

AMENDED IN ASSEMBLY MARCH 30, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 156

**Introduced by Assembly Members Napolitano, Ducheny,
Gallegos, Kevin Murray, and Willard Murray
(Coauthor: Assembly Member Knox)**

(Coauthors: Senators *Costa*, *Hurt*, *Russell*, and *Watson*)

January 18, 1995

An act to amend Section 472 of, and to add Sections 472.5 and 472.6 to, 22430 of the *Business and Professions Code*, and to add Section 483.5 to the *Penal Code*, relating to fraud documents.

LEGISLATIVE COUNSEL'S DIGEST

AB 156, as amended, Napolitano. ~~Forgery: seals Documents: deceptive identification.~~

~~(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:~~

~~(1) Existing law prohibits a deceptive identification document from being manufactured, sold, or offered for sale unless a statement is printed across the face of the document stating that the document is not a government document and the name of the manufacturer is printed on the document. A~~



person who violates this provision and who knows or reasonably should know that the document will be used for fraudulent purposes is guilty of an offense punishable as a misdemeanor or a felony.

This bill additionally would prohibit a deceptive identification document from being furnished, offered to be furnished, transported, offered to be transported, or imported or offered to be imported into this state, unless the government document disclaimer and the name of the manufacturer are printed on the document. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

(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 SECTION 1. Section 22430 of the Business and
3 Professions Code is amended to read:

4 22430. (a) No deceptive identification document
5 shall be manufactured, sold, ~~or~~ offered for sale, *furnished,*
6 *offered to be furnished, transported, offered to be*
7 *transported, or imported or offered to be imported into*
8 *this state* unless there is diagonally across the face of the
9 document, in not less than 14-point type and printed
10 conspicuously on the document in permanent ink, the
11 following statement:

12
13 NOT A GOVERNMENT DOCUMENT

14
15 and, also printed conspicuously on the document, the
16 name of the manufacturer.



1 (b) As used in this section, “deceptive identification
 2 document” means any document not issued by a
 3 governmental agency of this state, another state, or the
 4 federal government, which purports to be, or which
 5 might deceive an ordinary reasonable person into
 6 believing that it is, a document issued by such an agency,
 7 including, but not limited to, a driver’s license,
 8 identification card, birth certificate, passport, or social
 9 security card.

10 (c) Any person who violates or proposes to violate this
 11 section may be enjoined by any court of competent
 12 jurisdiction. Actions for injunction under this section may
 13 be prosecuted by the Attorney General or any district
 14 attorney in this state in the name of the people of the State
 15 of California upon their own complaint or upon the
 16 complaint of any person.

17 (d) Any person who violates the provisions of
 18 subdivision (a) who knows or reasonably should know
 19 that the deceptive identification document will be used
 20 for fraudulent purposes is guilty of a crime, and upon
 21 conviction therefor, shall be punished by imprisonment
 22 in the county jail not to exceed one year, or by
 23 imprisonment in the state prison.

24 *SEC. 2. Section 483.5 is added to the Penal Code, to*
 25 *read:*

26 *483.5. (a) No deceptive identification document*
 27 *shall be manufactured, sold, offered for sale, furnished,*
 28 *offered to be furnished, transported, offered to be*
 29 *transported, or imported or offered to be imported into*
 30 *this state unless there is diagonally across the face of the*
 31 *document, in not less than 14-point type and printed*
 32 *conspicuously on the document in permanent ink, the*
 33 *following statement:*

34
 35 *NOT A GOVERNMENT DOCUMENT*

36
 37 *and, also printed conspicuously on the document, the*
 38 *name of the manufacturer.*

39 (b) As used in this section, “deceptive identification
 40 document” means any document not issued by a



1 governmental agency of this state, another state, or the
2 federal government, which purports to be, or which
3 might deceive an ordinary reasonable person into
4 believing that it is, a document issued by such an agency,
5 including, but not limited to, a driver's license,
6 identification card, birth certificate, passport, or social
7 security card.

8 (c) Any person who violates or proposes to violate this
9 section may be enjoined by any court of competent
10 jurisdiction. Actions for injunction under this section may
11 be prosecuted by the Attorney General or any district
12 attorney in this state in the name of the people of the State
13 of California upon their own complaint or upon the
14 complaint of any person.

15 (d) Any person who violates the provisions of
16 subdivision (a) who knows or reasonably should know
17 that the deceptive identification document will be used
18 for fraudulent purposes is guilty of a crime, and upon
19 conviction therefor, shall be punished by imprisonment
20 in the county jail not to exceed one year, or by
21 imprisonment in the state prison.

22 amended to read:

23 ~~472. Every person who, with intent to defraud, forges~~
24 ~~or counterfeits any seal of this state, of any public officer~~
25 ~~authorized by law, of any court of record, or of any~~
26 ~~corporation, or any other public seal authorized or~~
27 ~~recognized by the laws of this or any other state,~~
28 ~~government, or country, including, but not limited to,~~
29 ~~any seal that appears on any document issued by any city~~
30 ~~or county of any state, this state, another state, or the~~
31 ~~federal government, and purports to be, or which could~~
32 ~~reasonably deceive an ordinary person into believing that~~
33 ~~it is, a government issued document, including, but not~~
34 ~~limited to, an identification card, driver's license, birth~~
35 ~~certificate, passport, or social security card, or who falsely~~
36 ~~makes, forges, or counterfeits any impression purporting~~
37 ~~to be an impression of any such seal, or who has in his or~~
38 ~~her possession any counterfeited seal or impression~~
39 ~~thereof, knowing it to be counterfeited, and willfully~~
40 ~~conceals the same, is guilty of forgery.~~



1 ~~SEC. 2. Section 472.5 is added to the Penal Code, to~~
2 ~~read:~~

3 ~~472.5. Every person who sells, offers for sale,~~
4 ~~furnishes, offers to furnish, gives away, offers to give~~
5 ~~away, transports, offers to transport, imports into this~~
6 ~~state, or offers to import into this state any forged or~~
7 ~~counterfeited seal or impression specified in Section 472,~~
8 ~~and who knows, or reasonably should know, that the seal~~
9 ~~or impression is intended to be used for any fraudulent~~
10 ~~purpose shall be punished by imprisonment in a county~~
11 ~~jail for no more than one year or by imprisonment in the~~
12 ~~state prison for two, three, or four years.~~

13 ~~SEC. 3. Section 472.6 is added to the Penal Code, to~~
14 ~~read:~~

15 ~~472.6. Every person who, with intent to defraud,~~
16 ~~forges or counterfeits any facsimile signature stamp of~~
17 ~~this state, of any public officer authorized by law, of any~~
18 ~~court of record, or of any corporation, or any other~~
19 ~~facsimile signature stamp authorized or recognized by~~
20 ~~the laws of this or any other state, government, or~~
21 ~~country, including, but not limited to, any facsimile~~
22 ~~signature stamp that appears on any document issued by~~
23 ~~any city or county of any state, this state, another state, or~~
24 ~~the federal government, and purports to be, or which~~
25 ~~could reasonably deceive an ordinary person into~~
26 ~~believing that it is, a government-issued document,~~
27 ~~including, but not limited to, an identification card,~~
28 ~~driver's license, birth certificate, passport, or social~~
29 ~~security card, or who falsely makes, forges, or counterfeits~~
30 ~~any impression purporting to be an impression of a~~
31 ~~facsimile signature stamp, or who has in his or her~~
32 ~~possession any counterfeited facsimile signature stamp or~~
33 ~~impression thereof, knowing it to be counterfeited, and~~
34 ~~willfully conceals the same, is guilty of forgery.~~

35 ~~SEC. 4.—~~

36 ~~SEC. 3. No reimbursement is required by this act~~
37 ~~pursuant to Section 6 of Article XIII B of the California~~
38 ~~Constitution because the only costs that may be incurred~~
39 ~~by a local agency or school district will be incurred~~
40 ~~because this act creates a new crime or infraction,~~



1 eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section
3 17556 of the Government Code, or changes the definition
4 of a crime within the meaning of Section 6 of Article
5 XIII B of the California Constitution.

6 Notwithstanding Section 17580 of the Government
7 Code, unless otherwise specified, the provisions of this act
8 shall become operative on the same date that the act
9 takes effect pursuant to the California Constitution.

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