, of any of the~~
27 ~~following kinds, of the following contempts of court~~ is guilty of a
28 misdemeanor:

29 (1) Disorderly, contemptuous, or insolent behavior committed
30 during the sitting of ~~any a~~ court of justice, in the immediate view
31 and presence of the court, and directly tending to interrupt its
32 proceedings or to impair the respect due to its authority.

33 (2) Behavior ~~as specified in paragraph (1) that~~ committed in
34 the presence of ~~any a~~ referee, while actually engaged in ~~any a~~ trial
35 or hearing, pursuant to the order of ~~any a~~ court, or in the presence
36 of ~~any a~~ jury while actually sitting for the trial of a cause, or upon
37 ~~any an~~ inquest or other ~~proceedings~~ *proceeding* authorized by law.

38 (3) ~~Any~~ A breach of the peace, noise, or other disturbance
39 directly tending to interrupt the proceedings of ~~any the~~ court.

1 (4) Willful disobedience of the terms as written of any process
2 or court order or out-of-state court order, lawfully issued by ~~any~~
3 a court, including orders pending trial.

4 (5) Resistance willfully offered by any person to the lawful
5 order or process of ~~any~~ a court.

6 (6) *Willful disobedience by a juror of a court admonishment*
7 *related to the prohibition on any form of communication or*
8 *research about the case, including all forms of electronic or*
9 *wireless communication or research.*

10 ~~(6)~~

11 (7) The contumacious and unlawful refusal of ~~any~~ a person to
12 be sworn as a witness or, when so sworn, the like refusal to answer
13 ~~any~~ a material question.

14 ~~(7)~~

15 (8) The publication of a false or grossly inaccurate report of the
16 proceedings of ~~any~~ a court.

17 ~~(8)~~

18 (9) Presenting to ~~any~~ a court having power to pass sentence
19 upon ~~any~~ a prisoner under conviction, or to ~~any~~ a member of the
20 court, ~~any~~ an affidavit or, testimony, or representation of any kind,
21 verbal or written, in aggravation or mitigation of the punishment
22 to be imposed upon the prisoner, except as provided in this code.

23 (10) *Willful disobedience of the terms of any injunction that*
24 *restrains the activities of a criminal street gang or any of its*
25 *members, lawfully issued by any court, including an order pending*
26 *trial.*

27 (b) (1) ~~Any~~ A person who is guilty of contempt of court under
28 paragraph (4) of subdivision (a) by willfully contacting a victim
29 by telephone or mail, or directly, and who has been previously
30 convicted of a violation of Section 646.9 shall be punished by
31 imprisonment in a county jail for not more than one year, by a fine
32 of five thousand dollars (\$5,000), or by both that fine and
33 imprisonment.

34 (2) For the purposes of sentencing under this subdivision, each
35 contact shall constitute a separate violation of this subdivision.

36 (3) The present incarceration of a person who makes contact
37 with a victim in violation of paragraph (1) is not a defense to a
38 violation of this subdivision.

39 (c) (1) Notwithstanding paragraph (4) of subdivision (a), ~~any~~
40 a willful and knowing violation of ~~any~~ a protective order or

1 stay-away court order issued pursuant to Section 136.2, in a
2 pending criminal proceeding involving domestic violence, as
3 defined in Section 13700, or issued as a condition of probation
4 after a conviction in a criminal proceeding involving domestic
5 violence, as defined in Section 13700, or elder or dependent adult
6 abuse, as defined in Section 368, or that is an order described in
7 paragraph (3), shall constitute contempt of court, a misdemeanor,
8 punishable by imprisonment in a county jail for not more than one
9 year, by a fine of not more than one thousand dollars (\$1,000), or
10 by both that imprisonment and fine.

11 (2) If a violation of paragraph (1) results in a physical injury,
12 the person shall be imprisoned in a county jail for at least 48 hours,
13 whether a fine or imprisonment is imposed, or the sentence is
14 suspended.

15 (3) Paragraphs (1) and (2) apply to the following court orders:

16 (A) ~~Any~~An order issued pursuant to Section 6320 or 6389 of
17 the Family Code.

18 (B) An order excluding one party from the family dwelling or
19 from the dwelling of the other.

20 (C) An order enjoining a party from specified behavior that the
21 court determined was necessary to effectuate the orders described
22 in paragraph (1).

23 (4) A second or subsequent conviction for a violation of ~~any an~~
24 order described in paragraph (1) occurring within seven years of
25 a prior conviction for a violation of any of those orders and
26 involving an act of violence or “a credible threat” of violence, as
27 provided in subdivisions (c) and (d) of Section 139, is punishable
28 by imprisonment in a county jail not to exceed one year, or in the
29 state prison for 16 months or two or three years.

30 (5) The prosecuting agency of each county shall have the
31 primary responsibility for the enforcement of the orders described
32 in paragraph (1).

33 (d) (1) A person who owns, possesses, purchases, or receives
34 a firearm knowing he or she is prohibited from doing so by the
35 provisions of a protective order as defined in Section 136.2 of this
36 code, Section 6218 of the Family Code, or Section 527.6 or 527.8
37 of the Code of Civil Procedure, shall be punished under ~~the~~
38 ~~provisions of~~ subdivision (g) of Section 12021.

39 (2) A person subject to a protective order described in paragraph
40 (1) shall not be prosecuted under this section for owning,

1 possessing, purchasing, or receiving a firearm to the extent that
2 firearm is granted an exemption pursuant to subdivision (h) of
3 Section 6389 of the Family Code.

4 (e) (1) If probation is granted upon conviction of a violation of
5 subdivision (c), the court shall impose probation consistent with
6 Section 1203.097 of the Penal Code.

7 (2) If probation is granted upon conviction of a violation of
8 subdivision (c), the conditions of probation may include, in lieu
9 of a fine, one or both of the following requirements:

10 (A) That the defendant make payments to a battered women's
11 shelter, up to a maximum of one thousand dollars (\$1,000).

12 (B) That the defendant provide restitution to reimburse the
13 victim for reasonable costs of counseling and other reasonable
14 expenses that the court finds are the direct result of the defendant's
15 offense.

16 (3) For ~~any~~ *an* order to pay a fine, make payments to a battered
17 women's shelter, or pay restitution as a condition of probation
18 under this subdivision or subdivision (c), the court shall make a
19 determination of the defendant's ability to pay. In no event shall
20 ~~any~~ *an* order to make payments to a battered women's shelter be
21 made if it would impair the ability of the defendant to pay direct
22 restitution to the victim or court-ordered child support.

23 (4) If the injury to a married person is caused in whole or in
24 part by the criminal acts of his or her spouse in violation of
25 subdivision (c), the community property ~~may~~ *shall* not be used to
26 discharge the liability of the offending spouse for restitution to the
27 injured spouse required by Section 1203.04, as operative on or
28 before August 2, 1995, or Section 1202.4, or to a shelter for costs
29 with regard to the injured spouse and dependents required by this
30 subdivision, until all separate property of the offending spouse is
31 exhausted.

32 (5) ~~Any~~ *A* person violating ~~any~~ *an* order described in subdivision
33 (c) may be punished for any substantive offenses described under
34 Section 136.1 or 646.9. ~~No~~ *A* finding of contempt shall *not* be a
35 bar to prosecution for a violation of Section 136.1 or 646.9.
36 However, ~~any~~ *a* person held in contempt for a violation of
37 subdivision (c) shall be entitled to credit for any punishment
38 imposed as a result of that violation against any sentence imposed
39 upon conviction of an offense described in Section 136.1 or 646.9.
40 ~~Any~~ *A* conviction or acquittal for ~~any~~ *a* substantive offense under

1 Section 136.1 or 646.9 shall be a bar to a subsequent punishment
2 for contempt arising out of the same act.

3 SEC. 5. Section 1122 of the Penal Code is amended to read:

4 1122. (a) After the jury has been sworn and before the people's
5 opening address, the court shall instruct the jury generally
6 concerning its basic functions, duties, and conduct. The instructions
7 shall include, among other matters, all of the following
8 admonitions:

9 (1) That the jurors shall not converse among themselves, or with
10 anyone else, conduct research, or disseminate information on any
11 subject connected with the trial. The court shall clearly explain,
12 as part of the admonishment, that the prohibition on conversation
13 research, and dissemination of information applies to all forms of
14 electronic and wireless communication.

15 (2) That they shall not read or listen to any accounts or
16 discussions of the case reported by newspapers or other news
17 media.

18 (3) That they shall not visit or view the premises or place where
19 the offense or offenses charged were allegedly committed or any
20 other premises or place involved in the case.

21 (4) That prior to, and within 90 days of, discharge, they shall
22 not request, accept, agree to accept, or discuss with any person
23 receiving or accepting, any payment or benefit in consideration
24 for supplying any information concerning the trial.

25 (5) That they shall promptly report to the court any incident
26 within their knowledge involving an attempt by any person to
27 improperly influence any member of the jury.

28 (b) The jury shall also, at each adjournment of the court before
29 the submission of the cause to the jury, whether permitted to
30 separate or kept in charge of officers, be admonished by the court
31 that it is their duty not to conduct research, disseminate
32 information, or converse among themselves, or with anyone else,
33 on any subject connected with the trial, or to form or express any
34 opinion about the case until the cause is finally submitted to them.
35 The court shall clearly explain, as part of the admonishment, that
36 the prohibition on research, dissemination of information, and
37 conversation applies to all forms of electronic and wireless
38 communication.

39 SEC. 6. Section 1128 of the Penal Code is amended to read:

1 1128. After hearing the charge, the jury may either decide in
2 court or may retire for deliberation. If they do not agree without
3 retiring for deliberation, an officer shall be sworn to keep them
4 together for deliberation in some private and convenient place,
5 and, during the deliberation, not to permit any person to speak to
6 or communicate with them, including any form of electronic or
7 wireless communication, nor to do so himself or herself, unless
8 by order of the court, or to ask them whether they have agreed
9 upon a verdict, and to return them into court when they have so
10 agreed, or when ordered by the court. The court shall fix the time
11 and place for deliberation. The jurors shall not deliberate on the
12 case except under those circumstances. If the jurors are permitted
13 by the court to separate, the court shall properly admonish them
14 as provided in subdivision (b) of Section 1122. If the jury is
15 composed of both men and women, and the jurors are not permitted
16 by the court to separate, in the event that it becomes necessary to
17 retire for the night, the women shall be kept in a room or rooms
18 separate and apart from the men.

19 *SEC. 7. Section 4.5 of this bill incorporates amendments to*
20 *Section 166 of the Penal Code proposed by both this bill and AB*
21 *2632. It shall only become operative if (1) both bills are enacted*
22 *and become effective on or before January 1, 2011, (2) each bill*
23 *amends Section 166 of the Penal Code, and (3) this bill is enacted*
24 *after AB 2632, in which case Section 4 of this bill shall not become*
25 *operative.*

26 ~~SEC. 7.~~

27 *SEC. 8.* No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section 17556 of
33 the Government Code, or changes the definition of a crime within
34 the meaning of Section 6 of Article XIII B of the California
35 Constitution.