

AMENDED IN ASSEMBLY FEBRUARY 18, 2000

AMENDED IN ASSEMBLY FEBRUARY 10, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1712

Introduced by Assembly Member Cunneen

January 3, 2000

~~An act to amend Sections 190.03, 190.1, 190.3, 190.4, and 190.5, relating to the death penalty. An act to add Section 13848.8 to the Penal Code, relating to high technology crime courts.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1712, as amended, Cunneen. ~~Death penalty~~ *High technology crime courts.*

Existing law establishes the High Technology Theft Apprehension and Prosecution Program which provides a program of financial and technical assistance for law enforcement and district attorneys' offices.

This bill would authorize San Diego, San Francisco, and Santa Clara Counties to establish a high technology crime court to hear criminal cases brought under the High Technology Theft Apprehension and Prosecution Program and any other high technology crime deemed appropriate by the presiding judge in the respective county. Those specified counties would be authorized to designate judicial resources to establish and support the high technology crime court. The bill would also require the Judicial Council to devise

appropriate training and guidelines to implement this program.

~~(1) Existing law, as amended by initiative statute, provides that the penalty for a defendant found guilty of murder in the first degree shall be death, or confinement in the state prison for a term of life without the possibility of parole, where one or more special circumstances have been charged and found to be true. The intentional killing of a person because of his or her race, color, religion, nationality, or country of origin is one of these special circumstances.~~

~~Existing law also provides that the penalty for murder in the first degree is imprisonment in the state prison for life without the possibility of parole if the defendant intentionally killed the victim because of the victim's disability, gender, or sexual orientation or because of the defendant's perception of the victim's disability, gender, or sexual orientation.~~

~~This bill would authorize imposition of the death penalty upon a person convicted of the intentional killing of a person because of his or her disability, gender, or sexual orientation, or because of the defendant's perception of the victim's race, color, religion, nationality, country of origin, disability, gender, or sexual orientation. The bill would also make conforming changes to the procedural provisions of law governing imposition of the death penalty.~~

~~(2) The bill would provide that it shall become effective only when submitted to, and approved by, the voters of California.~~

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. — Section 190.03 of the Penal Code is
- 2 SECTION 1. Section 13848.8 is added to the Penal
- 3 Code, to read:
- 4 13848.8. (a) The Counties of San Diego, San
- 5 Francisco, and Santa Clara may establish a high
- 6 technology crime court to hear criminal cases brought
- 7 under the High Technology Theft Apprehension and
- 8 Prosecution Program pursuant to this chapter and any



1 *other high technology crime deemed appropriate by the*
2 *presiding judge in the respective county.*

3 *(b) The counties specified in subdivision (a) may*
4 *designate judicial resources to establish and support the*
5 *high technology crime court.*

6 *(c) The Judicial Council shall devise appropriate*
7 *training and guidelines to implement this section.*

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**All matter omitted in this version of the
bill appears in the bill as amended in the
Assembly, February 10, 2000 (JR 11)**

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