

AMENDED IN SENATE APRIL 11, 2012

SENATE BILL

No. 1307

Introduced by ~~Senator~~ *Senators Cannella and Runner*

February 23, 2012

An act to ~~amend~~ *add* Section ~~186.30~~ of *186.34* to the Penal Code, relating to criminal street gangs.

LEGISLATIVE COUNSEL'S DIGEST

SB 1307, as amended, ~~Runner~~ *Cannella*. ~~Criminal street gangs: registration.~~ *California Criminal Gang Register.*

The California Street Terrorism Enforcement and Prevention Act makes it unlawful to engage in criminal gang activity, including actively participating in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and willfully promoting, furthering, or assisting in any felonious criminal conduct by members of the gang. Existing law requires the Department of Justice to maintain the California Law Enforcement Telecommunications System (CLETS), a statewide telecommunications system of communication for the use of law enforcement agencies.

This bill would require the Department of Justice, no later than July 30, 2013, to establish a California Criminal Gang Register. The bill would require the register to include, among other things, the name, date of birth, and if, applicable, prison identification number of every person convicted of a violation of the California Street Terrorism Enforcement and Prevention Act, and a breakdown of persons convicted of violating the act by county of conviction. The bill would require the register to be made available through CLETS to law enforcement agencies and to personnel who are authorized to access CLETS.

~~Existing law, as added by Proposition 21, approved by the voters at the March 7, 2000, statewide primary election, requires persons convicted of street gang crimes to register with the chief of police or the sheriff, as applicable, regarding residence, within 10 days of release from custody or within 10 days of arrival, as specified. Existing law provides that these provisions may be amended by a $\frac{2}{3}$ vote of each house of the Legislature.~~

~~This bill would also require the person to register annually, and upon changing his or her residence. The bill would make a violation of the provisions requiring registration a misdemeanor.~~

~~By creating a new crime, 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.~~

~~Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes-no.~~

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

1 SECTION 1. Section 186.34 is added to the Penal Code, to
 2 read:
 3 186.34. The Department of Justice, no later than July 30, 2013,
 4 shall establish and maintain a California Criminal Gang Register,
 5 which shall be made available through the California Law
 6 Enforcement Telecommunications System (CLETS) to law
 7 enforcement agencies and personnel authorized to access CLETS.
 8 The California Criminal Gang Register shall include the following
 9 information:
 10 (a) The name, date of birth, and, if applicable, prison
 11 identification number of every person convicted of a violation of
 12 this chapter, and each date of conviction.
 13 (b) A breakdown of persons convicted of violating this chapter
 14 by county of conviction.
 15 SECTION 1. ~~Section 186.30 of the Penal Code is amended to~~
 16 read:
 17 186.30. ~~(a) Any person described in subdivision (b) shall~~
 18 register with the chief of police of the city in which he or she

1 ~~resides, or the sheriff of the county if he or she resides in an~~
2 ~~unincorporated area, within 10 days of release from custody or~~
3 ~~within 10 days of his or her arrival in any city, county, or city and~~
4 ~~county to reside there, whichever occurs first. The person shall~~
5 ~~register each year thereafter, and shall also register upon changing~~
6 ~~his or her residence.~~

7 ~~(b) Subdivision (a) shall apply to any person convicted in a~~
8 ~~criminal court or who has had a petition sustained in a juvenile~~
9 ~~court in this state for any of the following offenses:~~

10 ~~(1) Subdivision (a) of Section 186.22.~~

11 ~~(2) Any crime where the enhancement specified in subdivision~~
12 ~~(b) of Section 186.22 is found to be true.~~

13 ~~(3) Any crime that the court finds is gang-related at the time of~~
14 ~~sentencing or disposition.~~

15 ~~(e) A violation of this section is a misdemeanor.~~

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