

**Introduced by Senator Strickland**

February 14, 2009

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An act to amend Section 21606.5 of the Business and Professions Code, to amend Section 1670.7 of the Civil Code, to amend Section 1219 of the Code of Civil Procedure, to amend Section 27388 of the Government Code, to amend Sections 290.46, 484b, 1094, 12076, and 12650 of the Penal Code, and to amend Section 1767.35 of the Welfare and Institutions Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 174, as introduced, Strickland. Public safety.

Existing law generally regulates public safety.

This bill would make various technical and nonsubstantive changes to provisions related to, among other things, junk dealers, real estate fraud, sex offenders, and weapons.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

- 1 SECTION 1. Section 21606.5 of the Business and Professions
- 2 Code is amended to read:
- 3 21606.5. Every junk dealer or recycler shall, during normal
- 4 business hours, allow periodic inspection of any premises
- 5 maintained and any junk thereon for the purpose of determining
- 6 compliance with the recordkeeping requirements of this article,
- 7 and shall during those hours produce his or her records of sales
- 8 and purchases, except as provided in subparagraph ~~(A)~~ (B) of
- 9 paragraph ~~(3)~~ (6) of subdivision (a) of Section 21608.5, and all

1 property purchased incident to those transactions which is in the  
2 possession of the junk dealer or recycler for inspection by any of  
3 the following persons:

4 (a) An officer holding a warrant authorizing him or her to search  
5 for personal property.

6 (b) A person appointed by the sheriff of a county or appointed  
7 by the head of the police department of a city.

8 (c) An officer holding a court order directing him or her to  
9 examine the records or property.

10 (d) The amendments to this section made by the act adding this  
11 subdivision shall become operative on December 1, 2008.

12 SEC. 2. Section 1670.7 of the Civil Code is amended to read:

13 1670.7. Any provision of a contract that purports to allow a  
14 deduction from a person's wages for the cost of emigrating and  
15 transporting that person to the United States ~~Sates~~ States is void as against  
16 public policy.

17 SEC. 3. Section 1219 of the Code of Civil Procedure is  
18 amended to read:

19 1219. (a) Except as provided in ~~subdivisions~~ *subdivision* (b)  
20 ~~and (c)~~, when the contempt consists of the omission to perform an  
21 act which is yet in the power of the person to perform, he or she  
22 may be imprisoned until he or she has performed it, and in that  
23 case the act shall be specified in the warrant of commitment.

24 (b) Notwithstanding any other law, no court may imprison or  
25 otherwise confine or place in custody the victim of a sexual assault  
26 or domestic violence crime for contempt when the contempt  
27 consists of refusing to testify concerning that sexual assault or  
28 domestic violence crime.

29 (c) As used in this section, the following terms have the  
30 following meanings:

31 (1) "Sexual assault" means any act made punishable by Section  
32 261, 262, 264.1, 285, 286, 288, 288a, or 289 of the Penal Code.

33 (2) "Domestic violence" means "domestic violence" as defined  
34 in Section 6211 of the Family Code.

35 SEC. 4. Section 27388 of the Government Code is amended  
36 to read:

37 27388. (a) In addition to any other recording fees specified in  
38 this code, upon the adoption of a resolution by the county board  
39 of supervisors, a fee of up to three dollars (\$3) shall be paid at the  
40 time of recording of every real estate instrument, paper, or notice

1 required or permitted by law to be recorded within that county,  
2 except those expressly exempted from payment of recording fees.  
3 “Real estate instrument” is defined for the purpose of this section  
4 as a deed of trust, an assignment of deed of trust, a reconveyance,  
5 a request for notice, a notice of default, a substitution of trustee,  
6 a notice of trustee sale, and a notice of ~~reversion~~ *rescission* of  
7 declaration of default. “Real estate instrument” does not include  
8 any deed, instrument, or writing subject to the imposition of a  
9 documentary transfer tax as defined in Section 11911 of the  
10 Revenue and Taxation Code, nor any document required to  
11 facilitate the transfer subject to the documentary transfer tax. The  
12 fees, after deduction of any actual and necessary administrative  
13 costs incurred by the county in carrying out this section, shall be  
14 paid quarterly to the county auditor or director of finance, to be  
15 placed in the Real Estate Fraud Prosecution Trust Fund. The  
16 amount deducted for administrative costs shall not exceed 10  
17 percent of the fees paid pursuant to this section.

18 (b) Money placed in the Real Estate Fraud Prosecution Trust  
19 Fund shall be expended to fund programs to enhance the capacity  
20 of local police and prosecutors to deter, investigate, and prosecute  
21 real estate fraud crimes. After deduction of the actual and necessary  
22 administrative costs referred to in subdivision (a), 60 percent of  
23 the funds shall be distributed to district attorneys subject to review  
24 pursuant to subdivision (d), and 40 percent of the funds shall be  
25 distributed to local law enforcement agencies within the county  
26 in accordance with subdivision (c). In those counties where the  
27 investigation of real estate fraud is done exclusively by the district  
28 attorney, after deduction of the actual and necessary administrative  
29 costs referred to in subdivision (a), 100 percent of the funds shall  
30 be distributed to the district attorney, subject to review pursuant  
31 to subdivision (d). The funds so distributed shall be expended for  
32 the exclusive purpose of deterring, investigating, and prosecuting  
33 real estate fraud crimes.

34 (c) The county auditor or director of finance shall distribute  
35 funds in the Real Estate Fraud Prosecution Trust Fund to eligible  
36 law enforcement agencies within the county pursuant to subdivision  
37 (b), as determined by a Real Estate Fraud Prosecution Trust Fund  
38 Committee composed of the district attorney, the county chief  
39 administrative officer, the chief officer responsible for consumer  
40 protection within the county, and the chief law enforcement officer

1 of one law enforcement agency receiving funding from the Real  
2 Estate Fraud Prosecution Trust Fund, the latter being selected by  
3 a majority of the other three members of the committee. The chief  
4 law enforcement officer shall be a nonvoting member of the  
5 committee and shall serve a one-year term, which may be renewed.  
6 Members may appoint representatives of their offices to serve on  
7 the committee. If a county lacks a chief officer responsible for  
8 consumer protection, the county board of supervisors may appoint  
9 an appropriate representative to serve on the committee. The  
10 committee shall establish and publish deadlines and written  
11 procedures for local law enforcement agencies within the county  
12 to apply for the use of funds and shall review applications and  
13 make determinations by majority vote as to the award of funds  
14 using the following criteria:

15 (1) Each law enforcement agency that seeks funds shall submit  
16 a written application to the committee setting forth in detail the  
17 agency's proposed use of the funds.

18 (2) In order to qualify for receipt of funds, each law enforcement  
19 agency submitting an application shall provide written evidence  
20 that the agency either:

21 (A) Has a unit, division, or section devoted to the investigation  
22 or prosecution of real estate fraud, or both, and the unit, division,  
23 or section has been in existence for at least one year prior to the  
24 application date.

25 (B) Has on a regular basis, during the three years immediately  
26 preceding the application date, accepted for investigation or  
27 prosecution, or both, and assigned to specific persons employed  
28 by the agency, cases of suspected real estate fraud, and actively  
29 investigated and prosecuted those cases.

30 (3) The committee's determination to award funds to a law  
31 enforcement agency shall be based on, but not be limited to, (A)  
32 the number of real estate fraud cases filed in the prior year; (B)  
33 the number of real estate fraud cases investigated in the prior year;  
34 (C) the number of victims involved in the cases filed; and (D) the  
35 total aggregated monetary loss suffered by victims, including  
36 individuals, associations, institutions, or corporations, as a result  
37 of the real estate fraud cases filed, and those under active  
38 investigation by that law enforcement agency.

39 (4) Each law enforcement agency that, pursuant to this section,  
40 has been awarded funds in the previous year, upon reapplication

1 for funds to the committee in each successive year, in addition to  
2 any information the committee may require in paragraph (3), shall  
3 be required to submit a detailed accounting of funds received and  
4 expended in the prior year. The accounting shall include (A) the  
5 amount of funds received and expended; (B) the uses to which  
6 those funds were put, including payment of salaries and expenses,  
7 purchase of equipment and supplies, and other expenditures by  
8 type; (C) the number of filed complaints, investigations, arrests,  
9 and convictions that resulted from the expenditure of the funds;  
10 and (D) other relevant information the committee may reasonably  
11 require.

12 (d) The county board of supervisors shall annually review the  
13 effectiveness of the district attorney in deterring, investigating,  
14 and prosecuting real estate fraud crimes based upon information  
15 provided by the district attorney in an annual report. The district  
16 attorney shall submit the annual report to the board and to the  
17 Legislative Analyst's Office on or before September 1 of each  
18 year. The Legislative Analyst's Office shall compile the results  
19 and report to the Legislature, detailing both:

20 (1) Facts, based upon, but not limited to, (A) the number of real  
21 estate fraud cases filed in the prior year; (B) the number of real  
22 estate fraud cases investigated in the prior year; (C) the number  
23 of victims involved in the cases filed; (D) the number of  
24 convictions obtained in the prior year; and (E) the total aggregated  
25 monetary loss suffered by victims, including individuals,  
26 associations, institutions, corporations, and other relevant public  
27 entities, according to the number of cases filed, investigations,  
28 prosecutions, and convictions obtained.

29 (2) An accounting of funds received and expended in the prior  
30 year, which shall include (A) the amount of funds received and  
31 expended; (B) the uses to which those funds were put, including  
32 payment of salaries and expenses, purchase of equipment and  
33 supplies, and other expenditures by type; (C) the number of filed  
34 complaints, investigations, prosecutions, and convictions that  
35 resulted from the expenditure of funds; and (D) other relevant  
36 information provided at the discretion of the district attorney.

37 (e) A county in which a district attorney fails to submit an annual  
38 report to the Legislative Analyst's Office pursuant to the  
39 requirements of subdivision (d) shall not expend funds held in that  
40 county's Real Estate Fraud Prosecution Trust Fund until the district

1 attorney has submitted an annual report for the county’s most  
2 recent full fiscal year.

3 (f) Annual reports submitted to the Legislative Analyst’s Office  
4 pursuant to subdivision (d) shall be made in a standard form and  
5 manner determined by the Legislative Analyst’s Office, in  
6 consultation with participating law enforcement agencies.

7 (g) The intent of the Legislature in enacting this section is to  
8 have an impact on real estate fraud involving the largest number  
9 of victims. To the extent possible, an emphasis should be placed  
10 on fraud against individuals whose residences are in danger of, or  
11 are in, foreclosure as defined under subdivision (b) of Section  
12 1695.1 of the Civil Code. Case filing decisions continue to be in  
13 the discretion of the prosecutor.

14 (h) A district attorney’s office or a local enforcement agency  
15 that has undertaken investigations and prosecutions that will  
16 continue into a subsequent program year may receive nonexpended  
17 funds from the previous fiscal year subsequent to the annual  
18 submission of information detailing the accounting of funds  
19 received and expended in the prior year.

20 (i) No money collected pursuant to this section shall be expended  
21 to offset a reduction in any other source of funds. Funds from the  
22 Real Estate Fraud Prosecution Trust Fund shall be used only in  
23 connection with criminal investigations or prosecutions involving  
24 recorded real estate documents.

25 SEC. 5. Section 290.46 of the Penal Code, as amended by  
26 Section 1.5 of Chapter 599 of the Statutes of 2008, is amended to  
27 read:

28 290.46. (a) (1) On or before the dates specified in this section,  
29 the Department of Justice shall make available information  
30 concerning persons who are required to register pursuant to Section  
31 290 to the public via an Internet Web site as specified in this  
32 section. The department shall update the Internet Web site on an  
33 ongoing basis. All information identifying the victim by name,  
34 birth date, address, or relationship to the registrant shall be  
35 excluded from the Internet Web site. The name or address of the  
36 person’s employer and the listed person’s criminal history other  
37 than the specific crimes for which the person is required to register  
38 shall not be included on the Internet Web site. The Internet Web  
39 site shall be translated into languages other than English as  
40 determined by the department.

1 (2) (A) On or before July 1, 2010, the Department of Justice  
2 shall make available to the public, via an Internet Web site as  
3 specified in this section, as to any person described in subdivision  
4 (b), (c), or (d), the following information:

5 (i) The year of conviction of his or her most recent offense  
6 requiring registration pursuant to Section 290.

7 (ii) The year he or she was released from incarceration for that  
8 offense.

9 (iii) Whether he or she was subsequently incarcerated for any  
10 other felony, if that fact is reported to the department. If the  
11 department has no information about a subsequent incarceration  
12 for any felony, that fact shall be noted on the Internet Web site.

13 However, no year of conviction shall be made available to the  
14 public unless the department also is able to make available the  
15 corresponding year of release of incarceration for that offense, and  
16 the required notation regarding any subsequent felony.

17 (B) (i) Any state facility that releases from incarceration a  
18 person who was incarcerated because of a crime for which he or  
19 she is required to register as a sex offender pursuant to Section  
20 290 shall, within 30 days of release, provide the year of release  
21 for his or her most recent offense requiring registration to the  
22 Department of Justice in a manner and format approved by the  
23 department.

24 (ii) Any state facility that releases a person who is required to  
25 register pursuant to Section 290 from incarceration whose  
26 incarceration was for a felony committed subsequently to the  
27 offense for which he or she is required to register shall, within 30  
28 days of release, advise the Department of Justice of that fact.

29 (iii) Any state facility that, prior to January 1, 2007, released  
30 from incarceration a person who was incarcerated because of a  
31 crime for which he or she is required to register as a sex offender  
32 pursuant to Section 290 shall provide the year of release for his or  
33 her most recent offense requiring registration to the Department  
34 of Justice in a manner and format approved by the department.  
35 The information provided by the Department of Corrections and  
36 Rehabilitation shall be limited to information that is currently  
37 maintained in an electronic format.

38 (iv) Any state facility that, prior to January 1, 2007, released a  
39 person who is required to register pursuant to Section 290 from  
40 incarceration whose incarceration was for a felony committed

1 subsequently to the offense for which he or she is required to  
2 register shall advise the Department of Justice of that fact in a  
3 manner and format approved by the department. The information  
4 provided by the Department of Corrections and Rehabilitation  
5 shall be limited to information that is currently maintained in an  
6 electronic format.

7 (3) The State Department of Mental Health shall provide to the  
8 Department of Justice Sex Offender Tracking Program the names  
9 of all persons committed to its custody pursuant to Article 4  
10 (commencing with Section 6600) of Chapter 2 of Part 2 of Division  
11 6 of the Welfare and Institutions Code, within 30 days of  
12 commitment, and shall provide the names of all of those persons  
13 released from its custody within five working days of release.

14 (b) (1) On or before July 1, 2005, with respect to a person who  
15 has been convicted of the commission or the attempted commission  
16 of any of the offenses listed in, or who is described in, paragraph  
17 (2), the Department of Justice shall make available to the public  
18 via the Internet Web site his or her name and known aliases, a  
19 photograph, a physical description, including gender and race, date  
20 of birth, criminal history, prior adjudication as a sexually violent  
21 predator, the address at which the person resides, and any other  
22 information that the Department of Justice deems relevant, but not  
23 the information excluded pursuant to subdivision (a).

24 (2) This subdivision shall apply to the following offenses and  
25 offenders:

26 (A) Section 187 committed in the perpetration, or an attempt to  
27 perpetrate, rape or any act punishable under Section 286, 288,  
28 288a, or 289.

29 (B) Section 207 committed with intent to violate Section 261,  
30 286, 288, 288a, or 289.

31 (C) Section 209 committed with intent to violate Section 261,  
32 286, 288, 288a, or 289.

33 (D) Paragraph (2) or (6) of subdivision (a) of Section 261.

34 (E) Section 264.1.

35 (F) Section 269.

36 (G) Subdivision (c) or (d) of Section 286.

37 (H) Subdivision (a), (b), or (c) of Section 288, provided that the  
38 offense is a felony.

39 (I) Subdivision (c) or (d) of Section 288a.

40 (J) Section 288.3, provided that the offense is a felony.

- 1 (K) Section 288.4, provided that the offense is a felony.
- 2 (L) Section 288.5.
- 3 (M) Subdivision (a) or (j) of Section 289.
- 4 (N) Section 288.7.
- 5 (O) Any person who has ever been adjudicated a sexually violent
- 6 predator, as defined in Section 6600 of the Welfare and Institutions
- 7 Code.
- 8 (P) A felony violation of Section 311.1.
- 9 (Q) A felony violation of subdivision (b), (c), or (d) of Section
- 10 311.2.
- 11 (R) A felony violation of Section 311.3.
- 12 (S) A felony violation of subdivision (a), (b), *or* (c), ~~or (d)~~ of
- 13 Section 311.4.
- 14 (T) Section 311.10.
- 15 (U) A felony violation of Section 311.11.
- 16 (c) (1) On or before July 1, 2005, with respect to a person who
- 17 has been convicted of the commission or the attempted commission
- 18 of any of the offenses listed in paragraph (2), the Department of
- 19 Justice shall make available to the public via the Internet Web site
- 20 his or her name and known aliases, a photograph, a physical
- 21 description, including gender and race, date of birth, criminal
- 22 history, the community of residence and ZIP Code in which the
- 23 person resides or the county in which the person is registered as a
- 24 transient, and any other information that the Department of Justice
- 25 deems relevant, but not the information excluded pursuant to
- 26 subdivision (a). On or before July 1, 2006, the Department of
- 27 Justice shall determine whether any person convicted of an offense
- 28 listed in paragraph (2) also has one or more prior or subsequent
- 29 convictions of an offense listed in subdivision (c) of Section 290,
- 30 and, for those persons, the Department of Justice shall make
- 31 available to the public via the Internet Web site the address at
- 32 which the person resides. However, the address at which the person
- 33 resides shall not be disclosed until a determination is made that
- 34 the person is, by virtue of his or her additional prior or subsequent
- 35 conviction of an offense listed in subdivision (c) of Section 290,
- 36 subject to this subdivision.
- 37 (2) This subdivision shall apply to the following offenses:
- 38 (A) Section 220, except assault to commit mayhem.
- 39 (B) Paragraph (1), (3), or (4) of subdivision (a) of Section 261.

- 1 (C) Paragraph (2) of subdivision (b), or subdivision (f), (g), or
- 2 (i), of Section 286.
- 3 (D) Paragraph (2) of subdivision (b), or subdivision (f), (g), or
- 4 (i), of Section 288a.
- 5 (E) Subdivision (b), (d), (e), or (i) of Section 289.
- 6 (d) (1) On or before July 1, 2005, with respect to a person who
- 7 has been convicted of the commission or the attempted commission
- 8 of any of the offenses listed in, or who is described in, this
- 9 subdivision, the Department of Justice shall make available to the
- 10 public via the Internet Web site his or her name and known aliases,
- 11 a photograph, a physical description, including gender and race,
- 12 date of birth, criminal history, the community of residence and
- 13 ZIP Code in which the person resides or the county in which the
- 14 person is registered as a transient, and any other information that
- 15 the Department of Justice deems relevant, but not the information
- 16 excluded pursuant to subdivision (a) or the address at which the
- 17 person resides.
- 18 (2) This subdivision shall apply to the following offenses and
- 19 offenders:
- 20 (A) Subdivision (a) of Section 243.4, provided that the offense
- 21 is a felony.
- 22 (B) Section 266, provided that the offense is a felony.
- 23 (C) Section 266c, provided that the offense is a felony.
- 24 (D) Section 266j.
- 25 (E) Section 267.
- 26 (F) Subdivision (c) of Section 288, provided that the offense is
- 27 a misdemeanor.
- 28 (G) Section 288.3, provided that the offense is a misdemeanor.
- 29 (H) Section 288.4, provided that the offense is a misdemeanor.
- 30 (I) Section 626.81.
- 31 (J) Section 647.6.
- 32 (K) Section 653c.
- 33 (L) Any person required to register pursuant to Section 290
- 34 based upon an out-of-state conviction, unless that person is
- 35 excluded from the Internet Web site pursuant to subdivision (e).
- 36 However, if the Department of Justice has determined that the
- 37 out-of-state crime, if committed or attempted in this state, would
- 38 have been punishable in this state as a crime described in
- 39 subdivision (c) of Section 290, the person shall be placed on the

1 Internet Web site as provided in subdivision (b) or (c), as applicable  
2 to the crime.

3 (e) (1) If a person has been convicted of the commission or the  
4 attempted commission of any of the offenses listed in this  
5 subdivision, and he or she has been convicted of no other offense  
6 listed in subdivision (b), (c), or (d) other than those listed in this  
7 subdivision, that person may file an application with the  
8 Department of Justice, on a form approved by the department, for  
9 exclusion from the Internet Web site. If the department determines  
10 that the person meets the requirements of this subdivision, the  
11 department shall grant the exclusion and no information concerning  
12 the person shall be made available via the Internet Web site  
13 described in this section. He or she bears the burden of proving  
14 the facts that make him or her eligible for exclusion from the  
15 Internet Web site. However, a person who has filed for or been  
16 granted an exclusion from the Internet Web site is not relieved of  
17 his or her duty to register as a sex offender pursuant to Section  
18 290 nor from any otherwise applicable provision of law.

19 (2) This subdivision shall apply to the following offenses:

20 (A) A felony violation of subdivision (a) of Section 243.4.

21 (B) Section 647.6, if the offense is a misdemeanor.

22 (C) A felony violation of Section 311.1, subdivision (b), (c), or  
23 (d) of Section 311.2, or Section 311.3, 311.4, 311.10, or 311.11 if  
24 the person submits to the department a certified copy of a probation  
25 report filed in court that clearly states that all victims involved in  
26 the commission of the offense were at least 16 years of age or older  
27 at the time of the commission of the offense.

28 (D) (i) An offense for which the offender successfully  
29 completed probation, provided that the offender submits to the  
30 department a certified copy of a probation report, presentencing  
31 report, report prepared pursuant to Section 288.1, or other official  
32 court document that clearly demonstrates that the offender was  
33 the victim's parent, stepparent, sibling, or grandparent and that the  
34 crime did not involve either oral copulation or penetration of the  
35 vagina or rectum of either the victim or the offender by the penis  
36 of the other or by any foreign object.

37 (ii) An offense for which the offender is on probation at the  
38 time of his or her application, provided that the offender submits  
39 to the department a certified copy of a probation report,  
40 presentencing report, report prepared pursuant to Section 288.1,

1 or other official court document that clearly demonstrates that the  
2 offender was the victim's parent, stepparent, sibling, or grandparent  
3 and that the crime did not involve either oral copulation or  
4 penetration of the vagina or rectum of either the victim or the  
5 offender by the penis of the other or by any foreign object.

6 (iii) If, subsequent to his or her application, the offender commits  
7 a violation of probation resulting in his or her incarceration in  
8 county jail or state prison, his or her exclusion, or application for  
9 exclusion, from the Internet Web site shall be terminated.

10 (iv) For the purposes of this subparagraph, "successfully  
11 completed probation" means that during the period of probation  
12 the offender neither received additional county jail or state prison  
13 time for a violation of probation nor was convicted of another  
14 offense resulting in a sentence to county jail or state prison.

15 (3) If the department determines that a person who was granted  
16 an exclusion under a former version of this subdivision would not  
17 qualify for an exclusion under the current version of this  
18 subdivision, the department shall rescind the exclusion, make a  
19 reasonable effort to provide notification to the person that the  
20 exclusion has been rescinded, and, no sooner than 30 days after  
21 notification is attempted, make information about the offender  
22 available to the public on the Internet Web site as provided in this  
23 section.

24 (4) Effective January 1, 2012, no person shall be excluded  
25 pursuant to this subdivision unless the offender has submitted to  
26 the department documentation sufficient for the department to  
27 determine that he or she has a SARATSO risk level of low or  
28 moderate-low.

29 (f) The Department of Justice shall make a reasonable effort to  
30 provide notification to persons who have been convicted of the  
31 commission or attempted commission of an offense specified in  
32 subdivision (b), (c), or (d), that on or before July 1, 2005, the  
33 department is required to make information about specified sex  
34 offenders available to the public via an Internet Web site as  
35 specified in this section. The Department of Justice shall also make  
36 a reasonable effort to provide notice that some offenders are  
37 eligible to apply for exclusion from the Internet Web site.

38 (g) (1) A designated law enforcement entity, as defined in  
39 subdivision (f) of Section 290.45, may make available information  
40 concerning persons who are required to register pursuant to Section

1 290 to the public via an Internet Web site as specified in paragraph  
2 (2).

3 (2) The law enforcement entity may make available by way of  
4 an Internet Web site the information described in subdivision (c)  
5 if it determines that the public disclosure of the information about  
6 a specific offender by way of the entity’s Internet Web site is  
7 necessary to ensure the public safety based upon information  
8 available to the entity concerning that specific offender.

9 (3) The information that may be provided pursuant to this  
10 subdivision may include the information specified in subdivision  
11 (b) of Section 290.45. However, that offender’s address may not  
12 be disclosed unless he or she is a person whose address is on the  
13 Department of Justice’s Internet Web site pursuant to subdivision  
14 (b) or (c).

15 (h) For purposes of this section, “offense” includes the statutory  
16 predecessors of that offense, or any offense committed in another  
17 jurisdiction that, if committed or attempted to be committed in this  
18 state, would have been punishable in this state as an offense listed  
19 in subdivision (c) of Section 290.

20 (i) Notwithstanding Section 6254.5 of the Government Code,  
21 disclosure of information pursuant to this section is not a waiver  
22 of exemptions under Chapter 3.5 (commencing with Section 6250)  
23 of Title 1 of Division 7 of the Government Code and does not  
24 affect other statutory restrictions on disclosure in other situations.

25 (j) (1) Any person who uses information disclosed pursuant to  
26 this section to commit a misdemeanor shall be subject to, in  
27 addition to any other penalty or fine imposed, a fine of not less  
28 than ten thousand dollars (\$10,000) and not more than fifty  
29 thousand dollars (\$50,000).

30 (2) Any person who uses information disclosed pursuant to this  
31 section to commit a felony shall be punished, in addition and  
32 consecutive to any other punishment, by a five-year term of  
33 imprisonment in the state prison.

34 (k) Any person who is required to register pursuant to Section  
35 290 who enters an Internet Web site established pursuant to this  
36 section shall be punished by a fine not exceeding one thousand  
37 dollars (\$1,000), imprisonment in a county jail for a period not to  
38 exceed six months, or by both that fine and imprisonment.

39 (l) (1) A person is authorized to use information disclosed  
40 pursuant to this section only to protect a person at risk.

1 (2) Except as authorized under paragraph (1) or any other  
2 provision of law, use of any information that is disclosed pursuant  
3 to this section for purposes relating to any of the following is  
4 prohibited:

- 5 (A) Health insurance.
- 6 (B) Insurance.
- 7 (C) Loans.
- 8 (D) Credit.
- 9 (E) Employment.
- 10 (F) Education, scholarships, or fellowships.
- 11 (G) Housing or accommodations.
- 12 (H) Benefits, privileges, or services provided by any business  
13 establishment.

14 (3) This section shall not affect authorized access to, or use of,  
15 information pursuant to, among other provisions, Sections 11105  
16 and 11105.3, Section 8808 of the Family Code, Sections 777.5  
17 and 14409.2 of the Financial Code, Sections 1522.01 and 1596.871  
18 of the Health and Safety Code, and Section 432.7 of the Labor  
19 Code.

20 (4) (A) Any use of information disclosed pursuant to this section  
21 for purposes other than those provided by paragraph (1) or in  
22 violation of paragraph (2) shall make the user liable for the actual  
23 damages, and any amount that may be determined by a jury or a  
24 court sitting without a jury, not exceeding three times the amount  
25 of actual damage, and not less than two hundred fifty dollars  
26 (\$250), and attorney's fees, exemplary damages, or a civil penalty  
27 not exceeding twenty-five thousand dollars (\$25,000).

28 (B) Whenever there is reasonable cause to believe that any  
29 person or group of persons is engaged in a pattern or practice of  
30 misuse of the information available via an Internet Web site  
31 established pursuant to this section in violation of paragraph (2),  
32 the Attorney General, any district attorney, or city attorney, or any  
33 person aggrieved by the misuse is authorized to bring a civil action  
34 in the appropriate court requesting preventive relief, including an  
35 application for a permanent or temporary injunction, restraining  
36 order, or other order against the person or group of persons  
37 responsible for the pattern or practice of misuse. The foregoing  
38 remedies shall be independent of any other remedies or procedures  
39 that may be available to an aggrieved party under other provisions

1 of law, including Part 2 (commencing with Section 43) of Division  
2 1 of the Civil Code.

3 (m) The public notification provisions of this section are  
4 applicable to every person described in this section, without regard  
5 to when his or her crimes were committed or his or her duty to  
6 register pursuant to Section 290 arose, and to every offense  
7 described in this section, regardless of when it was committed.

8 (n) On or before July 1, 2006, and every year thereafter, the  
9 Department of Justice shall make a report to the Legislature  
10 concerning the operation of this section.

11 (o) A designated law enforcement entity and its employees shall  
12 be immune from liability for good faith conduct under this section.

13 (p) The Attorney General, in collaboration with local law  
14 enforcement and others knowledgeable about sex offenders, shall  
15 develop strategies to assist members of the public in understanding  
16 and using publicly available information about registered sex  
17 offenders to further public safety. These strategies may include,  
18 but are not limited to, a hotline for community inquiries,  
19 neighborhood and business guidelines for how to respond to  
20 information posted on this Internet Web site, and any other resource  
21 that promotes public education about these offenders.

22 SEC. 6. Section 484b of the Penal Code is amended to read:

23 484b. Any person who receives money for the purpose of  
24 obtaining or paying for services, labor, materials or equipment and  
25 willfully fails to apply such money for such purpose by either  
26 willfully failing to complete the improvements for which funds  
27 were provided or willfully failing to pay for services, labor,  
28 materials or equipment provided incident to such construction,  
29 and wrongfully diverts the funds to a use other than that for which  
30 the funds were received, shall be guilty of a public offense and  
31 shall be punishable by a fine not exceeding ten thousand dollars  
32 (\$10,000), or by imprisonment in the state prison, or in the county  
33 jail not exceeding one year, or by both such fine and such  
34 imprisonment if the amount diverted is in excess of one thousand  
35 dollars (\$1,000). If the amount diverted is ~~is less than~~ one thousand  
36 dollars (\$1,000) *or less*, the person shall be guilty of a  
37 misdemeanor.

38 SEC. 7. Section 1094 of the Penal Code is amended to read:

39 1094. When the state of the pleadings requires it, or in any  
40 other case, for good reasons, and in the sound discretion of the

1 Court, the order prescribed in ~~the last section~~ *Section 1093* may  
2 be departed from.

3 SEC. 8. Section 12076 of the Penal Code is amended to read:

4 12076. (a) (1) Before January 1, 1998, the Department of  
5 Justice shall determine the method by which a dealer shall submit  
6 firearm purchaser information to the department and the  
7 information shall be in one of the following formats:

8 (A) Submission of the register described in Section 12077.

9 (B) Electronic or telephonic transfer of the information contained  
10 in the register described in Section 12077.

11 (2) On or after January 1, 1998, electronic or telephonic transfer,  
12 including voice or facsimile transmission, shall be the exclusive  
13 means by which purchaser information is transmitted to the  
14 department.

15 (3) On or after January 1, 2003, except as permitted by the  
16 department, electronic transfer shall be the exclusive means by  
17 which information is transmitted to the department. Telephonic  
18 transfer shall not be permitted for information regarding sales of  
19 any firearms.

20 (b) (1) Where the register is used, the purchaser of any firearm  
21 shall be required to present clear evidence of his or her identity  
22 and age, as defined in Section 12071, to the dealer, and the dealer  
23 shall require him or her to sign his or her current legal name and  
24 affix his or her residence address and date of birth to the register  
25 in quadruplicate. The salesperson shall affix his or her signature  
26 to the register in quadruplicate as a witness to the signature and  
27 identification of the purchaser. Any person furnishing a fictitious  
28 name or address or knowingly furnishing any incorrect information  
29 or knowingly omitting any information required to be provided  
30 for the register and any person violating any provision of this  
31 section is guilty of a misdemeanor, provided however, that any  
32 person who is prohibited from obtaining a firearm pursuant to  
33 Section 12021 or 12021.1 of this code, or Section 8100 or 8103  
34 of the Welfare and Institutions Code who knowingly furnishes a  
35 fictitious name or address or knowingly furnishes any incorrect  
36 information or knowingly omits any information required to be  
37 provided for the register shall be punished by imprisonment in a  
38 county jail not exceeding one year or imprisonment in the state  
39 prison for a term of 8, 12, or 18 months.

1 (2) The original of the register shall be retained by the dealer  
2 in consecutive order. Each book of 50 originals shall become the  
3 permanent register of transactions that shall be retained for not  
4 less than three years from the date of the last transaction and shall  
5 be available for the inspection of any peace officer, Department  
6 of Justice employee designated by the Attorney General, or agent  
7 of the federal Bureau of Alcohol, Tobacco, Firearms, and  
8 Explosives upon the presentation of proper identification, but no  
9 information shall be compiled therefrom regarding the purchasers  
10 or other transferees of firearms that are not pistols, revolvers, or  
11 other firearms capable of being concealed upon the person.

12 (3) Two copies of the original sheet of the register, on the date  
13 of the application to purchase, shall be placed in the mail, postage  
14 prepaid, and properly addressed to the Department of Justice in  
15 Sacramento.

16 (4) If requested, a photocopy of the original shall be provided  
17 to the purchaser by the dealer.

18 (5) If the transaction is a private party transfer conducted  
19 pursuant to Section 12082, a photocopy of the original shall be  
20 provided to the seller or purchaser by the dealer, upon request.  
21 The dealer shall redact all of the purchaser's personal information,  
22 as required pursuant to paragraph (1) of subdivision (b) and  
23 paragraph (1) of subdivision (c) of Section 12077, from the seller's  
24 copy, and the seller's personal information from the purchaser's  
25 copy.

26 (c) (1) Where the electronic or telephonic transfer of applicant  
27 information is used, the purchaser shall be required to present clear  
28 evidence of his or her identity and age, as defined in Section 12071,  
29 to the dealer, and the dealer shall require him or her to sign his or  
30 her current legal name to the record of electronic or telephonic  
31 transfer. The salesperson shall affix his or her signature to the  
32 record of electronic or telephonic transfer as a witness to the  
33 signature and identification of the purchaser. Any person furnishing  
34 a fictitious name or address or knowingly furnishing any incorrect  
35 information or knowingly omitting any information required to be  
36 provided for the electronic or telephonic transfer and any person  
37 violating any provision of this section is guilty of a misdemeanor,  
38 provided however, that any person who is prohibited from  
39 obtaining a firearm pursuant to Section 12021 or 12021.1 of this  
40 code, or Section 8100 or 8103 of the Welfare and Institutions Code

1 who knowingly furnishes a fictitious name or address or knowingly  
2 furnishes any incorrect information or knowingly omits any  
3 information required to be provided for the register shall be  
4 punished by imprisonment in a county jail not exceeding one year  
5 or imprisonment in the state prison for a term of 8, 12, or 18  
6 months.

7 (2) The record of applicant information shall be transmitted to  
8 the Department of Justice ~~in Sacramento~~ by electronic or telephonic  
9 transfer on the date of the application to purchase.

10 (3) The original of each record of electronic or telephonic  
11 transfer shall be retained by the dealer in consecutive order. Each  
12 original shall become the permanent record of the transaction that  
13 shall be retained for not less than three years from the date of the  
14 last transaction and shall be provided for the inspection of any  
15 peace officer, Department of Justice employee designated by the  
16 Attorney General, or agent of the federal Bureau of Alcohol,  
17 Tobacco, Firearms, and Explosives upon the presentation of proper  
18 identification, but no information shall be compiled therefrom  
19 regarding the purchasers or other transferees of firearms that are  
20 not pistols, revolvers, or other firearms capable of being concealed  
21 upon the person.

22 (4) If requested, a copy of the record of electronic or telephonic  
23 transfer shall be provided to the purchaser by the dealer.

24 (5) If the transaction is a private party transfer conducted  
25 pursuant to Section 12082, a copy shall be provided to the seller  
26 or purchaser by the dealer, upon request. The dealer shall redact  
27 all of the purchaser's personal information, as required pursuant  
28 to paragraph (1) of subdivision (b) and paragraph (1) of subdivision  
29 (c) of Section 12077, from the seller's copy, and the seller's  
30 personal information from the purchaser's copy.

31 (d) (1) The department shall examine its records, as well as  
32 those records that it is authorized to request from the State  
33 Department of Mental Health pursuant to Section 8104 of the  
34 Welfare and Institutions Code, in order to determine if the  
35 purchaser is a person described in subparagraph (A) of paragraph  
36 (9) of subdivision (a) of Section 12072, or is prohibited by state  
37 or federal law from possessing, receiving, owning, or purchasing  
38 a firearm.

39 (2) To the extent that funding is available, the Department of  
40 Justice may participate in the National Instant Criminal Background

1 Check System (NICS), as described in subsection (t) of Section  
2 922 of Title 18 of the United States Code, and, if that participation  
3 is implemented, shall notify the dealer and the chief of the police  
4 department of the city or city and county in which the sale was  
5 made, or if the sale was made in a district in which there is no  
6 municipal police department, the sheriff of the county in which  
7 the sale was made, that the purchaser is a person prohibited from  
8 acquiring a firearm under federal law.

9 (3) If the department determines that the purchaser is prohibited  
10 by state or federal law from possessing, receiving, owning, or  
11 purchasing a firearm or is a person described in subparagraph (A)  
12 of paragraph (9) of subdivision (a) of Section 12072, it shall  
13 immediately notify the dealer and the chief of the police department  
14 of the city or city and county in which the sale was made, or if the  
15 sale was made in a district in which there is no municipal police  
16 department, the sheriff of the county in which the sale was made,  
17 of that fact.

18 (4) If the department determines that the copies of the register  
19 submitted to it pursuant to paragraph (3) of subdivision (b) contain  
20 any blank spaces or inaccurate, illegible, or incomplete information,  
21 preventing identification of the purchaser or the pistol, revolver,  
22 or other firearm to be purchased, or if any fee required pursuant  
23 to subdivision (e) is not submitted by the dealer in conjunction  
24 with submission of copies of the register, the department may  
25 notify the dealer of that fact. Upon notification by the department,  
26 the dealer shall submit corrected copies of the register to the  
27 department, or shall submit any fee required pursuant to subdivision  
28 (e), or both, as appropriate and, if notification by the department  
29 is received by the dealer at any time prior to delivery of the firearm  
30 to be purchased, the dealer shall withhold delivery until the  
31 conclusion of the waiting period described in Sections 12071 and  
32 12072.

33 (5) If the department determines that the information transmitted  
34 to it pursuant to subdivision (c) contains inaccurate or incomplete  
35 information preventing identification of the purchaser or the pistol,  
36 revolver, or other firearm capable of being concealed upon the  
37 person to be purchased, or if the fee required pursuant to  
38 subdivision (e) is not transmitted by the dealer in conjunction with  
39 transmission of the electronic or telephonic record, the department  
40 may notify the dealer of that fact. Upon notification by the

1 department, the dealer shall transmit corrections to the record of  
2 electronic or telephonic transfer to the department, or shall transmit  
3 any fee required pursuant to subdivision (e), or both, as appropriate,  
4 and if notification by the department is received by the dealer at  
5 any time prior to delivery of the firearm to be purchased, the dealer  
6 shall withhold delivery until the conclusion of the waiting period  
7 described in Sections 12071 and 12072.

8 (e) The Department of Justice may require the dealer to charge  
9 each firearm purchaser a fee not to exceed fourteen dollars (\$14),  
10 except that the fee may be increased at a rate not to exceed any  
11 increase in the California Consumer Price Index as compiled and  
12 reported by the California Department of Industrial Relations. The  
13 fee shall be no more than is necessary to fund the following:

14 (1) (A) The department for the cost of furnishing this  
15 information.

16 (B) The department for the cost of meeting its obligations under  
17 paragraph (2) of subdivision (b) of Section 8100 of the Welfare  
18 and Institutions Code.

19 (2) Local mental health facilities for state-mandated local costs  
20 resulting from the reporting requirements imposed by Section 8103  
21 of the Welfare and Institutions Code.

22 (3) The State Department of Mental Health for the costs resulting  
23 from the requirements imposed by Section 8104 of the Welfare  
24 and Institutions Code.

25 (4) Local mental hospitals, sanitariums, and institutions for  
26 state-mandated local costs resulting from the reporting  
27 requirements imposed by Section 8105 of the Welfare and  
28 Institutions Code.

29 (5) Local law enforcement agencies for state-mandated local  
30 costs resulting from the notification requirements set forth in  
31 subdivision (a) of Section 6385 of the Family Code.

32 (6) Local law enforcement agencies for state-mandated local  
33 costs resulting from the notification requirements set forth in  
34 subdivision (c) of Section 8105 of the Welfare and Institutions  
35 Code.

36 (7) For the actual costs associated with the electronic or  
37 telephonic transfer of information pursuant to subdivision (c).

38 (8) The Department of Food and Agriculture for the costs  
39 resulting from the notification provisions set forth in Section 5343.5  
40 of the Food and Agricultural Code.

1 (9) The department for the costs associated with subparagraph  
2 (D) of paragraph (2) of subdivision (f) of Section 12072.

3 (10) The department for the costs associated with funding  
4 Department of Justice firearms-related regulatory and enforcement  
5 activities related to the sale, purchase, loan, or transfer of firearms  
6 pursuant to this chapter.

7 The fee established pursuant to this subdivision shall not exceed  
8 the sum of the actual processing costs of the department, the  
9 estimated reasonable costs of the local mental health facilities for  
10 complying with the reporting requirements imposed by paragraph  
11 (2) of this subdivision, the costs of the State Department of Mental  
12 Health for complying with the requirements imposed by paragraph  
13 (3) of this subdivision, the estimated reasonable costs of local  
14 mental hospitals, sanitariums, and institutions for complying with  
15 the reporting requirements imposed by paragraph (4) of this  
16 subdivision, the estimated reasonable costs of local law  
17 enforcement agencies for complying with the notification  
18 requirements set forth in subdivision (a) of Section 6385 of the  
19 Family Code, the estimated reasonable costs of local law  
20 enforcement agencies for complying with the notification  
21 requirements set forth in subdivision (c) of Section 8105 of the  
22 Welfare and Institutions Code imposed by paragraph (6) of this  
23 subdivision, the estimated reasonable costs of the Department of  
24 Food and Agriculture for the costs resulting from the notification  
25 provisions set forth in Section 5343.5 of the Food and Agricultural  
26 Code, the estimated reasonable costs of the department for the  
27 costs associated with subparagraph (D) of paragraph (2) of  
28 subdivision (f) of Section 12072, and the estimated reasonable  
29 costs of department firearms-related regulatory and enforcement  
30 activities related to the sale, purchase, loan, or transfer of firearms  
31 pursuant to this chapter.

32 (f) (1) The Department of Justice may charge a fee sufficient  
33 to reimburse it for each of the following but not to exceed fourteen  
34 dollars (\$14), except that the fee may be increased at a rate not to  
35 exceed any increase in the California Consumer Price Index as  
36 compiled and reported by the California Department of Industrial  
37 Relations:

38 (A) For the actual costs associated with the preparation, sale,  
39 processing, and filing of forms or reports required or utilized  
40 pursuant to Section 12078.

1 (B) For the actual processing costs associated with the  
2 submission of a Dealers' Record of Sale to the department.

3 (C) For the actual costs associated with the preparation, sale,  
4 processing, and filing of reports utilized pursuant to subdivision  
5 (l) of Section 12078 or paragraph (18) of subdivision (b) of Section  
6 12071, or clause (i) of subparagraph (A) of paragraph (2) of  
7 subdivision (f) of Section 12072, or paragraph (3) of subdivision  
8 (f) of Section 12072.

9 (D) For the actual costs associated with the electronic or  
10 telephonic transfer of information pursuant to subdivision (c).

11 (2) If the department charges a fee pursuant to subparagraph  
12 (B) of paragraph (1) of this subdivision, it shall be charged in the  
13 same amount to all categories of transaction that are within that  
14 subparagraph.

15 (3) Any costs incurred by the Department of Justice to  
16 implement this subdivision shall be reimbursed from fees collected  
17 and charged pursuant to this subdivision. No fees shall be charged  
18 to the dealer pursuant to subdivision (e) for implementing this  
19 subdivision.

20 (g) All money received by the department pursuant to this  
21 section shall be deposited in the Dealers' Record of Sale Special  
22 Account of the General Fund, which is hereby created, to be  
23 available, upon appropriation by the Legislature, for expenditure  
24 by the department to offset the costs incurred pursuant to this  
25 section, paragraph (1) and subparagraph (D) of paragraph (2) of  
26 subdivision (f) of Section 12072, Sections 12083 and 12099,  
27 subdivision (c) of Section 12131, Sections 12234, 12289, and  
28 12289.5, and subdivisions (f) and (g) of Section 12305.

29 (h) Where the electronic or telephonic transfer of applicant  
30 information is used, the department shall establish a system to be  
31 used for the submission of the fees described in subdivision (e) to  
32 the department.

33 (i) (1) Only one fee shall be charged pursuant to this section  
34 for a single transaction on the same date for the sale of any number  
35 of firearms that are not pistols, revolvers, or other firearms capable  
36 of being concealed upon the person or for the taking of possession  
37 of those firearms.

38 (2) In a single transaction on the same date for the delivery of  
39 any number of firearms that are pistols, revolvers, or other firearms  
40 capable of being concealed upon the person, the department shall

1 charge a reduced fee pursuant to this section for the second and  
2 subsequent firearms that are part of that transaction.

3 (j) Only one fee shall be charged pursuant to this section for a  
4 single transaction on the same date for taking title or possession  
5 of any number of firearms pursuant to paragraph (18) of  
6 subdivision (b) of Section 12071 or subdivision (c) or (i) of Section  
7 12078.

8 (k) Whenever the Department of Justice acts pursuant to this  
9 section as it pertains to firearms other than pistols, revolvers, or  
10 other firearms capable of being concealed upon the person, the  
11 department's acts or omissions shall be deemed to be discretionary  
12 within the meaning of the California Tort Claims Act pursuant to  
13 Division 3.6 (commencing with Section 810) of Title 1 of the  
14 Government Code.

15 (l) As used in this section, the following definitions apply:

16 (1) "Purchaser" means the purchaser or transferee of a firearm  
17 or a person being loaned a firearm.

18 (2) "Purchase" means the purchase, loan, or transfer of a firearm.

19 (3) "Sale" means the sale, loan, or transfer of a firearm.

20 (4) "Seller" means, if the transaction is being conducted pursuant  
21 to Section 12082, the person selling, loaning, or transferring the  
22 firearm.

23 SEC. 9. Section 12650 of the Penal Code is amended to read:

24 12650. "Stun gun" as used in this chapter ~~shall include~~ *means*  
25 any item, except a ~~taser~~ *less lethal weapon, as defined in Section*  
26 *12601*, used or intended to be used as either an offensive or  
27 defensive weapon *that is* capable of temporarily immobilizing a  
28 person by the infliction of an electrical charge.

29 SEC. 10. Section 1767.35 of the Welfare and Institutions Code  
30 is amended to read:

31 1767.35. Commencing on September 1, 2007, any parolee  
32 under the jurisdiction of the Division of Juvenile Parole Operations  
33 shall be returned to custody upon the suspension, cancellation, or  
34 revocation of parole as follows:

35 (a) To the custody of the Division of Juvenile Facilities if the  
36 parolee is under the jurisdiction of the division for the commission  
37 of an offense described in subdivision (b) of Section 707 or an  
38 offense described in subdivision (c) of Section 290.008 of the  
39 Penal Code.

1 (b) To the county of commitment if the parolee is under the  
2 jurisdiction of the division for the commission of an offense not  
3 described in subdivision (b) of Section 707 or ~~paragraph (3) of~~  
4 ~~subdivision (d) of Section 290~~ *subdivision (c) of Section 290.008*  
5 of the Penal Code. If a ward subject to this subdivision is detained  
6 by the Division of Juvenile Parole Operations for the purpose of  
7 initiating proceedings to suspend, cancel, or revoke the ward's  
8 parole, the division shall notify the court and probation department  
9 of the committing county within 48 hours of the ward's detention  
10 that the ward is subject to parole violation proceedings. Within 15  
11 days of a parole violation notice from the division, the committing  
12 court shall conduct a reentry disposition hearing for the ward.  
13 Pending the hearing, the ward may be detained by the division,  
14 provided that the division shall deliver the ward to the custody of  
15 the probation department in the county of commitment not more  
16 than three judicial days nor less than two judicial days prior to the  
17 reentry disposition hearing. At the hearing, at which the ward shall  
18 be entitled to representation by counsel, the court shall consider  
19 the alleged violation of parole, the risks and needs presented by  
20 the ward, and the reentry disposition programs and sanctions that  
21 are available for the ward, and enter a disposition order consistent  
22 with these considerations and the protection of the public. The  
23 ward shall be fully informed by the court of the terms, conditions,  
24 responsibilities, and sanctions that are relevant to the reentry plan  
25 that is adopted by the court. Upon delivery to the custody of the  
26 probation department for local proceedings under this subdivision,  
27 the Division of Juvenile Facilities and the Board of Parole Hearings  
28 shall have no further jurisdiction or parole supervision  
29 responsibility for a ward subject to this subdivision. The procedure  
30 of the reentry disposition hearing, including the detention status  
31 of the ward in the event continuances are ordered by the court,  
32 shall be consistent with the rules, rights, and procedures applicable  
33 to delinquency disposition hearings, as described in Article 17  
34 (commencing with Section 675) of Chapter 2 of Part 1 of Division  
35 2.

O