

AMENDED IN SENATE JUNE 16, 2014

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1767

Introduced by Assembly Member Holden

February 14, 2014

An act to amend Section 33211.6 of the Public Resources Code, relating to the Santa Monica Mountains Conservancy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1767, as amended, Holden. Santa Monica Mountains Conservancy: property destruction: fines.

Existing law establishes the Santa Monica Mountains Conservancy in the Natural Resources Agency and prescribes the membership, functions, and duties of the conservancy with regard to the preservation, protection, and management of specified lands in the Santa Monica Mountains. Existing law makes it a misdemeanor to dump any refuse matter, except pursuant to a specified permit, on property owned or managed by the conservancy, and posted against that dumping, or to injure, deface, or destroy any property owned or managed by the conservancy, and makes those crimes punishable by a fine of not more than \$1,000, or imprisonment in the county jail for not more than 6 months, or both that fine and imprisonment.

This bill would increase the maximum fine for those crimes to ~~\$1,500~~, and would require that the revenues from those fines be deposited into the Santa Monica Mountains Conservancy Fund and, upon appropriation, be used to pay the costs of any necessary property repairs or cleanup related to those violations, with any remaining funds to be used by the

conservancy to award specified resource conservation and park grants. \$1,500.

Existing law also makes a violation of the posted conditions of use on any property owned or managed by the conservancy a misdemeanor punishable by imprisonment in the county jail not exceeding 90 days, or by a fine of not more than \$1,000, or by both that fine and imprisonment, but provides that the judge may reduce the charged offense to an infraction, punishable by a fine of not less than \$100, nor more than \$500.

This bill would increase the maximum fine for a misdemeanor violation to \$1,500 and would increase the fine for an infraction to not less than \$250, nor more than \$750. *The bill would also authorize a judge to reduce a charged offense, relating to dumping any refuse matter or injuring, defacing, or destroying property, discussed above, to an infraction, as provided.*

The bill would require that the revenues from these fines be deposited into the Santa Monica Mountains Conservancy Fund and, upon appropriation, be used to pay the costs of any necessary property repairs or cleanup related to those violations, with any remaining funds to be used by the conservancy to award specified resource conservation and park grants. The bill would make related findings of legislative intent.

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

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

- 1 SECTION 1. Section 33211.6 of the Public Resources Code
- 2 is amended to read:
- 3 33211.6. (a) Dumping any refuse matter, except by permit
- 4 signed by the executive director or the executive director's
- 5 authorized representative, on property owned or managed by the
- 6 conservancy, and posted against that dumping, shall be a
- 7 misdemeanor punishable by a fine of not more than one thousand
- 8 five hundred dollars (\$1,500), or imprisonment in the county jail
- 9 for not more than six months, or both that fine and imprisonment.
- 10 (b) Injuring, defacing, or destroying any property owned or
- 11 managed by the conservancy or any of the natural features thereof,
- 12 shall be a misdemeanor punishable by a fine of not more than one
- 13 thousand five hundred dollars (\$1,500), or imprisonment in the

1 county jail for not more than six months, or both that fine and
2 imprisonment.

3 (c) Violation of the posted conditions of use on any property
4 owned or managed by the conservancy is a misdemeanor
5 punishable by imprisonment in the county jail not exceeding 90
6 days, or by a fine not exceeding one thousand five hundred dollars
7 (\$1,500), or by both that fine and imprisonment, ~~except that at~~
8 *imprisonment.*

9 (d) *At the time a particular action pursuant to this section is*
10 *commenced, the judge may, considering the recommendation of*
11 *the prosecuting attorney, reduce the charged offense from a*
12 *misdemeanor to an infraction.* ~~Any~~ A person convicted of the
13 offense after ~~such~~ a reduction shall be punished by a fine of not
14 less than two hundred fifty dollars (\$250), nor more than seven
15 hundred fifty dollars (\$750).

16 ~~(d)~~

17 (e) Any revenues from the fines imposed pursuant to ~~subdivision~~
18 ~~(a) or (b)~~ *this section* shall be deposited into the fund and, upon
19 appropriation by the Legislature, used to pay the costs of any
20 necessary property repairs or cleanup related to a violation of this
21 section, with any remaining funds to be used by the conservancy
22 to award grants authorized by Section 33204.

23 *SEC. 2. The Legislature finds and declares that paragraph (3)*
24 *of subdivision (a) of Section 33211.5 of the Public Resources Code*
25 *is not intended to be used by the conservancy for stop sign*
26 *photoenforcement.*