

ASSEMBLY BILL

No. 156

**Introduced by Assembly Members Napolitano, Ducheny,
Gallegos, Kevin Murray, and Willard Murray**
(Coauthors: Senators Hurtt, Russell, and Watson)

January 18, 1995

An act to amend Section 472 of, and to add Sections 472.5 and 472.6 to, the Penal Code, relating to fraud.

LEGISLATIVE COUNSEL'S DIGEST

AB 156, as introduced, Napolitano. Forgery: seals.

(1) Existing law provides, among other things, that every person who, with intent to defraud, forges or counterfeits, among other things, any public seal authorized or recognized by the laws of this state, or of any other state, government, or country is guilty of forgery.

This bill would provide, among other things, that every person who, with intent to defraud, forges or counterfeits, among other things, any public seal authorized or recognized by the laws of this or any other state, government, or country, including, but not limited to, any seal that appears on any document issued by any city or county of any state, this state, another state, or the federal government, and purports to be, or which could reasonably deceive an ordinary person into believing that it is, a government-issued document, including, but not limited to, an identification card, driver's license, birth certificate, passport, or social security card, is guilty of forgery.

The bill also would provide that every person who sells, offers for sale, furnishes, offers to furnish, gives away, offers to

give away, transports, offers to transport, imports into this state, or offers to import into this state any forged or counterfeited seal or impression, and who knows, or reasonably should know, that the seal or impression is intended to be used for any fraudulent purpose shall be punished by imprisonment in a county jail for no more than one year or by imprisonment in the state prison for 2, 3, or 4 years.

This bill would further provide that every person who, with intent to defraud, forges or counterfeits any facsimile signature stamp of this state, of any public officer authorized by law, of any court of record, or of any corporation, or any other facsimile signature stamp authorized or recognized by the laws of this or any other state, government, or country, including, but not limited to, any facsimile signature stamp that appears on any document issued by any city or county of any state, this state, another state, or the federal government, and purports to be, or which could reasonably deceive an ordinary person into believing that it is, a government-issued document, including, but not limited to, an identification card, driver's license, birth certificate, passport, or social security card, or who falsely makes, forges, or counterfeits any impression purporting to be an impression of a facsimile signature stamp, or who has in his or her possession any counterfeited facsimile signature stamp or impression thereof, knowing it to be counterfeited, and willfully conceals the same, is guilty of forgery.

This bill would impose a state-mandated local program by creating new crimes.

(2) 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: 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 472 of the Penal Code is
2 amended to read:

3 472. Every person who, with intent to defraud
4 ~~another~~, forges, or counterfeits ~~the any~~ seal of this ~~State~~
5 ~~state~~, ~~the seal~~ of any public officer authorized by law, ~~the~~
6 ~~seal~~ of any ~~Court~~ court of record, or ~~the seal~~ of any
7 corporation, or any other public seal authorized or
8 recognized by the laws of this ~~State~~, or of any other ~~State~~
9 ~~state~~, ~~Government~~ government, or country, *including,*
10 *but not limited to, any seal that appears on any document*
11 *issued by any city or county of any state, this state, another*
12 *state, or the federal government, and purports to be, or*
13 *which could reasonably deceive an ordinary person into*
14 *believing that it is, a government-issued document,*
15 *including, but not limited to, an identification card,*
16 *driver's license, birth certificate, passport, or social*
17 *security card, or who falsely makes, forges, or counterfeits*
18 any impression purporting to be an impression of any
19 such seal, or who has in his *or her* possession any ~~such~~
20 counterfeited seal or impression thereof, knowing it to be
21 counterfeited, and willfully conceals the same, is guilty of
22 forgery.

23 SEC. 2. Section 472.5 is added to the Penal Code, to
24 read:

25 472.5. Every person who sells, offers for sale,
26 furnishes, offers to furnish, gives away, offers to give
27 away, transports, offers to transport, imports into this
28 state, or offers to import into this state any forged or
29 counterfeited seal or impression specified in Section 472,
30 and who knows, or reasonably should know, that the seal
31 or impression is intended to be used for any fraudulent
32 purpose shall be punished by imprisonment in a county
33 jail for no more than one year or by imprisonment in the
34 state prison for two, three, or four years.

35 SEC. 3. Section 472.6 is added to the Penal Code, to
36 read:

37 472.6. Every person who, with intent to defraud,
38 forges or counterfeits any facsimile signature stamp of



1 this state, of any public officer authorized by law, of any
2 court of record, or of any corporation, or any other
3 facsimile signature stamp authorized or recognized by
4 the laws of this or any other state, government, or
5 country, including, but not limited to, any facsimile
6 signature stamp that appears on any document issued by
7 any city or county of any state, this state, another state, or
8 the federal government, and purports to be, or which
9 could reasonably deceive an ordinary person into
10 believing that it is, a government-issued document,
11 including, but not limited to, an identification card,
12 driver's license, birth certificate, passport, or social
13 security card, or who falsely makes, forges, or counterfeits
14 any impression purporting to be an impression of a
15 facsimile signature stamp, or who has in his or her
16 possession any counterfeited facsimile signature stamp or
17 impression thereof, knowing it to be counterfeited, and
18 willfully conceals the same, is guilty of forgery.

19 SEC. 4. No reimbursement is required by this act
20 pursuant to Section 6 of Article XIII B of the California
21 Constitution because the only costs that may be incurred
22 by a local agency or school district will be incurred
23 because this act creates a new crime or infraction,
24 eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section
26 17556 of the Government Code, or changes the definition
27 of a crime within the meaning of Section 6 of Article
28 XIII B of the California Constitution.

29 Notwithstanding Section 17580 of the Government
30 Code, unless otherwise specified, the provisions of this act
31 shall become operative on the same date that the act
32 takes effect pursuant to the California Constitution.

