

Assembly Bill No. 1837

CHAPTER 42

An act to amend Section 594.5 of the Penal Code, and to amend Section 656 of the Welfare and Institutions Code, relating to crimes.

[Approved by Governor June 30, 1995. Filed with Secretary of State June 30, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1837, Figueroa. Crimes: vandalism.

(1) Existing law provides that nothing in the Penal Code shall invalidate any local ordinance that regulates the sale of aerosol containers of paint or other liquid substances capable of defacing property.

This bill would additionally provide that nothing in the Penal Code shall invalidate any local ordinance that sets forth civil administrative regulations, procedures, or civil penalties governing the placement of graffiti or other inscribed material on public or private, real or personal property.

(2) Under existing law, a petition to commence proceedings in the juvenile court to declare a minor a ward of the court shall be verified and contain, among other things, a notice to his or her parent or legal guardian if a proceeding is pending against the minor child for any specified offense involving graffiti.

This bill would include other specified offenses involving vandalism within these provisions.

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

SECTION 1. Section 594.5 of the Penal Code is amended to read:

594.5. Nothing in this code shall invalidate an ordinance of, nor be construed to prohibit the adoption of an ordinance by, a city, city and county, or county, if the ordinance regulates the sale of aerosol containers of paint or other liquid substances capable of defacing property or sets forth civil administrative regulations, procedures, or civil penalties governing the placement of graffiti or other inscribed material on public or private, real or personal property.

SEC. 2. Section 656 of the Welfare and Institutions Code is amended to read:

656. A petition to commence proceedings in the juvenile court to declare a minor a ward of the court shall be verified and shall contain all of the following:

- (a) The name of the court to which it is addressed.
- (b) The title of the proceeding.



(c) The code section and subdivision under which the proceedings are instituted.

(d) The name, age, and address, if any, of the minor upon whose behalf the petition is brought.

(e) The names and residence addresses, if known to the petitioner, of both of the parents and any guardian of the minor. If there is no parent or guardian residing within the state, or if his or her place of residence is not known to the petitioner, the petition shall also contain the name and residence address, if known, of any adult relative residing within the county, or, if there are none, the adult relative residing nearest to the location of the court.

(f) A concise statement of facts, separately stated, to support the conclusion that the minor upon whose behalf the petition is being brought is a person within the definition of each of the sections and subdivisions under which the proceedings are being instituted.

(g) The fact that the minor upon whose behalf the petition is brought is detained in custody or is not detained in custody, and if he or she is detained in custody, the date and the precise time the minor was taken into custody.

(h) A notice to the father, mother, spouse, or other person liable for support of the minor child, that: (1) Section 903 may make that person, the estate of that person, and the estate of the minor child, liable for the cost of the care, support, and maintenance of the minor child in any county institution or any other place in which the child is placed, detained, or committed pursuant to an order of the juvenile court; (2) Section 903.1 may make that person, the estate of that person, and the estate of the minor child, liable for the cost to the county of legal services rendered to the minor by a private attorney or a public defender appointed pursuant to the order of the juvenile court; (3) Section 903.2 may make that person, the estate of that person, and the estate of the minor child, liable for the cost to the county of the probation supervision of the minor child by the probation officer pursuant to the order of the juvenile court; and (4) the liabilities established by these sections are joint and several.

(i) In a proceeding alleging that the minor comes within Section 601, notice to the parent, guardian, or other person having control or charge of the minor that failure to comply with the compulsory school attendance laws is an infraction, which may be charged and prosecuted before the juvenile court judge sitting as a municipal court judge. In those cases, the petition shall also include notice that the parent, guardian, or other person having control or charge of the minor has the right to a hearing on the infraction before a judge different than the judge who has heard or is to hear the proceeding pursuant to Section 601. The notice shall explain the provisions of Section 170.6 of the Code of Civil Procedure.

(j) If a proceeding is pending against a minor child for a violation of Section 594.2, 640.5, 640.6, or 640.7 of the Penal Code, a notice to



the parent or legal guardian of the minor that if the minor is found to have violated any of those provisions that (1) any community service which may be required of the minor may be performed in the presence, and under the direct supervision, of the parent or legal guardian pursuant to those provisions; and (2) if the minor is personally unable to pay any fine levied for the violation of Section 594.2, 640.5, 640.6, or 640.7, that the parent or legal guardian of the minor shall be liable for payment of the fine pursuant to those sections.

(k) A notice to the parent or guardian of the minor that if the minor is ordered to make restitution to the victim pursuant to Section 729.6 or 731.1, the parent or guardian may be liable for the payment of restitution.

