

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1981

Introduced by Assembly Member Feuer

February 23, 2012

An act to amend ~~Section 1201 of the Health and Safety Code~~ *Section 21810 of the Penal Code*, relating to ~~health facilities~~ *metal knuckles*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1981, as amended, Feuer. ~~Health facilities: clinics. Crimes: metal knuckles: punishment.~~

Existing law provides, with exceptions, that any person in the state who manufactures or causes to be manufactured, imports, keeps for sale, or offers or exposes for sale, or who gives, lends, or possess any metal knuckles is punishable by imprisonment in a county jail not exceeding one year, or in the state prison for 16 months, or 2 or 3 years.

This bill would instead make this crime a felony, punishable in a county jail for 16 months, or 2 or 3 years.

By changing the punishment of a crime, and increasing the duties of local prosecutors 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.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law, with certain exceptions, provides for the licensure and regulation of health facilities and clinics, including primary care and~~

specialty clinics, by the State Department of Public Health. Existing law requires primary care and specialty clinics to meet certain criteria in order to be eligible for licensure.

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

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

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

1 SECTION 1. Section 21810 of the Penal Code is amended to
2 read:

3 21810. Except as provided in Chapter 1 (commencing with
4 Section 17700) of Division 2 of Title 2, any person in this state
5 who manufactures or causes to be manufactured, imports into the
6 state, keeps for sale, or offers or exposes for sale, or who gives,
7 lends, or possesses any metal knuckles is *guilty of a felony*,
8 punishable by imprisonment ~~in a county jail not exceeding one~~
9 ~~year or in the state prison pursuant to subdivision (h) of Section~~
10 ~~1170.~~

11 SEC. 2. *No reimbursement is required by this act pursuant to*
12 *Section 6 of Article XIII B of the California Constitution because*
13 *the only costs that may be incurred by a local agency or school*
14 *district will be incurred because this act creates a new crime or*
15 *infraction, eliminates a crime or infraction, or changes the penalty*
16 *for a crime or infraction, within the meaning of Section 17556 of*
17 *the Government Code, or changes the definition of a crime within*
18 *the meaning of Section 6 of Article XIII B of the California*
19 *Constitution.*

20 ~~SECTION 1. Section 1201 of the Health and Safety Code is~~
21 ~~amended to read:~~

22 ~~1201. “License” means a basic permit to operate a clinic. A~~
23 ~~license may only be issued to a clinic of a type enumerated in~~
24 ~~Section 1204 or 1204.1, and the license shall not be transferable.~~
25 ~~However, the issuance of a license upon a change of ownership~~
26 ~~shall not of itself constitute a project within the meaning of Section~~
27 ~~127170.~~

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