

AMENDED IN ASSEMBLY JULY 27, 2004

AMENDED IN ASSEMBLY JUNE 17, 2004

AMENDED IN SENATE MAY 6, 2004

AMENDED IN SENATE APRIL 15, 2004

**SENATE BILL**

**No. 1796**

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**Introduced by Committee on Public Safety (Senators McPherson  
(Chair), Burton, Margett, Romero, Sher, and Vasconcellos)**

February 20, 2004

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An act to amend Section 912 of the Evidence Code, to amend Sections 3304 and 68115 of the Government Code, to amend Section 11100 of the Health and Safety Code, to amend Sections 266h, 266i, 290.01, 337j, 629.61, 666.7, 836, 1170.11, 1337, 1341, 1372, 1405, 4501, 11171, 13010, 13014, 13022, 13510.7, 13823.9, and 13879.81 of the Penal Code, and to amend Sections 285 and 15763 of the Welfare and Institutions Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1796, as amended, Committee on Public Safety. Public safety: omnibus bill.

Existing law generally regulates public safety.

This bill would make various technical, nonsubstantive changes to these provisions.

Existing law establishes various evidentiary privileges, and provides for waiver of those privileges, as specified.

This bill would make a technical, nonsubstantive change to those provisions.

Existing law defines the felonies of pimping and pandering. Existing law provides that where minors are engaged in acts of prostitution for purposes of those felonies, a convicted defendant is subject to registration as a sex offender, as specified.

This bill would make technical changes to those provisions to provide clarification for charging purposes and for purposes of sex offender registration.

Existing law requires a report be made to the Attorney General in connection with wiretap intercepts, as specified. Existing law also requires that the report be made not less than 10 days after the order for the wiretap was issued.

This bill would require the report be made not more than 10 days after the order for the wiretap was issued.

By imposing additional duties on local government entities, this bill would impose a state-mandated local program.

Existing law requires the Department of Justice to prepare and distribute certain criminal justice information to specified persons and entities on cards or forms.

This bill would authorize distribution by electronic means.

Existing law requires each sheriff and chief of police to annually furnish the Department of Justice, on a form prescribed by the Attorney General, a report of all justifiable homicides committed in his or her jurisdiction.

This bill would require each sheriff and chief of police to annually furnish the Department of Justice, at those times and in the manner prescribed by the Attorney General, a report of all justifiable homicides committed in his or her jurisdiction.

By imposing additional reporting duties on local law enforcement entities, this bill would impose a state-mandated local program.

Existing law requires all probation officers to make periodic reports to the Bureau of Criminal Statistics as the bureau may require and upon forms furnished by the bureau.

This bill would require all probation officers to make periodic reports to the Attorney General at those times and in the manner prescribed by the Attorney General.

By imposing new reporting duties on local governments, this bill 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 912 of the Evidence Code is amended  
2 to read:  
3 912. (a) Except as otherwise provided in this section, the  
4 right of any person to claim a privilege provided by Section 954  
5 (lawyer-client privilege), 980 (privilege for confidential marital  
6 communications), 994 (physician-patient privilege), 1014  
7 (psychotherapist-patient privilege), 1033 (privilege of penitent),  
8 1034 (privilege of clergyman), 1035.8 (sexual assault  
9 counselor-victim privilege), or 1037.5 (domestic violence  
10 counselor-victim privilege) is waived with respect to a  
11 communication protected by the privilege if any holder of the  
12 privilege, without coercion, has disclosed a significant part of the  
13 communication or has consented to disclosure made by anyone.  
14 Consent to disclosure is manifested by any statement or other  
15 conduct of the holder of the privilege indicating consent to the  
16 disclosure, including failure to claim the privilege in any  
17 proceeding in which the holder has the legal standing and  
18 opportunity to claim the privilege.  
19 (b) Where two or more persons are joint holders of a privilege  
20 provided by Section 954 (lawyer-client privilege), 994  
21 (physician-patient privilege), 1014 (psychotherapist-patient  
22 privilege), 1035.8 (sexual assault counselor-victim privilege), or  
23 1037.5 (domestic violence counselor-victim privilege), a waiver  
24 of the right of a particular joint holder of the privilege to claim the  
25 privilege does not affect the right of another joint holder to claim  
26 the privilege. In the case of the privilege provided by Section 980  
27 (privilege for confidential marital communications), a waiver of



1 the right of one spouse to claim the privilege does not affect the  
2 right of the other spouse to claim the privilege.

3 (c) A disclosure that is itself privileged is not a waiver of any  
4 privilege.

5 (d) A disclosure in confidence of a communication that is  
6 protected by a privilege provided by Section 954 (lawyer-client  
7 privilege), 994 (physician-patient privilege), 1014  
8 (psychotherapist-patient privilege), 1035.8 (sexual assault  
9 counselor-victim privilege), or 1037.5 (domestic violence  
10 counselor-victim privilege), when disclosure is reasonably  
11 necessary for the accomplishment of the purpose for which the  
12 lawyer, physician, psychotherapist, sexual assault counselor, or  
13 domestic violence counselor was consulted, is not a waiver of the  
14 privilege.

15 SEC. 2. Section 3304 of the Government Code is amended to  
16 read:

17 3304. (a) No public safety officer shall be subjected to  
18 punitive action, or denied promotion, or be threatened with any  
19 such treatment, because of the lawful exercise of the rights granted  
20 under this chapter, or the exercise of any rights under any existing  
21 administrative grievance procedure.

22 Nothing in this section shall preclude a head of an agency from  
23 ordering a public safety officer to cooperate with other agencies  
24 involved in criminal investigations. If an officer fails to comply  
25 with such an order, the agency may officially charge him or her  
26 with insubordination.

27 (b) No punitive action, nor denial of promotion on grounds  
28 other than merit, shall be undertaken by any public agency against  
29 any public safety officer who has successfully completed the  
30 probationary period that may be required by his or her employing  
31 agency without providing the public safety officer with an  
32 opportunity for administrative appeal.

33 (c) No chief of police may be removed by a public agency, or  
34 appointing authority, without providing the chief of police with  
35 written notice and the reason or reasons therefor and an  
36 opportunity for administrative appeal.

37 For purposes of this subdivision, the removal of a chief of police  
38 by a public agency or appointing authority, for the purpose of  
39 implementing the goals or policies, or both, of the public agency  
40 or appointing authority, for reasons including, but not limited to,



1 incompatibility of management styles or as a result of a change in  
2 administration, shall be sufficient to constitute “reason or  
3 reasons.”

4 Nothing in this subdivision shall be construed to create a  
5 property interest, where one does not exist by rule or law, in the job  
6 of Chief of Police.

7 (d) Except as provided in this subdivision and subdivision (g),  
8 no punitive action, nor denial of promotion on grounds other than  
9 merit, shall be undertaken for any act, omission, or other allegation  
10 of misconduct if the investigation of the allegation is not  
11 completed within one year of the public agency’s discovery by a  
12 person authorized to initiate an investigation of the allegation of  
13 an act, omission, or other misconduct. This one-year limitation  
14 period shall apply only if the act, omission, or other misconduct  
15 occurred on or after January 1, 1998. In the event that the public  
16 agency determines that discipline may be taken, it shall complete  
17 its investigation and notify the public safety officer of its proposed  
18 disciplinary action within that year, except in any of the following  
19 circumstances:

20 (1) If the act, omission, or other allegation of misconduct is also  
21 the subject of a criminal investigation or criminal prosecution, the  
22 time during which the criminal investigation or criminal  
23 prosecution is pending shall toll the one-year time period.

24 (2) If the public safety officer waives the one-year time period  
25 in writing, the time period shall be tolled for the period of time  
26 specified in the written waiver.

27 (3) If the investigation is a multijurisdictional investigation  
28 that requires a reasonable extension for coordination of the  
29 involved agencies.

30 (4) If the investigation involves more than one employee and  
31 requires a reasonable extension.

32 (5) If the investigation involves an employee who is  
33 incapacitated or otherwise unavailable.

34 (6) If the investigation involves a matter in civil litigation  
35 where the public safety officer is named as a party defendant, the  
36 one-year time period shall be tolled while that civil action is  
37 pending.

38 (7) If the investigation involves a matter in criminal litigation  
39 where the complainant is a criminal defendant, the one-year time



1 period shall be tolled during the period of that defendant's criminal  
2 investigation and prosecution.

3 (8) If the investigation involves an allegation of workers'  
4 compensation fraud on the part of the public safety officer.

5 (e) Where a predisciplinary response or grievance procedure is  
6 required or utilized, the time for this response or procedure shall  
7 not be governed or limited by this chapter.

8 (f) If, after investigation and any predisciplinary response or  
9 procedure, the public agency decides to impose discipline, the  
10 public agency shall notify the public safety officer in writing of its  
11 decision to impose discipline, including the date that the discipline  
12 will be imposed, within 30 days of its decision, except if the public  
13 safety officer is unavailable for discipline.

14 (g) Notwithstanding the one-year time period specified in  
15 subdivision (d), an investigation may be reopened against a public  
16 safety officer if both of the following circumstances exist:

17 (1) Significant new evidence has been discovered that is likely  
18 to affect the outcome of the investigation.

19 (2) One of the following conditions exist:

20 (A) The evidence could not reasonably have been discovered  
21 in the normal course of investigation without resorting to  
22 extraordinary measures by the agency.

23 (B) The evidence resulted from the public safety officer's  
24 predisciplinary response or procedure.

25 (h) For those members listed in subdivision (a) of Section  
26 830.2 of the Penal Code, the 30-day time period provided for in  
27 subdivision (f) shall not commence with the service of a  
28 preliminary notice of adverse action, should the public agency  
29 elect to provide the public safety officer with such a notice.

30 SEC. 3. Section 68115 of the Government Code is amended  
31 to read:

32 68115. When war, insurrection, pestilence, or other public  
33 calamity, or the danger thereof, or the destruction of or danger to  
34 the building appointed for holding the court, renders it necessary,  
35 or when a large influx of criminal cases resulting from a large  
36 number of arrests within a short period of time threatens the  
37 orderly operation of a superior court location or locations within  
38 a county, the presiding judge may request and the Chair of the  
39 Judicial Council may, notwithstanding any other provision of law,  
40 by order authorize the court to do one or more of the following:



- 1 (a) Hold sessions anywhere within the county.
- 2 (b) Transfer civil cases pending trial in the court to a superior  
3 court in an adjacent county. No transfer may be made pursuant to  
4 this subdivision except with the consent of all parties to the case  
5 or upon a showing by a party that extreme or undue hardship would  
6 result unless the case is transferred for trial. Any civil case so  
7 transferred shall be integrated into the existing caseload of the  
8 court to which it is transferred pursuant to rules to be provided by  
9 the Judicial Council.
- 10 (c) Declare that a date or dates on which an emergency  
11 condition, as described in this section, substantially interfered with  
12 the public's ability to file papers in a court facility or facilities be  
13 deemed a holiday for purposes of computing the time for filing  
14 papers with the court under Sections 12 and 12a of the Code of  
15 Civil Procedure. This subdivision shall apply to the fewest days  
16 necessary under the circumstances of the emergency, as  
17 determined by the Chair of the Judicial Council.
- 18 (d) Declare that a date on which an emergency condition, as  
19 described in this section, prevented the court from conducting  
20 proceedings governed by Section 825 of the Penal Code, or  
21 Section 313, 315, 631, 632, 637, or 657 of the Welfare and  
22 Institutions Code, be deemed a holiday for purposes of computing  
23 time under those statutes. This subdivision shall apply to the  
24 fewest days necessary under the circumstances of the emergency,  
25 as determined by the Chair of the Judicial Council.
- 26 (e) Within the affected county during a state of emergency  
27 resulting from a natural or human-made disaster proclaimed by the  
28 President of the United States or by the Governor pursuant to  
29 Section 8625 of the Government Code, extend the time period  
30 provided in Section 825 of the Penal Code within which a  
31 defendant charged with a felony offense shall be taken before a  
32 magistrate from 48 hours to not more than seven days, with the  
33 number of days to be designated by the Chair of the Judicial  
34 Council. This authorization shall be effective for 30 days unless it  
35 is extended by a new request and a new order.
- 36 (f) Extend the time period provided in Section 859b of the  
37 Penal Code for the holding of a preliminary examination from 10  
38 court days to not more than 15 days.
- 39 (g) Extend the time period provided in Section 1382 of the  
40 Penal Code within which the trial must be held by not more than



1 30 days, but the trial of a defendant in custody whose time is so  
2 extended shall be given precedence over all other cases.

3 (h) Within the affected area of a county during a state of  
4 emergency resulting from a natural or human-made disaster  
5 proclaimed by the President of the United States or by the  
6 Governor pursuant to Section 8625 of the Government Code,  
7 extend the time period provided in Sections 313, 315, 632, and 637  
8 of the Welfare and Institutions Code within which a minor shall be  
9 given a detention hearing, with the number of days to be  
10 designated by the Chair of the Judicial Council. The extension of  
11 time shall be for the shortest period of time necessary under the  
12 circumstances of the emergency, but in no event shall the time  
13 period within which a detention hearing must be given be extended  
14 to more than seven days. This authorization shall be effective for  
15 30 days unless it is extended by a new request and a new order. This  
16 subdivision shall apply only where the minor has been charged  
17 with a felony.

18 (i) Within the affected county during a state of emergency  
19 resulting from a natural or human-made disaster proclaimed by the  
20 President of the United States or by the Governor pursuant to  
21 Section 8625 of the Government Code, extend the time period  
22 provided in Sections 334 and 657 of the Welfare and Institutions  
23 Code within which an adjudication on a juvenile court petition  
24 shall be held by not more than 15 days, with the number of days  
25 to be designated by the Chair of the Judicial Council. This  
26 authorization shall be effective for 30 days unless it is extended by  
27 a new request and a new order. This subdivision shall apply only  
28 where the minor has been charged with a felony.

29 SEC. 4. Section 11100 of the Health and Safety Code is  
30 amended to read:

31 11100. (a) Any manufacturer, wholesaler, retailer, or other  
32 person or entity in this state that sells, transfers, or otherwise  
33 furnishes any of the following substances to any person or entity  
34 in this state or any other state shall submit a report to the  
35 Department of Justice of all of those transactions:

- 36 (1) Phenyl-2-propanone.
- 37 (2) Methylamine.
- 38 (3) Ethylamine.
- 39 (4) D-lysergic acid.
- 40 (5) Ergotamine tartrate.



- 1 (6) Diethyl malonate.
- 2 (7) Malonic acid.
- 3 (8) Ethyl malonate.
- 4 (9) Barbituric acid.
- 5 (10) Piperidine.
- 6 (11) N-acetylanthranilic acid.
- 7 (12) Pyrrolidine.
- 8 (13) Phenylacetic acid.
- 9 (14) Anthranilic acid.
- 10 (15) Morpholine.
- 11 (16) Ephedrine.
- 12 (17) Pseudoephedrine.
- 13 (18) Norpseudoephedrine.
- 14 (19) Phenylpropanolamine.
- 15 (20) Propionic anhydride.
- 16 (21) Isosafrole.
- 17 (22) Safrole.
- 18 (23) Piperonal.
- 19 (24) Thionylchloride.
- 20 (25) Benzyl cyanide.
- 21 (26) Ergonovine maleate.
- 22 (27) N-methylephedrine.
- 23 (28) N-ethylephedrine.
- 24 (29) N-methylpseudoephedrine.
- 25 (30) N-ethylpseudoephedrine.
- 26 (31) Chloroephedrine.
- 27 (32) Chloropseudoephedrine.
- 28 (33) Hydriodic acid.
- 29 (34) Gamma-butyrolactone, including butyrolactone;
- 30 butyrolactone gamma; 4-butyrolactone; 2(3H)-furanone dihydro;
- 31 dihydro-2(3H)-furanone; tetrahydro-2-furanone; 1,2-butanolide;
- 32 1,4-butanolide; 4-butanolide; gamma-hydroxybutyric acid
- 33 lactone; 3-hydroxybutyric acid lactone and 4-hydroxybutanoic
- 34 acid lactone with Chemical Abstract Service number (96-48-0).
- 35 (35) 1,4-butanediol, including butanediol; butane-1,4-diol;
- 36 1,4-butylene glycol; butylene glycol; 1,4-dihydroxybutane;
- 37 1,4-tetramethylene glycol; tetramethylene glycol; tetramethylene
- 38 1,4-diol with Chemical Abstract Service number (110-63-4).
- 39 (36) Red phosphorous, including white phosphorous,
- 40 hypophosphorous acid and its salts, ammonium hypophosphite,



1 calcium hypophosphite, iron hypophosphite, potassium  
2 hypophosphite, manganese hypophosphite, magnesium  
3 hypophosphite, and sodium hypophosphite.

4 (37) Any of the substances listed by the Department of Justice  
5 in regulations promulgated pursuant to subdivision (b).

6 (b) The Department of Justice may adopt rules and regulations  
7 in accordance with Chapter 3.5 (commencing with Section 11340)  
8 of Part 1 of Division 3 of Title 2 of the Government Code that add  
9 substances to subdivision (a) if the substance is a precursor to a  
10 controlled substance and delete substances from subdivision (a).  
11 However, no regulation adding or deleting a substance shall have  
12 any effect beyond March 1 of the year following the calendar year  
13 during which the regulation was adopted.

14 (c) (1) (A) Any manufacturer, wholesaler, retailer, or other  
15 person or entity in this state, prior to selling, transferring, or  
16 otherwise furnishing any substance specified in subdivision (a) to  
17 any person or business entity in this state or any other state, shall  
18 require (A) a letter of authorization from that person or business  
19 entity that includes the currently valid business license number or  
20 federal Drug Enforcement Administration (DEA) registration  
21 number, the address of the business, and a full description of how  
22 the substance is to be used, and (B) proper identification from the  
23 purchaser. The manufacturer, wholesaler, retailer, or other person  
24 or entity in this state shall retain this information in a readily  
25 available manner for three years. The requirement for a full  
26 description of how the substance is to be used does not require the  
27 person or business entity to reveal their chemical processes that are  
28 typically considered trade secrets and proprietary information.

29 (B) For the purposes of this paragraph, “proper identification”  
30 for in-state or out-of-state purchasers includes two or more of the  
31 following: federal tax identification number; seller’s permit  
32 identification number; city or county business license number;  
33 license issued by the California Department of Health Services;  
34 registration number issued by the Federal Drug Enforcement  
35 Administration; precursor business permit number issued by the  
36 Bureau of Narcotic Enforcement of the California Department of  
37 Justice; motor vehicle operator’s license; or other identification  
38 issued by a state.

39 (2) (A) Any manufacturer, wholesaler, retailer, or other person  
40 or entity in this state that exports a substance specified in



1 subdivision (a) to any person or business entity located in a foreign  
2 country shall, on or before the date of exportation, submit to the  
3 Department of Justice a notification of that transaction, which  
4 notification shall include the name and quantity of the substance  
5 to be exported and the name, address, and, if assigned by the  
6 foreign country or subdivision thereof, business identification  
7 number of the person or business entity located in a foreign  
8 country importing the substance.

9 (B) The department may authorize the submission of the  
10 notification on a monthly basis with respect to repeated, regular  
11 transactions between an exporter and an importer involving a  
12 substance specified in subdivision (a), if the department  
13 determines that a pattern of regular supply of the substance exists  
14 between the exporter and importer and that the importer has  
15 established a record of utilization of the substance for lawful  
16 purposes.

17 (d) (1) Any manufacturer, wholesaler, retailer, or other person  
18 or entity in this state that sells, transfers, or otherwise furnishes a  
19 substance specified in subdivision (a) to a person or business entity  
20 in this state or any other state shall, not less than 21 days prior to  
21 delivery of the substance, submit a report of the transaction, which  
22 includes the identification information specified in subdivision  
23 (c), to the Department of Justice. The Department of Justice may  
24 authorize the submission of the reports on a monthly basis with  
25 respect to repeated, regular transactions between the furnisher and  
26 the recipient involving the substance or substances if the  
27 Department of Justice determines that a pattern of regular supply  
28 of the substance or substances exists between the manufacturer,  
29 wholesaler, retailer, or other person or entity that sells, transfers,  
30 or otherwise furnishes the substance or substances and the  
31 recipient of the substance or substances, and the recipient has  
32 established a record of utilization of the substance or substances  
33 for lawful purposes.

34 (2) The person selling, transferring, or otherwise furnishing  
35 any substance specified in subdivision (a) shall affix his or her  
36 signature or otherwise identify himself or herself as a witness to  
37 the identification of the purchaser or purchasing individual, and  
38 shall, if a common carrier is used, maintain a manifest of the  
39 delivery to the purchaser for three years.

40 (e) This section shall not apply to any of the following:



1 (1) Any pharmacist or other authorized person who sells or  
2 furnishes a substance upon the prescription of a physician, dentist,  
3 podiatrist, or veterinarian.

4 (2) Any physician, dentist, podiatrist, or veterinarian who  
5 administers or furnishes a substance to his or her patients.

6 (3) Any manufacturer or wholesaler licensed by the California  
7 State Board of Pharmacy that sells, transfers, or otherwise  
8 furnishes a substance to a licensed pharmacy, physician, dentist,  
9 podiatrist, veterinarian, or retail distributor as defined in  
10 subdivision (h), provided that the manufacturer or wholesaler  
11 submits records of any suspicious sales or transfers as determined  
12 by the Department of Justice.

13 (4) Any analytical research facility that is registered with the  
14 federal Drug Enforcement Administration of the United States  
15 Department of Justice.

16 (5) (A) Any sale, transfer, furnishing, or receipt of any product  
17 that contains ephedrine, pseudoephedrine, norpseudoephedrine,  
18 or phenylpropanolamine and which is lawfully sold, transferred,  
19 or furnished over the counter without a prescription pursuant to the  
20 federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.)  
21 or regulations adopted thereunder. However, this section shall  
22 apply to preparations in solid or liquid dosage form, except  
23 pediatric liquid forms, as defined, containing ephedrine,  
24 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine  
25 where the individual transaction involves more than three  
26 packages or nine grams of ephedrine, pseudoephedrine,  
27 norpseudoephedrine, or phenylpropanolamine.

28 (B) Any ephedrine, pseudoephedrine, norpseudoephedrine, or  
29 phenylpropanolamine product subsequently removed from  
30 exemption pursuant to Section 814 of Title 21 of the United States  
31 Code shall similarly no longer be exempt from any state reporting  
32 or permitting requirement, unless otherwise reinstated pursuant to  
33 subdivision (d) or (e) of Section 814 of Title 21 of the United States  
34 Code as an exempt product.

35 (6) Any transfer of a substance specified in subdivision (a) for  
36 purposes of lawful disposal as waste.

37 (f) (1) Any person specified in subdivision (a) or (d) who does  
38 not submit a report as required by that subdivision or who  
39 knowingly submits a report with false or fictitious information  
40 shall be punished by imprisonment in a county jail not exceeding



1 six months, by a fine not exceeding five thousand dollars (\$5,000),  
2 or by both the fine and imprisonment.

3 (2) Any person specified in subdivision (a) or (d) who has  
4 previously been convicted of a violation of paragraph (1) shall,  
5 upon a subsequent conviction thereof, be punished by  
6 imprisonment in the state prison, or by imprisonment in a county  
7 jail not exceeding one year, by a fine not exceeding one hundred  
8 thousand dollars (\$100,000), or by both the fine and  
9 imprisonment.

10 (g) (1) Except as otherwise provided in subparagraph (A) of  
11 paragraph (5) of subdivision (e), it is unlawful for any  
12 manufacturer, wholesaler, retailer, or other person to sell, transfer,  
13 or otherwise furnish a substance specified in subdivision (a) to a  
14 person under 18 years of age.

15 (2) Except as otherwise provided in subparagraph (A) of  
16 paragraph (5) of subdivision (e), it is unlawful for any person  
17 under 18 years of age to possess a substance specified in  
18 subdivision (a).

19 (3) Notwithstanding any other law, it is unlawful for any retail  
20 distributor to (i) sell in a single transaction more than three  
21 packages of a product that he or she knows to contain ephedrine,  
22 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine,  
23 or (ii) knowingly sell more than nine grams of ephedrine,  
24 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine,  
25 other than pediatric liquids as defined. Except as otherwise  
26 provided in this section, the three package per transaction  
27 limitation or nine gram per transaction limitation imposed by this  
28 paragraph shall apply to any product that is lawfully sold,  
29 transferred, or furnished over the counter without a prescription  
30 pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C.  
31 Sec. 301 et seq.), or regulations adopted thereunder, unless  
32 exempted from the requirements of the federal Controlled  
33 Substances Act by the federal Drug Enforcement Administration  
34 pursuant to Section 814 of Title 21 of the United States Code.

35 (4) (A) A first violation of this subdivision is a misdemeanor.

36 (B) Any person who has previously been convicted of a  
37 violation of this subdivision shall, upon a subsequent conviction  
38 thereof, be punished by imprisonment in a county jail not  
39 exceeding one year, by a fine not exceeding ten thousand dollars  
40 (\$10,000), or by both the fine and imprisonment.



1 (h) For the purposes of this article, the following terms have the  
2 following meanings:

3 (1) “Drug store” is any entity described in Code 5912 of the  
4 Standard Industrial Classification (SIC) Manual published by the  
5 United States Office of Management and Budget, 1987 edition.

6 (2) “General merchandise store” is any entity described in  
7 Codes 5311 to 5399, inclusive, and Code 5499 of the Standard  
8 Industrial Classification (SIC) Manual published by the United  
9 States Office of Management and Budget, 1987 edition.

10 (3) “Grocery store” is any entity described in Code 5411 of the  
11 Standard Industrial Classification (SIC) Manual published by the  
12 United States Office of Management and Budget, 1987 edition.

13 (4) “Pediatric liquid” means a nonencapsulated liquid whose  
14 unit measure according to product labeling is stated in milligrams,  
15 ounces, or other similar measure. In no instance shall the dosage  
16 units exceed 15 milligrams of phenylpropanolamine or  
17 pseudoephedrine per five milliliters of liquid product, except for  
18 liquid products primarily intended for administration to children  
19 under two years of age for which the recommended dosage unit  
20 does not exceed two milliliters and the total package content does  
21 not exceed one fluid ounce.

22 (5) “Retail distributor” means a grocery store, general  
23 merchandise store, drugstore, or other related entity, the activities  
24 of which, as a distributor of ephedrine, pseudoephedrine,  
25 norpseudoephedrine, or phenylpropanolamine products, are  
26 limited exclusively to the sale of ephedrine, pseudoephedrine,  
27 norpseudoephedrine, or phenylpropanolamine products for  
28 personal use both in number of sales and volume of sales, either  
29 directly to walk-in customers or in face-to-face transactions by  
30 direct sales. “Retail distributor” includes an entity that makes a  
31 direct sale, but does not include the parent company of that entity  
32 if the company is not involved in direct sales regulated by this  
33 article.

34 (6) “Sale for personal use” means the sale in a single  
35 transaction to an individual customer for a legitimate medical use  
36 of a product containing ephedrine, pseudoephedrine,  
37 norpseudoephedrine, or phenylpropanolamine in dosages at or  
38 below that specified in paragraph (3) of subdivision (g). “Sale for  
39 personal use” also includes the sale of those products to employers  
40 to be dispensed to employees from first-aid kits or medicine chests.



1 (i) It is the intent of the Legislature that this section shall  
2 preempt all local ordinances or regulations governing the sale by  
3 a retail distributor of over-the-counter products containing  
4 ephedrine, pseudoephedrine, norpseudoephedrine, or  
5 phenylpropanolamine.

6 SEC. 5. Section 266h of the Penal Code is amended to read:

7 266h. (a) Except as provided in subdivision (b), any person  
8 who, knowing another person is a prostitute, lives or derives  
9 support or maintenance in whole or in part from the earnings or  
10 proceeds of the person's prostitution, or from money loaned or  
11 advanced to or charged against that person by any keeper or  
12 manager or inmate of a house or other place where prostitution is  
13 practiced or allowed, or who solicits or receives compensation for  
14 soliciting for the person, is guilty of pimping, a felony, and shall  
15 be punishable by imprisonment in the state prison for three, four,  
16 or six years.

17 (b) Any person who, knowing another person is a prostitute,  
18 lives or derives support or maintenance in whole or in part from  
19 the earnings or proceeds of the person's prostitution, or from  
20 money loaned or advanced to or charged against that person by any  
21 keeper or manager or inmate of a house or other place where  
22 prostitution is practiced or allowed, or who solicits or receives  
23 compensation for soliciting for the person, ~~is guilty of pimping~~  
24 *when the prostitute is a minor, is guilty of pimping a minor*, a  
25 felony, and shall be punishable as follows:

26 (1) If the person engaged in prostitution is a minor over the age  
27 of 16 years, the offense is punishable by imprisonment in the state  
28 prison for three, four, or six years.

29 (2) If the person engaged in prostitution is under 16 years of  
30 age, the offense is punishable by imprisonment in the state prison  
31 for three, six, or eight years.

32 SEC. 6. Section 266i of the Penal Code is amended to read:

33 266i. (a) Except as provided in subdivision (b), any person  
34 who does any of the following is guilty of pandering, a felony, and  
35 shall be punishable by imprisonment in the state prison for three,  
36 four, or six years:

37 (1) Procures another person for the purpose of prostitution.

38 (2) By promises, threats, violence, or by any device or scheme,  
39 causes, induces, persuades or encourages another person to  
40 become a prostitute.



1 (3) Procures for another person a place as an inmate in a house  
2 of prostitution or as an inmate of any place in which prostitution  
3 is encouraged or allowed within this state.

4 (4) By promises, threats, violence or by any device or scheme,  
5 causes, induces, persuades or encourages an inmate of a house of  
6 prostitution, or any other place in which prostitution is encouraged  
7 or allowed, to remain therein as an inmate.

8 (5) By fraud or artifice, or by duress of person or goods, or by  
9 abuse of any position of confidence or authority, procures another  
10 person for the purpose of prostitution, or to enter any place in  
11 which prostitution is encouraged or allowed within this state, or to  
12 come into this state or leave this state for the purpose of  
13 prostitution.

14 (6) Receives or gives, or agrees to receive or give, any money  
15 or thing of value for procuring, or attempting to procure, another  
16 person for the purpose of prostitution, or to come into this state or  
17 leave this state for the purpose of prostitution.

18 (b) Any person who does any of the acts described in  
19 subdivision (a) with another person who is a minor is guilty of  
20 pandering, a felony, and shall be punishable as follows:

21 (1) If the other person is a minor over the age of 16 years, the  
22 offense is punishable by imprisonment in the state prison for three,  
23 four, or six years.

24 (2) If the other person is under 16 years of age, the offense is  
25 punishable by imprisonment in the state prison for three, six, or  
26 eight years.

27 SEC. 7. Section 290.01 of the Penal Code is amended to read:

28 290.01. (a) (1) Commencing October 28, 2002, every  
29 person required to register under Section 290 who is enrolled as a  
30 student of any university, college, community college, or other  
31 institution of higher learning, or is, with or without compensation,  
32 a full-time or part-time employee of that university, college,  
33 community college, or other institution of higher learning, or is  
34 carrying on a vocation at the university, college, community  
35 college, or other institution of higher learning, for more than 14  
36 days, or for an aggregate period exceeding 30 days in a calendar  
37 year, shall, in addition to the registration required by Section 290,  
38 register with the campus police department within five working  
39 days of commencing enrollment or employment at that university,  
40 college, community college, or other institution of higher



1 learning, on a form as may be required by the Department of  
2 Justice. The terms “employed or carries on a vocation” include  
3 employment whether or not financially compensated,  
4 volunteered, or performed for government or educational benefit.  
5 The registrant shall also notify the campus police department  
6 within five working days of ceasing to be enrolled or employed,  
7 or ceasing to carry on a vocation, at the university, college,  
8 community college, or other institution of higher learning.

9 (2) For purposes of this section, a campus police department is  
10 a police department of the University of California, California  
11 State University, or California Community College, established  
12 pursuant to Section 72330, 89560, or 92600 of the Education  
13 Code, or is a police department staffed with deputized or appointed  
14 personnel with peace officer status as provided in Section 830.6 of  
15 the Penal Code and is the law enforcement agency with the  
16 primary responsibility for investigating crimes occurring on the  
17 college or university campus on which it is located.

18 (b) If the university, college, community college, or other  
19 institution of higher learning has no campus police department, the  
20 registrant shall instead register pursuant to subdivision (a) with the  
21 police of the city in which the campus is located or the sheriff of  
22 the county in which the campus is located if the campus is located  
23 in an unincorporated area or in a city that has no police department,  
24 on a form as may be required by the Department of Justice. The  
25 requirements of subdivisions (a) and (b) are in addition to the  
26 requirements of Section 290.

27 (c) A first violation of this section is a misdemeanor punishable  
28 by a fine not to exceed one thousand dollars (\$1,000). A second  
29 violation of this section is a misdemeanor punishable by  
30 imprisonment in a county jail for not more than six months, by a  
31 fine not to exceed one thousand dollars (\$1,000), or by both that  
32 imprisonment and fine. A third or subsequent violation of this  
33 section is a misdemeanor punishable by imprisonment in a county  
34 jail for not more than one year, by a fine not exceeding one  
35 thousand dollars (\$1,000), or by both that imprisonment and fine.

36 (d) (1) (A) The following information regarding a registered  
37 sex offender on campus who is not described in paragraph (1) of  
38 subdivision (a) of Section 290.4 may be released to members of the  
39 campus community by any campus police department or, if the  
40 university, college, community college, or other institution of



1 higher learning has no police department, the police department or  
2 sheriff's department with jurisdiction over the campus, and any  
3 employees of those agencies, as required by Section 1092(f)(1)(I)  
4 of Title 20 of the United States Code:

- 5 (i) The offender's full name.
- 6 (ii) The offender's known aliases.
- 7 (iii) The offender's gender.
- 8 (iv) The offender's race.
- 9 (v) The offender's physical description.
- 10 (vi) The offender's photograph.
- 11 (vii) The offender's date of birth.
- 12 (viii) Crimes resulting in registration under Section 290.
- 13 (ix) The date of last registration or reregistration.

14 (B) The authority provided in this subdivision is in addition to  
15 the authority of a peace officer or law enforcement agency to  
16 provide information about a registered sex offender pursuant to  
17 subdivisions (a) and (b) of Section 290.45 and subdivision (a) of  
18 Section 290.4, and exists notwithstanding subdivision (i) of  
19 Section 290, subdivision (c) of Section 290.4, or any other  
20 provision of law.

21 (2) Any law enforcement entity and employees of any law  
22 enforcement entity listed in paragraph (1) shall be immune from  
23 civil or criminal liability for good faith conduct under this  
24 subdivision.

25 (3) Nothing in this subdivision shall be construed to authorize  
26 campus police departments or, if the university, college,  
27 community college, or other institution has no police department,  
28 the police department or sheriff's department with jurisdiction  
29 over the campus, to make disclosures about registrants intended to  
30 reach persons beyond the campus community.

31 (4) (A) Before being provided any information by an agency  
32 pursuant to this subdivision, a member of the campus community  
33 who requests that information shall sign a statement, on a form  
34 provided by the Department of Justice, stating that he or she is not  
35 a registered sex offender, that he or she understands the purpose of  
36 the release of information is to allow members of the campus  
37 community to protect themselves and their children from sex  
38 offenders, and that he or she understands it is unlawful to use  
39 information obtained pursuant to this subdivision to commit a  
40 crime against any registrant or to engage in illegal discrimination



1 or harassment of any registrant. The signed statement shall be  
2 maintained in a file in the agency’s office for a minimum of five  
3 years.

4 (B) An agency disseminating printed information pursuant to  
5 this subdivision shall maintain records of the means and dates of  
6 dissemination for a minimum of five years.

7 (5) For purposes of this subdivision, “campus community”  
8 means those persons present at, and those persons regularly  
9 frequenting, any place associated with an institution of higher  
10 education, including campuses; administrative and educational  
11 offices; laboratories; satellite facilities owned or utilized by the  
12 institution for educational instruction, business, or institutional  
13 events; and public areas contiguous to any campus or facility that  
14 are regularly frequented by students, employees, or volunteers of  
15 the campus.

16 SEC. 8. Section 337j of the Penal Code is amended to read:

17 337j. (a) It is unlawful for any person, as owner, lessee, or  
18 employee, whether for hire or not, either solely or in conjunction  
19 with others, to do any of the following without having first  
20 procured and thereafter maintained in effect all federal, state, and  
21 local licenses required by law:

22 (1) To deal, operate, carry on, conduct, maintain, or expose for  
23 play in this state any controlled game.

24 (2) To receive, directly or indirectly, any compensation or  
25 reward or any percentage or share of the revenue, for keeping,  
26 running, or carrying on any controlled game.

27 (3) To manufacture, distribute, or repair any gambling  
28 equipment within the boundaries of this state, or to receive,  
29 directly or indirectly, any compensation or reward for the  
30 manufacture, distribution, or repair of any gambling equipment  
31 within the boundaries of this state.

32 (b) It is unlawful for any person to knowingly permit any  
33 controlled game to be conducted, operated, dealt, or carried on in  
34 any house or building or other premises that he or she owns or  
35 leases, in whole or in part, if that activity is undertaken by a person  
36 who is not licensed as required by state law, or by an employee of  
37 that person.

38 (c) It is unlawful for any person to knowingly permit any  
39 gambling equipment to be manufactured, stored, or repaired in any  
40 house or building or other premises that the person owns or leases,



1 in whole or in part, if that activity is undertaken by a person who  
2 is not licensed as required by state law, or by an employee of that  
3 person.

4 (d) Any person who violates, attempts to violate, or conspires  
5 to violate this section shall be punished by imprisonment in a  
6 county jail for not more than one year, or by a fine of not more than  
7 five thousand dollars (\$5,000), or by both that imprisonment and  
8 fine.

9 (e) (1) As used in this section, “controlled game” means any  
10 poker or Pai Gow game, and any other game played with cards or  
11 tiles, or both, and approved by the Division of Gambling Control,  
12 and any game of chance, including any gambling device, played  
13 for currency, check, credit, or any other thing of value that is not  
14 prohibited and made unlawful by statute or local ordinance.

15 (2) As used in this section, “controlled game” does not include  
16 any of the following:

17 (A) The game of bingo conducted pursuant to Section 326.5.

18 (B) Parimutuel racing on horse races regulated by the  
19 California Horse Racing Board.

20 (C) Any lottery game conducted by the California State  
21 Lottery.

22 (D) Games played with cards in private homes or residences,  
23 in which no person makes money for operating the game, except  
24 as a player.

25 (f) This subdivision is intended to be dispositive of the law  
26 relating to the collection of player fees in gambling  
27 establishments. A fee may not be calculated as a fraction or  
28 percentage of wagers made or winnings earned. The amount of  
29 fees charged for all wagers shall be determined prior to the start of  
30 play of any hand or round. However, the gambling establishment  
31 may waive collection of the fee or portion of the fee in any hand  
32 or round of play after the hand or round has begun pursuant to the  
33 published rules of the game and the notice provided to the public.  
34 The actual collection of the fee may occur before or after the start  
35 of play. Ample notice shall be provided to the patrons of gambling  
36 establishments relating to the assessment of fees. Flat fees on each  
37 wager may be assessed at different collection rates, but no more  
38 than three collection rates may be established per table. However,  
39 if the gambling establishment waives its collection fee, this fee  
40 does not constitute one of the three collection rates.



1 SEC. 9. Section 629.61 of the Penal Code is amended to read:  
2 629.61. (a) Whenever an order authorizing an interception is  
3 entered, the order shall require a report in writing or otherwise to  
4 be made to the Attorney General showing what persons, facilities,  
5 places, or any combination of these are to be intercepted pursuant  
6 to the application, and the action taken by the judge on each of  
7 those applications. The report shall be made at the interval that the  
8 order may require, but not more than 10 days after the order was  
9 issued, and shall be made by any reasonable and reliable means,  
10 as determined by the Attorney General.

11 (b) The Attorney General may issue regulations prescribing the  
12 collection and dissemination of information collected pursuant to  
13 this chapter.

14 (c) The Attorney General shall, upon the request of an  
15 individual making an application for an interception order  
16 pursuant to this chapter, provide any information known as a result  
17 of these reporting requirements and in compliance with paragraph  
18 (6) of subdivision (a) of Section 629.50.

19 SEC. 10. Section 666.7 of the Penal Code is amended to read:

20 666.7. It is the intent of the Legislature that this section serve  
21 merely as a nonsubstantive comparative reference of current  
22 sentence enhancement provisions. Nothing in this section shall  
23 have any substantive effect on the application of any sentence  
24 enhancement contained in any provision of law, including, but not  
25 limited to, all of the following: omission of any sentence  
26 enhancement provision, inclusion of any obsolete sentence  
27 enhancement provision, or inaccurate reference or summary of a  
28 sentence enhancement provision.

29 It is the intent of the Legislature to amend this section as  
30 necessary to accurately reflect current sentence enhancement  
31 provisions, including the addition of new provisions and the  
32 deletion of obsolete provisions.

33 For the purposes of this section, the term “sentence  
34 enhancement” means an additional term of imprisonment in the  
35 state prison added to the base term for the underlying offense. A  
36 sentence enhancement is imposed because of the nature of the  
37 offense at the time the offense was committed or because the  
38 defendant suffered a qualifying prior conviction before  
39 committing the current offense.



1 (a) The provisions listed in this subdivision imposing a  
2 sentence enhancement of one year imprisonment in the state prison  
3 may be referenced as Schedule A.

4 (1) Money laundering when the value of transactions exceeds  
5 fifty thousand dollars (\$50,000), but is less than one hundred fifty  
6 thousand dollars (\$150,000) (subpara. (A), para. (1), subd. (c),  
7 Sec. 186.10, Pen. C.).

8 (2) Commission of two or more related felonies, a material  
9 element of which is fraud or embezzlement, which involve a  
10 pattern of related felony conduct, involving the taking of more  
11 than one hundred thousand dollars (\$100,000) (para. (3), subd. (a),  
12 Sec. 186.11, Pen. C.).

13 (3) Felony conviction of willful harm or injury to a child,  
14 involving female genital mutilation (subd. (a), Sec. 273.4, Pen.  
15 C.).

16 (4) Prior conviction of felony hate crime with a current  
17 conviction of felony hate crime (subd. (e), Sec. 422.75, Pen. C.).

18 (5) Harming, obstructing, or interfering with any horse or dog  
19 being used by any peace officer in the discharge or attempted  
20 discharge of his or her duties and, with the intent to so harm,  
21 obstruct, or interfere, personally causing the death, destruction, or  
22 serious physical injury of any horse or dog (subd. (c), Sec. 600,  
23 Pen. C.).

24 (6) Prior prison term with current felony conviction (subd. (b),  
25 Sec. 667.5, Pen. C.).

26 (7) Commission of any specified offense against a person who  
27 is 65 years of age or older, blind, a paraplegic or quadriplegic, or  
28 under 14 years of age (subd. (a), Sec. 667.9, Pen. C.).

29 (8) Showing child pornography to a minor prior to or during the  
30 commission or attempted commission of any lewd or lascivious  
31 act with the minor (subd. (a), Sec. 667.15, Pen. C.).

32 (9) Felony conviction of forgery, grand theft, or false pretenses  
33 as part of plan or scheme to defraud an owner in connection with  
34 repairs to a structure damaged by a natural disaster (subd. (a), Sec.  
35 667.16, Pen. C.).

36 (10) Impersonating a peace officer during the commission of a  
37 felony (Sec. 667.17, Pen. C.).

38 (11) Felony conviction of any specified offense, including, but  
39 not limited to, forgery, grand theft, and false pretenses, as part of  
40 plan or scheme to defraud an owner in connection with repairs to



1 a structure damaged by natural disaster with a prior felony  
2 conviction of any of those offenses (subd. (c), Sec. 670, Pen. C.).

3 (12) Commission or attempted commission of a felony while  
4 armed with a firearm (para. (1), subd. (a), Sec. 12022, Pen. C.).

5 (13) Personally using a deadly or dangerous weapon in the  
6 commission or attempted commission of a felony (para. (1), subd.  
7 (b), Sec. 12022, Pen. C.).

8 (14) Taking, damaging, or destroying any property in the  
9 commission or attempted commission of a felony with the intent  
10 to cause that taking, damage, or destruction when the loss exceeds  
11 fifty thousand dollars (\$50,000) (para. (1), subd. (a), Sec. 12022.6,  
12 Pen. C.).

13 (15) Transferring, lending, selling, or giving any assault  
14 weapon to a minor (para. (2), subd. (a), Sec. 12280, Pen. C.).

15 (16) Manufacturing, causing to be manufactured, distributing,  
16 transporting, importing, keeping for sale, offering or exposing for  
17 sale, giving, or lending any assault weapon while committing  
18 another crime (subd. (d), Sec. 12280, Pen. C.).

19 (17) Inducing, employing, or using a minor to commit a drug  
20 offense involving heroin, cocaine, or cocaine base, or unlawfully  
21 furnishing one of these controlled substances to a minor, upon the  
22 grounds of, or within, a church, playground, youth center, child  
23 day care facility, or public swimming pool during business hours  
24 or whenever minors are using the facility (para. (1), subd. (a), Sec.  
25 11353.1, H.& S.C.).

26 (18) Inducing another person to commit a drug offense as part  
27 of the drug transaction for which the defendant is convicted when  
28 the value of the controlled substance involved exceeds five  
29 hundred thousand dollars (\$500,000) (para. (1), subd. (a), Sec.  
30 11356.5, H.& S.C.).

31 (19) Manufacturing, compounding, converting, producing,  
32 deriving, processing, or preparing methamphetamine or  
33 phencyclidine (PCP), or attempting to commit any of those acts,  
34 or possessing specified combinations of substances with the intent  
35 to manufacture either methamphetamine or phencyclidine (PCP),  
36 when the commission or attempted commission of the offense  
37 causes the death or great bodily injury of another person other than  
38 an accomplice (subd. (a), Sec. 11379.9, H.& S.C.).

39 (20) Using a minor to commit a drug offense involving  
40 phencyclidine (PCP), methamphetamine, or lysergic acid



1 diethylamide (LSD), or unlawfully furnishing one of these  
2 controlled substances to a minor, when the commission of the  
3 offense occurs upon the grounds of, or within, a church,  
4 playground, youth center, child day care facility, or public  
5 swimming pool during business hours or whenever minors are  
6 using the facility (para. (1), subd. (a), Sec. 11380.1, H.& S.C.).

7 (21) Causing bodily injury or death to more than one victim in  
8 any one instance of driving under the influence of any alcoholic  
9 beverage or drug (Sec. 23558, Veh. C.).

10 (22) Fraudulently appropriating food stamps, electronically  
11 transferred benefits, or authorizations to participate in the federal  
12 Food Stamp Program entrusted to a public employee, or  
13 knowingly using, transferring, selling, purchasing, or possessing  
14 any of the same in an unauthorized manner, when the offense is  
15 committed by means of an electronic transfer of benefits in an  
16 amount exceeding fifty thousand dollars (\$50,000), but less than  
17 one hundred fifty thousand dollars (\$150,000) (subpara. (A), para.  
18 (1), subd. (h), Sec. 10980, W.& I.C.).

19 (b) The provisions listed in this subdivision imposing a  
20 sentence enhancement of one, two, or three years' imprisonment  
21 in the state prison may be referenced as Schedule B.

22 (1) Commission or attempted commission of a felony hate  
23 crime (subd. (a), Sec. 422.75, Pen. C.).

24 (2) Commission or attempted commission of a felony against  
25 the property of a public or private institution because the property  
26 is associated with a person or group of identifiable race, color,  
27 religion, nationality, country of origin, ancestry, gender, disability,  
28 or sexual orientation (subd. (b), Sec. 422.75, Pen. C.).

29 (3) Felony conviction of unlawfully causing a fire of any  
30 structure, forest land, or property when the defendant has been  
31 previously convicted of arson or unlawfully causing a fire, or when  
32 a firefighter, peace officer, or emergency personnel suffered great  
33 bodily injury, or when the defendant proximately caused great  
34 bodily injury to more than one victim, or caused multiple  
35 structures to burn (subd. (a), Sec. 452.1, Pen. C.).

36 (4) Carrying a loaded or unloaded firearm during the  
37 commission or attempted commission of any felony street gang  
38 crime (subd. (a), Sec. 12021.5, Pen. C.).



1 (5) Personally using a deadly or dangerous weapon in the  
2 commission of carjacking or attempted carjacking (para. (2), subd.  
3 (b), Sec. 12022, Pen. C.).

4 (6) Being a principal in the commission or attempted  
5 commission of any specified drug offense, knowing that another  
6 principal is personally armed with a firearm (subd. (d), Sec. 12022,  
7 Pen. C.).

8 (7) Furnishing or offering to furnish a firearm to another for the  
9 purpose of aiding, abetting, or enabling that person or any other  
10 person to commit a felony (Sec. 12022.4, Pen. C.).

11 (8) Selling, supplying, delivering, or giving possession or  
12 control of a firearm to any person within a prohibited class or to  
13 a minor when the firearm is used in the subsequent commission of  
14 a felony (para. (4), subd. (g), Sec. 12072, Pen. C.).

15 (9) Inducing, employing, or using a minor who is at least four  
16 years younger than the defendant to commit a drug offense  
17 involving any specified controlled substance, including, but not  
18 limited to, heroin, cocaine, and cocaine base, or unlawfully  
19 providing one of these controlled substances to a minor (para. (3),  
20 subd. (a), Sec. 11353.1, H.& S.C.).

21 (10) Prior conviction of inducing, employing, or using a minor  
22 to commit a drug offense involving cocaine base, or unlawfully  
23 providing cocaine base to a minor that resulted in a prison sentence  
24 with a current conviction of the same offense (subd. (a), Sec.  
25 11353.4, H.& S.C.).

26 (11) Prior conviction of inducing, employing, or using a minor  
27 to commit a drug offense involving cocaine base, or unlawfully  
28 providing cocaine base to a minor with a current conviction of the  
29 same offense involving a minor who is 14 years of age or younger  
30 (subd. (b), Sec. 11353.4, H.& S.C.).

31 (12) Inducing, employing, or using a minor who is at least four  
32 years younger than the defendant to commit a drug offense  
33 involving any specified controlled substance, including, but not  
34 limited to, phencyclidine (PCP), methamphetamine, and lysergic  
35 acid diethylamide (LSD), or unlawfully providing one of these  
36 controlled substances to a minor (para. (3), subd. (a), Sec. 11380.1,  
37 H.& S.C.).

38 (13) Causing great bodily injury or a substantial probability  
39 that death could result by the knowing disposal, transport,  
40 treatment, storage, burning, or incineration of any hazardous



1 waste at a facility without permits or at an unauthorized point  
2 (subd. (e), Sec. 25189.5, and subd. (c), Sec. 25189.7, H.& S.C.).

3 (c) The provisions listed in this subdivision imposing a  
4 sentence enhancement of one, two, or five years' imprisonment in  
5 the state prison may be referenced as Schedule C.

6 (1) Wearing a bullet-resistant body vest in the commission or  
7 attempted commission of a violent offense (subd. (b), Sec.  
8 12022.2, Pen. C.).

9 (2) Commission or attempted commission of any specified sex  
10 offense while armed with a firearm or deadly weapon (subd. (b),  
11 Sec. 12022.3, Pen. C.).

12 (d) The provisions listed in this subdivision imposing a  
13 sentence enhancement of 16 months, or two or three years'  
14 imprisonment in the state prison may be referenced as Schedule D.

15 (1) Knowing failure to register pursuant to Section 186.30 and  
16 subsequent conviction or violation of Section 186.30, as specified  
17 (para. (1), subd. (b), Sec. 186.33, Pen. C.).

18 (e) The provisions listed in this subdivision imposing a  
19 sentence enhancement of two years' imprisonment in the state  
20 prison may be referenced as Schedule E.

21 (1) Money laundering when the value of the transactions  
22 exceeds one hundred fifty thousand dollars (\$150,000), but is less  
23 than one million dollars (\$1,000,000) (subpara. (B), para. (1),  
24 subd. (c), Sec. 186.10, Pen. C.).

25 (2) Commission of two or more related felonies, a material  
26 element of which is fraud or embezzlement, which involve a  
27 pattern of related felony conduct, involving the taking of more  
28 than one hundred fifty thousand dollars (\$150,000) (para. (3),  
29 subd. (a), Sec. 186.11, Pen. C.).

30 (3) Conviction of any specified felony sex offense that is  
31 committed after fleeing to this state under specified circumstances  
32 (subd. (d), Sec. 289.5, Pen. C.).

33 (4) Prior conviction of any specified insurance fraud offense  
34 with current conviction of willfully injuring, destroying,  
35 secreting, abandoning, or disposing of any property insured  
36 against loss or damage by theft, embezzlement, or any casualty  
37 with the intent to defraud or prejudice the insurer (subd. (b), Sec.  
38 548, Pen. C.).

39 (5) Prior conviction of any specified insurance fraud offense  
40 with current conviction of knowingly presenting any false or



1 fraudulent insurance claim or multiple claims for the same loss or  
2 injury, or knowingly causing or participating in a vehicular  
3 collision for the purpose of presenting any false or fraudulent  
4 claim, or providing false or misleading information or concealing  
5 information for purpose of insurance fraud (subd. (e), Sec. 550,  
6 Pen. C.).

7 (6) Causing serious bodily injury as a result of knowingly  
8 causing or participating in a vehicular collision or accident for the  
9 purpose of presenting any false or fraudulent claim (subd. (g), Sec.  
10 550, Pen. C.).

11 (7) Harming, obstructing, or interfering with any horse or dog  
12 being used by any peace officer in the discharge or attempted  
13 discharge of his or her duties and, with the intent to cause great  
14 bodily injury, personally causing great bodily injury to any person  
15 other than an accomplice (subd. (d), Sec. 600, Pen. C.).

16 (8) Prior conviction of any specified offense with current  
17 conviction of any of those offenses committed against a person  
18 who is 65 years of age or older, blind, a paraplegic or quadriplegic,  
19 or under 14 years of age (subd. (b), Sec. 667.9, Pen. C.).

20 (9) Prior conviction for sexual penetration with current  
21 conviction of the same offense committed against a person who is  
22 65 years of age or older, blind, deaf, developmentally disabled, a  
23 paraplegic or quadriplegic, or under 14 years of age (subd. (a), Sec.  
24 667.10, Pen. C.).

25 (10) Showing child pornography to a minor prior to or during  
26 the commission or attempted commission of continuous sexual  
27 abuse of the minor (subd. (b), Sec. 667.15, Pen. C.).

28 (11) Primary care provider in a day care facility committing  
29 any specified felony sex offense against a minor entrusted to his  
30 or her care (subd. (a), Sec. 674, Pen. C.).

31 (12) Commission of a felony offense while released from  
32 custody on bail or own recognizance (subd. (b), Sec. 12022.1, Pen.  
33 C.).

34 (13) Taking, damaging, or destroying any property in the  
35 commission or attempted commission of a felony with the intent  
36 to cause that taking, damage, or destruction when the loss exceeds  
37 one hundred fifty thousand dollars (\$150,000) (para. (2), subd. (a),  
38 Sec. 12022.6, Pen. C.).

39 (14) Inducing, employing, or using a minor to commit a drug  
40 offense involving heroin, cocaine, or cocaine base, or unlawfully



1 furnishing one of these controlled substances to a minor, upon, or  
2 within 1,000 feet of, the grounds of a school during school hours  
3 or whenever minors are using the facility (para. (2), subd. (a), Sec.  
4 11353.1, H.& S.C.).

5 (15) Inducing another person to commit a drug offense as part  
6 of the drug transaction for which the defendant is convicted when  
7 the value of the controlled substance involved exceeds two million  
8 dollars (\$2,000,000) (para. (2), subd. (a), Sec. 11356.5, H.& S.C.).

9 (16) Manufacturing, compounding, converting, producing,  
10 deriving, processing, or preparing methamphetamine or  
11 phencyclidine (PCP), or attempting to commit any of those acts,  
12 or possessing specified combinations of substances with the intent  
13 to manufacture either methamphetamine or phencyclidine (PCP),  
14 when the commission or attempted commission of the crime  
15 occurs in a structure where any child under 16 years of age is  
16 present (subd. (a), Sec. 11379.7, H.& S.C.).

17 (17) Using a minor to commit a drug offense involving  
18 phencyclidine (PCP), methamphetamine, or lysergic acid  
19 diethylamide (LSD), or unlawfully furnishing one of these  
20 controlled substances to a minor, upon, or within 1,000 feet of, the  
21 grounds of a school during school hours or whenever minors are  
22 using the facility (para. (2), subd. (a), Sec. 11380.1, H.& S.C.).

23 (18) Prior felony conviction of any specified insurance fraud  
24 offense with a current conviction of making false or fraudulent  
25 statements concerning a workers' compensation claim (subd. (c),  
26 Sec. 1871.4, Ins. C.).

27 (19) Prior felony conviction of making or causing to be made  
28 any knowingly false or fraudulent statement of any fact material  
29 to the determination of the premium, rate, or cost of any policy of  
30 workers' compensation insurance for the purpose of reducing the  
31 premium, rate, or cost of the insurance with a current conviction  
32 of the same offense (subd. (b), Sec. 11760, Ins. C.).

33 (20) Prior felony conviction of making or causing to be made  
34 any knowingly false or fraudulent statement of any fact material  
35 to the determination of the premium, rate, or cost of any policy of  
36 workers' compensation insurance issued or administered by the  
37 State Compensation Insurance Fund for the purpose of reducing  
38 the premium, rate, or cost of the insurance with a current  
39 conviction of the same offense (subd. (b), Sec. 11880, Ins. C.).



1 (21) Fraudulently appropriating food stamps, electronically  
2 transferred benefits, or authorizations to participate in the federal  
3 Food Stamp Program entrusted to a public employee, or  
4 knowingly using, transferring, selling, purchasing, or possessing,  
5 any of the same in an unauthorized manner, when the offense is  
6 committed by means of an electronic transfer of benefits in an  
7 amount exceeding one hundred fifty thousand dollars (\$150,000),  
8 but less than one million dollars (\$1,000,000) (subpara. (B), para.  
9 (1), subd. (h), Sec. 10980, W.& I.C.).

10 (f) The provisions listed in this subdivision imposing a  
11 sentence enhancement of two, three, or four years' imprisonment  
12 in the state prison may be referenced as Schedule F.

13 (1) Commission of a felony, other than a serious or violent  
14 felony, for the benefit of, at the direction of, or in association with,  
15 any criminal street gang, with the specific intent to promote,  
16 further, or assist in any criminal conduct by gang members  
17 (subpara. (A), para. (1), subd. (b), Sec. 186.22, Pen. C.).

18 (2) Acting in concert with another person or aiding or abetting  
19 another person in committing or attempting to commit a felony  
20 hate crime (subd. (c), Sec. 422.75, Pen. C.).

21 (3) Carrying a loaded or unloaded firearm together with a  
22 detachable shotgun magazine, a detachable pistol magazine, a  
23 detachable magazine, or a belt-feeding device during the  
24 commission or attempted commission of any felony street gang  
25 crime (subd. (b), Sec. 12021.5, Pen. C.).

26 (g) The provisions listed in this subdivision imposing a  
27 sentence enhancement of two, three, or five years' imprisonment  
28 in the state prison may be referenced as Schedule G.

29 (1) Commission of two or more related felonies, a material  
30 element of which is fraud or embezzlement, which involve a  
31 pattern of related felony conduct, involving the taking of more  
32 than five hundred thousand dollars (\$500,000) (para. (2), subd.  
33 (a), Sec. 186.11, Pen. C.).

34 (h) The provisions listed in this subdivision imposing a  
35 sentence enhancement of three years' imprisonment in the state  
36 prison may be referenced as Schedule H.

37 (1) Money laundering when the value of transactions exceeds  
38 one million dollars (\$1,000,000), but is less than two million five  
39 hundred thousand dollars (\$2,500,000) (subpara. (C), para. (1),  
40 subd. (c), Sec. 186.10, Pen. C.).



- 1 (2) Solicitation, recruitment, or coercion, of a minor to actively  
2 participate in a criminal street gang (subd. (d), Sec. 186.26, Pen.  
3 C.).
- 4 (3) Willfully mingling any poison or harmful substance which  
5 may cause death if ingested, or which causes the infliction of great  
6 bodily injury on any person, with any food, drink, medicine, or  
7 pharmaceutical product or willfully placing that poison or harmful  
8 substance in any spring, well, reservoir, or public water supply  
9 (para. (2), subd. (a), Sec. 347, Pen. C.).
- 10 (4) Causing great bodily injury by willfully causing or  
11 permitting any elder or dependent adult to suffer, or inflicting pain  
12 or mental suffering upon, or endangering the health of, an elder or  
13 dependent adult when the victim is under 70 years of age (subpara.  
14 (A), para. (2), subd. (b), Sec. 368, Pen. C.).
- 15 (5) Maliciously driving or placing, in any tree, saw-log,  
16 shingle-bolt, or other wood, any iron, steel, ceramic, or other  
17 substance sufficiently hard to injure saws and causing bodily  
18 injury to another person other than an accomplice (subd. (b), Sec.  
19 593a, Pen. C.).
- 20 (6) Prior prison term for violent felony with current violent  
21 felony conviction (subd. (a), Sec. 667.5, Pen. C.).
- 22 (7) Commission of any specified felony sex offense by a  
23 primary care provider in a day care facility against a minor  
24 entrusted to his or her care while voluntarily acting in concert with  
25 another (subd. (b), Sec. 674, Pen. C.).
- 26 (8) Commission or attempted commission of a felony while  
27 armed with an assault weapon or a machinegun (para. (2), subd.  
28 (a), Sec. 12022, Pen. C.).
- 29 (9) Taking, damaging, or destroying any property in the  
30 commission or attempted commission of a felony with the intent  
31 to cause that taking, damage, or destruction when the loss exceeds  
32 one million dollars (\$1,000,000) (para. (3), subd. (a), Sec.  
33 12022.6, Pen. C.).
- 34 (10) Personally inflicting great bodily injury on any person  
35 other than an accomplice in the commission or attempted  
36 commission of a felony (subd. (a), Sec. 12022.7, Pen. C.).
- 37 (11) Administering by injection, inhalation, ingestion, or any  
38 other means, any specified controlled substance against the  
39 victim's will by means of force, violence, or fear of immediate and



1 unlawful bodily injury to the victim or another person for the  
2 purpose of committing a felony (Sec. 12022.75, Pen. C.).

3 (12) Commission of any specified sex offense with knowledge  
4 that the defendant has acquired immune deficiency syndrome  
5 (AIDS) or with the knowledge that he or she carries antibodies of  
6 the human immunodeficiency virus at the time of the commission  
7 of the offense (subd. (a), Sec. 12022.85, Pen. C.).

8 (13) Inducing another person to commit a drug offense as part  
9 of the drug transaction for which the defendant is convicted when  
10 the value of the controlled substance involved exceeds five million  
11 dollars (\$5,000,000) (para. (3), subd. (a), Sec. 11356.5, H.& S.C.).

12 (14) Prior conviction of any specified drug offense with current  
13 conviction of any specified drug offense (subs. (a), (b), and (c),  
14 Sec. 11370.2, H.& S.C.).

15 (15) Commission of any specified drug offense involving a  
16 substance containing heroin, cocaine base, cocaine,  
17 methamphetamine, amphetamine, or phencyclidine (PCP), when  
18 the substance exceeds one kilogram or 30 liters (para. (1), subd.  
19 (a), and para. (1), subd. (b), Sec. 11370.4, H.& S.C.).

20 (16) Manufacturing, compounding, converting, producing,  
21 deriving, processing, or preparing any substance containing  
22 amphetamine, methamphetamine, or phencyclidine (PCP) or its  
23 analogs or precursors, or attempting to commit any of those acts,  
24 when the substance exceeds three gallons or one pound (para. (1),  
25 subd. (a), Sec. 11379.8, H.& S.C.).

26 (17) Four or more prior convictions of specified  
27 alcohol-related vehicle offenses with current conviction of driving  
28 under the influence and causing great bodily injury (subd. (c), Sec.  
29 23566, Veh. C.).

30 (18) Fraudulently appropriating food stamps, electronically  
31 transferred benefits, or authorizations to participate in the federal  
32 Food Stamp Program entrusted to a public employee, or  
33 knowingly using, transferring, selling, purchasing, or possessing,  
34 any of the same in an unauthorized manner, when the offense is  
35 committed by means of an electronic transfer of benefits in an  
36 amount exceeding one million dollars (\$1,000,000), but less than  
37 two million five hundred thousand dollars (\$2,500,000) (subpara.  
38 (C), para. (1), subd. (h), Sec. 10980, W.& I.C.).



1 (i) The provisions listed in this subdivision imposing a  
2 sentence enhancement of three, four, or five years' imprisonment  
3 in the state prison may be referenced as Schedule I.

4 (1) Commission of felony arson with prior conviction of arson  
5 or unlawfully starting a fire, or causing great bodily injury to a  
6 firefighter, peace officer, other emergency personnel, or multiple  
7 victims, or causing the burning of multiple structures, or using an  
8 accelerator or ignition delay device (subd. (a), Sec. 451.1, Pen.  
9 C.).

10 (2) Commission or attempted commission of any specified  
11 drug offense while personally armed with a firearm (subd. (c), Sec.  
12 12022, Pen. C.).

13 (3) Personally inflicting great bodily injury under  
14 circumstances involving domestic violence in the commission or  
15 attempted commission of a felony (subd. (e), Sec. 12022.7, Pen.  
16 C.).

17 (4) Commission of any specified drug offense involving  
18 cocaine base, heroin, or methamphetamine, or a conspiracy to  
19 commit any of those offenses, upon the grounds of, or within 1,000  
20 feet of, a school during school hours or when minors are using the  
21 facility (subd. (b), Sec. 11353.6, H.& S.C.).

22 (5) Commission of any specified drug offense involving  
23 cocaine base, heroin, or methamphetamine, or a conspiracy to  
24 violate any of those offenses, involving a minor who is at least four  
25 years younger than the defendant (subd. (c), Sec. 11353.6, H.&  
26 S.C.).

27 (j) The provisions listed in this subdivision imposing a  
28 sentence enhancement of 3, 4, or 10 years' imprisonment in the  
29 state prison may be referenced as Schedule J.

30 (1) Commission or attempted commission of any felony while  
31 armed with a firearm and in the immediate possession of  
32 ammunition for the firearm designed primarily to penetrate metal  
33 or armor (subd. (a), Sec. 12022.2, Pen. C.).

34 (2) Commission or attempted commission of any specified sex  
35 offense while using a firearm or deadly weapon (subd. (a), Sec.  
36 12022.3, Pen. C.).

37 (3) Commission or attempted commission of a felony while  
38 personally using a firearm (subd. (a), Sec. 12022.5, Pen. C.).



1 (k) The provisions listed in this subdivision imposing a  
2 sentence enhancement of four years' imprisonment in the state  
3 prison may be referenced as Schedule K.

4 (1) Money laundering when the value of transactions exceeds  
5 two million five hundred thousand dollars (\$2,500,000) (subpara.  
6 (D), para. (1), subd. (c), Sec. 186.10, Pen. C.).

7 (2) Prior conviction of willfully inflicting upon a child any  
8 cruel or inhuman corporal punishment or injury resulting in a  
9 traumatic condition with current conviction of that offense (subd.  
10 (b), Sec. 273d, Pen. C.).

11 (3) Taking, damaging, or destroying any property in the  
12 commission or attempted commission of a felony with the intent  
13 to cause that taking, damage, or destruction when the loss exceeds  
14 two million five hundred thousand dollars (\$2,500,000) (para. (4),  
15 subd. (a), Sec. 12022.6, Pen. C.).

16 (4) Willfully causing or permitting any child to suffer, or  
17 inflicting on the child unjustifiable physical pain or injury that  
18 results in death under circumstances or conditions likely to  
19 produce great bodily harm or death, or, having the care or custody  
20 of any child, willfully causing or permitting that child to be injured  
21 or harmed under circumstances likely to produce great bodily  
22 harm or death, when that injury or harm results in death (Sec.  
23 12022.95, Pen. C.).

24 (5) Fraudulently appropriating food stamps, electronically  
25 transferred benefits, or authorizations to participate in the federal  
26 Food Stamp Program entrusted to a public employee, or  
27 knowingly using, transferring, selling, purchasing, or possessing,  
28 any of the same in an unauthorized manner, when the offense is  
29 committed by means of an electronic transfer of benefits in an  
30 amount exceeding two million five hundred thousand dollars  
31 (\$2,500,000) (subpara. (D), para. (1), subd. (h), Sec. 10980, W.&  
32 I.C.).

33 (6) Execution of a scheme or artifice to defraud the Medi-Cal  
34 program or any other health care program administered by the  
35 State Department of Health Services or its agents or contractors,  
36 or to obtain under false or fraudulent pretenses, representations, or  
37 promises any property owned by or under the custody of the  
38 Medi-Cal program or any health care program administered by the  
39 department, its agents, or contractors under circumstances likely



1 to cause or that do cause two or more persons great bodily injury  
2 (subd. (d), Sec. 14107, W.& I.C.).

3 (l) The provisions listed in this subdivision imposing a  
4 sentence enhancement of four, five, or six years' imprisonment in  
5 the state prison may be referenced as Schedule L.

6 (1) Personally inflicting great bodily injury on a child under the  
7 age of five years in the commission or attempted commission of  
8 a felony (subd. (d), Sec. 12022.7, Pen. C.).

9 (m) The provisions listed in this subdivision imposing a  
10 sentence enhancement of five years' imprisonment in the state  
11 prison may be referenced as Schedule M.

12 (1) Commission of a serious felony for the benefit of, at the  
13 direction of, or in association with, any criminal street gang, with  
14 the specific intent to promote, further, or assist in any criminal  
15 conduct by gang members (subpara. (B), para. (1), subd. (b), Sec.  
16 186.22, Pen. C.).

17 (2) Using sex offender registration information to commit a  
18 felony (para. (1), subd. (b), Sec. 290.4, and para. (1), subd. (e),  
19 Sec. 290.45, Pen. C.).

20 (3) Causing great bodily injury by willfully causing or  
21 permitting any elder or dependent adult to suffer, or inflicting pain  
22 or mental suffering upon, or endangering the health of, an elder or  
23 dependent adult when the victim is 70 years of age or older  
24 (subpara. (B), para. (2), subd. (b), Sec. 368, Pen. C.).

25 (4) Causing death by willfully causing or permitting any elder  
26 or dependent adult to suffer, or inflicting pain or mental suffering  
27 upon, or endangering the health of, an elder or dependent adult  
28 when the victim is under 70 years of age (subpara. (A), para. (3),  
29 subd. (b), Sec. 368, Pen. C.).

30 (5) Two prior felony convictions of knowingly causing or  
31 participating in a vehicular collision or accident for the purpose of  
32 presenting any false or fraudulent claim with current conviction of  
33 the same (subd. (f), Sec. 550, Pen. C.).

34 (6) Prior conviction of a serious felony with current conviction  
35 of a serious felony (para. (1), subd. (a), Sec. 667, Pen. C.).

36 (7) Prior conviction of any specified sex offense with current  
37 conviction of lewd and lascivious acts with a child under 14 years  
38 of age (subd. (a), Sec. 667.51, Pen. C.).



1 (8) Prior conviction of any specified sex offense with current  
2 conviction of any of those sex offenses (subd. (a), Sec. 667.6, Pen.  
3 C.).

4 (9) Kidnapping or carrying away any child under 14 years of  
5 age with the intent to permanently deprive the parent or legal  
6 guardian custody of that child (Sec. 667.85, Pen. C.).

7 (10) Personally inflicting great bodily injury on any person  
8 other than an accomplice in the commission or attempted  
9 commission of a felony that causes the victim to become comatose  
10 due to a brain injury or to suffer paralysis of a permanent nature  
11 (subd. (b), Sec. 12022.7, Pen. C.).

12 (11) Personally inflicting great bodily injury on another person  
13 who is 70 years of age or older other than an accomplice in the  
14 commission or attempted commission of a felony (subd. (c), Sec.  
15 12022.7, Pen. C.).

16 (12) Inflicting great bodily injury on any victim in the  
17 commission or attempted commission of any specified sex offense  
18 (Sec. 12022.8, Pen. C.).

19 (13) Personally and intentionally inflicting injury upon a  
20 pregnant woman during the commission or attempted commission  
21 of a felony that results in the termination of the pregnancy when  
22 the defendant knew or reasonably should have known that the  
23 victim was pregnant (Sec. 12022.9, Pen. C.).

24 (14) Using information disclosed to the licensee of a  
25 community care facility by a prospective client regarding his or her  
26 status as a sex offender to commit a felony (subd. (c), Sec. 1522.01,  
27 H.& S.C.).

28 (15) Commission of any specified drug offense involving a  
29 substance containing heroin, cocaine base, cocaine,  
30 methamphetamine, amphetamine, or phencyclidine (PCP), when  
31 the substance exceeds 4 kilograms or 100 liters (para. (2), subd.  
32 (a), and para. (2), subd. (b), Sec. 11370.4, H.& S.C.).

33 (16) Manufacturing, compounding, converting, producing,  
34 deriving, processing, or preparing methamphetamine or  
35 phencyclidine (PCP), or attempting to commit any of those acts,  
36 or possessing specified combinations of substances with the intent  
37 to manufacture either methamphetamine or phencyclidine (PCP),  
38 when the commission of the crime causes any child under 16 years  
39 of age to suffer great bodily injury (subd. (b), Sec. 11379.7, H.&  
40 S.C.).



1 (17) Manufacturing, compounding, converting, producing,  
2 deriving, processing, or preparing any substance containing  
3 amphetamine, methamphetamine, or phencyclidine (PCP) or its  
4 analogs or precursors, or attempting to commit any of those acts,  
5 when the substance exceeds 10 gallons or three pounds (para. (2),  
6 subd. (a), Sec. 11379.8, H.& S.C.).

7 (18) Fleeing the scene of the crime after commission of  
8 vehicular manslaughter (subd. (c), Sec. 20001, Veh. C.).

9 (n) The provisions listed in this subdivision imposing a  
10 sentence enhancement of 5, 6, or 10 years' imprisonment in the  
11 state prison may be referenced as Schedule N.

12 (1) Commission or attempted commission of a felony while  
13 personally using an assault weapon or a machinegun (subd. (b),  
14 Sec. 12022.5, Pen. C.).

15 (2) Discharging a firearm from a motor vehicle in the  
16 commission or attempted commission of a felony with the intent  
17 to inflict great bodily injury or death and causing great bodily  
18 injury or death (Sec. 12022.55, Pen. C.).

19 (o) The provisions listed in this subdivision imposing a  
20 sentence enhancement of seven years' imprisonment in the state  
21 prison may be referenced as Schedule O.

22 (1) Causing death by willfully causing or permitting any elder  
23 or dependent adult to suffer, or inflicting pain or mental suffering  
24 upon, or endangering the health of, an elder or dependent adult  
25 when the victim is 70 years of age or older (subpara. (B), para. (3),  
26 subd. (b), Sec. 368, Pen. C.).

27 (p) The provisions listed in this subdivision imposing a  
28 sentence enhancement of nine years' imprisonment in the state  
29 prison may be referenced as Schedule P.

30 (1) Kidnapping a victim for the purpose of committing any  
31 specified felony sex offense (subd. (a), Sec. 667.8, Pen. C.).

32 (q) The provisions listed in this subdivision imposing a  
33 sentence enhancement of 10 years' imprisonment in the state  
34 prison may be referenced as Schedule Q.

35 (1) Commission of a violent felony for the benefit of, at the  
36 direction of, or in association with, any criminal street gang, with  
37 the specific intent to promote, further, or assist in any criminal  
38 conduct by gang members (subpara. (C), para. (1), subd. (b), Sec.  
39 186.22, Pen. C.).



1 (2) Two or more prior prison terms for any specified sex  
2 offense with current conviction of any of those sex offenses (subd.  
3 (b), Sec. 667.6, Pen. C.).

4 (3) Commission or attempted commission of any specified  
5 felony offense while personally using a firearm (subd. (b), Sec.  
6 12022.53, Pen. C.).

7 (4) Commission of any specified drug offense involving a  
8 substance containing heroin, cocaine base, cocaine,  
9 methamphetamine, amphetamine, or phencyclidine (PCP), when  
10 the substance exceeds 10 kilograms or 200 liters (para. (3), subd.  
11 (a), and para. (3), subd. (b), Sec. 11370.4, H.& S.C.).

12 (5) Manufacturing, compounding, converting, producing,  
13 deriving, processing, or preparing any substance containing  
14 amphetamine, methamphetamine, or phencyclidine (PCP) or its  
15 analogs or precursors, or attempting to commit any of those acts,  
16 when the substance exceeds 25 gallons or 10 pounds (para. (3),  
17 subd. (a), Sec. 11379.8, H.& S.C.).

18 (r) The provisions listed in this subdivision imposing a  
19 sentence enhancement of 15 years' imprisonment in the state  
20 prison may be referenced as Schedule R.

21 (1) Kidnapping a victim under 14 years of age for the purpose  
22 of committing any specified felony sex offense (subd. (b), Sec.  
23 667.8, Pen. C.).

24 (2) Commission of any specified drug offense involving a  
25 substance containing heroin, cocaine base, cocaine,  
26 methamphetamine, amphetamine, or phencyclidine (PCP), when  
27 the substance exceeds 20 kilograms or 400 liters (para. (4), subd.  
28 (a), and para. (4), subd. (b), Sec. 11370.4, H.& S.C.).

29 (3) Manufacturing, compounding, converting, producing,  
30 deriving, processing, or preparing any substance containing  
31 amphetamine, methamphetamine, or phencyclidine (PCP) or its  
32 analogs or precursors, or attempting to commit any of those acts,  
33 when the substance exceeds 105 gallons or 44 pounds (para. (4),  
34 subd. (a), Sec. 11379.8, H.& S.C.).

35 (s) The provisions listed in this subdivision imposing a  
36 sentence enhancement of 20 years' imprisonment in the state  
37 prison may be referenced as Schedule S.

38 (1) Intentionally and personally discharging a firearm in the  
39 commission or attempted commission of any specified felony  
40 offense (subd. (c), Sec. 12022.53, Pen. C.).



1 (2) Commission of any specified drug offense involving a  
2 substance containing heroin, cocaine base, or cocaine, when the  
3 substance exceeds 40 kilograms (para. (5), subd. (a), Sec. 11370.4,  
4 H.& S.C.).

5 (t) The provisions listed in this subdivision imposing a  
6 sentence enhancement of 25 years' imprisonment in the state  
7 prison may be referenced as Schedule T.

8 (1) Commission of any specified drug offense involving a  
9 substance containing heroin, cocaine base, or cocaine, when the  
10 substance exceeds 80 kilograms (para. (6), subd. (a), Sec. 11370.4,  
11 H.& S.C.).

12 (u) The provisions listed in this subdivision imposing a  
13 sentence enhancement of 25 years to life imprisonment in the state  
14 prison may be referenced as Schedule U.

15 (1) Intentionally and personally discharging a firearm in the  
16 commission or attempted commission of any specified felony  
17 offense and proximately causing great bodily injury to any person  
18 other than an accomplice (subd. (d), Sec. 12022.53, Pen. C.).

19 SEC. 11. Section 836 of the Penal Code is amended to read:

20 836. (a) A peace officer may arrest a person in obedience to  
21 a warrant, or, pursuant to the authority granted to him or her by  
22 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2,  
23 without a warrant, may arrest a person whenever any of the  
24 following circumstances occur:

25 (1) The officer has probable cause to believe that the person to  
26 be arrested has committed a public offense in the officer's  
27 presence.

28 (2) The person arrested has committed a felony, although not  
29 in the officer's presence.

30 (3) The officer has probable cause to believe that the person to  
31 be arrested has committed a felony, whether or not a felony, in fact,  
32 has been committed.

33 (b) Any time a peace officer is called out on a domestic violence  
34 call, it shall be mandatory that the officer make a good faith effort  
35 to inform the victim of his or her right to make a citizen's arrest.  
36 This information shall include advising the victim how to safely  
37 execute the arrest.

38 (c) (1) When a peace officer is responding to a call alleging a  
39 violation of a domestic violence protective or restraining order  
40 issued under Section 527.6 of the Code of Civil Procedure, the



1 Family Code, Section 136.2, 646.91, or paragraph (2) of  
2 subdivision (a) of Section 1203.097 of this code, Section 213.5 or  
3 15657.03 of the Welfare and Institutions Code, or of a domestic  
4 violence protective or restraining order issued by the court of  
5 another state, tribe, or territory and the peace officer has probable  
6 cause to believe that the person against whom the order is issued  
7 has notice of the order and has committed an act in violation of the  
8 order, the officer shall, consistent with subdivision (b) of Section  
9 13701, make a lawful arrest of the person without a warrant and  
10 take that person into custody whether or not the violation occurred  
11 in the presence of the arresting officer. The officer shall, as soon  
12 as possible after the arrest, confirm with the appropriate authorities  
13 or the Domestic Violence Protection Order Registry maintained  
14 pursuant to Section 6380 of the Family Code that a true copy of the  
15 protective order has been registered, unless the victim provides the  
16 officer with a copy of the protective order.

17 (2) The person against whom a protective order has been issued  
18 shall be deemed to have notice of the order if the victim presents  
19 to the officer proof of service of the order, the officer confirms with  
20 the appropriate authorities that a true copy of the proof of service  
21 is on file, or the person against whom the protective order was  
22 issued was present at the protective order hearing or was informed  
23 by a peace officer of the contents of the protective order.

24 (3) In situations where mutual protective orders have been  
25 issued under Division 10 (commencing with Section 6200) of the  
26 Family Code, liability for arrest under this subdivision applies  
27 only to those persons who are reasonably believed to have been the  
28 primary aggressor. In those situations, prior to making an arrest  
29 under this subdivision, the peace officer shall make reasonable  
30 efforts to identify, and may arrest, the primary aggressor involved  
31 in the incident. The primary aggressor is the person determined to  
32 be the most significant, rather than the first, aggressor. In  
33 identifying the primary aggressor, an officer shall consider (A) the  
34 intent of the law to protect victims of domestic violence from  
35 continuing abuse, (B) the threats creating fear of physical injury,  
36 (C) the history of domestic violence between the persons involved,  
37 and (D) whether either person involved acted in self-defense.

38 (d) Notwithstanding paragraph (1) of subdivision (a), if a  
39 suspect commits an assault or battery upon a current or former  
40 spouse, fiancé, fiancée, a current or former cohabitant as defined



1 in Section 6209 of the Family Code, a person with whom the  
2 suspect currently is having or has previously had an engagement  
3 or dating relationship, as defined in paragraph (10) of subdivision  
4 (f) of Section 243, a person with whom the suspect has parented  
5 a child, or is presumed to have parented a child pursuant to the  
6 Uniform Parentage Act (Part 3 (commencing with Section 7600)  
7 of Division 12 of the Family Code), a child of the suspect, a child  
8 whose parentage by the suspect is the subject of an action under the  
9 Uniform Parentage Act, a child of a person in one of the above  
10 categories, any other person related to the suspect by  
11 consanguinity or affinity within the second degree, or any person  
12 who is 65 years of age or older and who is related to the suspect  
13 by blood or legal guardianship, a peace officer may arrest the  
14 suspect without a warrant where both of the following  
15 circumstances apply:

16 (1) The peace officer has probable cause to believe that the  
17 person to be arrested has committed the assault or battery, whether  
18 or not it has in fact been committed.

19 (2) The peace officer makes the arrest as soon as probable cause  
20 arises to believe that the person to be arrested has committed the  
21 assault or battery, whether or not it has in fact been committed.

22 (e) In addition to the authority to make an arrest without a  
23 warrant pursuant to paragraphs (1) and (3) of subdivision (a), a  
24 peace officer may, without a warrant, arrest a person for a violation  
25 of Section 12025 when all of the following apply:

26 (1) The officer has reasonable cause to believe that the person  
27 to be arrested has committed the violation of Section 12025.

28 (2) The violation of Section 12025 occurred within an airport,  
29 as defined in Section 21013 of the Public Utilities Code, in an area  
30 to which access is controlled by the inspection of persons and  
31 property.

32 (3) The peace officer makes the arrest as soon as reasonable  
33 cause arises to believe that the person to be arrested has committed  
34 the violation of Section 12025.

35 SEC. 12. Section 1170.11 of the Penal Code is amended to  
36 read:

37 1170.11. As used in Section 1170.1, the term “specific  
38 enhancement” means an enhancement that relates to the  
39 circumstances of the crime. It includes, but is not limited to, the  
40 enhancements provided in Sections 186.10, 186.11, 186.22,



1 186.26, 186.33, 273.4, 289.5, 290.4, 290.45, 347, and 368,  
2 subdivisions (a), (b), and (c) of Section 422.75, paragraphs (2),  
3 (3), (4), and (5) of subdivision (a) of Section 451.1, paragraphs (2),  
4 (3), and (4) of subdivision (a) of Section 452.1, subdivision (g) of  
5 Section 550, Sections 593a, 600, 667.8, 667.85, 667.9, 667.10,  
6 667.15, 667.16, 667.17, 674, 12021.5, 12022, 12022.2, 12022.3,  
7 12022.4, 12022.5, 12022.53, 12022.55, 12022.6, 12022.7,  
8 12022.75, 12022.8, 12022.85, 12022.9, 12022.95, 12072, and  
9 12280 of this code, and in Sections 1522.01 and 11353.1,  
10 subdivision (b) of Section 11353.4, Sections 11353.6, 11356.5,  
11 11370.4, 11379.7, 11379.8, 11379.9, 11380.1, 25189.5, and  
12 25189.7 of the Health and Safety Code, and in Sections 20001 and  
13 23558 of the Vehicle Code, and in Sections 10980 and 14107 of the  
14 Welfare and Institutions Code.

15 ~~SEC. 14.~~

16 *SEC. 13.* Section 1337 of the Penal Code is amended to read:  
17 1337. The application shall be made upon affidavit stating all  
18 of the following:

- 19 (1) The nature of the offense charged.
- 20 (2) The state of the proceedings in the action.
- 21 (3) The name and residence of the witness, and that his or her  
22 testimony is material to the defense or the prosecution of the  
23 action.
- 24 (4) That the witness is about to leave the state, or is so sick or  
25 infirm as to afford reasonable grounds for apprehending that he or  
26 she will not be able to attend the trial, or is a person 70 years of age  
27 or older, or a dependent adult, or that the life of the witness is in  
28 jeopardy.

29 ~~SEC. 15.~~

30 *SEC. 14.* Section 1341 of the Penal Code is amended to read:  
31 1341. If, at the time and place so designated, it is shown to the  
32 satisfaction of the magistrate that the witness is not about to leave  
33 the state, or is not sick or infirm, or is not a person 70 years of age  
34 or older, or a dependent adult, or that the life of the witness is not  
35 in jeopardy, or that the application was made to avoid the  
36 examination of the witness on the trial, the examination cannot  
37 take place.

38 ~~SEC. 16.~~

39 *SEC. 15.* Section 1372 of the Penal Code is amended to read:



1 1372. (a) (1) If the medical director of the state hospital or  
2 other facility to which the defendant is committed, or the  
3 community program director, county mental health director, or  
4 regional center director providing outpatient services, determines  
5 that the defendant has regained mental competence, the director  
6 shall immediately certify that fact to the court by filing a certificate  
7 of restoration with the court by certified mail, return receipt  
8 requested. For purposes of this section, the date of filing shall be  
9 the date on the return receipt.

10 (2) The court's order committing an individual to a state  
11 hospital or other treatment facility pursuant to Section 1370 shall  
12 include direction that the sheriff shall redeliver the patient to the  
13 court without any further order from the court upon receiving from  
14 the state hospital or treatment facility a copy of the certificate of  
15 restoration.

16 (3) The defendant shall be returned to the committing court in  
17 the following manner:

18 (A) A patient who remains confined in a state hospital or other  
19 treatment facility shall be redelivered to the sheriff of the county  
20 from which the patient was committed. The sheriff shall  
21 immediately return the person from the state hospital or other  
22 treatment facility to the court for further proceedings.

23 (B) The patient who is on outpatient status shall be returned by  
24 the sheriff to court through arrangements made by the outpatient  
25 treatment supervisor.

26 (C) In all cases, the patient shall be returned to the committing  
27 court no later than 10 days following the filing of a certificate of  
28 restoration. The state shall only pay for 10 hospital days for  
29 patients following the filing of a certificate of restoration of  
30 competency. The State Department of Mental Health shall report  
31 to the fiscal and appropriate policy committees of the Legislature  
32 on an annual basis in February, on the number of days that exceed  
33 the 10-day limit prescribed in this subparagraph. This report shall  
34 include, but not be limited to, a data sheet that itemizes by county  
35 the number of days that exceed this 10-day limit during the  
36 preceding year.

37 (b) If the defendant becomes mentally competent after a  
38 conservatorship has been established pursuant to the applicable  
39 provisions of the Lanterman-Petris-Short Act, Part 1  
40 (commencing with Section 5000) of Division 5 of the Welfare and



1 Institutions Code, and Section 1370, the conservator shall certify  
2 that fact to the sheriff and district attorney of the county in which  
3 the defendant's case is pending, defendant's attorney of record,  
4 and the committing court.

5 (c) When a defendant is returned to court with a certification  
6 that competence has been regained, the court shall notify either the  
7 community program director, the county mental health director, or  
8 the regional center director and the Director of Developmental  
9 Services, as appropriate, of the date of any hearing on the  
10 defendant's competence and whether or not the defendant was  
11 found by the court to have recovered competence.

12 (d) If the committing court approves the certificate of  
13 restoration to competence as to a person in custody, the court shall  
14 hold a hearing to determine whether the person is entitled to be  
15 admitted to bail or released on own recognizance status pending  
16 conclusion of the proceedings. If the superior court approves the  
17 certificate of restoration to competence regarding a person on  
18 outpatient status, unless it appears that the person has refused to  
19 come to court, that person shall remain released either on own  
20 recognizance status, or, in the case of a developmentally disabled  
21 person, either on the defendant's promise or on the promise of a  
22 responsible adult to secure the person's appearance in court for  
23 further proceedings. If the person has refused to come to court, the  
24 court shall set bail and may place the person in custody until bail  
25 is posted.

26 (e) A defendant subject to either subdivision (a) or (b) who is  
27 not admitted to bail or released under subdivision (d) may, at the  
28 discretion of the court, upon recommendation of the director of the  
29 facility where the defendant is receiving treatment, be returned to  
30 the hospital or facility of his or her original commitment or other  
31 appropriate secure facility approved by the community program  
32 director, the county mental health director, or the regional center  
33 director. The recommendation submitted to the court shall be  
34 based on the opinion that the person will need continued treatment  
35 in a hospital or treatment facility in order to maintain competence  
36 to stand trial or that placing the person in a jail environment would  
37 create a substantial risk that the person would again become  
38 incompetent to stand trial before criminal proceedings could be  
39 resumed.



1 (f) Notwithstanding subdivision (e), if a defendant is returned  
2 by the court to a hospital or other facility for the purpose of  
3 maintaining competency to stand trial and that defendant is already  
4 under civil commitment to that hospital or facility from another  
5 county pursuant to the Lanterman-Petris-Short Act (Part 1  
6 commencing with Section 5000) of Division 5 of the Welfare and  
7 Institutions Code) or as a developmentally disabled person  
8 committed pursuant to Article 2 (commencing with Section 6500)  
9 of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions  
10 Code, the costs of housing and treating the defendant in that  
11 facility following return pursuant to subdivision (e) shall be the  
12 responsibility of the original county of civil commitment.

13 ~~SEC. 17.~~

14 *SEC. 16.* Section 1405 of the Penal Code is amended to read:

15 1405. (a) A person who was convicted of a felony and is  
16 currently serving a term of imprisonment may make a written  
17 motion before the trial court that entered the judgment of  
18 conviction in his or her case, for performance of forensic  
19 deoxyribonucleic acid (DNA) testing.

20 (b) (1) An indigent convicted person may request appointment  
21 of counsel to prepare a motion under this section by sending a  
22 written request to the court. The request shall include the person's  
23 statement that he or she was not the perpetrator of the crime and  
24 that DNA testing is relevant to his or her assertion of innocence.  
25 The request also shall include the person's statement as to whether  
26 he or she previously has had counsel appointed under this section.

27 (2) If any of the information required in paragraph (1) is  
28 missing from the request, the court shall return the request to the  
29 convicted person and advise him or her that the matter cannot be  
30 considered without the missing information.

31 (3) (A) Upon a finding that the person is indigent, he or she has  
32 included the information required in paragraph (1), and counsel  
33 has not previously been appointed pursuant to this subdivision, the  
34 court shall appoint counsel to investigate and, if appropriate, to file  
35 a motion for DNA testing under this section and to represent the  
36 person solely for the purpose of obtaining DNA testing under this  
37 section.

38 (B) Upon a finding that the person is indigent, and counsel  
39 previously has been appointed pursuant to this subdivision, the  
40 court may, in its discretion, appoint counsel to investigate and, if



1 appropriate, to file a motion for DNA testing under this section and  
2 to represent the person solely for the purpose of obtaining DNA  
3 testing under this section.

4 (4) Nothing in this section shall be construed to provide for a  
5 right to the appointment of counsel in a postconviction collateral  
6 proceeding, or to set a precedent for any such right, in any context  
7 other than the representation being provided an indigent convicted  
8 person for the limited purpose of filing and litigating a motion for  
9 DNA testing pursuant to this section.

10 (c) (1) The motion shall be verified by the convicted person  
11 under penalty of perjury and shall do all of the following:

12 (A) Explain why the identity of the perpetrator was, or should  
13 have been, a significant issue in the case.

14 (B) Explain, in light of all the evidence, how the requested  
15 DNA testing would raise a reasonable probability that the  
16 convicted person's verdict or sentence would be more favorable if  
17 the results of DNA testing had been available at the time of  
18 conviction.

19 (C) Make every reasonable attempt to identify both the  
20 evidence that should be tested and the specific type of DNA testing  
21 sought.

22 (D) Reveal the results of any DNA or other biological testing  
23 that was conducted previously by either the prosecution or  
24 defense, if known.

25 (E) State whether any motion for testing under this section  
26 previously has been filed and the results of that motion, if known.

27 (2) Notice of the motion shall be served on the Attorney  
28 General, the district attorney in the county of conviction, and, if  
29 known, the governmental agency or laboratory holding the  
30 evidence sought to be tested. Responses, if any, shall be filed  
31 within 60 days of the date on which the Attorney General and the  
32 district attorney are served with the motion, unless a continuance  
33 is granted for good cause.

34 (d) If the court finds evidence was subjected to DNA or other  
35 forensic testing previously by either the prosecution or defense, it  
36 shall order the party at whose request the testing was conducted to  
37 provide all parties and the court with access to the laboratory  
38 reports, underlying data, and laboratory notes prepared in  
39 connection with the DNA or other biological evidence testing.



1 (e) The court, in its discretion, may order a hearing on the  
2 motion. The motion shall be heard by the judge who conducted the  
3 trial, or accepted the convicted person's plea of guilty or nolo  
4 contendere, unless the presiding judge determines that judge is  
5 unavailable. Upon request of either party, the court may order, in  
6 the interest of justice, that the convicted person be present at the  
7 hearing of the motion.

8 (f) The court shall grant the motion for DNA testing if it  
9 determines all of the following have been established:

10 (1) The evidence to be tested is available and in a condition that  
11 would permit the DNA testing requested in the motion.

12 (2) The evidence to be tested has been subject to a chain of  
13 custody sufficient to establish it has not been substituted, tampered  
14 with, replaced or altered in any material aspect.

15 (3) The identity of the perpetrator of the crime was, or should  
16 have been, a significant issue in the case.

17 (4) The convicted person has made a prima facie showing that  
18 the evidence sought to be tested is material to the issue of the  
19 convicted person's identity as the perpetrator of, or accomplice to,  
20 the crime, special circumstance, or enhancement allegation that  
21 resulted in the conviction or sentence.

22 (5) The requested DNA testing results would raise a reasonable  
23 probability that, in light of all the evidence, the convicted person's  
24 verdict or sentence would have been more favorable if the results  
25 of DNA testing had been available at the time of conviction. The  
26 court in its discretion may consider any evidence whether or not  
27 it was introduced at trial.

28 (6) The evidence sought to be tested meets either of the  
29 following conditions:

30 (A) The evidence was not tested previously.

31 (B) The evidence was tested previously, but the requested DNA  
32 test would provide results that are reasonably more discriminating  
33 and probative of the identity of the perpetrator or accomplice or  
34 have a reasonable probability of contradicting prior test results.

35 (7) The testing requested employs a method generally accepted  
36 within the relevant scientific community.

37 (8) The motion is not made solely for the purpose of delay.

38 (g) (1) If the court grants the motion for DNA testing, the court  
39 order shall identify the specific evidence to be tested and the DNA  
40 technology to be used.



1 (2) The testing shall be conducted by a laboratory mutually  
2 agreed upon by the district attorney in a noncapital case, or the  
3 Attorney General in a capital case, and the person filing the  
4 motion. If the parties cannot agree, the court shall designate the  
5 laboratory to conduct the testing and shall consider designating a  
6 laboratory accredited by the American Society of Crime  
7 Laboratory Directors Laboratory Accreditation Board  
8 (ASCLD/LAB).

9 (h) The result of any testing ordered under this section shall be  
10 fully disclosed to the person filing the motion, the district attorney,  
11 and the Attorney General. If requested by any party, the court shall  
12 order production of the underlying laboratory data and notes.

13 (i) (1) The cost of DNA testing ordered under this section shall  
14 be borne by the state or the applicant, as the court may order in the  
15 interests of justice, if it is shown that the applicant is not indigent  
16 and possesses the ability to pay. However, the cost of any  
17 additional testing to be conducted by the district attorney or  
18 Attorney General shall not be borne by the convicted person.

19 (2) In order to pay the state's share of any testing costs, the  
20 laboratory designated in subdivision (g) shall present its bill for  
21 services to the superior court for approval and payment. It is the  
22 intent of the Legislature to appropriate funds for this purpose in the  
23 2000–01 Budget Act.

24 (j) An order granting or denying a motion for DNA testing  
25 under this section shall not be appealable, and shall be subject to  
26 review only through petition for writ of mandate or prohibition  
27 filed by the person seeking DNA testing, the district attorney, or  
28 the Attorney General. The petition shall be filed within 20 days  
29 after the court's order granting or denying the motion for DNA  
30 testing. In a noncapital case, the petition for writ of mandate or  
31 prohibition shall be filed in the court of appeal. In a capital case,  
32 the petition shall be filed in the California Supreme Court. The  
33 court of appeal or California Supreme Court shall expedite its  
34 review of a petition for writ of mandate or prohibition filed under  
35 this subdivision.

36 (k) DNA testing ordered by the court pursuant to this section  
37 shall be done as soon as practicable. However, if the court finds  
38 that a miscarriage of justice will otherwise occur and that it is  
39 necessary in the interests of justice to give priority to the DNA  
40 testing, a DNA laboratory shall be required to give priority to the



1 DNA testing ordered pursuant to this section over the laboratory's  
2 other pending casework.

3 (l) DNA profile information from biological samples taken  
4 from a convicted person pursuant to a motion for postconviction  
5 DNA testing is exempt from any law requiring disclosure of  
6 information to the public.

7 (m) Notwithstanding any other provision of law, the right to  
8 file a motion for postconviction DNA testing provided by this  
9 section is absolute and shall not be waived. This prohibition  
10 applies to, but is not limited to, a waiver that is given as part of an  
11 agreement resulting in a plea of guilty or nolo contendere.

12 (n) The provisions of this section are severable. If any  
13 provision of this section or its application is held invalid, that  
14 invalidity shall not affect other provisions or applications that can  
15 be given effect without the invalid provision or application.

16 ~~SEC. 18.~~

17 *SEC. 17.* Section 4501 of the Penal Code is amended to read:  
18 4501. Except as provided in Section 4500, every person  
19 confined in a state prison of this state who commits an assault upon  
20 the person of another with a deadly weapon or instrument, or by  
21 any means of force likely to produce great bodily injury, shall be  
22 guilty of a felony and shall be imprisoned in the state prison for  
23 two, four, or six years to be served consecutively.

24 ~~SEC. 19.~~

25 *SEC. 18.* Section 11171 of the Penal Code is amended to read:  
26 11171. (a) (1) The Legislature hereby finds and declares that  
27 adequate protection of victims of child physical abuse or neglect  
28 has been hampered by the lack of consistent and comprehensive  
29 medical examinations.

30 (2) Enhancing examination procedures, documentation, and  
31 evidence collection relating to child abuse or neglect will improve  
32 the investigation and prosecution of child abuse or neglect as well  
33 as other child protection efforts.

34 (b) The agency or agencies designated by the Director of  
35 Finance pursuant to Section 13820 shall, in cooperation with the  
36 State Department of Social Services, the Department of Justice,  
37 the California Association of Crime Lab Directors, the California  
38 District Attorneys Association, the California State Sheriffs  
39 Association, the California Peace Officers Association, the  
40 California Medical Association, the California Police Chiefs'



1 Association, child advocates, the California Medical Training  
2 Center, child protective services, and other appropriate experts,  
3 establish medical forensic forms, instructions, and examination  
4 protocols for victims of child physical abuse or neglect using as a  
5 model the form and guidelines developed pursuant to Section  
6 13823.5.

7 (c) The forms shall include, but not be limited to, a place for  
8 notation concerning each of the following:

9 (1) Any notification of injuries or any report of suspected child  
10 physical abuse or neglect to law enforcement authorities or  
11 children’s protective services, in accordance with existing  
12 reporting procedures.

13 (2) Addressing relevant consent issues, if indicated.

14 (3) The taking of a patient history of child physical abuse or  
15 neglect that includes other relevant medical history.

16 (4) The performance of a physical examination for evidence of  
17 child physical abuse or neglect.

18 (5) The collection or documentation of any physical evidence  
19 of child physical abuse or neglect, including any recommended  
20 photographic procedures.

21 (6) The collection of other medical or forensic specimens,  
22 including drug ingestion or toxication, as indicated.

23 (7) Procedures for the preservation and disposition of  
24 evidence.

25 (8) Complete documentation of medical forensic exam  
26 findings with recommendations for diagnostic studies, including  
27 blood tests and X-rays.

28 (9) An assessment as to whether there are findings that indicate  
29 physical abuse or neglect.

30 (d) The forms shall become part of the patient’s medical record  
31 pursuant to guidelines established by the advisory committee of  
32 the agency or agencies designated by the Director of Finance  
33 pursuant to Section 13820 and subject to the confidentiality laws  
34 pertaining to the release of a medical forensic examination  
35 records.

36 (e) The forms shall be made accessible for use on the Internet.  
37 ~~SEC. 20.~~

38 *SEC. 19.* Section 13010 of the Penal Code is amended to read:  
39 13010. It shall be the duty of the department:



1 (a) To collect data necessary for the work of the department  
2 from all persons and agencies mentioned in Section 13020 and  
3 from any other appropriate source.

4 (b) To prepare and distribute to all those persons and agencies,  
5 cards, forms, or electronic means used in reporting data to the  
6 department. The cards, forms, or electronic means may, in addition  
7 to other items, include items of information needed by federal  
8 bureaus or departments engaged in the development of national  
9 and uniform criminal statistics.

10 (c) To recommend the form and content of records which must  
11 be kept by those persons and agencies in order to insure the correct  
12 reporting of data to the department.

13 (d) To instruct those persons and agencies in the installation,  
14 maintenance, and use of those records and in the reporting of data  
15 therefrom to the department.

16 (e) To process, tabulate, analyze and interpret the data collected  
17 from those persons and agencies.

18 (f) To supply, at their request, to federal bureaus or departments  
19 engaged in the collection of national criminal statistics data they  
20 need from this state.

21 (g) To present to the Governor, on or before July 1st, a printed  
22 annual report containing the criminal statistics of the preceding  
23 calendar year and to present at other times as the Attorney General  
24 may approve reports on special aspects of criminal statistics. A  
25 sufficient number of copies of all reports shall be printed or  
26 otherwise prepared to enable the Attorney General to send a copy  
27 to all public officials in the state dealing with criminals and to  
28 distribute them generally in channels where they will add to the  
29 public enlightenment.

30 (h) To periodically review the requirements of units of  
31 government using criminal justice statistics, and to make  
32 recommendations for changes it deems necessary in the design of  
33 criminal justice statistics systems, including new techniques of  
34 collection and processing made possible by automation.

35 ~~SEC. 21.~~

36 *SEC. 20.* Section 13014 of the Penal Code is amended to read:

37 13014. (a) The Department of Justice shall perform the  
38 following duties concerning the investigation and prosecution of  
39 homicide cases:



1 (1) Collect information, as specified in subdivision (b), on all  
2 persons who are the victims of, and all persons who are charged  
3 with, homicide.

4 (2) Adopt and distribute as a written form or by electronic  
5 means to all state and governmental entities that are responsible for  
6 the investigation and prosecution of homicide cases forms that will  
7 include information to be provided to the department pursuant to  
8 subdivision (b).

9 (3) Compile, collate, index, and maintain a file of the  
10 information required by subdivision (b). The file shall be available  
11 to the general public during the normal business hours of the  
12 department, and the department shall annually publish a report  
13 containing the information required by this section, which shall  
14 also be available to the general public.

15 The department shall perform the duties specified in this  
16 subdivision within its existing budget.

17 (b) Every state or local governmental entity responsible for the  
18 investigation and prosecution of a homicide case shall provide the  
19 department with demographic information about the victim and  
20 the person or persons charged with the crime, including age,  
21 gender, race, and ethnic background.

22 ~~SEC. 22.~~

23 *SEC. 21.* Section 13022 of the Penal Code is amended to read:  
24 13022. Each sheriff and chief of police shall annually furnish  
25 the Department of Justice, in the manner prescribed by the  
26 Attorney General, a report of all justifiable homicides committed  
27 in his or her jurisdiction. In cases where both a sheriff and chief of  
28 police would be required to report a justifiable homicide under this  
29 section, only the chief of police shall report the homicide.

30 ~~SEC. 23.~~

31 *SEC. 22.* Section 13510.7 of the Penal Code is amended to  
32 read:

33 13510.7. (a) Whenever any person holding a certificate  
34 issued pursuant to Section 13510.1 is determined to be disqualified  
35 from holding office or being employed as a peace officer for the  
36 reasons set forth in subdivision (a) of Section 1029 of the  
37 Government Code, and the person has exhausted or waived his or  
38 her appeal, pursuant to Section 1237 or Section 1237.5, from the  
39 conviction or finding that forms the basis for or accompanies his  
40 or her disqualification, the commission shall cause the following



1 to be entered in the commission’s training record for that person:  
2 “THIS PERSON IS INELIGIBLE TO BE A PEACE OFFICER  
3 IN CALIFORNIA PURSUANT TO GOVERNMENT CODE  
4 SECTION 1029(a).”

5 (b) Whenever any person who is required to possess a basic  
6 certificate issued by the commission pursuant to Section 832.4 or  
7 who is subject to subdivision (a) of Section 13510.1 is determined  
8 to be disqualified from holding office or being employed as a  
9 peace officer for the reasons set forth in subdivision (a) of Section  
10 1029 of the Government Code, the commission shall notify the law  
11 enforcement agency that employs the person that the person is  
12 ineligible to be a peace officer in California pursuant to  
13 subdivision (a) of Section 1029 of the Government Code. The  
14 person’s basic certificate shall be null and void and the commission  
15 shall enter this information in the commission’s training record for  
16 that person.

17 (c) After the time for filing a notice of appeal has passed, or  
18 where the remittitur has been issued following the filing of a notice  
19 of appeal, in a criminal case establishing the ineligibility of a  
20 person to be a peace officer as specified in subdivision (c), the  
21 commission shall reinstate a person’s basic certificate in the event  
22 a conviction of the offense requiring or accompanying ineligibility  
23 is subsequently overturned or reversed by the action of a court of  
24 competent jurisdiction.

25 (d) Upon request of a person who is eligible for reinstatement  
26 pursuant to paragraph (2) of subdivision (b) of Section 1029 of the  
27 Government Code because of successful completion of probation  
28 pursuant to Section 1210.1 of the Penal Code, the court having  
29 jurisdiction over the matter in which probation was ordered  
30 pursuant to Section 1210.1 shall notify the commission of the  
31 successful completion and the misdemeanor nature of the person’s  
32 conviction. The commission shall thereupon reinstate the person’s  
33 eligibility. Reinstatement of eligibility in the person’s training  
34 record shall not create a mandate that the person be hired by any  
35 agency.

36 ~~SEC. 24.~~

37 *SEC. 23.* Section 13823.9 of the Penal Code is amended to  
38 read:

39 13823.9. (a) Every public or private general acute care  
40 hospital that examines a victim of sexual assault or attempted



1 sexual assault, including child molestation, shall comply with the  
2 standards specified in Section 13823.11 and the protocol and  
3 guidelines adopted pursuant to Section 13823.5.

4 (b) Each county with a population of more than 100,000 shall  
5 arrange that professional personnel trained in the examination of  
6 victims of sexual assault, including child molestation, shall be  
7 present or on call either in the county hospital which provides  
8 emergency medical services or in any general acute care hospital  
9 which has contracted with the county to provide emergency  
10 medical services. In counties with a population of 1,000,000 or  
11 more, the presence of these professional personnel shall be  
12 arranged in at least one general acute care hospital for each  
13 1,000,000 persons in the county.

14 (c) Each county shall designate at least one general acute care  
15 hospital to perform examinations on victims of sexual assault,  
16 including child molestation.

17 (d) (1) The protocol published by the agency or agencies  
18 designated by the Director of Finance pursuant to Section 13820  
19 shall be used as a guide for the procedures to be used by every  
20 public or private general acute care hospital in the state for the  
21 examination and treatment of victims of sexual assault and  
22 attempted sexual assault, including child molestation, and the  
23 collection and preservation of evidence therefrom.

24 (2) The informational guide developed by the agency or  
25 agencies designated by the Director of Finance pursuant to Section  
26 13820 shall be consulted where indicated in the protocol, as well  
27 as to gain knowledge about all aspects of examination and  
28 treatment of victims of sexual assault and child molestation.

29 ~~SEC. 25.~~

30 *SEC. 24.* Section 13879.81 of the Penal Code is amended to  
31 read:

32 13879.81. Communities are encouraged to form  
33 multijurisdictional groups that include law enforcement officers,  
34 prosecutors, public health professionals, and social workers to  
35 address the welfare of children endangered by parental drug use.  
36 These coordinated groups should develop standards and protocols,  
37 evidenced by memorandums of understanding, that address the  
38 following:

39 (a) Felony and misdemeanor arrests.



- 1 (b) Immediate response of protective social workers to a
- 2 narcotics crime scene involving a child.
- 3 (c) Outsourcing protective social workers to law enforcement.
- 4 (d) Dependency investigations.
- 5 (e) Forensic drug testing and interviewing.
- 6 (f) Decontamination of a child found in a lab setting.
- 7 (g) Medical examinations and developmental evaluations.
- 8 (h) Creation of two hours of P.O.S.T. drug endangered children
- 9 awareness training.

10 ~~SEC. 26.~~

11 *SEC. 25.* Section 285 of the Welfare and Institutions Code is

12 amended to read:

13 285. All probation officers shall make periodic reports to the

14 Attorney General at those times and in the manner prescribed by

15 the Attorney General, provided that no names or social security

16 numbers shall be transmitted regarding any proceeding under

17 Section 300 or 601.

18 ~~SEC. 27.~~

19 *SEC. 26.* Section 15763 of the Welfare and Institutions Code

20 is amended to read:

21 15763. (a) Each county shall establish an emergency

22 response adult protective services program that shall provide

23 in-person response, 24 hours per day, seven days per week, to

24 reports of abuse of an elder or a dependent adult, for the purpose

25 of providing immediate intake or intervention, or both, to new

26 reports involving immediate life threats and to crises in existing

27 cases. The program shall include policies and procedures to

28 accomplish all of the following:

29 (1) Provision of case management services that include

30 investigation of the protection issues, assessment of the person's

31 concerns, needs, strengths, problems, and limitations, stabilization

32 and linking with community services, and development of a

33 service plan to alleviate identified problems utilizing counseling,

34 monitoring, followup, and reassessment.

35 (2) Provisions for emergency shelter or in-home protection to

36 guarantee a safe place for the elder or dependent adult to stay until

37 the dangers at home can be resolved.

38 (3) Establishment of multidisciplinary teams to develop

39 interagency treatment strategies, to ensure maximum coordination

40 with existing community resources, to ensure maximum access on



1 behalf of elders and dependent adults, and to avoid duplication of  
2 efforts.

3 (b) (1) A county shall respond immediately to any report of  
4 imminent danger to an elder or dependent adult residing in other  
5 than a long-term care facility, as defined in Section 9701 of the  
6 Welfare and Institutions Code, or a residential facility, as defined  
7 in Section 1502 of the Health and Safety Code. For reports  
8 involving persons residing in a long-term care facility or a  
9 residential care facility, the county shall report to the local  
10 long-term care ombudsman program. Adult protective services  
11 staff shall consult, coordinate, and support efforts of the  
12 ombudsman program to protect vulnerable residents. Except as  
13 specified in paragraph (2), the county shall respond to all other  
14 reports of danger to an elder or dependent adult in other than a  
15 long-term care facility or residential care facility within 10  
16 calendar days or as soon as practicably possible.

17 (2) An immediate or 10-day in-person response is not required  
18 when the county, based upon an evaluation of risk, determines and  
19 documents that the elder or dependent adult is not in imminent  
20 danger and that an immediate or 10-day in-person response is not  
21 necessary to protect the health or safety of the elder or dependent  
22 adult.

23 (3) The State Department of Social Services, in consultation  
24 with the County Welfare Directors Association, shall develop  
25 requirements for implementation of paragraph (2), including, but  
26 not limited to, guidelines for determining appropriate application  
27 of this section and any applicable documentation requirements.

28 (4) Notwithstanding Chapter 3.5 (commencing with Section  
29 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
30 the department shall implement the requirements developed  
31 pursuant to paragraph (3) by means of all-county letters or similar  
32 instructions prior to adopting regulations for that purpose.  
33 Thereafter, the department shall adopt regulations in accordance  
34 with the requirements of Chapter 3.5 (commencing with Section  
35 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

36 (c) A county shall not be required to report or respond to a  
37 report pursuant to subdivision (b) that involves danger to an elder  
38 or dependent adult residing in any facility for the incarceration of  
39 prisoners that is operated by or under contract to the Federal  
40 Bureau of Prisons, the Department of Corrections, the California



1 Department of the Youth Authority, a county sheriff's department,  
2 a county probation department, a city police department, or any  
3 other law enforcement agency when the abuse reportedly has  
4 occurred in that facility.

5 (d) A county shall provide case management services to elders  
6 and dependent adults who are determined to be in need of adult  
7 protective services for the purpose of bringing about changes in the  
8 lives of victims and to provide a safety net to enable victims to  
9 protect themselves in the future. Case management services shall  
10 include the following, to the extent services are appropriate for the  
11 individual:

12 (1) Investigation of the protection issues, including, but not  
13 limited to, social, medical, environmental, physical, emotional,  
14 and developmental.

15 (2) Assessment of the person's concerns and needs on whom  
16 the report has been made and the concerns and needs of other  
17 members of the family and household.

18 (3) Analysis of problems and strengths.

19 (4) Establishment of a service plan for each person on whom  
20 the report has been made to alleviate the identified problems.

21 (5) Client input and acceptance of proposed service plans.

22 (6) Counseling for clients and significant others to alleviate the  
23 identified problems and to implement the service plan.

24 (7) Stabilizing and linking with community services.

25 (8) Monitoring and followup.

26 (9) Reassessments, as appropriate.

27 (e) To the extent resources are available, each county shall  
28 provide emergency shelter in the form of a safe haven or in-home  
29 protection for victims. Shelter and care appropriate to the needs of  
30 the victim shall be provided for frail and disabled victims who are  
31 in need of assistance with activities of daily living.

32 (f) Each county shall designate an adult protective services  
33 agency to establish and maintain multidisciplinary teams  
34 including, but not limited to, adult protective services, law  
35 enforcement, probation departments, home health care agencies,  
36 hospitals, adult protective services staff, the public guardian,  
37 private community service agencies, public health agencies, and  
38 mental health agencies for the purpose of providing interagency  
39 treatment strategies.



1 (g) Each county shall provide tangible support services, to the  
2 extent resources are available, which may include, but not be  
3 limited to, emergency food, clothing, repair or replacement of  
4 essential appliances, plumbing and electrical repair, blankets,  
5 linens, and other household goods, advocacy with utility  
6 companies, and emergency response units.

7 ~~SEC. 28.~~

8 *SEC. 27.* Any section of any act enacted by the Legislature  
9 during the 2004 calendar year that takes effect on or before January  
10 1, 2005, and that amends, amends and renumbers, adds, repeals  
11 and adds, or repeals any one or more of the sections affected by this  
12 act, with the exception of Assembly Bill 3082, shall prevail over  
13 this act, whether this act is enacted prior to, or subsequent to, the  
14 enactment of this act. The repeal, or repeal and addition, of any  
15 article, chapter, part, title, or division of any code by this act shall  
16 not become operative if any section of any other act that is enacted  
17 by the Legislature during the 2004 calendar year and takes effect  
18 on or before January 1, 2005, amends, amends and renumbers,  
19 adds, repeals and adds, or repeals any section contained in that  
20 article, chapter, part, title, or division.

21 ~~SEC. 29.~~

22 *SEC. 28.* Notwithstanding Section 17610 of the Government  
23 Code, if the Commission on State Mandates determines that this  
24 act contains costs mandated by the state, reimbursement to local  
25 agencies and school districts for those costs shall be made pursuant  
26 to Part 7 (commencing with Section 17500) of Division 4 of Title  
27 2 of the Government Code. If the statewide cost of the claim for  
28 reimbursement does not exceed one million dollars (\$1,000,000),  
29 reimbursement shall be made from the State Mandates Claims  
30 Fund.

