

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1860

Introduced by Assembly Member Alejo

February 10, 2016

An act to amend Section ~~566 of the Penal Code, relating to branded containers: 1464 of, and to add Title 14 (commencing with Section 14400) to Part 4 of, the Penal Code, relating to peace officers, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1860, as amended, Alejo. ~~Branded containers: brand registration: destruction.~~—*Local law enforcement: body-worn cameras: grant program.*

Existing law generally requires local agencies to provide each newly hired police officer and deputy sheriff with a pistol and other specified equipment.

This bill would require the Board of State and Community Corrections to develop a grant program to make funds available to local law enforcement entities to purchase body-worn cameras and related data storage and equipment, and to hire personnel necessary to operate a local body-worn camera program. The bill would create the Body-worn Camera Fund, that would continuously appropriate funds to the board for those purposes.

Existing law creates the State Penalty Fund into which moneys collected by the courts from the imposition of fines, forfeitures, or penalties on criminal offenses are deposited. Once a month, certain percentages of money in that fund are transferred into other funds, including, among others, the Driver Training Penalty Assessment Fund.

This bill would delete the transfer requirement for the Driver Training Penalty Assessment Fund and instead require a transfer to the Body-worn Camera Fund.

By transferring general fund moneys into a continuously appropriated fund, this bill would make an appropriation.

~~Existing law makes it a felony for an unauthorized person, as defined, to possess, or use, or to obliterate or destroy the brand registration upon, containers, including milk cases, cabinets, or other dairy equipment, which have a value in excess of \$950.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

1 SECTION 1. Section 1464 of the Penal Code is amended to
2 read:

3 1464. (a) (1) Subject to Chapter 12 (commencing with Section
4 76000) of Title 8 of the Government Code, and except as otherwise
5 provided in this section, there shall be levied a state penalty in the
6 amount of ten dollars (\$10) for every ten dollars (\$10), or part of
7 ten dollars (\$10), upon every fine, penalty, or forfeiture imposed
8 and collected by the courts for all criminal offenses, including all
9 offenses, except parking offenses as defined in subdivision (i) of
10 Section 1463, involving a violation of a section of the Vehicle
11 Code or any local ordinance adopted pursuant to the Vehicle Code.

12 (2) Any bail schedule adopted pursuant to Section 1269b or bail
13 schedule adopted by the Judicial Council pursuant to Section 40310
14 of the Vehicle Code may include the necessary amount to pay the
15 penalties established by this section and Chapter 12 (commencing
16 with Section 76000) of Title 8 of the Government Code, and the
17 surcharge authorized by Section 1465.7, for all matters where a
18 personal appearance is not mandatory and the bail is posted
19 primarily to guarantee payment of the fine.

20 (3) The penalty imposed by this section does not apply to the
21 following:

22 (A) Any restitution fine.

23 (B) Any penalty authorized by Chapter 12 (commencing with
24 Section 76000) of Title 8 of the Government Code.

1 (C) Any parking offense subject to Article 3 (commencing with
2 Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

3 (D) The state surcharge authorized by Section 1465.7.

4 (b) Where multiple offenses are involved, the state penalty shall
5 be based upon the total fine or bail for each case. When a fine is
6 suspended, in whole or in part, the state penalty shall be reduced
7 in proportion to the suspension.

8 (c) When any deposited bail is made for an offense to which
9 this section applies, and for which a court appearance is not
10 mandatory, the person making the deposit shall also deposit a
11 sufficient amount to include the state penalty prescribed by this
12 section for forfeited bail. If bail is returned, the state penalty paid
13 thereon pursuant to this section shall also be returned.

14 (d) In any case where a person convicted of any offense, to
15 which this section applies, is in prison until the fine is satisfied,
16 the judge may waive all or any part of the state penalty, the
17 payment of which would work a hardship on the person convicted
18 or his or her immediate family.

19 (e) After a determination by the court of the amount due, the
20 clerk of the court shall collect the penalty and transmit it to the
21 county treasury. The portion thereof attributable to Chapter 12
22 (commencing with Section 76000) of Title 8 of the Government
23 Code shall be deposited in the appropriate county fund and 70
24 percent of the balance shall then be transmitted to the State
25 Treasury, to be deposited in the State Penalty Fund, which is hereby
26 created, and 30 percent to remain on deposit in the county general
27 fund. The transmission to the State Treasury shall be carried out
28 in the same manner as fines collected for the state by a county.

29 (f) The moneys so deposited in the State Penalty Fund shall be
30 distributed as follows:

31 (1) Once a month there shall be transferred into the Fish and
32 Game Preservation Fund an amount equal to 0.33 percent of the
33 state penalty funds deposited in the State Penalty Fund during the
34 preceding month, except that the total amount shall not be less
35 than the state penalty levied on fines or forfeitures for violation of
36 state laws relating to the protection or propagation of fish and
37 game. These moneys shall be used for the education or training of
38 department employees which fulfills a need consistent with the
39 objectives of the Department of Fish and ~~Game~~: *Wildlife*.

1 (2) Once a month there shall be transferred into the Restitution
2 Fund an amount equal to 32.02 percent of the state penalty funds
3 deposited in the State Penalty Fund during the preceding month.
4 Those funds shall be made available in accordance with Section
5 13967 of the Government Code.

6 (3) Once a month there shall be transferred into the Peace
7 Officers' Training Fund an amount equal to 23.99 percent of the
8 state penalty funds deposited in the State Penalty Fund during the
9 preceding month.

10 (4) Once a month there shall be transferred into the ~~Driver~~
11 ~~Training Penalty Assessment~~ *Body-worn Camera* Fund an amount
12 equal to 25.70 percent of the state penalty funds deposited in the
13 State Penalty Fund during the preceding month.

14 (5) Once a month there shall be transferred into the Corrections
15 Training Fund an amount equal to 7.88 percent of the state penalty
16 funds deposited in the State Penalty Fund during the preceding
17 month. Money in the Corrections Training Fund is not continuously
18 appropriated and shall be appropriated in the Budget Act.

19 (6) Once a month there shall be transferred into the Local Public
20 Prosecutors and Public Defenders Training Fund established
21 pursuant to Section 11503 an amount equal to 0.78 percent of the
22 state penalty funds deposited in the State Penalty Fund during the
23 preceding month. The amount so transferred shall not exceed the
24 sum of eight hundred fifty thousand dollars (\$850,000) in any
25 fiscal year. The remainder in excess of eight hundred fifty thousand
26 dollars (\$850,000) shall be transferred to the Restitution Fund.

27 (7) Once a month there shall be transferred into the
28 Victim-Witness Assistance Fund an amount equal to 8.64 percent
29 of the state penalty funds deposited in the State Penalty Fund
30 during the preceding month.

31 (8) (A) Once a month there shall be transferred into the
32 Traumatic Brain Injury Fund, created pursuant to Section 4358 of
33 the Welfare and Institutions Code, an amount equal to 0.66 percent
34 of the state penalty funds deposited into the State Penalty Fund
35 during the preceding month. However, the amount of funds
36 transferred into the Traumatic Brain Injury Fund for the 1996–97
37 fiscal year shall not exceed the amount of five hundred thousand
38 dollars (\$500,000). Thereafter, funds shall be transferred pursuant
39 to the requirements of this section. Notwithstanding any other
40 provision of law, the funds transferred into the Traumatic Brain

1 Injury Fund for the 1997–98, 1998–99, and 1999–2000 fiscal years,
2 may be expended by the State Department of Mental Health, in
3 the current fiscal year or a subsequent fiscal year, to provide
4 additional funding to the existing projects funded by the Traumatic
5 Brain Injury Fund, to support new projects, or to do both.

6 (B) Any moneys deposited in the State Penalty Fund attributable
7 to the assessments made pursuant to subdivision (i) of Section
8 27315 of the Vehicle Code on or after the date that Chapter 6.6
9 (commencing with Section 5564) of Part 1 of Division 5 of the
10 Welfare and Institutions Code is repealed shall be utilized in
11 accordance with paragraphs (1) to (8), inclusive, of this subdivision.

12 *SEC. 2. Title 14 (commencing with Section 14400) is added to*
13 *Part 4 of the Penal Code, to read:*

14

15 *TITLE 14. BODY-WORN CAMERA GRANT PROGRAM FOR*
16 *LOCAL LAW ENFORCEMENT*

17

18 *14400. The Board of State and Community Corrections shall*
19 *develop a grant program for the purpose of making funds available*
20 *to local law enforcement entities to purchase body-worn cameras*
21 *and related data storage and equipment, and to hire personnel*
22 *necessary to operate a local body-worn camera program.*

23 *14402. The Body-worn Camera Fund is hereby created.*
24 *Notwithstanding Section 13340 of the Government Code, all*
25 *moneys in the fund are continuously appropriated to the Board of*
26 *State and Community Corrections for the purposes of Section*
27 *14400.*

28 *14404. If federal funds become available for the purpose of*
29 *purchasing body-worn cameras and related equipment for local*
30 *law enforcement, the Board of State and Community Corrections*
31 *shall adjust the grant program to maximize state and local*
32 *competitiveness in obtaining federal funds, and the board shall*
33 *either apply for federal funds on behalf of a local law enforcement*
34 *agency, or reimburse a local law enforcement agency that has*
35 *expended funds for federal funds purposes.*

36 ~~SECTION 1. Section 566 of the Penal Code is amended to~~
37 ~~read:~~

38 ~~566. It is a felony, punishable by a fine not exceeding one~~
39 ~~thousand five hundred dollars (\$1,500), or by imprisonment~~
40 ~~pursuant to subdivision (h) of Section 1170, or both, for an~~

1 unauthorized person to possess or use, or to obliterate or destroy
2 the brand registration upon, containers, including milk cases,
3 cabinets, or other dairy equipment, which have a value in excess
4 of nine hundred fifty dollars (\$950), when the containers, cabinets,
5 or other dairy equipment are marked with a brand that is registered
6 pursuant to Chapter 10 (commencing with Section 34501) of Part
7 1 of Division 15 of the Food and Agricultural Code. For purposes
8 of this section, “unauthorized person” has the same meaning as
9 defined in Section 34564 of the Food and Agricultural Code.

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