

Assembly Bill No. 706

Passed the Assembly September 6, 2001

Chief Clerk of the Assembly

Passed the Senate August 30, 2001

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2001, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

An act to add Sections 402.5, 25004.5, 34501.5, and 68080.5 to the Government Code, relating to campaign literature.

LEGISLATIVE COUNSEL'S DIGEST

AB 706, Firebaugh. Campaign literature: use of official seals.

Existing law provides that every person who maliciously or for commercial purposes uses or allows to be used any reproduction or facsimile of the Great Seal of the State in any manner whatsoever is guilty of a misdemeanor.

This bill, in addition, would provide that a person who uses or allows to be used any reproduction or facsimile of the Great Seal of the State in any campaign literature or mass mailing, as defined, with intent to deceive the voters, is guilty of a misdemeanor.

Existing law authorizes a county board of supervisors to adopt a county seal, and authorizes a city council of a general law city to adopt a city seal.

This bill would provide that any person who uses or allows to be used any reproduction or facsimile of the seal of a county or a city in any campaign literature or mass mailing, as defined, with intent to deceive the voters, is guilty of a misdemeanor.

Existing law requires that each court in this state have an official seal and that the clerk of the court keep the official seal of the court.

This bill would provide that a person who uses or allows to be used any reproduction or facsimile of the seal of the California Supreme Court, an appellate court, or the seal of any superior court in any campaign literature or mass mailing, as defined, with intent to deceive the voters, is guilty of a misdemeanor.

This bill would provide that, for purposes of this bill, the use of a reproduction or facsimile of a seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by a public official is evidence of intent to deceive.

This bill, by adding to the definition of the crime of misdemeanor, 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.

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

SECTION 1. Section 402.5 is added to the Government Code, to read:

402.5. (a) In addition to the acts prohibited by Section 402, a person who uses or allows to be used any reproduction or facsimile of the Great Seal of the State in any campaign literature or mass mailing, as defined in Section 82041.5, with intent to deceive the voters, is guilty of a misdemeanor.

(b) For purposes of this section, the use of a reproduction or facsimile of a seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by a public official is evidence of intent to deceive.

SEC. 2. Section 25004.5 is added to the Government Code, to read:

25004.5. (a) Any person who uses or allows to be used any reproduction or facsimile of the seal of the county in any campaign literature or mass mailing, as defined in Section 82041.5, with intent to deceive the voters, is guilty of a misdemeanor.

(b) For purposes of this section, the use of a reproduction or facsimile of a seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by a public official is evidence of intent to deceive.

SEC. 3. Section 34501.5 is added to the Government Code, to read:

34501.5. (a) Any person who uses or allows to be used any reproduction or facsimile of the seal of the city in any campaign literature or mass mailing, as defined in Section 82041.5, with intent to deceive the voters, is guilty of a misdemeanor.

(b) For purposes of this section, the use of a reproduction or facsimile of a seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by a public official is evidence of intent to deceive.

SEC. 4. Section 68080.5 is added to the Government Code, to read:

68080.5. (a) A person who uses or allows to be used any reproduction or facsimile of the seal of the California Supreme



Court, an appellate court, or a superior court in any campaign literature or mass mailing, as defined in Section 82041.5, with intent to deceive the voters, is guilty of a misdemeanor.

(b) For purposes of this section, the use of a reproduction or facsimile of a seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by a public official is evidence of intent to deceive.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



Approved _____, 2001

Governor

